

VARIANCE APPLICATION

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

Project/Property Address or Location: 870 Johnstown Road		Project Name/Business Name (if applicable): Pinnacle Pointe	
Parcel ID No.(s): 025-001984, 025-001954, 025-001877	Current Zoning: MR-1, SF-3	Total Acreage: 2.01 +/-	
Description of Variance Requested: GCO1109.02(a) - Applicant requests a variance to permit private streets within the Site.			
STAFF USE ONLY – Code Section(s) & Description of Variance: 1109.02(a) - Permit private streets within site 1145.05(a) - front on public street			
APPLICANT Name (primary contact) -do <u>not</u> use a business name: Doug Maddy		Applicant Address: 120 North High Street, Gahanna, Ohio 43230	
Applicant E-mail: doug@brookwoodbuilders.com		Applicant Phone No.: 614-475-5511	
BUSINESS Name (if applicable): Brookwood Construction Co., Inc.			
ATTORNEY/AGENT Name: David Hodge, Underhill & Hodge LLC		Attorney/Agent Address: 8000 Walton Parkway, Suite 260, New Albany, Ohio 4305	
Attorney/Agent E-Mail: david@uhlfirm.com		Attorney/Agent Phone No.: 614-335-9320	
ADDITIONAL CONTACTS (please list all applicable contacts)			
Name(s):		Contact Information (phone no./email):	
Contractor			
Developer			
Architect			
PROPERTY OWNER Name: (if different from Applicant) * Additional property owner on separate page		Property Owner Contact Information (phone no./email):	

APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED (see page 2)

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant Signature: David Hodge, Attorney Date: 5/14/2018
THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: www.gahanna.gov

INTERNAL USE

Zoning File No. V-122-2018
PC Meeting Date: _____
PC File No. _____

RECEIVED: KAW
DATE: 5-14-18

PAID: \$150.00
DATE: 5-14-18
CHECK#: 6874

VARIANCE APPLICATION – SUBMISSION REQUIREMENTS

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

STAFF USE - INTAKE	TO BE COMPLETED/SUBMITTED BY THE APPLICANT:	APPLICANT		STAFF USE	
		YES	N/A	YES	N/A
	1. Review Gahanna Code <u>Section 1131</u> (visit www.municode.com) (Sign Variances, refer to Section <u>1165.12</u> ; Fence Variances, <u>1171.05</u> ; Flood Plain Variances, <u>1191.18</u>)				
	2. Pre-application conference with staff				
	3. Survey of property certified by a registered surveyor (11"x17" copy)				
	4. List of contiguous property owners & their mailing address				
	5. Pre-printed mailing labels for all contiguous property owners				
	6. A statement of the reason(s) for the variance request that address the following three conditions: (not applicable for Sign, Fence, or Flood Plain Variances) - Special circumstances or conditions - Necessary for preservation - Will not materially affect adversely the health or safety				
	7. Application fee paid (in accordance with the <u>Building & Zoning Fee Schedule</u>)				
	8. Application & all supporting documents submitted in digital format				
	9. Application & all supporting documents submitted in hardcopy format				
	10. Authorization Consent Form Complete & Notarized (see page 3)				

THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: www.gahanna.gov

APPLICATION ACCEPTANCE

INTERNAL USE

This application has been reviewed and is considered complete and is hereby accepted by the Zoning Division of the City of Gahanna and shall be forwarded to the City of Gahanna Planning Commission for consideration.

Planning Commission must recommend to City Council for final approval

Planning & Zoning Administrator Signature: _____

Date: _____

6/25/18

AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

AUTHORIZATION FOR OWNER'S APPLICANT OR REPRESENTATIVE(S)

If the applicant is not the property owner, this section must be completed and notarized.

I, George + Vivian Parker, the owner of the subject property listed on this application, hereby authorize Brookwood Construction Co. to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: *George Parker* Date: 4/30/18
Vivian M. Parker


AUTHORIZATION TO VISIT THE PROPERTY

I, George + Vivian Parker, the owner of the subject property listed on this application, hereby authorize City representatives to visit, photograph and post notice (if applicable) on the property as described in this application.

Property Owner Signature: *George Parker* Date: 4/30/18
Vivian M. Parker

Subscribed and sworn to before me on this 30th day of APRIL, 2018.
State of OHIO County of FRANKLIN
Notary Public Signature: *Lisa C. Campbell*

NOTARY



Lisa C. Campbell
Notary Public State of Ohio
My Commission Expires 2/20/2021

AGREEMENT TO COMPLY AS APPROVED

I, *Dave Hoff*, the contractor/applicant of the subject property listed on this application, hereby agree that the project will be completed as approved and any proposed changes to the approved plans shall be submitted for review and approval to the Zoning Division staff.

Contractor/Applicant Signature: *Dave Hoff - attorney* Date: May 2, 2018

Subscribed and sworn to before me on this 2nd day of May, 2018.
State of Ohio County of Franklin
Notary Public Signature: *Kimberly R. Grayson*

SAVE APPLICATION



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021



AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

AUTHORIZATION FOR OWNER'S APPLICANT OR REPRESENTATIVE(S)

If the applicant is not the property owner, this section must be completed and notarized.

I, DOUGLAS MADDY, ^{OWNER} the owner of the subject property listed on this application, hereby authorize DOUGLAS MADDY to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: [Signature] Date: 4-25-18

AUTHORIZATION TO VISIT THE PROPERTY

I, DOUGLAS MADDY, ^{OPTIONAL HOLDER} the owner of the subject property listed on this application, hereby authorize City representatives to visit, photograph and post notice (if applicable) on the property as described in this application.

