

AMENDED ORDINANCE NO. 31 -85

BY: Carolee Thomas Christy

To amend the Official Zoning Map adopted as a part of Ordinance No. 8-72 (now Chapters 1240 to 1268, inclusive, of the Codified Ordinances of the City of Bexley), by transferring the following described property:

Situated in the State of Ohio, County of Franklin, City of Bexley in Half Section 16, Township 5, Range 22, Refugee Lands and being all of the tracts conveyed to The Huntington National Bank of Columbus, Trustee of record in Deed Book 3522, Page 844, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a set P.K. nail at the intersection of the centerline of Clifton Avenue (60 feet wide per Ohio Department of Transportation, Issue 1 Project, Clifton Avenue) with the east line of Half Section 16, said line being also the west line of Bullitt Park subdivision as delineated upon Plat Book 5, Page 382, said Recorder's Office;

Thence along said Half Section line (the west line of said Bullitt Park subdivision), South 4 degrees 02 minutes West, 268.97 feet to a set iron pipe (passing a set iron pipe at 30.0 feet) at the northeast corner of Sessions as delineated upon Plat Book 19, Page 44, said Recorder's Office;

Thence along the northerly line of said Sessions, North 85 degrees 48 minutes 13 seconds West, 563.07 feet to a found iron pipe (passing a found iron pipe at 327.92 feet) at the northeast corner of a Private Street (40 feet wide) as shown on said Sessions, and at the southeast corner of a 1.044 Acre tract described in said Deed Book 3522, Page 844;

Thence along the easterly line of said 1.044 Acre tract, North 1 degree 35 minutes 38 seconds East, 238.91 feet to a found iron pipe at the northeast corner of said 1.044 Acre tract and in the southerly line of said Clifton Avenue;

Thence along the northerly line of said 1.044 Acre tract (southerly line of said Clifton Avenue), North 85 degrees 50 minutes West, 190.44 feet to a found iron pipe at the northwest corner of said 1.044 Acre tract;

Thence across said Clifton Avenue and along the northerly prolongation of the westerly line of said 1.044 Acre tract, North 1 degree 35 minutes 38 seconds East, 30.03 feet to a set P.K. nail in the centerline of said Clifton Avenue;

Thence along the centerline of said Clifton Avenue, South 85 degrees 50 minutes East, 764.94 feet to the point of beginning, CONTAINING 3.641 Acres, of which 0.526 Acres are within the right-of-way of said Clifton Avenue, subject to all legal highways, easements, restrictions, leases, and agreements of record and of records in the respective utility offices.

from the Low Density Single Family Residential District to the Planned Unit Residential District; and to give preliminary and final approval of the development plan for said tract of land.

WHEREAS, a detailed development plan which is in accordance with Section 1264.21 (b) of the Codified Ordinances of the City of Bexley has been submitted as a part of the application for the PUR District Amendment to the official zoning map; and

WHEREAS, said detailed development plan consists of a textual description of the detailed development plan and exhibits identified and labeled as A through L; and

WHEREAS, Council has received written recommendations for approval of the detailed development plan from the Zoning Officer, the Planning Commission and the Board of Zoning Appeals; and

WHEREAS, the detailed development plan demonstrates that the proposed development will fit the intent of facilitating and encouraging sound and orderly new development as specified by the Zoning Ordinance; and

WHEREAS, the detailed development plan demonstrates that the design and features of the proposed plan meet housing criteria shown by the Recommendation report of the Apartment Location and Neighborhood Improvement study and the Bexley Neighborhood Stabilization Plan as needed for Bexley's elderly population; and

WHEREAS, the detailed development plan demonstrates that the subject land is unique in that it's location is immediately contiguous to Sessions Village, a planned unit development, and is within close proximity to Bishops Square, a planned unit development; and

WHEREAS, the detailed development plan demonstrates that it has, through the design and planning process, mitigated the proposed developments' effects upon adjacent properties; and

