



City of Gahanna
Signature
Ordinance

200 South Hamilton Road
Gahanna, Ohio 43230

File Number: ORD-0091-2013

Date Passed: 7/15/2013

TO REZONE 3.9+/- ACRES OF PROPERTY AS ROD/SF3, RESIDENTIAL OVERLAY DISTRICT/SINGLE FAMILY 3; SAID PROPERTY LOCATED AT 5593 HAVENS CORNERS ROAD; KNOWN AS THE MEADOWBROOKE SUBDIVISION; BROOKEWOOD CONSTRUCTION COMPANY, INC., DOUG MADDY, APPLICANT.

WHEREAS, application has been made by Brookewood Construction Company to rezone 3.9+/- acres, more or less, to ROD/SF3, Residential Overlay District/Single Family 3 in order to amend the overlay text and site plan; said property located at 5593 Havens Corners Road; and

WHEREAS, current zoning on the property is ROD/SF3, Residential Overlay District/Single Family 3; and

WHEREAS, Planning Commission approved a variance on October 25, 2006 to allow a less than 10 acre lot to be zoned as Residential Overlay and that variance approval was upheld by the Board of Zoning and Building Appeals on December 7, 2006; and

WHEREAS, Planning Commission approved two variances relating to density and lot requirements on April 10, 2013; and

WHEREAS, Planning Commission held public hearings on March 13, 2013 and April 10, 2013, said hearings held pursuant to notice and according to law, and as a result of such hearings and deliberations on April 10, 2013 did recommend this application for rezoning to City Council for approval; and

WHEREAS, Planning Commission on April 10, 2013 did also recommend approval of variances to Section 1107.01(a) to vary the requirement for curb and gutter and Section 1107.01(b) to vary the requirement for sidewalks on both sides of the street; and

WHEREAS, City Council held Public Hearing on May 20, 2013, in regular meeting, said meeting held pursuant to notice and according to law; and

WHEREAS, City Council remanded the application back to Planning Commission to review the site plan and text for the removal of one lot; and

WHEREAS, Planning Commission on June 26, 2013 recommended the revised plan to City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, STATE OF OHIO:

Section 1. That the Official Zoning Map, adopted by Ordinance No. 198-96, passed on November 19, 1996, as amended, is hereby amended by rezoning 3.9+/- acres, to ROD/SF3, RESIDENTIAL OVERLAY DISTRICT/SINGLE FAMILY 3; said acreage more particularly described in EXHIBIT A attached hereto.

Section 2. That the text and site plan as required by Section 1152.02(d), Development Plan, of Chapter 1152, Overlay Districts, is attached to this ordinance as EXHIBIT B.

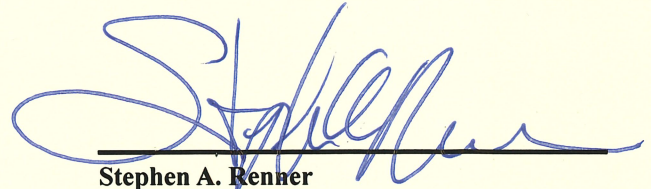
Section 3. That the Clerk of Council is hereby directed to amend and recertify the Official Zoning Map of the City of Gahanna, Ohio, to reflect the zoning contained in and approved by this ordinance.

Section 4. That Council hereby approves a variance to section 1107.01(a) of the codified ordinances of the City of Gahanna, Ohio to vary the requirement for curb and gutter.

Section 5. That Council hereby approves a variance to Section 1107.01(b) of the codified ordinances of the City of Gahanna, Ohio to vary the requirement for sidewalks on both sides of the street.

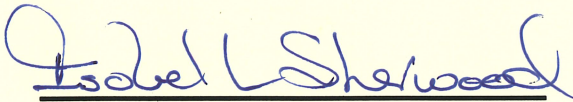
Section 6. That this ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature approval by the Mayor.

This Ordinance was Adopted as Amended, this 15th day of July, 2013.