Property Owner Signature: [Signature] Date: 4-25-18

Subscribed and sworn to before me on this 30th day of April, 2018.
State of Ohio County of Franklin
Notary Public Signature: Gina K. Sheppard



Gina K. Sheppard
Notary Public, State of Ohio
My Commission Expires 07-08-2020

AGREEMENT TO COMPLY AS APPROVED

I, DOUGLAS MADDY, the contractor/applicant of the subject property listed on this application, hereby agree that the project will be completed as approved and any proposed changes to the approved plans shall be submitted for review and approval to the Zoning Division staff.

Contractor/Applicant Signature: [Signature] Date: 4-25-18

Subscribed and sworn to before me on this 30th day of April, 2018.
State of Ohio County of Franklin
Notary Public Signature: Gina K. Sheppard



Gina K. Sheppard
Notary Public, State of Ohio
My Commission Expires 07-08-2020

DESCRIPTION of a 2.010 acre parcel of land for Zoning Purposes;

Situate in the State of Ohio, County of Franklin County, City of Gahanna, Section 2, Township 1, Range 16, United States Military Lands and being 0.975 acres out of an 1.08 acre parcel of land conveyed to Ram M Nuguoru of record in Instrument Number 200410280249305 (PID 025-001954-00), 0.923 acres out of a 1.176 acre parcel of land conveyed to 870 Johnstown LLC of record in Instrument Number 200802290031350 (PID 025-001984-00) and 0.111 acres of land out of a 6.664 acre parcel of land conveyed to George E JR & Vivian M Parker Co Trustees of record in Deed Book 3215, Page 78, Parcel 1 (PID 025-025-001877-00) all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 2.009 acre parcel being more fully described herein;

Beginning for reference at the northeast corner of said 1.08 acre parcel;

Thence, N 85°53'23" W with the north line of said 1.08 acre parcel and the south line of a 0.024 acre parcel of land conveyed to George E Jr and Vivian M Parker of record in Deed Book 3183, Page 317 and Deed Book 3276, Page 381 (PID 025-00004244-00), a distance of 22.53 feet to the true point of beginning;

Thence, S 07°47'48" E, across said 1.08 acre parcel, a distance of 115.56 feet to a point on the east line of said 1.08 acre parcel and the west line of a 0.66 acre parcel of land conveyed to George E JR & Vivian M Parker Co Trustees of record in Deed Book 3215, Page 78;

Thence, S 03°26'51" W, with the east line of said 1.08 acre parcel and the west line of said 0.66 acre parcel, a distance of 35.10 feet to a point;

Thence, S 28°36'29" W, across said 1.08 acre parcel of land, a distance of 53.02 feet to a point;

Thence, S 14°04'58" W, across said 1.08 acre parcel of land passing the south property line of said 1.08 acre parcel of land and a northerly line of said 6.664 acre parcel at 99.99 feet, a total distance of 102.21 feet to a point;

Thence, S 38°57'14" W, across said 6.664 acre parcel of land, a distance of 94.51 feet to a point;

Thence, S 61°16'09" W, across said 6.664 acre parcel of land, a distance of 77.12 feet to a point;

Thence, N 51°26'35" W, across said 6.664 acre parcel of land, a distance of 39.81 feet to a point at the southwest corner of said 1.176 acre parcel of land;

Thence, N 28°58'41" W, with a southwest line of said 1.176 acre parcel and a northeasterly line of said 6.664 acre parcel, a distance of 205.16 feet to a point;

Thence, N 27°42'13" E, thence across said 1.176 acre parcel of land, a distance of 242.32 feet to a point on the east line of said 1.176 acre parcel and also being the northwest corner of said 1.08 acre parcel of land and the southwest corner of said 0.024 acre parcel of land;

Thence, S 85°53'23" E, with the north line of said 1.08 acre parcel of land and the south line of said 0.024 acre parcel of land, a distance of 182.08 feet to the True Point of Beginning, containing 2.010 acres of land, subject to all easements and documents of record.

For the purpose of this description a bearing of S 85°53'23" E was held on the north line of said 1.08 acre parcel of land, and is based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, and was determined by using National Geodetic Survey, OPUS-S service. This document is based on a survey completed by or under the supervision of Robert W. Martin in May of the year 2016.



Robert W. Martin 8-17-16
Robert W. Martin Date
P.S. 8114

GEORGE E JR &
VIVIAN M PARKER
0.024 ACRES
D.B. 3183, PG. 317
& D.B. 3276, PG. 381
PID 025-00004244-00

Situate in the State of Ohio, County of Franklin
County, City of Gahanna, Section 2, Township 1,
Range 16, United States Military Lands

Franklin County Commissioners
1.37 ACRES
D.B. 856, PG. 124

GRAPHIC SCALE



1 inch = 60 ft.



E JOHNSTOWN ROAD
R/W VARIES

N27°42'13"E
242.32'

CLOTTS ROAD

R/W VARIES P.O.R.

S85°53'23"E
182.08'

P.O.B.

