



Legislation Text

File #: 2093-2022, **Version:** 1

Rezoning Application: Z21-065

APPLICANT: PROV MV LLC; c/o Jackson B. Reynolds, Atty.; Smith and Hale, LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Multi- and single-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-2-1) on June 9, 2022.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 36.16± acre site consists of eight undeveloped parcels in the NC, Neighborhood Center, NG, Neighborhood General, and NE, Neighborhood Edge districts. The requested L-ARLD, Limited Apartment Residential District will allow multi-unit residential development of up to 234 units on 13.97 acres (Subarea A) and the requested L-R-2, Limited Residential District will allow a single-unit residential subdivision on 22.19 acres (Subarea B). The limitation text includes use restrictions, a maximum number of apartment units (234), and supplemental development standards that address traffic access and improvements, street trees, landscaping, and open space, along with the following for Subarea A: parking lot location, building orientation, building elevation features, and amenities. The proposed districts, their permitted uses, and their allowable densities are generally consistent with the *South East Land Use Plan's* (2018) recommendation for low and medium density mixed residential uses. Although Planning staff continues to encourage single family units front the access road off Ebricht with open space aggregated into a central green space consistent with Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018), staff acknowledges the limited amount of area south of the access drive to make such a configuration occur, and that apartment buildings north of the access drive will be addressing the access drive with parking to the side or rear of the buildings, as mitigating factors.

To rezone **5100 EBRIGHT RD. (43110)**, being 36.16± acres located on the east side of Ebricht Road, 1,680± feet south of Winchester Pike, **From:** NC, Neighborhood Center District, NG, Neighborhood General District and NE, Neighborhood Edge District, **To:** L-ARLD, Limited Apartment Residential District, and L-R-2, Limited Residential District (Rezoning # Z21-065).

WHEREAS, application # Z21-065 is on file with the Department of Building and Zoning Services requesting rezoning of 36.16± acres from NC, Neighborhood Center District, NG, Neighborhood General District and NE, Neighborhood Edge District, to L-ARLD, Limited Apartment Residential District, and L-R-2, Limited Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Greater South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-ARLD, Limited Apartment Residential and L-R-2, Limited Residential districts are generally consistent with the *South East Land Use Plan's* recommendation for low and medium density mixed residential uses at this location, and contains some

appropriate multi-unit residential development standards that address C2P2 Design Guidelines; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

5100 EBRIGHT RD. (43110), being 36.16± acres located on the east side of Ebright Road, 1,680± feet south of Winchester Pike, and being more particularly described as follows:

SUBAREA A - 13.97± ACRES:

Situated in the State of Ohio, City of Columbus, County of Franklin, Section 15, Township 11, Range 21, Congress Lands and being parts of an 18.185 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-272279, all of that 0.440 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-282725, all of that 1.639 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 430-273097, all of that 1.594 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-273093 and part of that 5.823 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-277714.

All deed references are on record at the Recorder's Office of Franklin County, Ohio and described as follows:

BEGINNING, at the northwesterly corner of said 1.594 acre tract, the southerly line of a 53.835 acre tract as conveyed to ABL Group LTD., of record in Instrument Number 200112130290404 and the easterly right-of-way line of Ebright Road;

Thence, with said southerly line the following courses:

South 87°26'34" East, a distance of 15.08 feet to a point of curvature; With a curve to the right having a central angle of 78°58'54", having a radius of 20.21 feet, an arc length of 27.85 feet, a chord bearing North 44°34'05" East, a distance of 25.70 feet to a point of tangency;

South 85°35'37" East, a distance of 90.08 feet to a point of curvature; With a curve to the right having a central angle of 85°01'24", having a radius of 20.06 feet, an arc length of 29.77 feet, a chord bearing South 38°14'43" East, a distance of 27.11 feet to a point of tangency;

South 4°34'30" West, a distance 432.92 feet to the northwesterly corner of a 9.196 acre tract as conveyed to ABL Group LTD, of record in Instrument Number 200312290404322;

