



## Legislation Details (With Text)

**File #:** 3069-2016      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 11/21/2016      **In control:** Zoning Committee

**On agenda:** 12/12/2016      **Final action:** 12/15/2016

**Title:** To rezone 350 EAST BARTHMAN STREET (43207), being 1.58± acres located at the northeast corner of Barthman Avenue and Washington Avenue, From: R-3, Residential and C-4, Commercial districts, To: L-AR-O, Limited Apartment Office District (Z16-055).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3069-2016.Attachments Amendment, 2. ORD3069-2016.Attachments, 3. ORD3069-2016.Labels

Date	Ver.	Action By	Action	Result
12/15/2016	2	CITY CLERK	Attest	
12/14/2016	2	MAYOR	Signed	
12/12/2016	2	COUNCIL PRESIDENT	Signed	
12/12/2016	1	Zoning Committee	Approved as Amended	Pass
12/12/2016	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

**Rezoning Application: Z16-055**

**APPLICANT:** City of Columbus and Community Housing Network, Inc.; c/o John Turner; Land Bank, Department of Development; 50 West Gay Street, 4th Floor; Columbus, OH 43215; Dave Perry, Agent; David Perry Company, Inc.; 423 East Town Street, 2nd Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 423 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development and community garden.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on November 10, 2016.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 1.58± acre site consists of thirteen undeveloped parcels zoned in the R-3, Residential and C-4, Commercial districts. The applicant is requesting to rezone the property to the L-AR-O, Limited Apartment Office District to allow construction of a 62-unit apartment development (Subarea A) and a community garden (Subarea B). Limitations in the text include commitments to a maximum density of 62 units, building height, setbacks and site access, as well as commitment to a site plan. The site is within the planning area of the *Southside Plan* (2014), which recommends “Neighborhood Mixed Use” for this location. Staff finds that the proposed L-AR-O, Limited Apartment Office District is consistent with the *Southside Plan* recommendation and surrounding development patterns. A concurrent Council variance (Ordinance # 3070-2016 (CV16-053)) has been filed to vary development standards for landscaping and screening, parking setbacks, minimum number of parking spaces required,

building lines, and rear yard requirements.

To rezone **350 EAST BARTHMAN STREET (43207)**, being 1.58± acres located at the northeast corner of Barthman Avenue and Washington Avenue, **From:** R-3, Residential and C-4, Commercial districts, **To:** L-AR-O, Limited Apartment Office District (Z16-055).

**WHEREAS**, by application No. Z16-055 is on file with the Building and Zoning Services Department requesting rezoning of 1.58± acres from R-3, Residential and C-4, Commercial districts, to L-AR-O, Limited Apartment Office District; and

**WHEREAS**, the Development Commission recommends approval; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested L-AR-O, Limited Apartment Office District is consistent with the *Southside Plan* and surrounding development patterns; now, therefore:

**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:

**350 EAST BARTHMAN STREET (43207)**, being 1.58± acres located at the northeast corner of Barthman Avenue and Washington Avenue, and being more particularly described as follows:

**Subarea A**

Situated in the State of Ohio, County of Franklin, City of Columbus, and containing 1.088 acres of land, more or less, and being part of Lots 53-59 and 74, and all of Lots 75-81 of Twentieth Century Addition, as said Lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 496 (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being part of that 20 foot Alley lying south of said Lots 53-59, east of Washington Avenue (50 feet in width) and north of Lots 74-81, said Alley being Vacated by Ordinance Number 0851-2011, also being all out of those lands conveyed to the City of Columbus, Ohio, of record in Instrument Numbers 200605110091236, 200605050085964, 200605160095352 and 200709060157535, said 1.088 acre tract being more particularly described as follows:

Beginning at a ¾ inch iron pipe found at the southwesterly corner of said Lot 81, also being in the easterly Right of Way line of said Washington Avenue, also being in the northerly Right of Way line of Barthman Avenue (50 feet in width);

Thence with the easterly Right of Way line of said Washington Avenue, also with the westerly line of said Lot 81, and continuing with the westerly line of said Vacated Alley and said Lot 53, North 3°30'37" East, a distance of 220.42 feet to an iron pipe set;