N85°53'23"W
22.53'

RAM M NUGGURU
1.08 ACRES
INSTR No. 200410280249305
PID 025-001954-00

S03°26'51"W
35.10'

S07°47'48"E
115.56'

870 JOHNSTOWN LLC
1.176 ACRES
INSTR No. 200802290031350
TRACT ONE&TWO
PID 025-001984-00

0.975 Ac.

0.923 Ac.

PASSING P/L
@ 99.99'

S28°36'29"W
53.02'

S14°04'58"W
102.21'

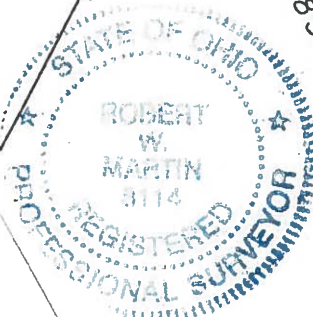
0.112 Ac.

S38°57'14"W
94.51'

GEORGE E JR & VIVIAN M
PARKER CO-TRS
0.66 ACRES
D.B. 3215, PG. 78
PARCEL 2
PID 025-003185-00

GEORGE E JR & VIVIAN M
PARKER CO-TRS
6.664 ACRES
D.B. 3215, PG. 78
PARCEL 1
PID 025-001877-00

N51°26'35"W
39.81'



For the purpose of this exhibit a bearing of S 85°53'23"E was held on
the north line of said 1.08 acre parcel of land, and is based on the
Ohio State Plane Coordinate System, South Zone, NAD83 (2011
adjustment). Said bearing was established by Static and RTK GPS
Observations, and was determined by using National Geodetic Survey,
OPUS-S service. This document is based on a survey completed by or
under the supervision of Robert W. Martin in May of the year 2016.

Robert W. Martin 8-17-16

Robert W. Martin, P.S. 8114

EXHIBIT OF
2.010 ACRES
FOR ZONING

Prepared By:

WATCON

CONSULTING ENGINEERS & SURVEYORS

83 Shull Avenue
Gahanna, Ohio 43230
Ph. (614) 414-7979

DRAWN BY: RWM

SCALE: 1" = 60'

DATE: 08/16/2016

CHECKED BY: JGL

PROJECT:

SHEET NO. 1 OF 1

Z:\MADDOY CLOTTS CONDOS\DRAWINGS\SURVEY\ZONING\SE CORNER CLOTTS-62 ZONING.DWG - 0 XREFS: - PLOTTED BY BO - August 16, 2016 - 1:54 PM

PROPERTY OWNER: George and Vivian Parker, Co-Tr.
4207 Clotts Road
Gahanna, Ohio 43230

APPLICANT: Brookewood Construction Co., Inc.
120 North High Street
Gahanna, Ohio 43230

ATTORNEY: David Hodge
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

SURROUNDING PROPERTY OWNERS:

Mark Reed
3963 Clotts Road
Columbus, Ohio 43230

Rodney and Margaret Owens
845 Clotts Road
Gahanna, Ohio 43230

James and Lindsay Herrick
4171 Clotts Road
Columbus, Ohio 43230

Brad Primm
4183 Clotts Road
Gahanna, Ohio 43230

Leader Development LLC
790 East Johnstown Road
Columbus, Ohio 43230

Heartland Bank
850 North Hamilton Road
Columbus, Ohio 43230

900-906 OH LLC
549 Empire Boulevard
Brooklyn, NY 11225-3121

William and Cynthia Kauble
3939 Clotts Road
Columbus, Ohio 43230

Andrew Boyd
3951 Clotts Road
Columbus, Ohio 43230

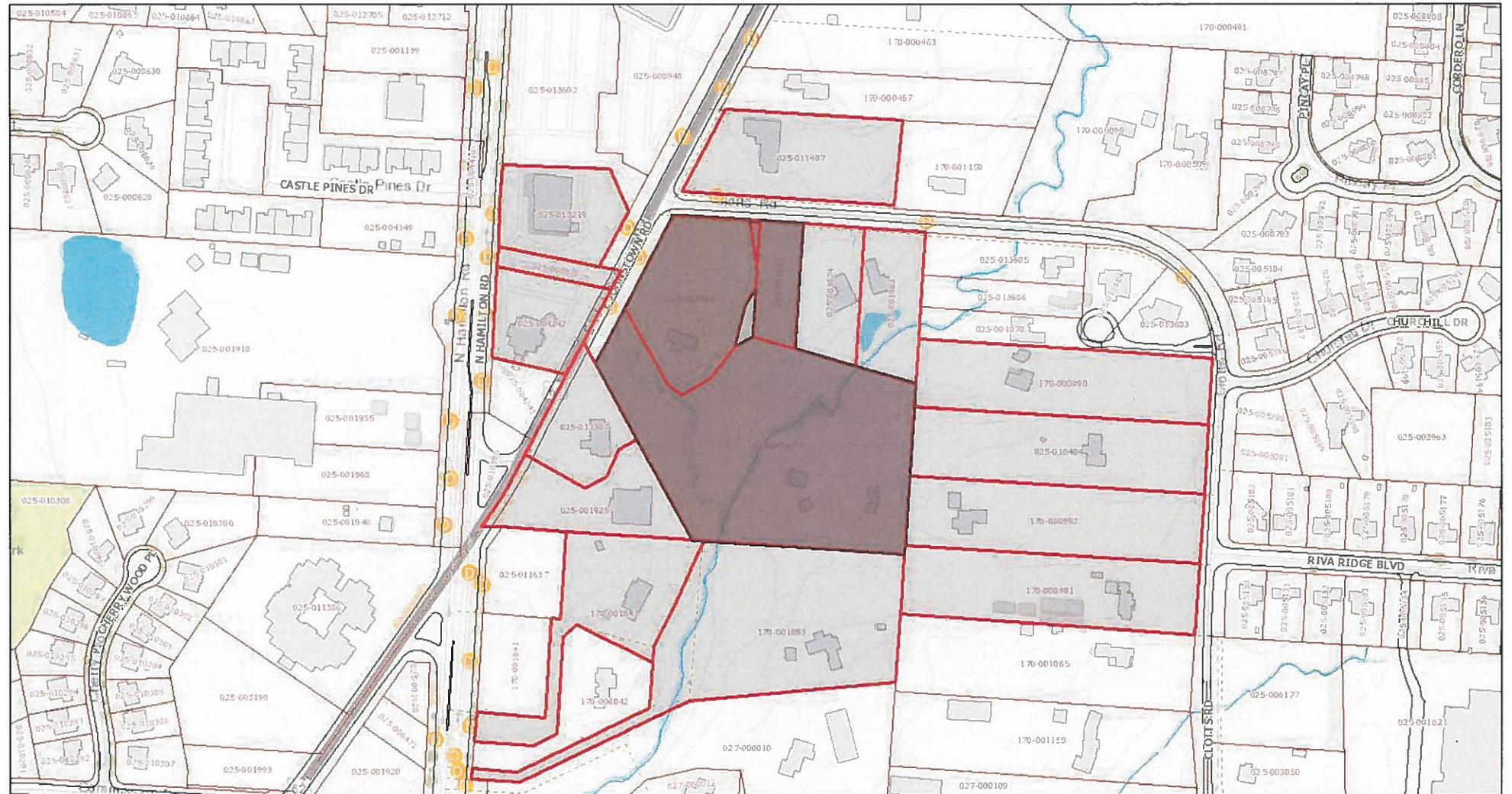
Rodger Coey
3975 Clotts Road
Columbus, Ohio 43230

