

REZONING APPLICATION

Department of Building & Zoning Services
Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224-3218
Phone: 614-645-7433 www.columbus.gov

OFFICE USE ONLY

Application #: 216-015
Date Received: 3/2/16
Application Accepted By: Michael Maret Fee: \$7040
Comments: Assigned to Shanon Pine; 614-645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 5322 AVERY RD Zip 43016
Is this application being annexed into the City of Columbus Yes No (circle one)
If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address 010-218951 and 010-218952
 Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s) R Requested Zoning District(s) CPD, L-AR-1
Area Commission Area Commission or Civic Association: _____
Proposed Use or reason for rezoning request: office/RESIDENTIAL

Proposed Height District: 60 Acreage 12.9±
(Columbus City Code Section 3309.14) (continue on separate page if necessary)

APPLICANT:

Name Village Communities
Address 470 Olde Worthington Road, Suite 100 City/State Westerville, OH Zip 43082
Phone # (614) 540-2400 Fax # (614) 554-2458 Email _____

PROPERTY OWNER(S):

Name Bruce D Bergmann TR
Address 5322 Avery Road City/State Dublin, OH Zip 43016
Phone # _____ Fax # _____ Email _____
 Check here if listing additional property owners on a separate page

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Jeffrey L. Brown, c/o Smith & Hale LLC
Address 37 West Broad Street, Suite 460 City/State Columbus, OH Zip 43215
Phone # (614) 221-4255 Fax # (614) 221-4409 Email: jlbrown@smithandhale.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Village Communities By: _____
PROPERTY OWNER SIGNATURE Bruce D Bergmann TR By: _____
ATTORNEY / AGENT SIGNATURE _____

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer

REZONING APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

AFFIDAVIT

(See instruction sheet)

APPLICATION # 216-015

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jeffrey L. Brown
of (1) MAILING ADDRESS 37 West Broad Street, Suite 460, Columbus, OH 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) CERTIFIED ADDRESS FOR ZONING PURPOSES _____
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS
 Check here if listing additional property owners
on a separate page.

(4) Bruce D Bergmann TR
5322 Avery Road
Dublin, OH 43016

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

Village Communities
(614)540-2400

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) _____

and that the attached document (6) is a list of the **names and complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property(7)

SIGNATURE OF AFFIANT

(8) [Signature]

Subscribed to me in my presence and before me this 1st day of March, in the year 2016

SIGNATURE OF NOTARY PUBLIC

(8) [Signature]

My Commission Expires:

This Affidavit expires six months after date of notarization.

Notary Seal Here



JACKSON R. REYNOLDS, III, ATTORNEY AT LAW
17 Columbus Avenue, Columbus, Ohio 43215
614-297-8388

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APPLICANT

Village Communities
470 Olde Worthington Road, Suite 100
Westerville, OH 43082

PROPERTY OWNER

Bruce D Bergmann TR
5322 Avery Road
Dublin, OH 43016

ATTORNEY

Jeffrey L. Brown
Smith & Hale LLC
37 West Broad Street, Suite 460
Columbus, OH 43215

SURROUNDING PROPERTY OWNERS

City of Dublin Ohio
5200 Emerald Parkway
Dublin, OH 43017

Angelo J Dallas TR, et al.
3297 Smiley Road
Hilliard, OH 43026

Wilcox-Tuttle Limited Partnership
495 South High Street, Suite 150
Columbus, OH 43215

Pines at Tuttle Crossing III LLC
169 South Liberty Street
Powell, OH 43065

Orchard at Wilcox Ltd
495 South High Street, Suite 150
Columbus, OH 43215

AR Associates
5510 Ashford Road
Dublin, OH 43017

Avery Brooke LLC
400 South 5th Street, Suite 400
Columbus, OH 43215

REZONING APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # 216-015

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Jeffrey L. Brown
of (COMPLETE ADDRESS) 37 West Broad Street, Suite 460, Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. Village Communities 470 Olde Worthington Road Westerville, OH 43082 ___ Columbus based employees Joe Thomas - (614) 540-2400	2. Bruce D Bergmann TR 5322 Avery Road Dublin, OH 43016
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 1st day of March, in the year 2016

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here

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DEVELOPMENT TEXT

Application: Z16 - 015
Address: Avery Road
Owner: Bruce D. Bergmann, TR
Applicant: Village Communities
Zoning Districts: CPD and L-AR-1
Date of Text: March 1, 2016

Subarea 1 (CPD)

1. Introduction: The applicant seeks to rezone the 3.3 +/- acres in Subarea 1 for commercial uses at a centrally located site along Avery Road.

