



## Legislation Text

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**File #: 2699-2021, Version: 1**

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**Rezoning Application: Z21-026**

**APPLICANT:** CGV, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East 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:** Multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on August 12, 2021.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 8.26± acre site consists of several parcels and is part of the Clark Grave Vault Company land, currently zoned in the M, Manufacturing District. Two sites are proposed for multi-unit residential development. The proposal for Site 1 includes rezoning to the AR-3, Apartment Residential District. The proposal for Site 2 includes rezoning to the AR-1, Apartment Residential District. The site is within the Short North Special Parking Area and is within the planning boundaries of the *Italian Village East Redevelopment Plan (2000)*, which recommends manufacturing land uses at this location. The Plan also states that the East 5<sup>th</sup> Avenue corridor should have a mix of uses including residential uses, and that there should be buffering along industrial uses. Despite the manufacturing land use recommendation for the site, staff recognizes that recent development patterns along and near East 5<sup>th</sup> Avenue include dense, multi-unit residential development, and the proposed use is compatible and appropriate. Because the development will begin with Site 1 on the East 5<sup>th</sup> Avenue frontage, and will progress to Site 2, a private road is proposed through the site to provide access to the Clark Grave Vault Company, which will remain in operation on property to the south and east of the site. A concurrent Council variance (Ordinance #2700-2021; CV21-037) has been filed to allow this commercial access, along with additional development standard variances for the proposed multi-unit residential development.

To rezone **375 E. 5TH AVE. (43201)**, being 8.26± acres located on the south side of East 5th Avenue, south of the terminus of North Grant Avenue, From: M, Manufacturing District, To: AR-3, Apartment Residential District and AR-1, Apartment Residential District (Rezoning #Z21-026).

**WHEREAS**, application #Z21-026 is on file with the Department of Building and Zoning Services requesting rezoning of 8.26± acres from M, Manufacturing District, to AR-3, Apartment Residential and AR-1, Apartment Residential districts; and

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

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested AR-1 and AR-3, Apartment Residential districts will allow multi-unit residential developments that are compatible with adjacent residential properties. The proposal is also consistent with the recent residential development patterns of the area and with

the general land use recommendations of the *Italian Village East Redevelopment Plan*; 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**375 E. 5TH AVE. (43201)**, being 8.26± acres located on the south side of East 5th Avenue, south of the terminus of North Grant Avenue, and being more particularly described as follows:

**Site 1: AR-3, Apartment Residential District, 3.99 acres:**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Half/Fractional Section 4, Township 5, Range 22, Refugee Lands, and being part of Lot 1 of the Partition made in the case of Robert S. Neil, et al. vs. Franklin J. Dickman, et al., in the Court of Common Pleas, Franklin County, Ohio, Case #28090, as numbered and delineated upon the recorded plat thereof, of record in Complete Record 153, Page 440 and recorded in Plat Book 20, Page 27, as conveyed to Clark Grave Vault Company in Deed Book 1003, Page 85, also being the remainder of a 2.159 acre tract designated "First Parcel" as conveyed to Clark Grave Vault Company in Deed Book 633, Page 65, all records being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING from a ¾" hollow iron pipe found, being the southwesterly corner of a 2.80 acre tract as conveyed to Omni Management Group LTD in Instrument Number 199812180327622, also being the intersection of the easterly right-of-way line of East Alley (12') and the northerly right-of-way line of the first 12-foot, east-west alley south of East Fourth Avenue, all as delineated in Rickly & Grahams Addition of record in Plat Book 2, Page 158, also being the southeasterly corner of Lot 11 of said Plat Book 2, Page 158, as conveyed to New Victorians 5 LLC in Instrument Number 201711140160096 and being the northwesterly corner of the remainder of Lot 2 of said Complete Record 153, Page 440 and recorded in Plat Book 20, Page 27, as conveyed to Clark Grave Vault Company in Deed Book 1003, Page 85;

Thence along the southerly line of said 2.80 acre tract, along the northerly line of the remainder of said Lot 2, South 86° 38'21" East, 208.12 feet to the southeasterly corner of said 2.80 acre tract;

Thence along the easterly line of said 2.80 acre tract and the westerly line of the remainder of said Lot 2, North 03°31'27" East, 171.03 feet to a mag nail set, being on the southerly line of said Lot 1 and the northerly line of said Lot 2, said mag nail set being the POINT OF TRUE BEGINNING, for the parcel herein described:

Thence along the easterly line of said 2.80 acre tract and along the westerly line of the remainder of said Lot 1, North 03° 31'27" East, 413.27 feet to an iron pin set, being the northeasterly corner of said 2.80 acre tract, being the northwesterly corner of the remainder of said Lot 1, and being on the southerly line of a 0.435 acre tract designated 3-WD, as conveyed to the City of Columbus, Ohio in Instrument Number 201203160036484, also being the southerly right-of-way line of East Fifth Avenue (Varies);

Thence along the northerly line of the remainder of said Lot 1 and along the southerly line of said 3-WD and said East Fifth Avenue right-of-way, South 86°38'21" East, 201.71 feet to a mag nail found;

Thence along a westerly line of said 3-WD and said East Fifth Avenue right-of-way, along an easterly line of the remainder of said Lot 1, South 03°31'53" West, 3.88 feet to a mag nail found;

Thence along the northerly line of the remainder of said Lot 1, along the northerly line of said 2.159 acre tract, and along the southerly line of said 3-WD and said East Fifth Avenue right-of-way, South 86°26'03" East, 198.82 feet to an iron pin set, being the southeasterly corner of said 3-WD, being the northeasterly corner of said 2.159 acre tract, and being on the westerly line of a 6.7485 acre tract as conveyed to New York Central Lines LLC as described in Instrument Number 200212180325201, now known as CSX Transportation Inc., successor by merger of record in Instrument Number 200507210144733 and Instrument Number 200711080194030 (as originally conveyed to Cleveland, Columbus, and

Cincinnati Rail Road Company as described in Deed Book 51, Page 185 and Deed Book 51, Page 96);

Thence along the easterly line of said 2.159 acre tract and along the westerly line of said rail-road right-of-way, South 02° 45'35" East, 411.03 feet to an iron pin set, being the southeasterly corner of said 2.159 acre tract and being the northeasterly corner of a 0.85 acre tract designated "Second Parcel" as conveyed to Clark Grave Vault Company in Deed Book 633, Page 65;

Thence along the southerly lines of said 2.159 acre tract and said Lot 1, along the northerly line of said Lot 2 and said 0.85 acre tract, North 86°38'15" West, 445.52 feet to a mag nail set, said mag nail being on the easterly line of said 2.80 acre tract, also being the southwesterly corner of the remainder of said Lot 1 and the northwesterly corner of the remainder of said Lot 2, said mag nail set being the POINT OF TRUE BEGINNING, containing 3.992 acres (173,878 S.F.), more or less;

The above described parcel contains 3.992 acres, being 3.992 acres out of PID 010-022758, of which 0.000 acres are in the Present Road Occupied (P.R.O.).

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

All monuments found are in good condition unless otherwise noted.

Bearings referenced herein are based on the centerline of right-of-way of East Fifth Avenue as being South 86°38'21" East as determined from field traverse which was referenced to the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96) by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on March 8, 2021 and is based on field surveys conducted by E.P. Ferris & Associates, Inc. from July 2020 through August 2020 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342. Iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top. Mag nails set are magnetic nails with a 1.5" diameter brass washer with "EP FERRIS SURVEYOR 8342" inscribed on top.

**To Rezone From:** M, Manufacturing District.

**To:** AR-3, Apartment Residential District.

**Site 2: AR-1, Apartment Residential District, 4.27 acres:**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 4, Township 5, Range 22, Refugee Lands, and being part of Lot 2, Lot 3, and Lot 4 of the Partition made in the case of Robert S. Neil, et al. vs. Franklin J. Dickman, et al., in the Court of Common Pleas, Franklin County, Ohio, Case #28090, as numbered and delineated upon the recorded plat thereof, of record in Complete Record 153, Page 440, as conveyed to Clark Grave Vault Company in Deed Book 1003, Page 85 (Remainder of Lot 2), as conveyed to Clark Grave Vault Company in Deed Book 1131, Page 318 (Lot 3), also being part of a 1.038 acre tract as conveyed to Clark Grave Vault Company in Deed Book 1207, Page 194, also being part of a 0.85 acre tract as conveyed to Clark Grave Vault Company in Deed Book 633, Page 65, all records being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING from a ¾" hollow iron pipe found, being the southwesterly corner of a 2.80 acre tract as conveyed to Omni Management Group LTD in Instrument Number 199812180327622, also being the intersection of the easterly right-of-way line of East Alley (12') and the northerly right-of-way line of the first 12-foot, east-west alley south of East Fourth

Avenue, all as delineated in Rickly & Grahams Addition of record in Plat Book 2, Page 158, also being the southeasterly corner of Lot 11 of said Plat Book 2, Page 158, as conveyed to New Victorians 5 LLC in Instrument Number 201711140160096 and being the northwesterly corner of the remainder of said Lot 2;