James R. Boyd
740 North Hamilton Road
Columbus, Ohio 43230

Herbert and Joan Wilke
720 North Hamilton Road
Columbus, Ohio 43230

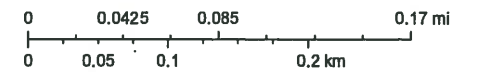
Christian Voice of Central Ohio, Inc.
881 East Johnstown Road
Columbus, Ohio 43230

Franklin County Auditors Office



April 18, 2018

1:3,496



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

STATEMENT OF PRACTICAL DIFFICULTY

ADDRESS: 870 Johnstown Road
PARCELS: 025-001984, 025-001954, and a portion of 025-001877
SIZE: 2.01 +/- acres
ZONING: MR-1
OWNERS: Brookewood Construction Co., Inc.
George and Vivian Parker, Co-Tr
APPLICANT: Brookewood Construction Co., Inc.
ATTORNEY: David Hodge, Underhill & Hodge, LLC
DATE: May 4, 2018
CASE: _____

Pursuant to Gahanna Code of Ordinances Section 1103.03, variations and exceptions from the Subdivision Ordinance may be recommended by the Planning Commission but must be approved by Council. Applicant respectfully submits this statement in support of the proposed variance from the Subdivision Ordinance. Specifically, Applicant is requesting a variance from GCO Section 1109.02(a) to allow private streets within the Site.

The Site is Phase I of the Pinnacle Point project. The original intent of Phase I was to develop six detached two-family dwellings on the Site. Accordingly, the Site was rezoned MR-1 from ER-2 and L-SO by ORD-0090-2016. Phase II, the larger phase of the Pinnacle Point project, was rezoned from ER-2 to SF-3 by ORD-0001-2018 and granted a number of variances (including permission of private streets) by ORD-0002-2018 to allow development of single-family dwellings.

As development of Phase I progressed, the Applicant concluded that Pinnacle Pointe would be a better product if all residential units were single-family structures. To achieve this, the Applicant has filed a companion Conditional Use Application to permit single-family dwellings on the Site. Pursuant to GCO Section 1147.04(a)(1), a condition of allowing single-family dwellings in the MR-1 district is that the Site must be developed with Chapter 1145, R-4 development standards. Accordingly, this Site requires public streets because the GCO requires public streets for R-4 districts.

CGO 1131.05 provides authority to the Planning Commission to vary the strict application of the terms of the Zoning Ordinance in harmony with its general purpose and intent and in accordance with specified rules of the Ordinances. Among the purposes and intent of the Zoning Ordinance is to encourage and facilitate orderly, efficient and appropriate growth and development. The Planning Commission may grant variances where an applicant demonstrates: 1) there are special circumstances or conditions applying to the land, building or use referred to in the application; 2) the granting of the variance is necessary for the preservation and enjoyment of substantial property rights; and 3) the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Applicant respectfully requests a variance from GCO Section 1109.02(a) to allow private streets within the Site. This Site is in a special circumstance because it is the smaller Phase I of the Pinnacle Point project and is also the access point to Phase II. The larger Phase II already received a variance to allow private streets. Granting Applicant's requested variance will allow the project to effectively merge the phases and facilitate consistent engineering and maintenance of streets throughout the entire development. This variance is necessary for the preservation and enjoyment of Applicant's substantial property rights and will not materially affect adversely the health or safety of the community nor will it be materially detrimental to the neighborhood improvements.