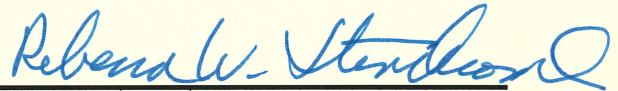
Stephen A. Renner
President of Council

ATTESTED to and PRESENTED to the Mayor;
this 16th day of July, 2013.



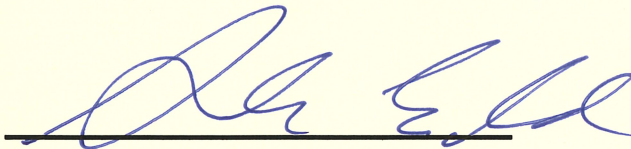
Isobel L. Sherwood, MMC
Clerk of Council

APPROVED by the Mayor, this
18th day of July 2013.



Rebecca W. Stinchcomb
Mayor

Approved as to form:



Shane W. Ewald
City Attorney

Legal Description

Situated in the State of Ohio, County of Franklin, and in the City of Gahanna:

Being all of the Meadowbrooke subdivision, including Grand Ridge Court, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 111, Page 53, Recorder's Office, Franklin County, Ohio.

Excluding therefrom Lot 9 of the Meadowbrook subdivision previously transferred by instrument 201106210077531.

Meadowbrooke

Residential Overlay District

The request is to rezone 3.9± acres that are currently zoned in the Residential Overlay – SF-3 Residential District (ROD/SF3) to permit a reconfiguration of the site plan currently in effect for the property. The property is located on the south side of Havens Corners Road, the proposal is to develop the property with a new single-family residential housing subdivision within the City of Gahanna utilizing municipal water and sewer utilities, implementing a plan reconfiguration to permit a total of 14 single-family residential lots within the Meadowbrooke subdivision, 13 of which are associated with this rezoning.

The property is owned by Brookewood Construction Company, Inc., who is the applicant and will be providing the site plan for the rezoning request.

Development Plan Submission

The subdivision contains a total of 4.7 +/- acres and the proposal is to construct 13 new single family homes on 3.9+/- acres of the subdivision, preserving Lot 9 which is not a part of this rezoning request, for a total of 14 lots for the Meadowbrooke subdivision, which is a density of 2.9 units per acre, or 3.3 units per acre without the inclusion of Lot 9. Subdivision lot sizes will be an average of 65 feet in width at the building line, with depths an average of 135 feet, and lot sizes that average approximately 10,600 square feet. The houses will be setback at least 25 feet from the right-of-way line. The minimum rear yard shall be 25 feet. To preserve existing trees and as a buffer to neighboring properties, the eastern perimeter of Lots 4, 5, 6, 7 and 8 shall be a No Build Zone as that term is defined in Section 1123.40A of the Gahanna Zoning Code. Within this No Build Zone the existing mature evergreen trees indicated on the site plan must remain in their natural condition and may not be removed unless necessary for required utility crossings, which shall be designed to minimize impacts, or if dead and/or diseased. The minimum side yard per lot shall be 5 feet. Bay windows, fireplaces, and eaves may not encroach into the required side yard setback. Air conditioning units may encroach into the required side yard setback where it is impracticable that such units be located in the rear yard. Any air conditioning unit located in a side yard shall not exceed a rated value of 80 db during operation.

A riparian setback shall be established along the southern and western perimeter of the property, as shown on the Development Plan. This riparian setback shall be a Preservation Zone as defined in the Gahanna City Code. Within the Preservation Zone a 4 foot wide pedestrian path may be constructed on each Lot to provide access to the creek, which may consist of mulch or wood chips. Such path will be field located to minimize the disturbance. 3-foot high orange construction fencing shall be installed prior to construction demarcating the boundary of the Preservation Zone. Diseased trees or

vegetation, noxious weeds, or brush may be removed from the Preservation Zone. The applicant commits to cooperation with the Franklin Soil & Water Conservation District regarding recommendations for implementation of appropriate landscaping measures within the Preservation Zone which shall be reflected in a landscape plan approved by the City of Gahanna. The above requirement to implement Franklin Soil & Water Conservation District recommendations shall be listed as an itemized obligation of the Subdivision Improvements when such improvements are accepted by City Council.

