



Legislation Text

File #: 1784-2023, **Version:** 2

Rezoning Application: Z22-065

APPLICANT: American Campus Communities; c/o Jeffrey L. Brown Atty.; Smith and Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on March 9, 2023.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Disapproval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.72± acre site consists of three parcels: the western two parcels are developed with a religious facility in the AR-4, Apartment Residential and R-2F, Residential districts; and the eastern parcel is developed with a bar in the C-4, Commercial District. The requested AR-3, Apartment Residential and CPD, Commercial Planned Development districts will permit redevelopment of both sites into an integrated mixed-use development. The CPD portion of the development will be comprised of 28 apartment units containing 72 beds and a 10,588± square foot religious facility or commercial space. The AR-3 portion of the site will be comprised of ~~191~~ **apartment units of an apartment building** containing 599 beds, 2,600 square feet of commercial space, and a parking structure to serve the entire development, as proposed with concurrent Council variance Ordinance #1785-2023 (CV22-087). The CPD text establishes appropriate use restrictions and supplemental development standards that address floor area ratio (FAR), maximum number of units and beds, building height, and parking, and includes commitment to a site plan. Staff notes that the building fronting North High Street is under the purview of the University Impact District Review Board, and will require a Certificate of Approval for final building design. The text also includes code modifications to provide parking off-site in the proposed AR-3 district, and to permit the proposed building to encroach into the required vision clearance triangle. The site is within the planning boundaries of the *University District Plan* (2015), which recommends "Regional Mixed Use" land uses at this location, consistent with the proposal. The requested CPD and AR-3 districts will result in a mixed-use development that is consistent with similar urban mixed-use developments along the North High Street and Lane Avenue corridors.

To rezone **50 W. LANE AVE. (43201)**, being 1.72± acres located on the north side of West Lane Avenue, 165± feet west of North High Street, and at the southwest corner of North High Street and East Norwich Avenue, **From:** AR-4, Apartment Residential District, R-2F, Residential District, and C-4, Commercial District, **To:** AR-3, Apartment Residential District, and CPD, Commercial Planned Development District (Rezoning #Z22-065).

WHEREAS, application #Z22-065 is on file with the Department of Building and Zoning Services requesting rezoning of 1.72± acres from AR-4, Apartment Residential District, R-2F, Residential District, and C-4, Commercial District, to the AR-3, Apartment Residential District, and CPD, Commercial Planned Development District; and

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

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

WHEREAS, the University District Impact Review Board recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested AR-3, Apartment Residential and CPD, Commercial Planned Development districts are consistent with both the *University District Plan's* recommendation for "Regional Mixed Use" land use at this location and similar urban mixed-use developments along the North High Street and West Lane Avenue corridors; 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:

50 W. LANE AVE. (43201), being 1.72± acres located on the north side of West Lane Avenue, 165± feet west of North High Street, and at the southwest corner of North High Street and East Norwich Avenue, and being more particularly described as follows:

~~Situated in the State of Ohio, County of Franklin and City of Columbus and being further described as follows:~~

~~Being all of Lots Numbers Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11) in Benjamin Monett, Jr.'s North High Street Addition, as shown of record in Plat Book 4, Page 165, Recorder's Office, Franklin County, Ohio; all of Lots Numbers Nine (9), Ten (10), Eleven (11) and Twelve (12) and the east 15.00 feet of Lot Number Thirteen (13) in Charles M. Williams' Subdivision, as shown of record in Plat Book 4, Page 424, Recorder's Office, Franklin County, Ohio; all of the alley (20 feet wide) between West Lane Avenue and West Norwich Avenue vacated by City Ordinance No. 107-66, passed January 31, 1966; all of the east one-half of the alley (20 feet wide) dedicated off the west side of said Lot No. 13 and subsequently vacated by City Ordinance No. 223-68, passed March 4, 1968; all of the east 10.00 feet of the north one-half of the alley (20 feet wide) between West Lane Avenue and West Norwich Avenue vacated by City Ordinance No. 223-68, passed March 4, 1968; and all of the east 20.00 feet of the south one-half of the alley (20 feet wide) between West Lane Avenue and West Norwich Avenue vacated by City Ordinance No. 223-68, passed March 4, 1968, and bounded and described as follows:~~