WHEREAS, the detailed development plan demonstrates that the proposed development will not be detrimental to public facilities and services in the City and that it is adequately buffered by other planned unit developments and larger land uses such as Jeffrey Park so as to not be detrimental to nearby low density single family residential districts; and

WHEREAS, the detailed development plan demonstrates that the location of the proposed development is consistent with the Recommendations Report of the Apartment Location and Neighborhood Improvement Study's findings which note this site for redevelopment or new development at an average density of twelve dwelling units per acre; and

WHEREAS, the detailed development plan further demonstrates that development of the proposed project is programmed in such a manner that at the end of any one stage of development, the project will meet the intent of the Zoning Ordinance; and

WHEREAS, there are facts as set forth in the detailed development plan which make the subject land unique and materially different from other lands in the City of Bexley and which make it desirable that said land be developed with the controls afforded by the Planned Unit Residential District even though said land has a depth of less than 300 feet in particular, as the 1969 Recommendations Report Apartment Location and Neighborhood Improvement Study which is cited in the PUR Zoning District requirements only required a width and depth of 200 feet and a total area of 60,000 square feet and the Neighborhood Stabilization Plan, also cited in the PUR Zoning District requirements specifically recommends modification of the PUR District regulations to enhance their utility and applicability; and

WHEREAS, nothing contained within the textual description of the detailed development plan and the exhibits identified and labeled A through L shall be in conflict with Chapter 1264.21 of Bexley Zoning Codes; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Official Zoning Map adopted as a part of Ordinance No. 8-72 (now Chapters 1240 to 1268, inclusive of the Codified Ordinances of the City of Bexley) is hereby amended by transferring the following described property:

Situated in the State of Ohio, County of Franklin, City of Bexley in Half Section 16, Township 5, Range 22, Refugee Lands and being all of the tracts conveyed to The Huntington National Bank of Columbus, Trustee of record in Deed Book 3522, Page 844, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a set P.K. nail at the intersection of the centerline of Clifton Avenue (60 feet wide per Ohio Department of Transportation, Issue 1 Project, Clifton Avenue) with the east line of Half Section 16, said line being also the west line of Bullitt Park subdivision as delineated upon Plat Book 5, Page 382, said Recorder's Office;

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Thence along the northerly line of said 1.044 Acre tract (southerly line of said Clifton Avenue), North 85 degrees 50 minutes West, 190.44 feet to a found iron pipe at the northwest corner of said 1.044 Acre tract;

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Thence along the centerline of said Clifton Avenue, South 85 degrees 50 minutes East, 764.94 feet to the point of beginning, CONTAINING 3.641 Acres, of which 0.526 Acres are within the right-of-way of said Clifton Avenue, subject to all legal highways, easements, restrictions, leases, and agreements of record and of records in the respective utility offices.

from the Low Density Single Family Residential District to the Planned Unit Residential District in order to permit development of said tract of land in accordance with the detailed development plan therefor described in Section 2 of this Ordinance.

Section 2. That preliminary and final approval is hereby given to the detailed development plan based upon the findings set forth above, and that if no construction has begun within two years after approval of this Ordinance, the approval and zoning certificate shall be void and the land shall revert to the Low Density Single Family (R-3) District in effect immediately prior to approval.

Section 3. For the reasons stated in the preamble hereof and in order to avoid a hardship, the requirements of the Planned Unit Residential District to the extent that they require an area greater than that of the subject property are waived and varied to permit development of the subject land in accordance with Sections 1 and 2 hereof and Ordinance No. 42-85.

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

Passed: September 24, 1985

President of Council

Attest:

Clerk of Council

Sept. 24, 1985 - Adopted

Approved: Sept. 24, 1985

David H. Madison
Mayor

TEXTUAL DESCRIPTION
OF DETAILED DEVELOPMENT PLAN FOR
3.11 ACRE TRACT ON CLIFTON AVENUE

The following is a submission which supplements the Plan previously submitted and which shall be a part of the binding commitment of the PUR application.