Thence with a new line, across and through said Lot 53, and continuing across and through said Lots 54, 55, 56, 57, 58 and 59, South 86°21'57" East, a distance of 215.00 feet to an iron pipe set;

Thence with a new line, across and through said Lot 59, and continuing across and through said Vacated Alley and said Lot 74, South 3°30'37" West, a distance of 220.34 feet to an iron pipe set in the northerly Right of Way line of said Barthman Avenue;

Thence with the northerly Right of Way line of said Barthman Avenue, also with the southerly line of said Lot 74, and continuing with the southerly line of said Lots 75, 76, 77, 78, 79, 80 and 81, North 86°23'12" West, a distance of 215.00

feet to the point of beginning, and containing 1.088 acres of land, more or less (0.110 acre out of Parcel # 010-038969, 0.110 acre out of Parcel # 010-006808, 0.110 acre out of Parcel # 010-026703, 0.110 acre out of Parcel # 010-026702, 0.110 acre out of Parcel # 010-011538, 0.110 acre out of Parcel # 010-031850, 0.041 acre out of Parcel # 010-018541, 0.046 acre out of Parcel # 010-017613, 0.046 acre out of Parcel # 010-034861, 0.046 acre out of Parcel # 010-025654, 0.046 acre out of Parcel # 010-004231 and 0.091 acre out of Parcel # 010-066838).

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of Washington Avenue was assigned an assumed bearing of North 3°30'37" East, and all others calculated from this meridian.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2016.

**Subarea B**

Situated in the State of Ohio, County of Franklin, City of Columbus, and containing 0.494 acre of land, more or less, and being part of Lots 53-59, of Twentieth Century Addition, as said Lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 496 (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being all out of those lands conveyed to the City of Columbus, Ohio, of record in Instrument Numbers 200605110091236, 200605160095348, 200605160095352 and 200709060157535, said 0.494 acre tract being more particularly described as follows:

Beginning at an iron pipe set at the northwesterly corner of said Lot 53, also being in the easterly Right of Way line of Washington Avenue (50 feet in width), also being in the southerly Right of Way line of Reeb Avenue (50 feet in width);

Thence with the southerly Right of Way line of said Reeb Avenue, also with the northerly line of said Lot 53, and continuing with the northerly line of said Lots 54, 55, 56, 57, 58 and 59, South 86°21'57" East, a distance of 215.00 feet to an iron pipe set;

Thence with a new division line, across and through said Lot 59, South 3°30'37" West, a distance of 100.00 feet to an iron pipe set;

Thence with a new line, across and through said Lot 59, and continuing across and through said Lots 58, 57, 56, 55, 54 and 53, North 86°21'57" West, a distance of 215.00 feet to an iron pipe set in the westerly line of said Lot 53, also being in the easterly Right of Way line of said Washington Avenue;

Thence with the easterly Right of Way line of said Washington Avenue, also with the westerly line of said Lot 53, North 3°30'37" East, a distance of 100.00 feet to the point of beginning, and containing 0.494 acre of land, more or less (0.005 acre out of Parcel # 010-017613, 0.071 acre out of Parcel # 010-017962, 0.152 acre out of Parcel # 010-066838, 0.076 acre out of Parcel # 010-034861, 0.076 acre out of Parcel # 010-025654, 0.076 acre out of Parcel # 010-004231 and 0.039 acre out of Parcel # 010-018541).

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of Washington Avenue was assigned an assumed bearing of North 3°30'37" East, and all others calculated from this meridian.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2016.

**To Rezone From:** R-3, Residential District and C-4, Commercial District

**To:** L-AR-O, Limited Apartment Office District

**SECTION 2.** That a Height District of sixty (60) feet is hereby established on the L-AR-O, Limited Apartment Office District on this property.