Respectfully submitted,

Dave Hodge (ESD)
David Hodge

Pinnacle Pointe Villas

CONDOMINIUM PATIO HOMES

GAHANNA, OHIO

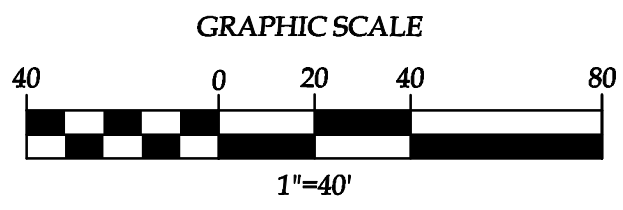
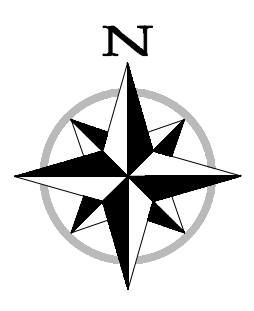
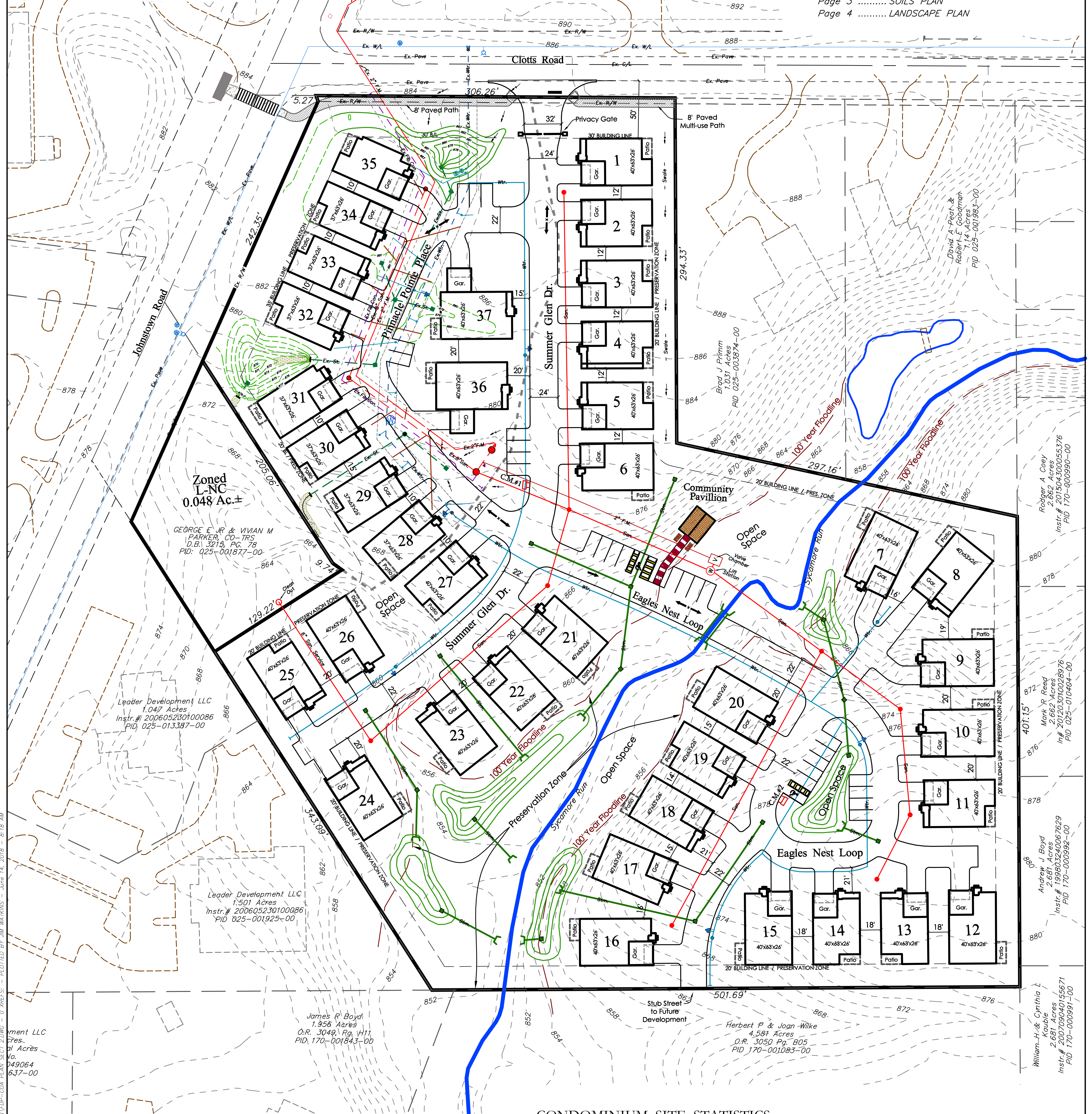