Thence, South 4°34'42" West, with the westerly line of said 9.196 acre tract a distance of 459.39 feet to the northwesterly corner of a 92.484 acre tract as conveyed to ABL Group LTD., of record in Instrument Number 200211070283903;

Thence, with the westerly line of said 92.484 acre tract the following courses:

South 4°35'16" West, a distance of 0.38 feet to a point;

South 4°34'26" West, a distance of 258.32 feet to a point;

South 4°33'00" West, a distance of 28.99 feet to a southwesterly corner thereof;

Thence, with the southerly line of said 92.484 acre tract the following courses:

South 85°29'47" East, a distance of 42.03 feet to a point on a curve;

With a curve to the left having a central angle of $84^{\circ}29'09''$, having a radius of 19.83 feet, an arc length of 29.23 feet, a chord bearing South $37^{\circ}23'53''$ East, a distance of 26.66 feet to a point of tangency;

South $85^{\circ}20'55''$ East, a distance of 166.76 feet to a point of curvature;

With a curve to the left having a central angle of $87^{\circ}41'11''$, having a radius of 20.00 feet, an arc length of 30.95 feet, a chord bearing North $48^{\circ}57'51''$ East, a distance of 28.02 feet to a point of tangency;

South $85^{\circ}21'56''$ East, a distance of 51.93 feet to a point;

South $4^{\circ}39'40''$ West, a distance of 109.99 feet to a point of curvature;

With a curve to the left having a central angle of $89^{\circ}53'54''$, having a radius of 20.23 feet, an arc length of 31.38 feet, a chord bearing South $40^{\circ}26'57''$ East, a distance of 28.26 feet to a point;

South $85^{\circ}25'41''$ East, a distance of 323.23 feet to a point of curvature;

With a curve to the right having a central angle of $12^{\circ}16'08''$, having a radius of 528.66 feet, an arc length of 113.20 feet, a chord bearing South $79^{\circ}14'13''$ East, a distance of 112.99 feet to a point;

South $16^{\circ}54'26''$ West, a distance 142.35 feet to a point;

South $71^{\circ}22'36''$ East, a distance of 38.52 feet to a point;

South $22^{\circ}32'54''$ West, a distance of 24.03 feet to a point;

With a curve to the right having a central angle of $23^{\circ}46'26''$, having a radius of 532.18 feet, an arc length of 220.82 feet, a chord bearing South $53^{\circ}37'41''$ East, a distance of 219.24 feet to a point of tangency on an easterly line of said 18.185 acre tract;

Thence, South $43^{\circ}30'03''$ West, with said easterly line, a distance of 94.03 feet to a point;

Thence, with said southerly line of said 92.484 acre tract the following courses:

South $46^{\circ}31'32''$ East, with said southerly line of said 92.484 acre tract, a distance of 154.98 feet to a point;

South $46^{\circ}25'02''$ East, a distance of 59.98 feet to a point of curvature;

With a curve to the left having a central angle of $89^{\circ}16'16''$, having a radius of 25.63 feet, an arc length 39.94 feet, a chord bearing North $82^{\circ}31'58''$ East, a distance of 36.02 feet to a point of tangency on an easterly line of said 5.235 acre tract;

South $46^{\circ}29'09''$ East, a distance of 45.33 feet to a point of curvature;

With a curve to the left having a central angle of $89^{\circ}52'00''$, having a radius of 20.02 feet, an arc length 31.40 feet, a chord bearing South $1^{\circ}26'00''$ East, a distance of 28.28 feet to a point;

South $43^{\circ}30'24''$ West, a distance of 75.97 feet to a point on a curve;

With a curve to the left having a central angle of $84^{\circ}22'43''$, having a radius of 20.10 feet, an arc length of 29.60 feet, a chord bearing North $89^{\circ}02'23''$ West, a distance of 27.00 feet to a point;

South 43°29'42" West, a distance of 167.50 feet to a point of curvature;