~~Beginning at a P.K. Nail set in concrete at the intersection of the north line of West Lane Avenue (60 feet wide) with the west line of the alley (20 feet wide) west of North High Street and at the southeast corner of said Lot No. 6;~~

~~thence N 86 degrees 35' 30" W along the north line of West Lane Avenue and along the south lines of said Lots Nos. 6, 7, 8, 9, 10 and 11 a distance of 236.68 feet to a 3/4 inch I.D. iron pipe set at the southwest corner of said Lot No. 11 and at the southeast corner of Lot Number Twelve (12) in said Benjamin Monett, Jr.'s North High Street Addition;~~

~~thence N 3 degrees 26' 30" E along the west line of said Lot No. 11 and said west line extended northerly and along the east line of said Lot No. 12 and said east line extended northerly a distance of 198.24 feet to a point in the centerline of said vacated alley between West Lane Avenue and West Norwich Avenue (passing a point in the south line of said vacated alley between West Lane Avenue and West Norwich Avenue, at the northwest corner of said Lot No. 11 and at the northeast corner of said Lot No. 12 at 188.24 feet);~~

~~thence S 86 degrees 35' 30" E along the centerline of said vacated alley between West Lane Avenue and West Norwich Avenue a distance of 10.00 feet to a point in the centerline extended southerly of said vacated alley in said Lot No. 13;~~

~~thence N 3 degrees 26' 30" E along the, centerline extended southerly and along the centerline of said vacated alley in said Lot No. 13 a distance of 130.00 feet to a P.K. Nail set in the south line of West Norwich Avenue (50 feet wide) and in the north line of said vacated alley in said Lot No. 13 (passing a point in the north line of said vacated alley between West Lane Avenue and West Norwich Avenue at 10.00 feet);~~

thence S 86 degrees 35' 30" E along the south line of West Norwich Avenue, along the east one-half of the north line of said vacated alley in said Lot No. 13, along a portion of the north line of said Lot No. 13, and along the north lines of said Lots Nos. 12, 11, 10 and 9 a distance of 157.06 feet to a 3/4 inch I.D. iron pipe found at the intersection of the south line of West Norwich Avenue with the west line of the alley west of North High Street and at the northeast corner of said Lot No. 9;

thence S 8 degrees 32' 05" E along the west line of the alley west of North High Street, along the east line of said Lot No. 9, along the east end of said vacated alley between West Lane Avenue and West Norwich Avenue and along the east line of said Lot No. 6 a distance of 335.50 feet to the place of beginning; containing 1.491 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual field survey performed in February, 1993. Basis of bearings is the north line of West Lane Avenue assumed to be N 86 degrees 35' 30" W and all other bearings based upon this meridian.

~~EXCEPTING THE FOLLOWING 0.032 ACRE PARCEL:~~

~~Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being part of Lots 6 through 11, inclusive, of Benjamin Monett Junior's North High Street Addition of record in Plat Book 4, Page 165, said Lots 6 through 11 also being described in deeds to The University Baptist Church of Columbus, Ohio, of record in Deed Book 2663, Page 35, Deed Book 2664, Pages 653 and 655, Deed Book 2667, Page 120, and Deed Book 2674, Pages 183, 185 and 187, all records are on file in the Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by ms consultants, inc. for the City of Columbus, said Parcel 29 WD being more particularly described as follows:~~

~~Beginning for Reference at the centerline intersection of Neil Avenue and West Lane Avenue, being at Centerline Station 75+17.83;~~

~~Thence South 86°17'42" East, along the centerline of West Lane Avenue, a distance of 983.65 feet to a point, being at Centerline Station 85+01.48;~~

~~Thence North 3°42'18" East, a distance of 34.77 feet to a point at the southwest corner of said Lot 11, at the southeast corner of Lot 12 of said Benjamin Monett Junior's North High Street Addition, on the northerly line of West Lane Avenue, being 34.77 feet left of Station 85+01.48 (witness an iron pin found 34.84' left of sta. 85+01.63), and being the True Place of Beginning;~~

~~Thence North 3°42'42" East, along the westerly line of said Lot 11, the easterly line of said Lot 12, a distance of 5.23 feet to a point being 40.00 feet left of Station 85+01.48;~~