2. Permitted Uses: a. The permitted uses for Subarea 1 shall be all uses allowed in Chapter 3353 C-2 of the Columbus City Code.

3. Development Standards: Except as otherwise noted herein or on the submitted drawing, the applicable development standards of Chapter 3353 C-2 of the Columbus City Code shall apply to this site.

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

1. Building setback from Avery Road shall be a minimum of 50 feet.
2. Parking setback from Avery Road shall be a minimum of 10 feet.
3. Maximum height of buildings shall be 60 feet.

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

1. Access shall be as depicted on the attached Site Plan.
2. The exact location of access points as shown on the Site Plan may be modified subject to the review and approval of the City's Department of Public Service without the need for rezoning.

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

1. Any loading area located within 10 feet of a residentially-zoned property used for residential purposes shall be screened from such residential property by buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6' and an opacity of not less than seventy-five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance at all times.
2. The frontage along Avery Road shall include street trees, one tree for 40 feet of frontage and additional plantings of three (3) ornamental trees and two (2) deciduous trees for every 100 feet of frontage. These trees may be evenly spaced or grouped.

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

1. Building materials for all buildings shall be primarily of brick, brick veneer, stone or stucco stone, metal, stucco, synthetic stucco (EIFS), wood, and glass. No exposed or painted concrete block shall be permitted. Commercial decorative finish to block may be used for the sides and rear of buildings, not fronting to streets.

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

N/A

F. Graphics and/or Signage Commitments.

The Developer may submit a graphics plan for part or all of this development. If no graphics plan is submitted, all signage and graphics shall conform to Title 33 Article 15 of the Columbus City Code, as pertains to the C-4 commercial district. Any variance to the standards of this text or Columbus City Code shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments.

1. There shall be multiple points of pedestrian connectivity to/among other subareas and to the adjacent streets and sidewalks. There shall be an interconnected system of paths and sidewalks throughout the development. Where provided, such pedestrian connections shall be a minimum of five (5) feet in width. Where pedestrian paths and sidewalks cross internal drive aisles or streets, striped crosswalks shall be provided. Final locations of all aisles, paths, sidewalks, and roads/alleys, etc., to be determined at the time of final engineering.

2. The developer shall comply with the parkland dedication ordinance.

3. All new wiring shall be underground.

4. The proposed development shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any adjustment to the Site Plan shall be reviewed and may be approved by the City's Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

H. Other CPD Requirements.

1. Natural Environment: The property is located along Avery Road (the Site's west boundary) and south of the proposed extension of Tuttle Crossing Boulevard.

2. Existing Land Use: The property currently is used as a single family residence.

3. Circulation: All access for the Site will be approved by the City of Columbus, Public Service Department.

4. Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrians as both on and off the subject property in the development of this site.

5. Proposed Development: Commercial development.

6. Behavior Patterns: Significant residential development in the area has brought about the need for commercial uses to service the existing residential population.

7. Emissions: No adverse effect from emissions should result from the proposed development.

I. Variances Requested:

The following variances are requested:

Variance from C.C.C. § 3356.11 to reduce the building setback from 80 feet to 50 feet.

Additional variances may be required from the City of Columbus Board of Zoning Adjustment.

Subarea (9.67+acres)

1. Introduction: The applicant is proposing multi-family development.

2. Permitted Uses: Those uses permitted in Section 3333.02 (1), (2), (3), (4), and (5)

3. Development Standards: Unless otherwise indicated, the applicable development standards are contained in Chapter 3333 (Apartment Districts) of the Columbus City Code. Variances may be obtained to vary the style or type of housing proposed for future development.

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

1. The building height shall be limited to 60 feet.

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

Access shall be as shown on the Site Plan. The exact location access points may be modified subject to the review and approval of the City's Department of Public Service without the need for rezoning.

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

N/A

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

1. Building materials shall be primarily of brick, brick veneer, stone or stucco stone, metal, glass, stucco, synthetic stucco (EIFS), wood, and vinyl siding. No exposed or painted concrete block shall be permitted.