1. The Plan shall consist of this text and Exhibits A through L submitted herewith.

2. As shown on the Plan the development consists of eighteen (18) attached and detached single-family homes constructed on individual lots abutting a double cul-de-sac private street with the sole entrance off of Clifton Avenue.

3. The eighteen (18) homes will be as shown on the Plan.

4. The design of the eighteen (18) homes shall be as shown on the Plan. The interiors of the units may be modified or rearranged to suit the tastes of individual owners. In addition minor changes may be made in terms of the exterior of structures, building materials, such as the color or treatment of the stucco or brick, or the substitution of a different brick or stone for those indicated in the Exhibits, and the precise location of structures. For the purposes of this clause minor changes include changes necessitated by final working engineering and architectural plans as well as changes requested or desired by the owners or by individual owners but which do not affect the architectural integrity of the development, do not relocate any structure or part thereof closer to any abutting house than the building lines presently shown on Exhibit A, except minor changes or relocations necessitated by final working engineering and architectural plans, do not materially affect the views from or to any of the subject homes and abutting properties, do not materially alter the internal arrangement of the homes, one to another, do not materially change the street location, and do not otherwise adversely affect the aesthetics or function of the development. Any major change in the proposal shall require a rezoning. Prior to construction each unit plan will be submitted to the Planning Commission for its review and a determination as to whether said unit or units meet the requirements of this text and the Plan. Said review may be at a special meeting called for said purpose. In any event, action by the Planning Commission shall be taken no later than thirty (30) days after submission of the information required in this paragraph 4.

5. The owners will be responsible for the maintenance of the private street, all yard areas, and fences and walls. The main line utilities, however, shall be the responsibility of the City of Bexley in accordance with its normal subdivision practices except that any repairs to the street, curbs, or other paved area necessitated by the City's maintenance shall be the responsibility of the owners. All easements necessary to perform

adequate maintenance on said utilities shall be granted to the said City by the developer. Said owners association, which shall be in existence prior to any sale, shall have architectural review power of the initial construction of each unit and any subsequent alterations or additions. Covenants running with the land and binding on all owners will limit the use of all rear yard spaces abutting adjacent parcels to passive use, prohibiting the placement therein of any structures of any kind whatsoever, including but not limited to, toys, games, swings and pools. Exception: air conditioners as shown on the site plan; the air conditioners shall be structurally screened and noise baffled.

6. Exhibit B represents a typical supplemental landscape plan that will be used along the periphery of the site to provide a screen to adjacent parcels. Individual owners may opt for any of the listed plant materials so long as the form of the plan retains compatibility. A final landscape plan will be submitted to the Planning Commission for its review and approval. The plan will include perimeter landscaping located to interrupt first-floor window-to-window views and to provide substantial privacy to owners on both sides of the property line; landscaping will be evergreen shade tolerant and installed with highest height reasonably available materials. (From point AB to point CD (the Cody property) as marked on the plan, there shall be an evergreen screen providing a 70% opacity up to a height of six and one half feet. Said evergreen screen shall be put in place concurrently with the fence.) All patios will be totally screened by wall, fence, or evergreen vegetation to a height of six (6) feet. Exhibit J shows the typical patio screening. The patios shown on the site plan are schematic. Each patio may be increased in size from what is indicated on the site plan as long as said patio does not extend beyond the building lines for each unit. A stone and masonry wall, no less than six (6) feet high, will be placed along the south side of the site commencing at the southwest corner for a distance of not less than twenty-five (25) feet, and a wrought iron fence, no less than six (6) feet high, will be placed along the remainder of the south side and the entire east side of the site. The fence shall be constructed in a pattern architecturally consistent with the development. The developer shall submit a range of patterns to the abutting owners for review and approval. In the event of disagreement among the owners, a majority shall rule and said selection shall be submitted to developer within thirty (30) days of developer's delivery of said patterns. Covenants running with the land and binding on all owners shall insure the maintenance and/or replacement of the supplemental landscaping, the fence, the patio screens, and the replacement trees.