With a curve to the left having a central angle of 85°35'21", having a radius of 19.80 feet, an arc length of 29.57 feet, a chord bearing South 3°47'56" East, a distance of 26.90 feet to a point;

Thence, through said 18.185 acre tract and said 5.823 acre tract the following courses:

North 46°09'59" West, a distance of 688.21 feet to a point of curvature;

With a curve to the left having a central angle of 39°17'22", having a radius of 330.00 feet, an arc length of 226.29 feet, a chord bearing North 65°48'40" West, a distance of 221.88 feet to a point of tangency;

North 85°27'20" West, a distance of 272.77 feet to a point on the easterly right of way of said Ebright Road;

Thence, with said easterly right-of-way the following courses:

North 2°03'29" West, a distance of 50.97 feet to a point;

North 3°04'32" East, a distance of 298.23 feet to a point;

North 17°52'26" West, a distance of 103.29 feet to a point;

North 3°48'59" East, a distance of 237.23 feet to a point;

North 3°48'57" East, a distance of 459.72 feet to the point;

North 3°32'04" East, a distance of 432.39 feet to the point of beginning and containing 13.969 acres of land, more or less;

To Rezone From: NC, Neighborhood Center District and NG, Neighborhood General District,

To: L-ARLD, Limited Apartment Residential District.

SUBAREA B - 22.19 ± ACRES:

Situated in the State of Ohio, City of Columbus, County of Franklin, Section 15, Township 11, Range 21, Congress Lands and being part of that a 18.185 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-272279-00, part of that 5.823 acre tract as conveyed to Provmv, LLC, PID 010-277714-00, all of that 2.405 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-277715-00, all of that 4.018 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926, PID 010-282726-00 and all of that 3.006 acre tract as conveyed to Provmv, LLC, of record in Instrument Number 201911130150926 PID 010-282726-00.

All deed references are on record at the Recorder's Office of Franklin County, Ohio and described as follows:

BEGINNING, at the southwesterly corner of said 2.405 acre tract

Thence, North 4°04'09" East, with the westerly line of said 2.405 acre tract, a distance of 316.50 feet to a point;

Thence, North 4°04'55" East, continuing with said westerly line a distance of 15.38 feet to a point at the southwesterly corner of said 5.823 acre tract;

Thence, North 5°33'13" East, with said easterly line a distance of 16.77 feet to a point of curvature at a southeasterly corner of a 92.484 acre tract as conveyed to ABL Group LTD., of record in Instrument Number 200211070283903;

Thence, with an easterly line of said 92.484 acre tract the following courses:

With a curve to the left having a central angle of 7°22'10", having a radius of 1050.40 feet, an arc length 135.11 feet, a chord bearing North 2°30'15" East, a distance of 135.01 feet to a point of curvature;

With a curve to the left having a central angle of 14°12'10", having a radius of 453.59 feet, an arc length 112.44 feet, a chord bearing North 9°55'20" West, a distance of 112.15 feet to a point of tangency;

North 18°20'07" West, a distance of 504.84 feet to a point;

North 7°00'15" West, a distance of 4.98 feet to a point of curvature;

With a curve to the right having a central angle of 15°19'46", having a radius of 55.77 feet, an arc length 14.92 feet, a chord bearing North 3°35'48" West, a distance of 14.88 feet to a point;

North 4°03'34" East, with said easterly line a distance of 97.53 feet to a point of curvature;

With a curve to the left having a central angle of 76°37'49", having a radius of 20.48 feet, an arc length 27.39 feet, a chord bearing North 45°52'15" West, a distance of 25.39 feet to a point of tangency;

North 85°27'20" West, a distance of 58.89 feet to a point on the easterly right-of-way line of Ebright Road;

Thence, North 2°03'29" West, with said easterly right-of-way line, a distance of 60.40 feet to the point;

Thence, through said 18.185 acre tract the following courses:

South 85°27'20" East, a distance of 272.77 feet to a point;