2. Detached garages shall have a pitched roof (minimum pitch 3/12).

3. Building roof pitch shall be minimum 6:12 for gables on the primary elevation facing the street; all other building roof pitches shall be minimum 6:12.

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

1. Maximum height of light poles shall be fourteen feet.

2. All external lighting (parking and wall-mounted) shall be cut-off fixtures (down lighting) and shall be designed to prevent offsite spillage.

3. Lights shall be decorative and of the same or similar type and color, within each separate residential development/complex.

F. Graphics and Signage Commitments.

N/A

G. Miscellaneous Commitments.

1. The applicant shall meet the City's Parkland Dedication ordinance.
2. Connectivity between land uses and subareas is emphasized with an interconnected system of pedestrian paths, bike paths, and/or sidewalks that allow for pedestrian or bicycle access. Where provided, such pedestrian connections shall be a minimum of five (5) feet in width. Where pedestrian paths and sidewalks cross internal drive aisles or streets, striped crosswalks shall be provided if warranted, as approved by the City's Department of Public Service. Final locations of all aisles, paths, sidewalks, and roads/alleys, etc., to be determined at the time of final engineering.
3. All new wiring shall be underground.
4. The proposed development shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any adjustment to the Site Plan shall be reviewed and may be approved by the City's Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

The undersigned, being the agent for the owner of the subject property together with the applicant in the subject application, does hereby agree on behalf of the owner and the applicant, singularly and collectively for themselves, their successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter, or modify any more restrictive provision of the Columbus City Code.

Respectfully Submitted,

Jeffrey L. Brown, Esq.