7. Owner shall give each abutting owners thirty (30) days prior notice of the date of initial construction.

8. Exhibit C shows the preliminary grading plan. The design intent along the perimeter of the property will be to do only that grading necessary for proper drainage. A final grading plan

shall be submitted to the Planning Commission for its review and approval.

9. Exhibit D contains the utility plan which is subject to the approval of the City of Bexley and which shall be certified by a registered professional engineer. The trench for the sanitary sewer along the west property line shall be hand dug and be approximately nine (9) feet deep and two (2) feet wide. The location of said sanitary sewer may be altered with the approval of the City of Bexley. Special care will be taken to preserve the trees along the route of said sanitary sewer.

10. Owner will employ the services of Drew Todd or if he is not available another member from his section of the Department of Natural Resources of the State of Ohio and follow his recommendations concerning the health, care, and preservation of trees along the periphery and interior of the site. Said recommendations shall be made in writing within a reasonable time and prior to any construction. Exhibit E shows those trees which will be preserved. In the event that any of the peripheral trees are destroyed during construction or within five (5) years thereafter, directly or indirectly because of construction, owners will replace said trees with comparable species of a minimum 10-15 feet in height and a minimum 4-4 1/2 inches in caliper.

11. A stone and masonry wall will be placed along the north and west sides of the site and attached to the aforementioned fence at the southwest corner and the northeast corner. The wall shall be six (6) feet in height along the north line of the site. It shall be graduated up to ten (10) feet high over the distance from the northwest corner to a point thirty (30) feet south of said northwest corner and be ten (10) feet high from said point to the southwest corner. The west wall and the south and east fence shall be in place prior to the actual construction of any homes on the site unless construction of said wall or fence is delayed for an extended period due to weather conditions inappropriate for construction, in which case the construction of the foundations of the units may take place simultaneously with the construction of said wall or fence.

12(A). The development will occur in two platting phases. The first platting phase will include the entryway, the east cul-de-sac with curbing on the west side and the nine (9) homes marked on the plat with the letter "A". Restrictive covenants in each deed to each of said lots will prohibit the construction of anything other than single-family residences in accordance with the PUR plan and text. The second platting phase will consist of the remainder of the street system and the nine (9) homes on the remainder of the site. Restrictive covenants in each deed to each of said lots will prohibit the construction of anything other than single-family residences in accordance with the PUR plan and text.

(B). In addition to platting phases there shall be building phases for the development. For purposes of this document, a building phase shall be defined as a group of units designated as such by the developer and approved in accordance with paragraph 3 hereof, the construction of which units, and all of the them, shall be commenced within an eight (8) month period. The intention of this definition is that the construction of all houses in a given building phase need not be commenced at the same time but may be staggered over an eight (8) month period, the actual requirement being that the last home in any building phase is to be commenced within eight (8) months after the commencement of construction of the first home in said building phase, being recognized that the developer cannot precisely control the times of construction of custom houses.

(C). The initial building phase in the first platting phase will be a minimum of five (5) units and will include at least units 1, 2, 3, 4, 5 and 6 or units 4, 5, 6, 7 and 8 as said units are numbered on Exhibit A.

(D). Subsequent building phases shall consist of at least three (3) units except where a lesser number completes a platting phase.

(E). Owners will maintain the sections of the premises which are undeveloped and not being used in the construction process in lawn, cut to a reasonable length and free from debris until such time as said sections of said property are developed. Any undeveloped section may be deeded to the owner's association which by covenant shall be made responsible for the maintenance of said lawn. In the event of a failure to so maintain the said premises or to comply with the provisions of paragraph 10 hereof, the City of Bexley may go on the said property, perform said maintenance and assess the cost thereof with interest against the subject property.