**SECTION 3.** That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved L-AR-O, Limited Apartment Office District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plan being titled, “**PROPOSED SITE PLAN**,” and text titled, “**DEVELOPMENT TEXT**,” both dated November 11, 2016, and signed by David Perry, Agent and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**EXISTING DISTRICT:** C-4, Commercial and R-3, Residential

**PROPOSED DISTRICT:** L-AR-O, Limited Apartment Office

**PROPERTY ADDRESS:** 350 E. Barthman Avenue, Columbus, OH 43207

**APPLICANT:** City of Columbus c/o John Turner, Land Bank, Department of Development, 50 W. Gay Street, Columbus, OH 43215, and Community Housing Network, Inc., c/o Dave Perry, David Perry Co., Inc., 423 E. Town Street, Second Floor, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 423 E. Town Street, Second Floor, Columbus, OH 43215

**OWNER:** City of Columbus c/o John Turner, Land Bank, Department of Development, 50 W. Gay Street, Columbus, OH 43215

**DATE OF TEXT:** November 11, 2016

**APPLICATION NUMBER:** Z16-055

**INTRODUCTION:**

The subject property is 1.581 +/- acres located at the northeast corner of E. Barthman Avenue and S. Washington Avenue. Applicant proposes to divide the site into two (2) subareas, as follows: Subarea A: 1.088 acres, for development of a 62 unit apartment building, and Subarea B: 0.494 acres, for a community garden/fruit park. The plan titled “350 East Barthman Avenue, Proposed Site Plan”, hereafter “Site Plan”, dated 11-11-2016, referenced in Section 2.G., is submitted as the development plan for the site. Council Variance application CV16-053 is a companion ordinance to this rezoning for applicable variances.

**Subarea A**

**1. PERMITTED USES:** The permitted uses of Subarea A shall be all uses of Section 3333.04, Permitted Uses in AR-O Apartment Office District.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply. Council variance application CV16-053 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

**A. Density, Height, Lot and/or Setback Commitments.**

1. There shall be a maximum of 62 dwelling units in Subarea A.

2. The height district shall be H-60 and maximum building height shall be 44 feet, as measured by Section 3303.08, Letter H.

3. The minimum perimeter building setbacks along the external perimeter property lines of Subarea A shall be as noted on the Site Plan.

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

There shall be a single vehicular access point located on E. Barthman Avenue, as depicted on the Site Plan.

**C. Buffering, Landscaping, Open Space, and/or Screening Commitments.**

Buffering, landscaping and screening commitments shall be as depicted on the Site Plan.

**D. Building design and/or Interior-Exterior treatment commitments.**

N/A

**E. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments.**

N/A

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it - applies to the AR-O, Apartment Residential Office District. All ground sign(s) shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-O, Apartment Residential District shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. The plan titled “350 East Barthman Avenue, Proposed Site Plan”, dated 11-11-2016, signed by David B. Perry, Agent, and Donald Plank, Attorney, is the development plan for the site. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.
3. See also CV16-053.

**Subarea B**

1. **PERMITTED USES:** The only permitted use of Subarea B shall be a community garden/fruit park. The term “fruit park” refers to the presence of fruit trees and bushes which may be included in a community garden, as a community garden typically suggests active gardening, such as summer vegetables.
2. **DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts of the Columbus City Code shall apply. Council variance application CV16-053 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

**A. Density, Height, Lot and/or Setback Commitments.**

The minimum perimeter building setbacks along the external perimeter property lines of Subarea B are shown on the Site Plan, subject to CV16-053. Permitted construction in Subarea B shall be consistent with a community garden/fruit park and shall be non-habitable, such as gazebo, trellis, shed, or other garden related structures which may or may not require a Site Compliance Plan and/or Building Permit.

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

There shall be no vehicular access to Subarea B.

**C. Buffering, Landscaping, Open Space, and/or Screening Commitments.**

N/A

**D. Building design and/or Interior-Exterior treatment commitments.**

N/A

**E. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments.**

N/A

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-O, Apartment Residential Office District. All signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-O, Apartment Residential Office District shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. The plan titled "Proposed Site Plan", dated 11-11-2016, signed by ~~John Turner~~ and David B. Perry, Agent, **and Donald Plank, Attorney**, is the development plan for the site. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

3. See also CV16-053.

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