vill-com-avery.txt (clh)
3/1/16 S:Docs/s&htexts/2016



City of Columbus Zoning Plat



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010218951, 010218952

Zoning Number: 5322

Street Name: AVERY RD

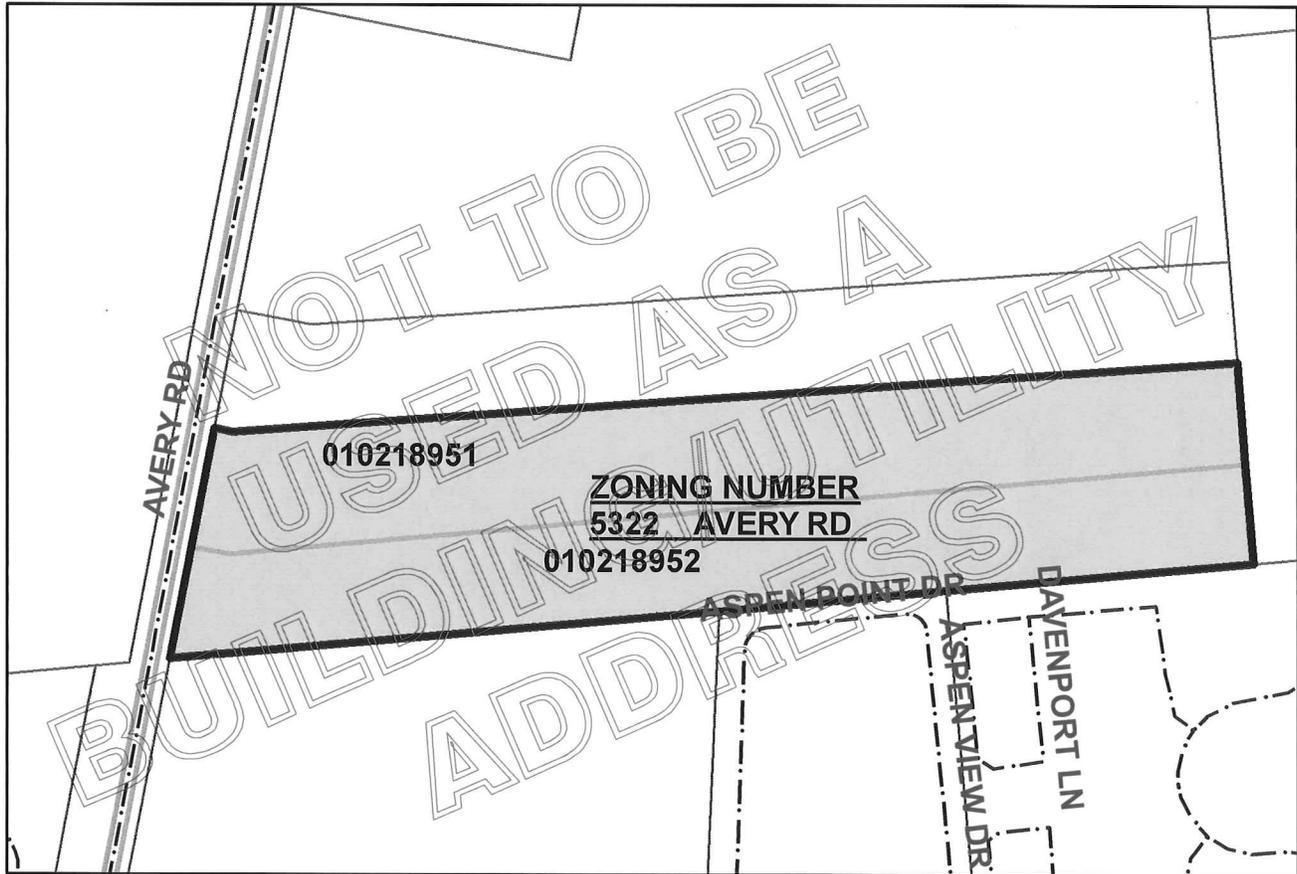
Lot Number N/A

Subdivision: N/A

Requested By: VORYS, SATER, SEYMOUR & PEASE (DEANNA R. COOK)

Issued By: *Deanna R. Cook*

Date: 2/26/2014



SCALE: 1 inch = 300 feet

GIS FILE NUMBER: 17743



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

216-015

ZONING DESCRIPTION
3.3 +/- ACRES
EAST SIDE OF AVERY ROAD
SOUTH OF RINGS ROAD

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey District 3004, and being part of a 6.808 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21540, Page A20, and part of a 6.167 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21539, page B17 and being more particularly described as follows;

Beginning at southwest corner of said 6.167 acre tract, the northwest corner of a 30.00 acre tract as conveyed to A.R. Associates in Official Record 11789, page I04, being in the centerline of Avery Road (60' wide), and being the **TRUE POINT OF BEGINNING** for land herein described as follows;

Thence with the west line of said 6.167 acre tract, the west line of said 6.808 acre tract, and the centerline of Avery Road, **N 08° 22' 00" E, 377.72 feet** the northwest corner of said 6.808 acre tract and the southwest corner of a 6.057 acre tract as conveyed to the City of Dublin in Instrument Number 200605190097737;

Thence with the north line of said 6.808 acre tract and the south line of said 6.057 acre tract, **S 81° 38' 00" E, 59.12 feet** to an angle point in said north and south line;

Thence continuing with the north line of said 6.808 acre tract and the south line of said 6.057 acre tract, **N 83° 29' 13" E, 364.83 feet**;

Thence crossing said 6.808 acre tract and said 6.167 acre tract, **S 08° 00' 55" W, 352.49 feet** to the south line of said 6.167 acre tract and the north line of said 30.00 acre tract;

Thence with the south line of said 6.167 acre tract and the north line of said 30.00 acre tract, **S 82° 20' 08" W, 430.62 feet** to the **TRUE POINT OF BEGINNING**, containing **3.3 +/- acres**, more or less.

