



## Legislation Details (With Text)

**File #:** 1091-2021      **Version:** 1

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

**File created:** 4/23/2021      **In control:** Zoning Committee

**On agenda:** 5/10/2021      **Final action:** 5/13/2021

**Title:** To rezone 915 W. 5TH AVE. (43212), being 2.04± acres located on the south side of West 5th Avenue, 190± feet east of Norton Avenue, From: M, Manufacturing District, To: CPD, Commercial Planned Development District (Rezoning #Z20-104).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1091-2021\_Attachments, 2. ORD1091-2021\_Labels

Date	Ver.	Action By	Action	Result
5/13/2021	1	ACTING CITY CLERK	Attest	
5/12/2021	1	MAYOR	Signed	
5/11/2021	1	COUNCIL PRESIDENT PRO-TEM	Signed	
5/10/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
5/10/2021	1	Zoning Committee	Approved	Pass

### Rezoning Application: Z20-104

**APPLICANT:** WC ECP Monarch, LLC; c/o Dave Perry, David Perry Company, Inc.; 411 E. Town Street, 1st Floor; Columbus, OH 43215 and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Mixed use commercial and apartment residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (3-1-1) on February 11, 2021.

**5<sup>TH</sup> BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a nine parcels developed with the former White Castle District Office and warehouse uses in the M, Manufacturing District. The applicant proposes to redevelop the site as two Subareas (Subarea A and B) with two mixed-use buildings in the CPD, Commercial Planned Development District. The buildings in Subarea A and B will be connected with a pedestrian bridge above South Avenue. Subarea A proposes a five-story building with 3,500± square feet of commercial space and 143 dwelling units. Subarea B proposes a five-story building with 3,950± square feet of commercial space, 53 dwelling units, and structured parking with 326 parking spaces. The structured parking will provide the code required parking for both subareas. The development text commits to a site plan and includes development standards addressing setbacks, site access, building design, and graphics provisions. Variances in the CPD text are included to reduce the minimum number of required parking spaces in Subarea A from 225 to 0, provided that all 225 spaces will be provided in the parking garage in Subarea B, and to permit a maximum building height of 68 feet in the H-60 height district. The site lies within the boundaries of the 5<sup>th</sup> by Northwest Plan (2009), which recommends "Mixed-Use" land uses for Subarea A and "Light Industrial" land uses for Subarea B. The proposal is consistent with recommendations of the *Columbus Citywide Planning Policies*

(C2P2) Design Guidelines (2018). The applicant has filed a concurrent Council variance (ORD #1092-2021; CV21-119) to allow residential uses on the ground floor in the proposed CPD district.

To rezone **915 W. 5<sup>TH</sup> AVE. (43212)**, being 2.04± acres located on the south side of West 5<sup>th</sup> Avenue, 190± feet east of Norton Avenue, **From:** M, Manufacturing District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-104).

**WHEREAS**, application #Z20-104 is on file with the Department of Building and Zoning Services requesting rezoning of 2.04± acres from M, Manufacturing District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the 5<sup>th</sup> by Northwest 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 permit a mixed-use development that is consistent with the land use recommendations of the 5<sup>th</sup> by Northwest Plan, and with the C2P2 Design Guidelines for mixed-use developments regarding building design and context; 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:

**915 W. 5th AVE. (43212)**, being 2.04± acres located on the south side of West 5<sup>th</sup> Avenue, 190± feet east of Norton Avenue, and being more particularly described as follows:

**SUBAREA A**

**LEGAL DESCRIPTION**

**1.04± ACRE**

**ZONING BOUNDARY**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being all of Lot 6 through Lot 9, inclusive, and all of Lot 28 through 31, inclusive, and part of the first 20-foot alley south of Fifth Avenue (Varies), vacated per Ordinance Number 308-41, all being of Salzegeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all as conveyed to White Castle System, Inc. in Deed Book 1916, Page 342, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING** at the southeasterly corner of said Lot 28, also being the intersection of the northerly right-of-way line of South Avenue (50') as delineated in said Plat Book 5, Page 404, and the westerly right-of-way line of Delashmut Avenue (30') (formerly Franklin Avenue as delineated in said Plat Book 5, Page 404);