The Development Plan provides for an open ditch street system without curbs to facilitate best management practice (BMP) measures to mitigate stormwater and impacts on the Souder-Ealy Ditch. The proposal calls for a 4 foot wide sidewalk within the right-of-way along the east side of Grand Ridge Court, and extending around the cul-de-sac and up to the northeastern corner of Lot 12 on the west side. The developer shall construct and install a sidewalk from Grand Ridge Court, east to Farm Creek Drive, to provide for pedestrian connectivity between the Farm Creek and Rathburn Woods subdivisions and Meadowbrooke, and to provide pedestrian access along Havens Corners Road. The subdivision has one access point to the site from Havens Corners Road as shown on the Development Plan. A 10 foot right-of-way easement shall be granted to Franklin County for future improvements of Havens Corners Road. Where possible, existing trees on the north side of Lot 1 shall be preserved, a setback buffer shall be created to screen the house on Lot 1 from Havens Corners Road visibility, which may include mounding, deciduous trees, evergreen trees, or any combination thereof, and the house on Lot 1 shall be constructed of two-sided architecture such that it lends the appearance of fronting onto Havens Corners Road.

The applicant owns the property and estimates that construction on the subdivision would begin within a year after completion of the rezoning process and completed in one construction phase.

The properties to the north across Havens Corners Road and adjacent to the west are located in Jefferson Township. Other surrounding properties are in the City of Gahanna and are zoned and used for single-family residential. The SF-3 District with ROD is the appropriate zoning classification in this instance as it provides a single-family housing layout that is compatible with Farm Creek and Rathburn Woods subdivisions comprising the surrounding development, further ensures riparian corridor protection and preservation, and fosters a development that adheres to the density recommendations of the City of Gahanna Land Use Plan. Homes within this new subdivision will be priced comparatively with homes in surrounding subdivisions.

Storm drainage BMP measures shall be incorporated as a “green” stormwater treatment, which includes, but is not limited to, rain garden bio-retention facilities including in the center of the cul-de-sac, and shallow wetland basins which may be planted with selective Ohio native wetland vegetation species, tree lawn / open channel detention, a dry detention micro-pool basin, exfiltration trenches, and disconnected rain

spouts discharging onto a splash box for ground water recharge. Storm drainage shall be in accordance with a Stormwater Drainage Plan approved by the City of Gahanna Engineer as well as the Franklin Soil & Water Conservation District, which plan shall incorporate these or comparable measures to mitigate storm water flow to the Souder-Ealy Ditch. Both the City of Gahanna Engineer and Franklin Soil & Water Conservation District were consulted in the planning phase of this stormwater mitigation proposal. The existing pond will be eliminated.

The stormwater mitigation features shall be maintained by a forced and funded Homeowner's Association (HOA). All Lot owners shall be required to be dues paying members of the HOA. The HOA shall have the ability to place liens on Lot owners who fail to pay HOA dues or special assessments. In addition, the HOA documents shall provide the City the ability to mitigate or repair damage to all stormwater mitigation features and assess the HOA and/or individual Lot owners for any related costs.

All electrical, telephone, cable television and similar utility systems shall be located underground.

The following architectural requirements will be applied to all housing units constructed within the subdivision.

1. The front facade of each house shall utilize brick, cultured stone, stone, stucco, wood siding, or Hardi-plank or other comparable composite siding.
2. All houses in the subdivision shall have a minimum house sizes in accordance with Gahanna City Code Section 1143.06
3. All main roofs for homes within the subdivision shall maintain roof pitch of not less than 6:12.
4. Within the development the same model with the same elevation shall not appear within two houses next to one another on the same side of the street and the same model with the same elevation shall not appear directly across the street.
 - A. The applicant shall use deed restrictions and covenants generally in the form as previously submitted to the City.
 - B. All homes within the subdivision shall have a concrete front service walk, stoop, or porch and uniform mailboxes.