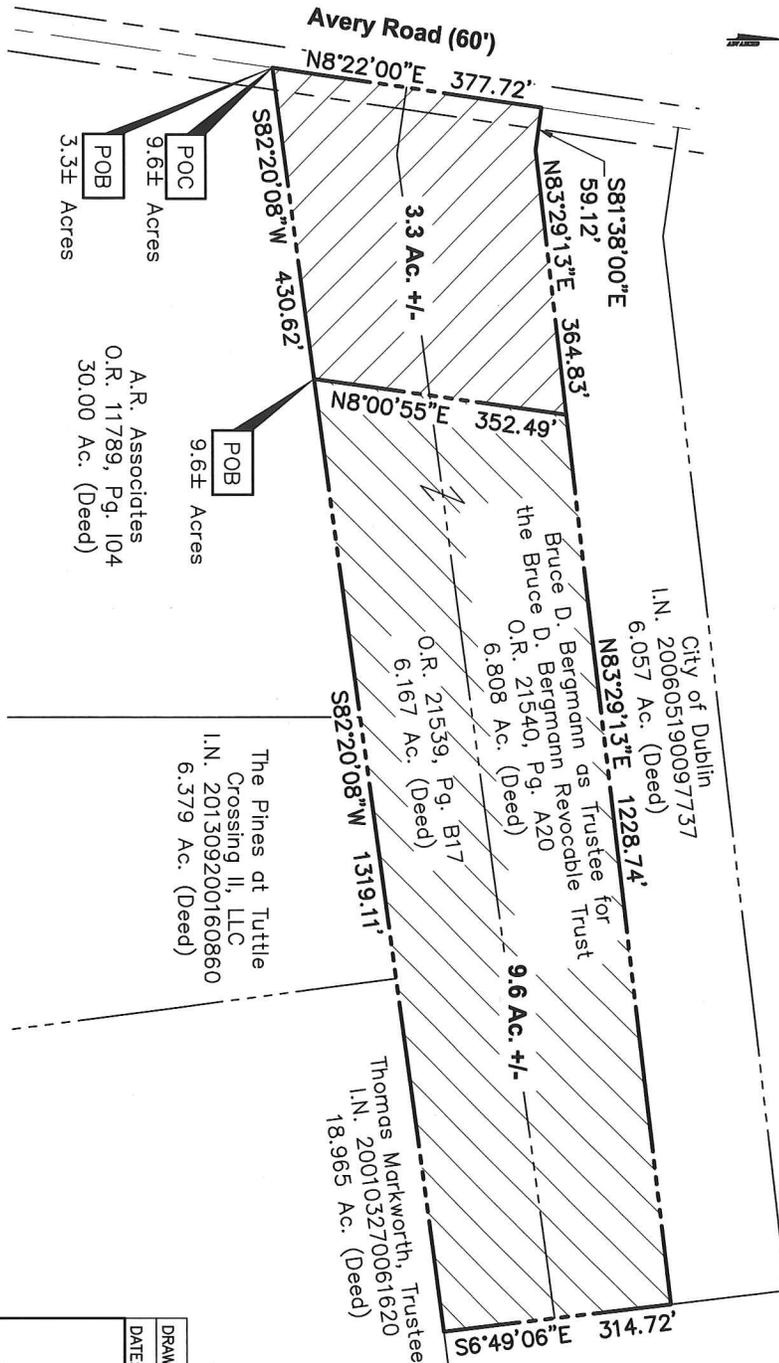
The above description was prepared by Advanced Civil Design, Inc. on March 02, 2016 and is based on existing Franklin County Records.

This description is not to be used for the transfer of land.

ADVANCED CIVIL DESIGN, INC.

Zoning Exhibit

3.3 Acres +/- & 9.6 Acres +/-
 VMS District 3004
 City of Columbus, Franklin County, Ohio



DRAWN BY: JEP	JOB NO.: 16-0119-128
DATE: 3/02/2016	CHECKED BY: JEP

ADVANCED CIVIL DESIGN ENGINEERS SURVEYORS

422 Beecher Road
 Gahanna, Ohio 43230
 ph 614.428.7750
 fax 614.428.7755

510-012

ZONING DESCRIPTION
9.6 +/- ACRES
EAST SIDE OF AVERY ROAD
SOUTH OF RINGS ROAD

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey District 3004, and being part of a 6.808 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21540, Page A20, and part of a 6.167 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21539, page B17 and being more particularly described as follows;

Commencing at southwest corner of said 6.167 acre tract, the northwest corner of a 30.00 acre tract as conveyed to A.R. Associates in Official Record 11789, page I04, and being in the centerline of Avery Road (60' wide);

Thence with the south line of said 6.167 acre tract and the north line of said 30.00 acre tract, **N 82° 20' 08" E, 430.62 feet** to the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence crossing said 6.167 acre tract and said 6.808 acre tract, **N 08° 00' 55" E, 352.49 feet** to the north line of said 6.808 acre tract and the south line of a 6.057 acre tract as conveyed to the City of Dublin in Instrument Number 200605190097737;

Thence with the north line of said 6.808 acre tract and the south line of said 6.057 acre tract, **N 83° 29' 13" E, 1228.74 feet** to the northeast corner of said 6.808 acre tract, the southeast corner of said 6.057 acre tract, and being in the west line of an original 51.387 acre tract as conveyed to Wilcox-Tuttle Limited in Official Record 14758, Page H17;

