



## Legislation Details (With Text)

**File #:** 0905-2008      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/21/2008      **In control:** Zoning Committee  
**On agenda:** 7/21/2008      **Final action:** 7/23/2008  
**Title:** To rezone 253 EAST TWELFTH AVENUE (43201), being 1.93± acres located on the south side of East Twelfth Avenue, 150± feet east of Summit Street, From: C-4, Commercial and P-1, Parking Districts, To: CPD, Commercial Planned Development District (Z08-014).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0905-2008attachments.pdf, 2. City Council Data Form\_Z08-014.pdf, 3. 0905and0985Label Sets.pdf, 4. Amendment ORD0905-2008attachments.pdf

| Date      | Ver. | Action By             | Action                                 | Result |
|-----------|------|-----------------------|--|--------|
| 7/23/2008 | 2    | CITY CLERK            | Attest                                 |        |
| 7/22/2008 | 2    | MAYOR                 | Signed                                 |        |
| 7/21/2008 | 1    | Zoning Committee      | Taken from the Table                   | Pass   |
| 7/21/2008 | 2    | Zoning Committee      | Approved as Amended                    | Pass   |
| 7/21/2008 | 2    | Zoning Committee      | Amended as submitted to the Clerk      | Pass   |
| 7/21/2008 | 2    | COUNCIL PRESIDENT     | Signed                                 |        |
| 7/14/2008 | 1    | Zoning Committee      | Tabled to Certain Date                 | Pass   |
| 7/7/2008  | 1    | Columbus City Council | Read for the First Time                |        |
| 7/3/2008  | 1    | Dev Zoning Drafter    | Sent to Clerk's Office for Council     |        |
| 6/23/2008 | 1    | City Clerk's Office   | Sent back for Clarification/Correction |        |
| 6/18/2008 | 1    | Dev Zoning Reviewer   | Reviewed and Approved                  |        |
| 6/18/2008 | 1    | Dev Zoning Drafter    | Sent for Approval                      |        |
| 6/18/2008 | 1    | DEVELOPMENT DIRECTOR  | Reviewed and Approved                  |        |
| 6/18/2008 | 1    | Dev Zoning Drafter    | Sent to Clerk's Office for Council     |        |
| 5/21/2008 | 1    | Dev Zoning Drafter    | Sent for Approval                      |        |

**REZONING:** Z08-014

**APPLICANT:** Timothy Welsh; 1838 Ridgeview Road; Upper Arlington, OH 43221.

**PROPOSED USE:** Commercial and second floor residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on April 10, 2008.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District

will allow a mixed use development that is consistent with surrounding residential and commercial uses. The CPD text contains use restrictions and customary development standards for setbacks, landscaping and lighting controls.

To rezone **253 EAST TWELFTH AVENUE (43201)**, being 1.93± acres located on the south side of East Twelfth Avenue, 150± feet east of Summit Street, From: C-4, Commercial and P-1, Parking Districts, To: CPD, Commercial Planned Development District (Z08-014).

**WHEREAS**, application #Z08-014 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.93± acres from C-4, Commercial and P-1 Parking Districts, to CPD, Commercial Planned Development District; and

**WHEREAS**, the Development Commission recommends approval of said zoning change; and

**WHEREAS**, the University Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow a mixed use development that is consistent with surrounding residential and commercial uses. The CPD text contains use restrictions and customary development standards for setbacks, landscaping and lighting controls.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

To rezone **253 EAST TWELFTH AVENUE (43201)**, being 1.9± acres located on the south side of East Twelfth Avenue, 150± feet east of Summit Street, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 1.931 acre tract of which being part of a Vacated 20 foot-wide in Vacation Ordinance No. 1328-63, and Lots 49 - 60 of Dennison Summit Addition, as shown and delineated in Plat Book 6, Page 15A, said Lots 49 - 60 being conveyed to ZBP-K, LLC (1/2 Interest), by deed of record in Instrument Number 200709180164168 and HTZ, LLC (1/2 Interest), by deed of record in Instrument Number 200709180164166, all records herein are from the Recorder's Office, Franklin County, Ohio, said 1.931 acre tract being more particularly described as follows:

BEGINNING at a set iron pipe on the southerly right-of-way of 12th Avenue (60' R/W) and the westerly right-of-way of a 20 foot-wide Alley, said iron pipe also being the northeast corner of said 1.931 acre tract and the northeast corner of said Lot 54;

Thence South 00°00'00" East, a distance of 323.60 feet, along the westerly right-of-way of said Alley and the easterly line of said 1.931 acre tract, to a set iron pipe at the southeast corner of said 1.931 acre tract and the southeast corner of Lot 55 and on the northerly right-of-way of Chittenden Avenue (60' R/W);

Thence North 90°00'00" West, a distance of 260.00 feet, along the northerly right-of-way of said Chittenden Avenue and the southerly line of said 1.931 acre tract to a set iron pipe at the southwest corner of said 1.931 acre tract and said Lot 60 and on the easterly right-of-way of a 20 foot-wide Alley;

Thence North 00°00'00" East, a distance of 323.60 feet, along the easterly right-of-way of said Alley and the westerly line of said 1.931 acre tract, to a set iron pipe at the northwest corner of said 1.931 acre tract and said Lot 49 and on the southerly right-of-way of said 12th Avenue;

Thence North 90°00'00" East, a distance of 260.00 feet, along the southerly right-of-way of said 12th Avenue and the northerly line of said 1.931 acre tract, to the POINT OF BEGINNING, containing 1.931 acres more or less. Being subject to all easements, restrictions, and right-of-ways of record.

The above description was based on an actual field survey performed by "Civil and Environmental Consultants, Inc.", in October, 2007

All iron pipes set are 3/4 inch in DIA. by 30 inches in length with an I.D. cap bearing the name "CEC PROP COR".

Bearings are based on the centerline of Chittenden Avenue, having an angle which bears North 90°00'00" West, as shown in Plat Book 6, Page 15A.

To Rezone From: C-4, Commercial District.

To: CPD, Commercial Planned Development District.

**Section 2.** That a Height District of Sixty (60) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**Section 3.** That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "East Village The Site Plan S100 and S101," signed by Timothy Welsh, Applicant and dated May 1, 2008, and text titled, "CPD TEXT The East Village ," signed by Timothy Welsh, Applicant and dated June 4, 2008, and the text reading as follows:

CPD TEXT  
The East Village

PROPOSED DISTRICT: CPD  
PROPERTY ADDRESS: 253 East 12<sup>th</sup> Avenue  
OWNERS: ZBP Partnership, 243 East 12<sup>th</sup> Avenue  
APPLICANT: Timothy Welsh/ JC Hanks, 1838 Ridgeview Road  
DATE OF TEXT: June 4, 2008  
APPLICATION NUMBER: Z08-014

### I. Introduction

The subject property consists of 1.94 acres (84,000 sf) of real property (the "Property"), which is located on East 12<sup>th</sup> Avenue, and extends south to Chittenden Avenue, is bound to the east and west by existing apartment buildings and being developed by the Applicant. Applicant is in contract with the Owner to purchase and redevelop the property. The site is currently one parcel with two zoning districts of C4 and P1.

The Applicant is requesting the entire 1.94 acre Property be combined into a CPD Property, which will constitute the Property under this Application. The Property will be subject to this CPD Text.

The requested rezoning will meet the need for quality housing in the south campus area, and replace a large vacant parking lot. The rezoning will enhance the quality of life, visual appeal of the area, increase safety and take its planning cues from the Weinland Park Neighborhood Plan as adopted July 24, 2006.

It is acknowledged by the UAC and the applicant that this density is less than the current density allowed under C4 zoning.

### II. Permitted Uses

Subject to the limitations set forth below, the Property may only be used for those uses allowed in C4 zoning district Section 3356.03.

### III. Development Standards

Reference to the attached Site Plans S100 AND S101 (the "Plans") is made herein. The Plans set forth a layout of the proposed development of the Property. The setbacks will conform to the Urban Commercial Overlay, code section 3372.609. Other elements of the Plan, including but not limited to exact locations of structures, streets and landscaping, may be modified subject to any

necessary approval of the relevant City agencies.