Thence along the southerly lines of said Lot 28 through Lot 31, inclusive, and the northerly right-of-way line of said South Avenue, North 86°05'08" West, 151.61 feet to the southwesterly corner of said Lot 31, also being the southeasterly corner of Lot 32 of said Salzegeber and Gamper's Subdivision, as conveyed to Turkey Run Inc. in Instrument Number 201709290136218;

Thence along the westerly lines of said Lot 31 and said Lot 5, along the easterly lines of said Lot 32 and Lot 5, also as conveyed to Turkey Run Inc. in Instrument Number 201709290136218, and across said vacated 20-foot alley, North 03° 54'52" East, 299.62 feet to the northwesterly corner of said Lot 6, also being the northeasterly corner of said Lot 5, also being on the southerly right-of-way line of said Fifth Avenue;

Thence along the northerly lines of said Lot 6 through Lot 9, inclusive, and along the southerly right-of-way line of said

Fifth Avenue, South 86°05'08" East, 151.61 feet to the northeasterly corner of said Lot 9, also being the intersection of the southerly right-of-way line of said Fifth Avenue and the westerly right-of-way line of said Delashmut Avenue; Thence along the easterly lines of said Lot 9 and said Lot 6, along the easterly terminus of said vacated 20-foot alley, and the westerly right-of-way line of said Delashmut Avenue, South 03°54'52" West, 299.62 feet to the southeasterly corner of said Lot 28, also being the intersection of the northerly right-of-way line of said South Avenue and the westerly right-of-way line of said Delashmut Avenue being the **POINT OF BEGINNING**, containing 1.04 acres, more or less. This description is based on records and written by E.P. Ferris & Associates in November 2020, and is intended to be used for zoning purposes only.

**SUBAREA B**

**LEGAL DESCRIPTION**

**1.00± ACRE**

**ZONING BOUNDARY**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being all of Lot 37 through Lot 45, inclusive, of Salzegeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, as conveyed to RTR of Columbus Limited, an Ohio Limited Liability Company in Instrument Number 201210180157467 (Lot 37 and Lot 38) and as conveyed to Monarch BLDG, LLC, an Ohio Limited Liability Company in Instrument Number 200510240223086, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING** at the northeasterly corner of said Lot 45, also being the intersection of the southerly right-of-way line of South Avenue (50') as delineated in said Plat Book 5, Page 404, and the westerly line of Delashmut Avenue (30') (formerly Franklin Avenue as delineated in said Plat Book 5, Page 404);

Thence along the easterly line of said Lot 45 and along the westerly right-of-way line of said Delashmut Avenue, South 03°54'52" West, 129.62 feet to the southeasterly corner of said Lot 45, also being the intersection of the westerly right-of-way line of said Delashmut Avenue and the northerly right-of-way line of a 20-foot alley, as delineated in said Plat Book 5, Page 404;

Thence along the southerly lines of said Lot 37 through Lot 45, inclusive, and along the northerly right-of-way line of said 20-foot alley, North 86°05'08" West, 336.61 feet to the southwesterly corner of said Lot 37, also being the intersection of the northerly right-of-way line of said 20-foot alley and the easterly right-of-way line of Norton Avenue (50');

Thence along the westerly line of said Lot 37 and along the easterly right-of-way line of said Norton Avenue, North 03° 54'52" East, 129.62 feet to the northwesterly corner of said Lot 37, also being the intersection of the easterly right-of-way line of said Norton Avenue and the southerly right-of-way line of said South Avenue;

Thence along the northerly lines of said Lot 37 through Lot 45, inclusive, and along the southerly right-of-way line of said South Avenue, South 86°05'08" East, 336.61 feet to the northeasterly corner of said Lot 45, also being the intersection of the southerly right-of-way line of said South Avenue and the westerly line of said Delashmut Avenue, being the **POINT OF BEGINNING**, containing 1.00 acres, more or less.

