



Legislation Text

File #: 1766-2021, **Version:** 1

Rezoning Application: Z20-055

APPLICANT: Homeport; c/o Laura MacGregor Comek, Atty.; 17 South High Street, Suite 700; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 8, 2021.

NORTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of sixteen parcels developed with a religious facility, several dwellings, and an apartment building zoned in the R-4, Residential, and C-1 and C-4, Commercial districts, and is partially located within the Cleveland Avenue/North Linden Urban Commercial Overlay (UCO). Additionally, this site includes a pending vacation of 0.72 acres of adjacent right-of-way that will increase the area of the site to 3.0 acres. Council variance Ordinance #1653-2020 (CV20-049) permitted a multi-unit senior housing development and neighborhood scale commercial uses for the competitive funding process by the U.S. Department of Housing and Urban Development. The requested CPD, Commercial Planned Development District will permit redevelopment of the site with a 100-unit senior housing development within two buildings, and approximately 3,196 square feet of commercial space along the Cleveland Avenue frontage. The development text includes use restrictions, commits to a site plan and landscaping plan, and includes development standards addressing setbacks and site access. Variances in the CPD text are included to vary vision clearance, UCO building design standards, and to permit a maximum building height of 45 feet in the H-35 height district. The site is within the planning area of the *North Linden Neighborhood Plan Amendment* (2014), which recommends "Neighborhood Mixed Use" and "Medium Density Mixed Residential" land uses for this location, and includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). The request is consistent with the land use recommendation of the Plan, and contains adequate landscaping and design elements that address the street and enhance the pedestrian experience.

To rezone **2432 CLEVELAND AVE. (43211)**, being 2.28± acres located at the southeast corner of Cleveland Avenue and Myrtle Avenue, **From:** R-4, Residential District, C-1, Commercial District, and C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-055).

WHEREAS, application #Z20-055 is on file with the Department of Building and Zoning Services requesting rezoning of 2.28± acres from R-4, Residential District, C-1, Commercial District, and C-4, Commercial District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the North Linden 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 and design recommendations of the *North Linden Neighborhood Plan Amendment*; 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:

2432 CLEVELAND AVE. (43211), being 2.28± acres located at the southeast corner of Cleveland Avenue and Myrtle Avenue, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND CITY OF COLUMBUS AND FURTHER DESCRIBED AS FOLLOWS BEING LOT NUMBERS:

TWENTY EIGHT (28)
TWENTY SEVEN (27)
TWENTY SIX (26)
TWENTY FIVE (25)
TWENTY FOUR (24)
TWENTY THREE (23)
TWENTY TWO (22)

AND
THIRTY NINE (39)
FORTY (40)
FORTY ONE (41)
FORTY TWO (42)
FORTY THREE (43)
FORTY FOUR (44)
FOURTY FIVE (45)
FORTY SIX (46)

AND
NINETY SIX (96)
NINETY SEVEN (97)
NINETY EIGHT (98)
NINETY NINE (99)
ONE HUNDRED (100)

OF NEW LINDEN ADDITION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 13, PAGE 18, RECORDERS OFFICE, FRANKLIN COUNTY, OHIO.

To Rezone From: R-4, Residential District, C-1, Commercial District, and C-4, Commercial District.

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of thirty-five (35) 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, “**SITE COMPLIANCE PLAN TITLE SHEET**,” “**OVERALL SITE PLAN**,” and “**HOMEPORT - MULBY PLACE - BUILDING “A”**”

SHEETS L1.01, L1.02, L2.01, L2.02, L3.01, AND L3.02,” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT,**” all dated June 18, 2021, and signed by Laura Comek, Attorney for the Applicant, and the text reading as follows:

PROPERTY ADDRESS: 2432 Cleveland Avenue

PROPERTY SIZE: 3.0 ± Acres

CURRENT ZONING: C4, Commercial District; C1, Commercial District; R4, Residential District

PROPOSED DISTRICT: CPD, Commercial Planned Development

APPLICANT: Homeport; c/o Laura MacGregor Comek, Esq.; 17 S. High Street, Ste. 700; Columbus, Ohio 43215; laura@comeklaw.com; 614.560.1488

OWNERS: Columbus Holding Co. LLC; City of Columbus Land Bank; Central Ohio Community Improvement Corp.

PARCELS: 010-061072; 010-061070; 010-061069; 010-061068; 010-061085; 010-061086; 010-061087; 010-061088; 010-061089; 010-061090; 010-061091; 010-061092; 010-061145; 010-061144; 010-061143

DATE OF TEXT: June 18, 2021

APPLICATION NUMBER: Z20 - 055

1. INTRODUCTION:

The subject property ("Site") is located along Cleveland Avenue, south of Myrtle Avenue and west of Linden Avenue. The Site lies within the boundaries of the North Linden Area Commission.

The Site is an assemblage of parcels, variously zoned C4 and C1 Commercial and R4, Residential. This rezoning to CPD will accommodate a planned mixed-use development, comprised of 100 senior affordable multi-family housing units and neighborhood scale commercial uses along Cleveland Avenue.

The proposed mixed-use development is consistent with the One Linden Area Plan, which was adopted in 2018. Further, with limited exceptions, the proposed development complies with the urban commercial overlay (UCO) to begin to develop the sense of density and vitality commonly referred to as a redeveloped Downtown Linden.