Thence along the southerly line of said 2.80 acre tract, along the northerly line of the remainder of said Lot 2, South 86° 38'21" East, 208.00 feet to ¾" hollow iron pipe found, being the southeasterly corner of said 2.80 acre tract;

Thence along the easterly line of said 2.80 acre tract and the westerly line of the remainder of said Lot 2, North 03°32'11" East, 171.03 feet to a mag nail set, being on the southerly line of Lot 1 of said Complete Record 153, Page 440 and recorded in Plat Book 20, Page 27, also being the southwesterly corner of a 3.992 acre tract as conveyed to CGV, LLC in Instrument Number 202104270074098;

Thence along the southerly line of said Lot 1 and said 3.992 acre tract and the northerly line of said Lot 2 and said 0.85 acre tract, South 86°38'15" East, 376.76 feet to a mag nail set;

Thence across said 0.85 acre tract, the following three (3) courses:

South 03°31'37" West, 22.99 feet to a mag nail set;

North 86°28'33" West, 142.08 feet to an iron pin set;

South 03°31'27" West, 24.54 feet to an iron pin set;

Thence across said 0.85 acre tract and the remainder of said Lot 2, North 86°28'33" West, 183.41 feet to an iron pin set;

Thence across said Lot 2, the following eight (8) courses:

South 03°31'27" West, 95.51 feet to an iron pin set;

South 12°59'12" West, 18.25 feet to a mag nail set;

South 03°31'27" West, 22.76 feet to a mag nail set;

North 81°19'17" East, 13.04 feet to a mag nail set;

South 08°40'43" East, 36.27 feet to a mag nail set;

South 81°19'17" West, 20.89 feet to an iron pin set;

South 03°31'27" West, 100.71 feet to an iron pin set;

South 86°38'59" East, 35.19 feet to an iron pin set;

Thence continuing across said Lot 2 and across said Lot 3, South 03°07'22" West, 380.61 feet to an iron pin set;

Thence continuing across said Lot 3, South 86°38'15" East, 88.36 feet to a mag nail set;

Thence continuing across said Lot 3, across said Lot 4, and across said 1.038 acre tract, South 03°18'52" West, 62.36 feet to a mag nail set, being on a southerly line of said 1.038 acre tract, also being on the northerly line of a 4.228 acre tract as conveyed to Station 324, LLC in Instrument Number 201805040059758;

Thence continuing across said Lot 4, along the southerly line of said 1.038 acre tract, and along the northerly line of said 4.228 acre tract, North 86°39'21" West, 83.55 feet to a mag nail found;

Thence continuing across said Lot 4, along the westerly line of said 1.038 acre tract and along an easterly line of said 4.228 acre tract, North 03°21'05" East, 30.09 feet to mag nail found, being on the northerly line of said Lot 4 and being on the southerly line of said Lot 3, being a northerly corner of said 4.228 acre tract and being on the northwesterly corner of said 1.038 acre tract;

Thence along the northerly line of said Lot 4 and said 4.228 acre tract and along the southerly line of said Lot 3, North 86°46'20" West, 299.23 feet to the southwesterly corner of said Lot 3, being the northwesterly corner of said Lot 4 and said 4.228 acre tract, being on the easterly terminus of right-of-way of Third Avenue (60'), as delineated said Plat Book 2, Page 158, referencing a 5/8" rebar found at 0.3 feet West, 0.6 feet North;

Thence along the westerly line of said Lot 3 and said Lot 4, along the easterly right-of-way line of East Alley (12') as delineated in said Plat Book 2, Page 158, North 03°32'11" East, 563.26 feet to the POINT OF TRUE BEGINNING, containing 4.269 acres (185,977 S.F.), more or less;

The above described parcel contains 4.269 acres out of PID 010-036576, of which 0.000 acres are in the Present Road Occupied (P.R.O.).

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

All monuments found are in good condition unless otherwise noted.

Bearings referenced herein are based on the centerline of right-of-way of East Fifth Avenue as being South 86°38'21" East as determined from field traverse which was referenced to the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96) by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on July 27, 2021 and is based on field surveys conducted by E.P. Ferris & Associates, Inc. from July 2020 through April 2021 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342. Iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top. Mag nails set are magnetic nails with a 1.5" diameter brass washer with "EP FERRIS SURVEYOR 8342" inscribed on top.

**To Rezone From:** M, Manufacturing District.

**To:** AR-1, Apartment Residential District.

**SECTION 2.** That a Height District of sixty (60) feet is hereby established on the AR-3, Apartment Residential and AR-1, Apartment Residential districts 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 changes on the said original zoning map in the office of the Department of Building and Zoning Services.

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