

**STAFF REPORT  
DEVELOPMENT COMMISSION  
ZONING MEETING  
CITY OF COLUMBUS, OHIO  
JUNE 12, 2003**

- 6. APPLICATION: Z03-029**  
**Location:** 1231 BROOKWOOD PLACE (43209), being 5.7± acres located on the west side of College Avenue, 1050 feet south of Livingston Avenue.  
**Existing Zoning:** R-3 Apartment Residential and L-AR-3 Limited Apartment Residential Districts.  
**Request:** L-AR-3 Limited Apartment Residential Districts  
**Proposed Use:** Multi-family residential development.  
**Applicant(s):** Columbus Jewish Federation c/o Harrison W. Smith Jr. Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.  
**Property Owner(s):** Aryeh Gorenstein.  
**Planner:** John Turner, 645-2485; [jmturner@columbus.gov](mailto:jmturner@columbus.gov)

**BACKGROUND:**

- The site is currently a 5.7± acre undeveloped wooded tract of land east of and adjacent to Alum Creek. Approximately 4.69 acres of the site was zoned to the L-AR-3, Limited Apartment Residential District in 1990 and is a part of a larger parcel of land containing a portion of the Columbus Jewish Federation Complex. The applicant plans to split an existing single-family lot to the south and incorporate approximately 1 acre of that lot into this site. The applicant requests the L-AR-3, Limited Residential District to develop a five story, 82-unit apartment house, home for the aging, or similar use. The applicant has also filed a companion Council Variance to permit the development, citing a timing hardship. The Council Variance has not been forwarded to City Council.
- To the north of the site is the Columbus Jewish Federation Complex including the Wexner Heritage House and similar elderly housing and health care uses. To the east and to the south is a single-family subdivision within the R-3, Residential District. Alum Creek, a park, and I-70 lie to the west of the site.
- \*\*This application will replace a site plan required by the existing L-AR-3 District, with a new one contained in the Staff Report Packet. The existing site plan illustrates the location of an apartment building with parking areas beneath and to the north of the proposed building. Staff did not support this previous zoning request citing the need to consolidate the development into one zoning district that treats the complex as one combined development. Staff maintained that a consolidation of the existing zoning districts would prevent the need for piecemeal rezoning, BZA, and Council Variance actions. This position is consistent with City policy for other similar complexes, for example, Children's and Mt Carmel East Hospitals that consolidated into CPD, Commercial Planned Development Districts. The Jewish Federation Complex is located within four separate zoning districts whose boundaries do not always correspond with the parcel lines. This application will rezone a portion of two parcels; the parcel with the proposed building also contains three additional buildings and (all or part of) of three

separate zoning districts (I, Institutional, AR-3, Apartment Residential, and L-AR-3, Limited Apartment Residential). The proposed building also includes a driveway that travels off-parcel into an additional R-3, Residential District that is not a part of this application.

- \*\*This case was presented in an internal Staff Review Meeting in April. Staff had many questions concerning the proposal and requested additional information. As of the preparation of this report, Staff has not received the additional information from the applicant, including the following:
  - A. The site plan includes parcel lines, but does not illustrate the boundaries of the proposed zoning district. Staff is concerned that a portion of the proposed building falls outside the boundaries of both the proposed Zoning District and proposed Council Variance.
  - B. The site plan contains variances that cannot be granted as a part of the rezoning request. These variances could be granted by the Council Variance application (as discussed below). Staff asked the applicant to meet with a Zoning Clearance Officer to identify and list these variances. This will enable Staff to review and evaluate each variance on its own merit.
  - C. The applicant has insisted the Council Variance precede the rezoning application, citing a timing hardship. Staff questions the usage of a Council Variance venue if the use is allowed by the existing L-AR-3 District (Council Variances required the inclusion of a use variance). Ultimately, the applicant wants to use the Council Variance to replace a site plan required by a Limited Zoning District, Staff is uncomfortable with the precedence this will set. If a Council Variance is passed granting variances to the development standard of the underlying district, these variances do not necessarily carry over when the property is rezoned and could result in a development that is non-conforming to those standards. However, Section 3307.10 (a) of the Columbus Zoning Code does permit a Council Variance to vary development standards (without a use variance) when it is in conjunction with a rezoning ordinance. This type of variance must follow the zoning and is an acceptable procedure to address these variances. As of the preparation of this report, the applicant has not agreed to use the Council Variance in this manner.
  - D. Staff requested clarification on the proposed use. The applicant identified the use in the Council Variance as a “multi-family housing for the elderly”, yet the applicant has also indicated the development is an “apartment building” (as with the previous zoning). This distinction is important considering a housing for the elderly use is not permitted in the AR-3 District. The applicant can use the Council Variance to permit a use not permitted within the existing district, but the applicant requests to rezone the property into the L-AR-3 District (thereby creating a non-conforming use).
- \*\*The applicant could consolidate the property into one comprehensive zoning district, such as a CPD, Commercial Planned Development District with only I, Institutional uses permitted and include variances to treat the complex as one consolidated development. This would address many of the issues that persist with this application and would

reduce the likelihood of future zoning actions. As submitted, Staff cannot guarantee the applicant will receive a Certificate of Zoning Clearance.

- \*\*Staff is also concerned with the layout of the proposed development as illustrated on the site plan. Within the existing site plan, the development is designed in a manner that reduces its impact on the adjacent single-family neighborhood. It preserves a significant tree stand that serves as a buffer between the neighborhood and the proposed building and parking area. The proposed site plan orients the building toward the east and places the parking area where the wooded area is located, thus removing the natural buffer. Site is also within the floodway and floodway fringe, as shown on floodplain map enclosed. The applicant will have to comply with regulations contained in Section 3385, Flood Plain Development.

**CITY DEPARTMENTS' RECOMMENDATION:** \*\*Approval.

The site is the southern portion of the Columbus Jewish Federation complex and is zoned in the L-AR-3, Limited Residential (Z90-018) and R-3, Residential Districts. The complex is developed with a variety of institutional uses, including: housing and health care facility for the elderly, a recreation center and temple. Some of the uses were permitted by past council variance actions, others by zoning to the AR-3 and I, Institutional Districts. The applicant requests the L-AR-3, Limited Apartment Residential District to replace a site plan required with the previous zoning and incorporate half of a single-family lot to the south. A Council Variance is also pending to approve the development proposal before the passage of this rezoning application (citing timing hardship).

As outlined in this report, many complex zoning issues remain with these two applications that have not been addressed by the applicant. As with City Departments' Recommendation with the previous L-AR-3 District request, Staff recommends expansion of the rezoning to incorporate the entire Federation site into one comprehensive zoning, a more straightforward approach to the zoning.

\*\* Before the Development Commission Meeting, the applicant revised the application to address the outstanding issues discussed in the report and agreed to rezone the property before the adoption of the Council Variance. The site plan discussed in this report is no longer a part of this application, but is a requirement of the companion Council Variance. Staff is satisfied that the issues outlined in the report are sufficiently addressed and can therefore recommend approval.