With a curve to the right having a central angle of 39°17'22", having a radius of 330.00 feet, an arc length of 226.29 feet, a chord bearing South 65°48'40" East, a distance of 221.88 feet to a point of tangency;

Thence, South 46°09'59" East, through said 18.185 acre tract and through said 5.823 acre tract, a distance of 688.50 feet to a point on a southerly line of a 92.484 acre tract, as conveyed to ABL Group LTD., of record in Instrument Number 200211070283903;

Thence with said southerly line the following courses:

South 46°29'59" East, a distance of 54.04 feet to a point of curvature;

With a curve to the left having a central angle of 88°50'13", having a radius of 20.15 feet, an arc length of 31.25 feet, a chord bearing South 88°34'40" West, a distance of 28.21 feet to a point;

South 43°34'56" East, a distance of 20.02 feet to a point of curvature;

With a curve to the left having a central angle of 88°50'46", having a radius of 20.22 feet, an arc length of 31.36 feet, a chord bearing South 1°25'02" East, a distance of 28.31 feet to a point;

South 46°43'44" East, a distance of 49.07 feet to a point;

South 46°45'40" East, a distance of 208.55 feet to a point of curvature;

With a curve to the left having a central angle of 85°53'02", having a radius of 19.90 feet, an arc length of 29.83 feet, a chord bearing South 86°20'46" West, a distance of 27.11 feet to a point;

South 46°24'59" East, a distance of 16.00 feet to a point of curvature;

With a curve to the left having a central angle of 86°00'40", having a radius of 19.90 feet, an arc length of 29.87 feet, a chord bearing South 0°40'20" West, a distance of 27.14 feet to a point;

South 46°29'57" East, a distance of 57.17 feet to a point of curvature;

With a curve to the left having a central angle of 85°53'19", having a radius of 19.90 feet, an arc length of 29.83 feet, a chord bearing North 86°20'42" East, a distance of 27.11 feet to a point;

South 46°24'33" East, a distance of 41.96 feet to a point of curvature;

Thence, South 43°30'19" West, continuing with said southerly line and with a northerly line of a 106.059 acre tract, as conveyed to Lee Smith Farms, LLC, of record in Instrument Number 200405200116536, a distance of 227.10 feet to a point of curvature;

Thence continuing with said northerly line the following courses:

With a curve to the right having a central angle of 22°49'53", having a radius of 104.29 feet, an arc length 41.56 feet, a chord bearing South 56°20'14" West, a distance of 41.28 feet to a point of tangency;

South 69°14'19" West, a distance of 477.68 feet to a point of curvature;

With a curve to the right having a central angle of 16°26'03", having a radius of 94.31 feet, an arc length 27.05 feet, a chord bearing South 85°52'54" West, a distance of 27.05 feet to a point of tangency;

North 86°00'28" West, with said southerly line a distance of 173.98 feet to a point;

North 85°54'15" West, a distance of 319.98 feet to the POINT OF BEGINNING, containing 22.188 acres of land, more or less;

To Rezone From: NG, Neighborhood General District and NE, Neighborhood Edge District,

To: L-R-2, Limited Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-ARLD, Limited Apartment Residential District and L-R-2, Limited Residential District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved L-AR-1, Limited Apartment Residential District and L-R-2, Limited Residential District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text titled, "**LIMITATION TEXT**," dated July 7, 2022, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

EXISTING DISTRICTS: NC, Neighborhood Center, NE, Neighborhood Edge, and NG, Neighborhood General Districts

PROPOSED DISTRICTS: L-ARLD, Limited Apartment Residential and L-R-2, Limited Residential Districts

PROPERTY ADDRESS: 5100 Ebright Road, Columbus, OH 43110

OWNER: PROVMOV, LLC

APPLICANT: PROVMOV, LLC

DATE OF TEXT: 7/7/22

APPLICATION: Z21-065

1. INTRODUCTION: The site is on the east side of Ebright Road, north of US 33 and was part of a larger zoning that was approved in 2003 (Z03-025). The proposed zoning will provide development standards for the multi-unit and single-unit residential subareas.