TABLE OF CONTENTS

- Page 1 REZONING / PRELIMINARY PLAT
- Page 2 SITE ANALYSIS / AERIAL OVERLAY
- Page 3 SOILS PLAN
- Page 4 LANDSCAPE PLAN

LOCATION MAP

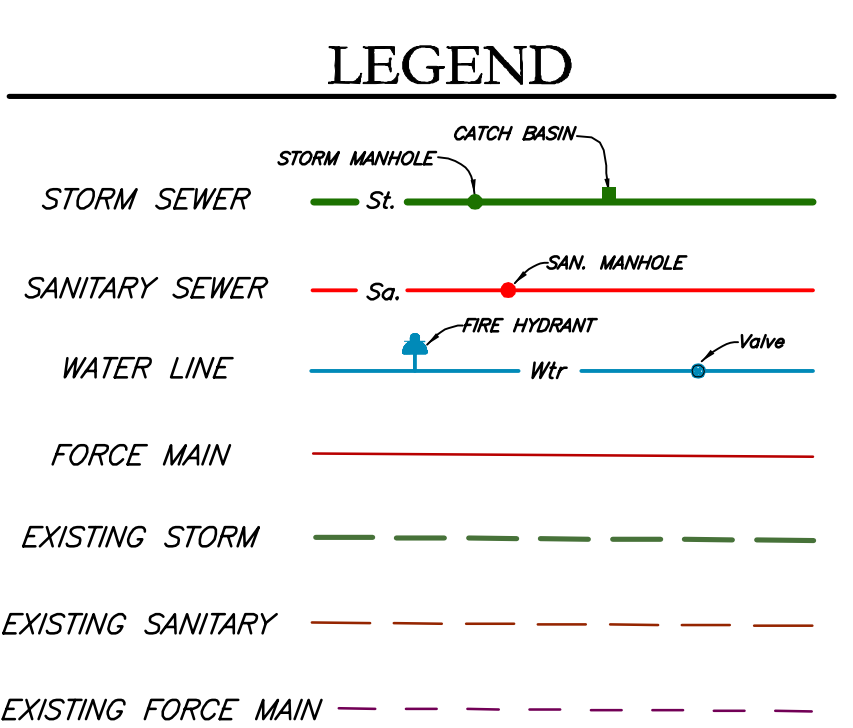


CONDOMINIUM SITE STATISTICS

TOTAL ACREAGE:	8.689 AC.
NUMBER OF UNITS:	37
GROSS DENSITY:	4.2 UNITS/ACRE
TOTAL FLOODPLAIN AREA:	1.36 ACRES
TOTAL OPEN SPACE AREA:	3.68 ACRES (Outside Floodplain)
TOTAL OPEN SPACE:	5.04 ACRES
EXISTING ZONING:	MR-1 & SF-3
TOTAL ON-SITE PARKING:	176 SPACES (4 Spaces Per Unit + 28 Additional (2 Handicap)) (Parking Spaces are 10'x20')
PROP. BUILDING SIZE:	2000-2800 SQ. FT.
SITE ADDRESS:	4207 CLOTTIS ROAD COLUMBUS, OH 43230
IMPERVIOUS PAVEMENT AREA:	1.47 ACRES
IMPERVIOUS BUILDING AREA:	2.17 ACRES
TOTAL IMPERVIOUS AREA:	3.64 ACRES
TOTAL OPEN UNCOVERED AREA:	5.04 ACRES

NOTES

- Note "A" - All of Pinnacle Pointe Villas is located within the Flood Hazard Zone X and A as shown on the Federal Emergency Management Agency Flood Insurance Rate Map, Map Number 39049C0211 K, effective date June 17, 2008.
- Note "B" - All Open Space and Paved areas are to be owned and maintained by the Pinnacle Pointe Homeowners Association.
- Note "C" - See Zoning Text for definition of "Preservation Zone"



Prepared By:
WATCON
CONSULTING ENGINEERS & SURVEYORS
83 Shull Avenue
Gahanna, Ohio 43230
Ph. (614) 414-7979



200 S. Hamilton Road, Gahanna, OH 43230
Phone(614)342-4010 Fax(614)342-4100

May 24, 2018

Brookewood Construction Co., Inc
120 N. High St.
Gahanna, OH 43230

RE: Project 870 E Johnstown Rd Variance

Dear Brookewood Construction Co., Inc:

The following comments were generated from the review of the submitted plans and documents for the referenced project. For the next submittal, please provide a disposition of comments, revised plans, and/or other information as requested for further review. The disposition of comments needs to include both the original comment and the appropriate response. If desired, these comments can be emailed. Re-submitted plans that do not include the disposition of comments document will not be reviewed and will be returned to you.

Parks -

1. My concern is that there is no adherence to City Ordinance 914. There is/ was a lot of canopy lose.

Public Safety -

2. No comment or concerns from the police department.

Fire District -

3.
With the proposed change to the number of residential units exceeding thirty (30), the development shall comply with the provisions of Section D107, One and Two Family Residential Developments, of the 2017 Ohio Fire Code.

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access

road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Ohio Fire Code, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Additional requirements and comments could follow after plans are submitted and the review process starts

Community Development - Revisions Needed

4. Please be aware that Chapter 1145.05(a) of the R-4 zone district requires public streets. Please add a reference to the application or staff can modify the application if desired.

Soil & Water Conservation District -

5. No Comment received.

Public Service & Engineering -

6. Although these will be private streets, pedestrian facilities should be required within the development.
7. The private streets shall be designed in a manner that supports the loads of the largest emergency vehicles used by the fire department.
8. The roadways will be the sole maintenance responsibility of the developer or HOA.
9. By code, any lots resulting from this development shall have access to public right-of-way. Based on the provided plan, it appears that the intent is to not provide individual lots for each dwelling unit, thus the entire 6.659 acre tract will remain un-split and maintain the necessary access and frontage to the public right-of-way on Clotts Road. Private roads are acceptable to our office.

Building -

10. No Comment

If you have any comments or questions, please contact me at kelly.wicker@gahanna.gov or (614) 342-4025.