**A. Density and, Lot and/or Setbacks Commitments**

1. Maximum calculated floor area, for both commercial and residential areas, shall not exceed 83,500 square feet and subject to the following:
  - a. Maximum residential floor area shall not exceed 76,000 square feet.
  - b. Maximum commercial floor areas shall not exceed 7,500 square feet.
2. Commercial uses shall be located within sixty (60) feet of the Chittenden Ave. right of way.
3. Maximum residential density shall not exceed 238 Bedrooms.
4. Except for garages, the minimum building setback from any property line is zero (0) feet and the maximum setback is twenty (20) feet. The minimum building setback for garages is fifteen (15) feet from the property line and the maximum is not limited.

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

1. The primary access to the Property will be at a new full service connection on Chittenden Ave.
2. The Project shall provide a minimum parking cont per the following calculations.
  - a. Areas designated as Residential Flats and Townhouse Units shall provide 0.66 parking spaces per bedroom.
  - b. Areas designated Retail shall proved 1 space per 250 square feet of gross floor area.
  - c. Areas designated Rental Office or Club house are not required to provide additional parking.
3. Non-handicap spaces shall be 8'-6" wide and 18'-0" deep. Not more then half of the required spaces shall be stacked spaces.

**C. Building Height.**

1. The property shall be classified as a sixty (60) foot height district and designate H-60 with the following limitations:
  - a. Base grade elevation shall refer to the contour line of 782 sea level elevation.
  - b. No portion of a building shall extend more the forty (40) feet above the base grade elevation.
  - c. The height district exceptions in cc 3309.142 shall apply to structures above forty (40) feet above base grade elevation.
  - d. There shall be no occupied space above forty (40) feet from the base grade elevation.
  - e. Any buildings that have residential units at grade, shall be no more than three stories tall and shall not exceed 35'-0" above base grade elevation.

**D. Landscaping Commitments**

1. An aggregate area totaling not less than ten thousand (10,000) sf shall be landscape area. Landscape area shall be defined as any of the following:
  - a. Areas planted with grass
  - b. Mulch beds with live vegetation
  - c. Concrete pavers areas with a minimum of 50% open cells. Only 50% of these areas will apply to the landscape area .
2. All installed landscaping shall be maintained in a healthy state, and installed landscaping which dies, will be replaced within six months or the next planting season, whichever is first..
3. Typical size of trees at installation shall be four (4) inch caliper for deciduous, two (2) inch caliper for ornamental, six (6) feet in height for evergreens, and twenty-four (24) inch in height for ornamental shrubs. Tree caliper is measured six (6) inches from the ground.

**E. Other Environmental Commitments**

1. All internal street lighting shall be on black decorative standards with a height no greater than fourteen feet.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Lighting shall not exceed .1 foot-candle anywhere along the centerline of a public street or alley.
5. The Applicant elects to dispose of trash privately; trash disposal shall be through dumpsters stored in areas concealed from public view.
  - a. At least one spot on the site shall be dedicated to the collection of recyclable waste and disposed of by a qualified recycling service.

**F. Graphics and/or Signage Commitments**

1. All graphics and signage shall comply with the Commercial Planned Development District Standards of the Graphics Code, Title XV of Title 30, Columbus Zoning Code, and any variance to those standards shall be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments**

1. Bike racks will be provided to accommodate 1 bicycle for every 10 bedrooms on the site.

**H. Variance Requests Summary**

1. Urban Commercial Overlay
  - a. The building setback shall be changed from 0 to 10 foot max to 0 to 20 foot max. Refer to III A.4 of this text.
  - b. Fencing will not be required.
2. City of Columbus Zoning Code
  - a. Change the allowable commercial uses to include residential amenity space, club house, and leasing office.
  - b. Parking to be reduced from 2 per dwelling unit to .66 per bedroom. Refer to section III B.2 of this text.
  - c. Parking to be reduced from 1/250sf for commercial space to none required for rental office or club house uses. Refer to section III B.2 of this text.
  - d. Parking space size per section III B 3 of this CPD text.
4. City of Columbus Council Variance
  - a. Allow residential uses on the first floor.
  - b. Allow parking below residential use.

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