SUBAREA A - L-ARLD:

2. PERMITTED USES: Those uses permitted in Chapter 3333.02 AR-12, ARLD, and AR-1 apartment residential district use, of the Columbus City Code.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated the applicable development standards are contained in Chapter 3333 Apartment Districts of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements

The maximum number of dwelling units shall be 234.

B. Access, Loading, Parking and/or Traffic Related Commitments

1. Access to the site shall be from the proposed road that comes off of Ebright Road.
2. The applicant shall install a southbound left turn lane (235 feet in length including a 60 foot diverging taper, subject to final approval of the traffic impact study) on Ebright Road at the proposed road running to the east.
3. Per the Traffic Impact Study, the developer is responsible for a 25' extension of the northbound and southbound left turn lanes at the intersection of Winchester Pike/Ebright/Shannon. In lieu of constructing these improvements, the developer shall contribute a fee based on a cost estimate of the turn lane extension. Based on conversations with the developer, this fee shall not exceed \$25,000. Payment of the \$25,000 shall be required prior to approval of either the initial final site compliance plan or the initial final plat, whichever would occur first.

C. Buffering, Landscaping, Open Space and/or Screening Commitments

Street trees shall be installed along the north side of the proposed road running to the east from Ebright Road either grouped or evenly spaced based on one tree for every forty feet of frontage.

D. Building Design and/or Interior-Exterior Treatment Commitments

1. Along the proposed road running east from Ebright Road the parking spaces shall be behind or to the side of first group of apartment buildings fronting on the proposed road running east from Ebright Road.
2. The orientation of the first building at the intersection of proposed road running east from Ebright Road and the first Roadway east of Ebright Road shall face Ebright Road with parking behind or to the north of said building.

3. The proposed multi-family development shall contain a clubhouse with a pool.
4. All elevations of the apartment buildings shall contain an element of masonry siding at least six feet in height.

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments

N/A

F. Graphics and Signage Commitments

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the ARLD zoning classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments

N/A

SUBAREA B - L-R-2:

2. PERMITTED USES: Those uses permitted in Chapter 3332.033, R-2 residential districts of the Columbus City Code.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated the applicable development standards are contained in Chapter 3332 Residential Use Districts of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements

N/A

B. Access, Loading, Parking and/or Traffic Related Commitments

1. Access to the site shall be from the proposed road running east.
2. Per the Traffic Impact Study, the developer is responsible for a 25' extension of the northbound and southbound left turn lanes at the intersection of Winchester Pike/Ebright/Shannon. In lieu of constructing these improvements, the developer shall contribute a fee based on a cost estimate of the turn lane extension. Based on conversations with the developer, this fee shall not exceed \$25,000. Payment of the \$25,000 shall be required prior to approval of either the initial final site compliance plan or the initial final plat, whichever would occur first.

C. Buffering, Landscaping, Open Space and/or Screening Commitments

1. A total of at least 0.95 acre of open space shall be created along the south side of the proposed road running east from Ebright Road. The purpose of this open space which can be in different locations is to provide areas to be landscaped to screen the side and rear elevations of single family homes which back up to the proposed road running east from Ebright Road between the first street into the subdivision east of Ebright Road to the second street into the subdivision from the proposed road running east from Ebright Road. These open space areas shall contain a landscape mound minimum height of three feet with a mixture of evergreen, deciduous trees and ornamental trees. Each open space area shall have at least ten trees. Any mounding/landscaping shall be subject to the clear vision triangles.
2. Street trees shall be installed along the south side of proposed road running east from Ebright Road either grouped or evenly spaced (based on one tree for every forty feet of frontage).

3. A street tree shall be planted in the front yard on each lot.

D. Building Design and/or Interior-Exterior Treatment Commitments

N/A

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments

N/A

F. Graphics and Signage Commitments

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the R-2 zoning classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments

N/A

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.