Sincerely,

Kelly Wicker
Administrative Assistant



June 14, 2018

City of Gahanna Department of Public Service and Engineering
200 S Hamilton Rd
Gahanna, OH 43230

RE: **Review Response Letter from May 24, 2018 comment letter for Project 870 E Johnstown Rd - Variance**

Dear Michael,

Please see review response comments below:

Parks -

1. My concern is that there is no adherence to City Ordinance 914. There is/ was a lot of canopy lose. - **There are numerous trees will be Preserved within the Open Space Preservation Zone, Perimeter Preservation Zone, other Open Spaces as well as whenever possible in between buildings. The amount of trees that will be Preserved far exceed the code 914 requirement.**

Public Safety -

2. No comment or concerns from the police department.- **OK**

Fire District -

3. With the proposed change to the number of residential units exceeding thirty (30), the development shall comply with the provisions of Section D107, One and Two Family Residential Developments, of the 2017 Ohio Fire Code.

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. **A stub road has been added on the southern boundary line at the terminus of unit #16.**

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Ohio Fire Code, access from two directions shall not be required. – **OK**

83 Shull Avenue

Gahanna, Ohio 43230

614.414.7979

fax: 614.414.7980

James T. Watkins

P.E., M.B.A., Principal

jim@watconeng.com

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
– **OK**

Additional requirements and comments could follow after plans are submitted and the review process starts -
OK

Community Development - Revisions Needed

4. Please be aware that Chapter 1145.05(a) of the R-4 zone district requires public streets. Please add a reference to the application or staff can modify the application if desired. – **All streets will be private.**

Soil & Water Conservation District -

5. No Comment received. - **OK**

Public Service & Engineering -

6. Although these will be private streets, pedestrian facilities should be required within the development. – **This is a proposed gated community and vehicle access will be limited to the residents and not the public. A centralized Community Pavilion will be provided for a community gathering area.**
7. The private streets shall be designed in a manner that supports the loads of the largest emergency vehicles used by the fire department. - **OK**
8. The roadways will be the sole maintenance responsibility of the developer or HOA. **OK**
9. By code, any lots resulting from this development shall have access to public right-of-way. Based on the provided plan, it appears that the intent is to not provide individual lots for each dwelling unit, thus the entire 6.659 acre tract will remain un-split and maintain the necessary access and frontage to the public right-of-way on Clotts Road. Private roads are acceptable to our office. - **OK**

Building -

10. No Comment - **OK**

If you have any comments or questions, please contact me at shawn@watconeng.com or (614) 313-4444. Sincerely,

Shawn A Lanning
Land Planner



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PLANNING AND DEVELOPMENT STAFF REPORT

Request Summary

This is a request for final development plan (FDP), design review (DR), conditional use (CU), and Variance approval for the properties fronting the intersection of Johnstown and Clotts Road. These properties have had a number of requests recently reviewed and approved by Planning Commission and City Council. Requests include rezoning, FDP, DR, and variance approvals. The requests currently under consideration are in keeping with the plan of development previously discussed for the properties at past hearings. The main exception being a conditional use request to allow for single family homes on the two acres of property zoned Multiple Residential (MR-1).

If approved, the Pinnacle Pointe project would allow for 37 detached single family homes on a total of 8.6 acres. The requested unit total is consistent with what was previously discussed during the rezoning hearings. The layout is very similar to what was previously discussed or approved. The main exception being the location of the access point on Clotts Road was shifted slightly to the east. This was done as a result of combining two access points into one.

The project also consists of a .49 acre parcel that was recently recommended to City Council to be rezoned to Neighborhood Commercial (NC) with an overlay that restricts uses. A conditional use has been requested that would allow for the majority of conditional uses by right with the exception of a few uses that have been determined to be undesirable. Undesirable uses were determined after several discussions with City Council and Area Commissions.

If approved, the FDP and DR would replace the plans that were previously approved for the portion of the site that is zoned MR-1.

Conditional Use

A conditional use has been requested to Chapter 1147.04(a)(1) of the MR-1 portion of the zoning code to allow for single family residential. The property was rezoned to MR-1 to allow for attached condos. The plan of development has changed slightly as the request is now for detached condos. The density of the project is the same as previously approved.

An additional component to the conditional use is to permit all conditional uses within neighborhood commercials with the following exceptions:

- SIC 554 – Gas stations
- SIC 805 – Nursing and personal care facilities
- SIC 8099 – Health and allied services not elsewhere classified

Please keep in mind that the recently recommended for approval rezoning contained an overlay which prohibited several uses including the above uses and drive in facilities. The remaining allowed



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conditional uses are almost all office related and include such uses as doctor offices, real estate offices, engineers, accountants, and planner offices.

Requests for a conditional use shall be approved if the following four conditions are met:

1. The proposed use is a conditional use of the zoning district and the applicable development standards established in this zoning ordinance are met.
2. The proposed development is in accord with the appropriate plans for the area.
3. The proposed development will not have undesirable effects on the surrounding area.
4. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

Variance

A variance has been requested from two code sections that require single family residential to be developed on public streets. This request applies to the two acres of property zoned MR-1. A similar variance was granted for the majority of property which is zoned single family (SF-3). The applicant is requesting to have private streets throughout the project. Construction and maintenance of the road will be the responsibility of the developer.

The variance to chapter 1109.02(a) is located within the "Platting and Subdivisions" portion of the zoning code and is required to be approved by City Council. Therefore, Planning Commission is providing a recommendation to Council.

Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Final Development Plan

Please be aware that the commercial portion of the request will be required to file a FDP when a development plan has been identified. The FDP is only for the residential portion of the request. The



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layout on the FDP is almost identical as to what was presented with the rezoning. A companion request of the rezoning included several variances. Building setbacks are consistent with the previously approved variances.

Planning Commission shall approve an FDP application if the following four conditions are met:

- A. The proposed development meets the applicable development standards of this Zoning Ordinance.
- B. The proposed development is in accord with appropriate plans for the area.
- C. The proposed development would not have undesirable effects on the surrounding area.
- D. The proposed development would be in keeping with the existing land use character and physical development potential of the area.

Design Review

The properties subject to the DR application are zoned MR-1 and SF-3. These zone districts typically are not required to go through the DR review and approval process. The applicant has provided elevations and an image of a material board that was previously presented and approved by Planning Commission. These have been provided as an illustrative example of colors and color pallets that will be used in the project. The applicant has stated that additional colors may be used in the project as final color schemes will not be known until they are selected by the home owner.

A landscape plan has been provided that includes tree preservation that meets the requirements of Chapter 914 and landscaping at the entrance of the project.

Staff Recommendation

Staff recommends approval of the four applications as presented. The applications are a result of a couple of years' worth of discussion between residents, City Council, Planning Commission, and staff. Project layout, density, and design are all consistent with previously approved applications. In fact, staff believes that the project as currently submitted is superior to past projects as it has consolidated two access points into one and has eliminated attached condos. Only detached condos are proposed. This is consistent with existing residential development in the Clotts Road area.



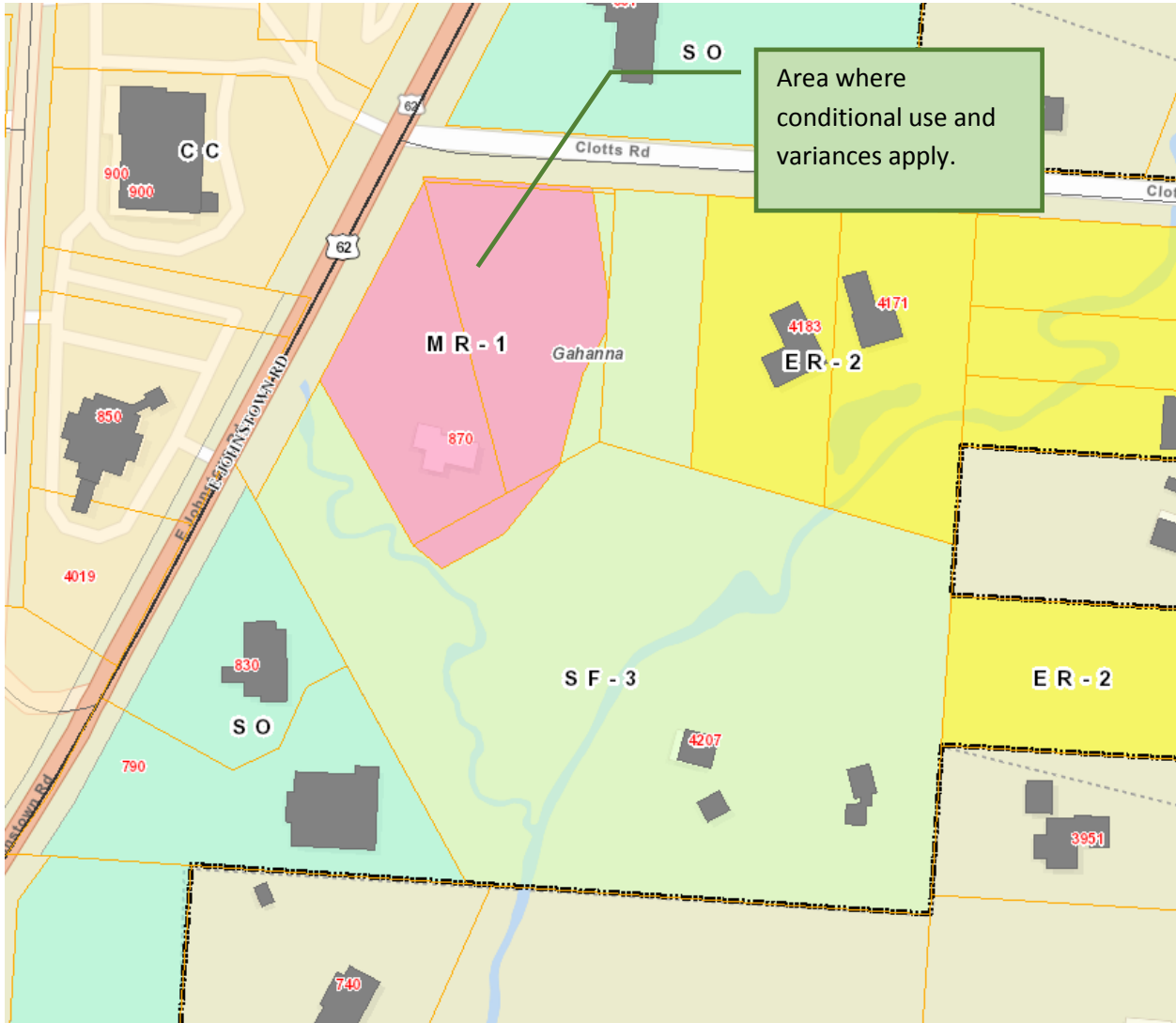
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Zoning Map



Respectfully Submitted By:
Michael Blackford, AICP
Deputy Director