This description is based on records and written by E.P. Ferris & Associates in November 2020, and is intended to be used for zoning purposes only.

Parcel Numbers: 010-063098, 010-063099, 010-063100, 010-063101, 010-063102, 010-063107, 010-063288, 010-063110, and 010-063199.

Property Address: 915 West 5<sup>th</sup> Avenue; Columbus, Ohio 43212.

**To Rezone From:** M, Manufacturing 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 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 CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plans being titled, “**ZONING SITE PLAN,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT,**” both dated March 30, 2021, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

**DEVELOPMENT TEXT**

**EXISTING ZONING: M, Manufacturing**

**PROPOSED ZONING: CPD, Commercial Planned Development**

**PROPERTY ADDRESS: 915 W 5<sup>th</sup> Avenue, Columbus, OH 43212**

**APPLICANT: WC ECP Monarch, LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215**

**OWNER: White Castle Systems, Inc, et. al. c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215**

**DATE OF TEXT: March 30, 2021**

**APPLICATION NUMBER: Z20-104**

**INTRODUCTION:**

The site is a total of 2.04 +/- acres consisting of two (2) tracts separated by South Avenue. The 2.04 +/- acres, zoned M, Manufacturing, is proposed to be rezoned to CPD, Commercial Planned Development for development with commercial, multi-family and structured parking use. Subarea A (1.04 +/- acres) fronts on W. 5<sup>th</sup> Avenue, is located 190 +/- feet east of Norton Avenue and is proposed to be developed with a five (5) story building with 3,500 +/- SF of commercial use on the W Fifth Avenue frontage and 143 dwelling units, including ground level dwelling units. Subarea B is located to the south of Subarea A, on the south side of South Avenue, a public street, 350 feet south of W. 5<sup>th</sup> Avenue and adjacent to the east side of Norton Avenue. Subarea B is 1.00 +/- acres proposed to be developed with a five (5) story building with 3,950 SF of commercial use on the Norton Avenue frontage, 53 dwelling units and structured parking with 326 parking spaces. The structured parking/326 parking spaces will provide code required parking for Subareas A and B. Subareas A and B will have a pedestrian bridge connection above South Avenue at approximately 25 feet clear height above South Avenue pavement grade, to connect Subareas A and B for access to the structured parking located on Subarea B. The site plan titled “Zoning Site Plan”, dated March 30, 2021, hereafter “Site Plan”, is submitted with this application as the site plan for Subareas A and B. See also CV20-119.

**SUBAREA A, 1.04 +/- ACRES:**

**1. PERMITTED USES:** Permitted uses shall be all uses of Section 3356.03, C-4 Permitted Uses.

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, and Chapter 3372, Planning Overlay, as applicable to the Urban Commercial Overlay (UCO).

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

Height District shall be H-60, and building height shall be a maximum of 68 feet. See Section H, Modification of Code Standards.

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

1. There shall be no direct vehicular access to W. 5<sup>th</sup> Avenue.
2. Subarea A required parking of 225 spaces is reduced to zero (0) spaces on Subarea A, subject to 225 spaces (min.) being provided for Subarea A in the parking structure to be located in Subarea B.

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

N/A.

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

Building architecture shall be four (4) sided, meaning the building shall have the same level and quality of finish on all sides.