Thence with the east line of said 6.808 acre tract and said 6.167 acre tract, and also along the west line of said original 51.387 acre tract, **S 06° 49' 06" E, 314.72 feet** to the southeast corner of said 6.167 acre tract, the southwest corner of the remainder of said 51.387 acre tract, and being in the north line of an 18.965 acre tract as conveyed to Thomas Markworth, Trustee in Instrument Number 200103270061620;

Thence with the south line of said 6.167 acre tract, the north line of said 18.965 acre tract, the north line of a 6.379 acre tract as conveyed to The Pines at Tuttle Crossing II, LLC in Instrument Number 201309200160860, and the north line of said 30.00 acre tract, **S 82° 20' 08" W, 1319.11 feet** to the **TRUE POINT OF BEGINNING**, containing **9.6+/- acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on March 02, 2016 and is based on existing Franklin County Records.

This description is not to be used for the transfer of land.

ADVANCED CIVIL DESIGN, INC.



SITE DATA	
SUBAREA 2 ACREAGE	+/- 9.6 ACRES
PROPOSED ZONING	L-AR-1
TOTAL DWELLING UNITS	200
PARKING PROVIDED (+/- 1.81 SPACES/UNIT)	361
SURFACE	311
GARAGE	50

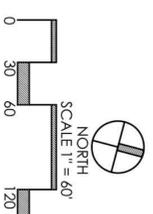
SITE PLAN - SUBAREA 2

APPENDIX II

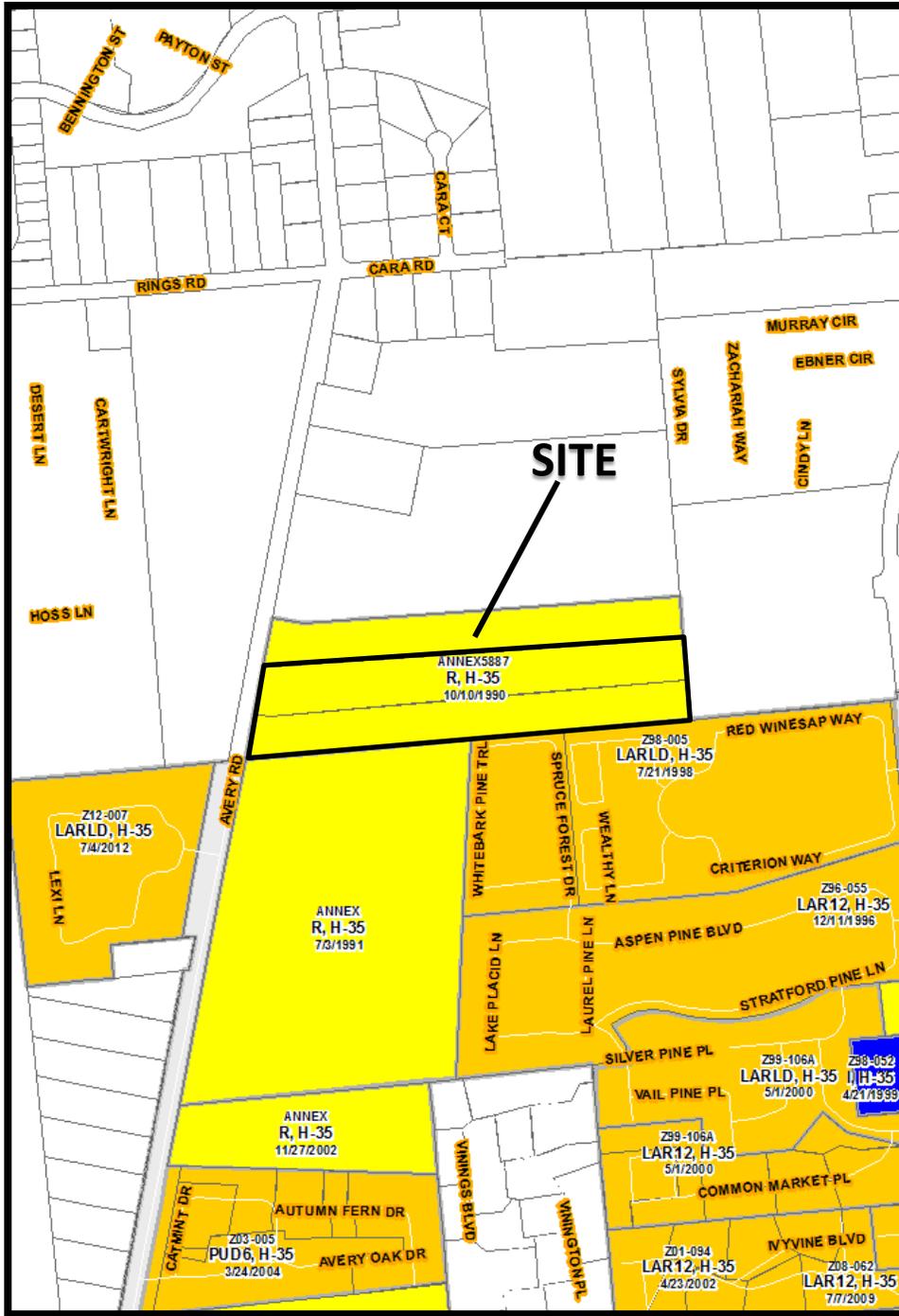
AVERY ROAD

PREPARED FOR METRO DEVELOPMENT

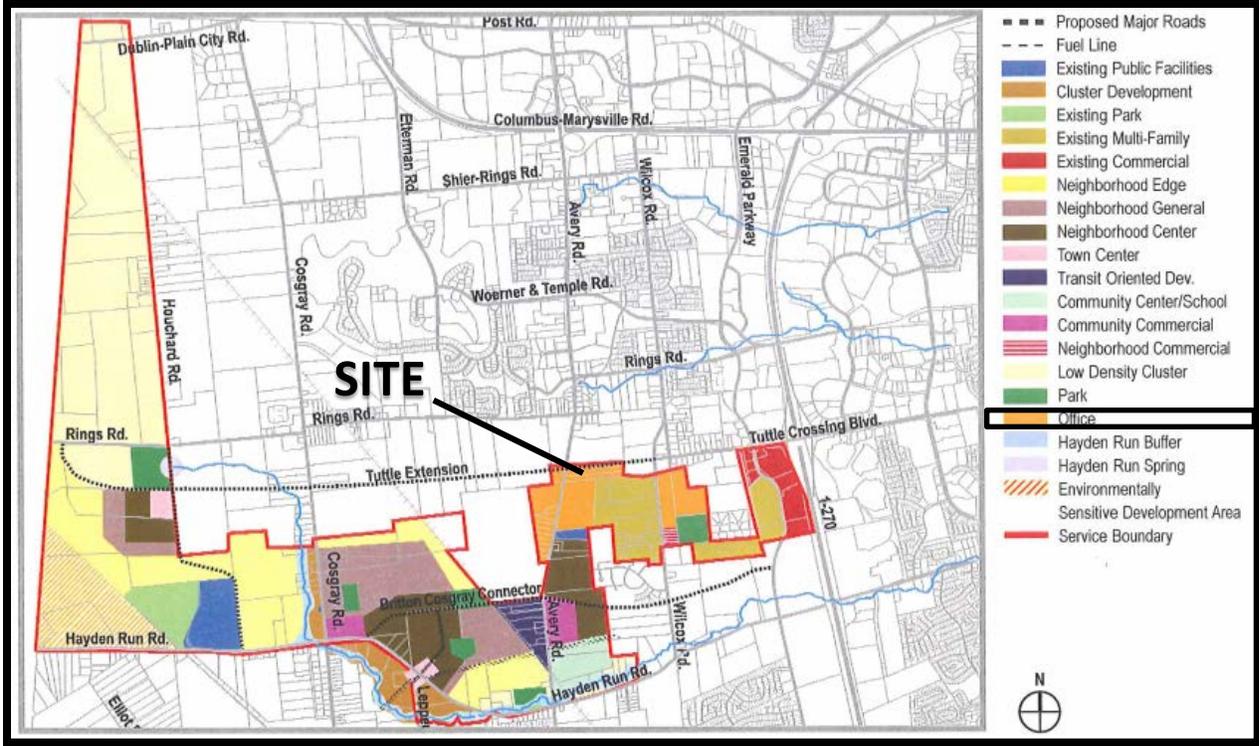
DATE: 3-1-16



Farris Planning & Design
 LAND PLANNING LANDSCAPE ARCHITECTURE
 243 N. 5th Street Suite 401 Columbus, OH 43215
 P (614) 487-1924 www.farrisplanninganddesign.com



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 Approximately 12.9 acres
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