2. PERMITTED USES:

The Permitted uses shall be all uses of Columbus City Codes §3361.02, with the exceptions of uses set forth below:

§3349.03 subsections d, e, f, g, h, n, o, q, t, u; electric substation, fire station, funeral home, gas regulator station, laboratory, dental or medical, telephone exchange, utility pumping station, general hospital;

§3356.03 (B) automotive accessories, parts and tire stores, automobile or light truck dealers, automotive driver training, sales, leasing or rental facilities, bars, cabarets or nightclubs, blood or organ banks, building material supplies dealers, check cashing or loans, consumer goods rentals, floor covering stores, home centers, linen or uniform supply, mission or temporary shelters, motorcycle/boat or other motor vehicle dealer, motor vehicle accessories or parts dealer, Ohio medical marijuana control program retail dispensary, outdoor power equipment stores, pawn brokers, recreational vehicle dealers, supermarkets, truck/utility/RV sales, rental leasing or service, vending machine operators, warehouse clubs or super centers;

§3356.03 (C) automotive maintenance or repair, bowling center, carpet or upholstery cleaning services, drive in motion picture theatres, exterminating or pest control services, farm equipment or supply stores, hotels or motels, hotels extended stay, hospital, janitorial services, lawn and garden equipment and supplies stores, limousine or taxi service, paint or wallpaper store, animal shelter, amusement arcade, halfway house, veterinarians.

3. DEVELOPMENT STANDARDS:

Except as specified herein and on the submitted CPD Site Plan, the applicable development standards shall be as specified in Chapter 3356, C-4 Commercial District.

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

1. Building Setback: The minimum Building setback shall be zero (0) feet from Cleveland Avenue, and zero (0) feet from Myrtle Avenue, as depicted on the attached Site Plan.
2. Parking Setback: The minimum parking setback shall be zero (0) feet from Cleveland Avenue, and zero (0) feet from Myrtle Avenue, as depicted on the attached Site Plan.
3. The maximum height of the buildings shall be forty-five (45) feet.
4. A maximum of 100 senior housing units shall be permitted.
5. A maximum of 3,196 square feet of commercial use may be permitted.

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

Curb cuts shall be approved by the City of Columbus Division of Traffic Management. Access to and from the Site shall be as depicted on the submitted CPD plan. The Applicant shall install ADA ramps at the intersection of Linden Avenue and the unnamed east west alley, at the south east corner of the Site. The Applicant shall install signage to denote 'exit only' from the interior parking lot area where adjacent to the unnamed east west alley that runs to the south of the Site.

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

Landscaping and Screening shall be as depicted on the CPD Plan and Landscape Plan.

D. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

The standards of CCC Chapter 3321 shall apply unless varied by the Board of Zoning Adjustment.

E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments. N/A

F. Graphics and/or 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 variance to applicable sign requirements, shall be submitted to the Columbus Graphics Commission.

G. CPD Requirements.

1. Natural Environment.

The Site is mostly vacant, with demolition of prior structures having been completed in 2018. One small commercial building remains/will be demolished prior to new construction

2. Existing Land Use.

The Site has a commercial building which operates as a community church. The remaining area of the Site is vacant, formerly residential use.

3. Transportation and Circulation.

The Site will be accessed from Cleveland Avenue, Myrtle Avenue and the unnamed public alley to the South. The development as proposed contemplates the vacation of Linden Avenue and currently situated. The existing parking lot circulation and access points will remain as currently situated.

4. Visual Form of the Environment.

The existing uses/zoning of the surrounding properties are as follows:

West: vacant/parking and neighborhood scale buildings with commercial/office use

North: residential, office and church uses

East: former train tracks

South: residential

5. View and Visibility.

Significant consideration has been given to visibility and safety issues.

6. Proposed Development.

Mixed Use Development comprised of 100 affordable senior housing units and neighborhood scale commercial uses along Cleveland Avenue frontage.

7. Behavior Patterns.

This area has existing, significant traffic flows, including Cleveland Avenue as the major thoroughfare.

8. Emissions.

Due to the nature of the use, there will be no relevant increase of or addition to emissions.

H. Variances Requested.

The following variances are requested to permit the existing conditions of the Site to remain once the property is rezoned to CPD. Upon any redevelopment or expansion, the Site shall be required to conform to City code requirements in effect at that time.

1. Variance from C.C.C. §3309.141 - to increase the height from 35 ft. to forty-five (45) feet.
2. Variance from C.C.C. §3349.03 (w) - to allow housing for the elderly without the limitation of one dwelling unit per 2,500 square feet of lot area.
3. Variance from C.C.C. §3372.605(D) - to reduce the percentage of window coverage to 45%.
4. Variance from C.C.C. §3372.605(B) - to allow for a recessed courtyard area in excess of the maximum, thus reducing the frontage requirement from 60% to 41%.
5. Variance from C.C.C. §3321.05 - to reduce the vision clearance triangle to accommodate alley improvements at the south west corner of the site along an unnamed alley and Cleveland Avenue.

I. Miscellaneous Commitments.

Development of the Site shall be in substantial conformance with the submitted CPD Plan titled, "Site Compliance Plan Title Sheet," and "Overall Site Plan," and Landscaping Plans titled, "Homeport - Mulby Place - Building "A" Sheets L1.01, L1.02, L2.01, L2.02, L3.01, and L3.02." The Plans may be adjusted to reflect engineering, topographical, or other site data determined at the time the development and as final engineering plans are completed. Any adjustment to the plan shall be reviewed and may be approved by the director of the Department of Building and Zoning Services, 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.