**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 C-4, Commercial District, and Section 3372.606, Graphics (Urban Commercial Overlay). Any ground sign shall be monument-style and shall not exceed eight (8) feet above grade. Any variance to applicable sign requirements, other than the maximum monument-style ground sign height, shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: Subarea A is located on the south side of West 5<sup>th</sup> Avenue, 190 +/- feet east of Norton Avenue.
2. Existing Land Use: The existing building(s) and parking lot will be removed for redevelopment of the site. Commercial and manufacturing uses are located in all directions from the site.
3. Circulation: There shall be no direct vehicular access to W 5<sup>th</sup> Avenue.
4. Visual Form of the Environment: The proposed uses are appropriate for location. W. 5<sup>th</sup> Avenue is an arterial right of way with many commercial uses.
5. Visibility: The site is visible from W. 5<sup>th</sup> Avenue.
6. Proposed Development: Commercial and residential development as permitted by this text and as depicted on the referenced Site Plan.
7. Behavior Patterns: There shall be no direct vehicular access to W 5<sup>th</sup> Avenue.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

**H. Modification of Code Standards.**

1. Section 3309.14, Height Districts, to permit a maximum building height of 68 feet in the H-60 height district.
2. Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 225 spaces to zero (0) spaces on Subarea A, subject to 225 spaces being provided for Subarea A in the parking garage on Subarea B.

**I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. Development of the site shall be in accordance with the Site Plan titled "Zoning Site Plan", dated March 30, 2021 and

signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, The Site 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 to the Plan 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.

**SUBAREA B, 1.00 +/- acres:**

**1. PERMITTED USES:** Permitted uses shall be all uses of Section 3356.03, C-4, Permitted Uses.

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

1. Height District shall be H-60 and building height shall be a maximum of 68 feet. See Section H, Modification of Code Standards.

2. Subarea B building setback lines shall be as follows: Norton Avenue: 5 feet (min.) ; South Avenue, 1 foot (min.) building setback, 0 feet for elevated pedestrian walkway.

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

1. Vehicular access for Subarea B shall be from South Avenue.

2. The structured parking on Subarea B shall contain a minimum of 326 parking spaces. Required parking for both Subareas A and B is 311 parking spaces. A minimum of 311 parking spaces shall be provided in the Subarea B parking structure as the required parking for Subareas A and B.

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

Three (3) street trees shall be provided on the Norton Avenue frontage of Subarea B. the trees may be in the Norton Avenue right of way with permission of the City of Columbus.

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

Subarea B shall have enclosed, habitable buildings on the east and west ends of Subarea B with a multi-level open parking structure connecting the enclosed, habitable buildings on the east and west ends of Subarea B. The north side of the parking garage shall be screened. Specific screening may be a green wall, art or other materials on the north elevation.

**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 C-4, Commercial District. Any ground sign shall be monument-style and shall not exceed eight (8) feet above grade. Any variance to applicable sign requirements, other than the maximum monument-style ground sign height, shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: Subarea B is located to the south of Subarea A, on the south side of South Avenue, a public street, 350 feet south of W. 5<sup>th</sup> Avenue and adjacent to the east side of Norton Avenue.
2. Existing Land Use: The existing buildings will be removed for redevelopment of the site. Commercial, manufacturing and multi-family uses are located in all directions from Subarea B.
3. Circulation: Subarea B shall have a single vehicular access point on South Avenue. .
4. Visual Form of the Environment: The proposed uses are appropriate for location.
5. Visibility: The site is visible from Norton Avenue and South Avenue.
6. Proposed Development: Commercial, residential and structured parking as permitted by this text and as depicted on the referenced Site Plan.
7. Behavior Patterns: Vehicular access will be from South Avenue.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

#### **H. Modification of Code Standards.**

1. Section 3309.14, Height Districts, to permit a maximum building height of 68 feet in the H-60 height district.
2. Section 3321.05(A)(1), Vision Clearance, to reduce the 10'x10' clear vision triangle on the entrance and exit lanes of the parking structure to 8'x8' and 1'x1' , respectively.
3. Section 3356.11(A)(2)(3), C-4, District Setback Lines, to reduce the Norton Avenue building setback line from 8.5 feet to 7 feet and to reduce the South Avenue building setback line from 25 feet to 1 foot for the building and to zero (0) feet for the pedestrian bridge connection Subarea A and B.

#### **I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. Development of the site shall be in accordance with the Site Plan titled "Zoning Site Plan", dated March 30, 2021 and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, The Site 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 to the Plan 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.

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