(F). Prior to the commencement of construction of any building phase, there shall be provided a bond or a Letter of Credit issued by a national bank or a financing document with sufficient undertaking, acceptable to the City, insuring the completion of each building phase in accordance with the Plan. At the time of the submission of the undertaking, there shall be submitted to the City sufficient consents to enable the City to so complete the phase. The City may exercise its rights hereunder in the event that a phase is not completed within twenty-three (23) months after the commencement of construction of the first unit in that phase provided said period of twenty-three (23) months shall be extended to provide for delays due to weather, strikes or acts of God. The pro-rata portion of any Letter of Credit shall be released to the developer upon the substantial completion of the exterior of each unit within said building phase.

13. Exhibit F contains a list of building materials and

colors to be used on the exterior of the homes. Each home built will be unfinished on the inside and will be certified by the builders and the developers to have a retail value of a minimum of Two Hundred Fifty Thousand Dollars (\$250,000), with a minimum finishing cost of Seventy Five Thousand Dollars (\$75,000).

14. The single-family homes shall be of an architectural type as shown on renderings marked Exhibits F and G and submitted herewith.

15. No storm water shall flow from the site onto any adjacent parcel to the south, east or west.

16. Exhibit H contains a typical interior or front landscaping plan which with reasonable variation will be used at and with each home.

17. All air conditioners shall be structurally screened and noise baffled and no TV antennas shall be exposed; all trash containers shall be structurally screened and located near the front of each house; no open storage of any type shall be permitted. Deed use restrictions will be those typical of Bexley subdivisions and shall be submitted with building permit applications.

18. All utility service to units in the proposed development shall be underground.

19. Exhibit I shows the common area for the project.

20. All real estate contracts covering the initial sale of homes on the site shall contain a specific reference to the PUR zoning conditions, to the plan and to this text, as well as notice that they are on file and may be examined.

BEXLEY.TXT
#8, 9/24/85

THE COLUMBUS DISPATCH
PROOF OF PUBLICATION

STATE OF OHIO, FRANKLIN COUNTY, ss.:

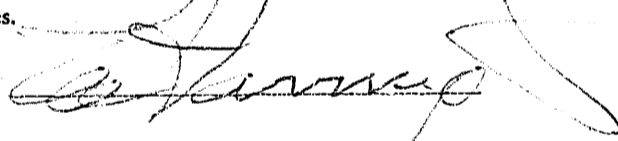
Lee Harrington
Classified Adv. Manager

of The Dispatch Printing Company, Publishers of
The Columbus Dispatch, a newspaper published
at Columbus, Franklin County, Ohio, with a daily
paid circulation of more than 25,000 copies, per-
sonally appeared and made oath that the notice of
which a true copy is hereunto attached was pub-


lished in The Columbus Dispatch for 1

time to-wit, on June 20, 1985

and that the rate charged therefor is the same as
that charged for commercial advertising for like
services.



Subscribed and Sworn to, this 20th
day of June 19 85 as
witness my hand and seal of office.


Notary Public in and for Franklin County,
State of Ohio.

CARLA R. DANIEL
MY COMMISSION EXPIRES 7-14-89
NOTARY PUBLIC - STATE OF OHIO

NOTICE OF
PUBLIC HEARING
In accordance with section
713.12 of the Ohio Revised
Code, notice is hereby given
that a public hearing will be
held by Bexley City Council
at 7:00 P.M., Tuesday, July
23, 1985 at Bexley City Hall,
2242 E. Main Street, Bexley,
Ohio 43209 to consider Ordinance No. 31-85 to rezone
the property at 2195 Clifton
Avenue from the R-3 zoning
district to the PUR zoning
district. All interested persons are invited to attend.
6/20

The Columbus Dispatch
Proof of Publication

_____ Court

Case No. _____

vs.

Advertising Fee \$ _____
Notary Fee \$ _____
Total \$ _____