~~Thence passing through said Lots 6 through 11 the following 3 courses:~~

~~1. South 86°17'42" East, 178.05 feet to a point, being 40.00 feet left of Station 86+79.53;~~

~~2. South 87°30'33" East, 38.77 feet to a point, being 40.00 feet left of Station 87+20.00;~~

~~3. North 47°21'24" East, 21.82 feet to a point on the easterly line of said Lot 6, on the westerly line of a 20 foot wide alley, being 55.00 feet left of Station 87+36.68;~~

~~Thence South 8°16'08" East, along the easterly line of said Lot 6, the westerly line of said 20 foot wide alley, a distance of 22.36 feet to a P.K. nail found at the southeast corner of said Lot 6, on the northerly line of West Lane Avenue, being~~

32.89 feet left of Station 87+40.12;

Thence North $86^{\circ}17'18''$ West, along the southerly lines of said Lots 6 through 11, the northerly line of West Lane Avenue, a distance of 236.51 feet to the True Place of Beginning, and containing 0.032 acres of land.

1.489 Acre Tract

Situated in the City of Columbus, County of Franklin, and State of Ohio, also being all of Lots Numbers Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13) of C.M. Williams' Subdivision of Outlots Numbers Seven (7), Twelve (12), and Thirteen (13) of Chaffee's Subdivision of a part of the Third Quarter, Township Number One (1), Range Eighteen (18), United States Military Lands, as recorded in Plat Book 4, Page 424, also being part of Lots Numbers Six (6), Seven (7), Eight (8), Nine (9), Ten (10), and Eleven (11) of Benj. Monett Jr's North High Street Addition as recorded in Plat Book 4, Page 165, also being all of that alley between Lane Avenue and Norwich Avenue vacated by City Ordinance No. 107-66, passed January 31, 1966, also being all of the alley dedicated off the west side of said Lot Thirteen (13) and subsequently vacated by City Ordinance No. 223-68, passed March 4, 1968, also being all of the east twenty feet of the alley between Lane Avenue and Norwich Avenue vacated by City Ordinance No. 223-68, passed March 4, 1968, being more particularly described as follows:

Beginning at a 1" iron pipe found at the northeasterly corner of said Lot Nine (9) of C.M. Williams' Subdivision, said point being on the southerly right-of-way line of Norwich Avenue (50' right-of-way), said point also being on the westerly right-of-way line of a 20' public alley as shown in C.M. Williams' Subdivision and in Benj. Monett Jr's North High Street Addition, said point being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along the easterly line of said Lot Nine (9) of C.M. Williams' Subdivision, then along the easterly terminus of said alley vacated by City Ordinance 107-66, then along the easterly line of said Lot Six (6) of Benj. Monett Jr's North High Street Addition, also being along the westerly right-of-way line of said 20' public alley, South $08^{\circ}13'41''$ East for a distance of 313.14' to an iron pin set, said point being on a transition line between the northerly right-of-way line of Lane Avenue (right-of-way varies) and the westerly right-of-way line of said 20' public alley, said point also being a northerly corner of a 0.032 acre tract of land conveyed to City of Columbus, Ohio as described in Instrument Number 200112260300417; thence,

Along a transition line between the northerly right-of-way line of Lane Avenue and the westerly right-of-way line of said 20' public alley, being through said Lot Six (6), also being along a northerly line of said 0.032 acre tract, South $47^{\circ}21'27''$ West for a distance of 21.82' to an iron pin set, said point being a northerly corner of said 0.032 acre tract; thence,

Along the northerly right-of-way line of Lane Avenue, also being along a northerly line of said 0.032 acre tract, through said Lot Six (6), North $87^{\circ}30'30''$ West for a distance of 38.77' to an iron pin set, said point being a northerly corner of said 0.032 acre tract; thence,

Along the northerly right-of-way line of Lane Avenue, also being along a northerly line of said 0.032 acre tract, being through said Lot Six (6), Lot Seven (7), Lot Eight (8), Lot Nine (9), Lot Ten (10), and Lot Eleven (11) of Benj. Monett Jr's North High Street Addition, North $86^{\circ}17'39''$ West for a distance of 178.21' to an iron pin set, said point being on the common line of said Lot Eleven (11) and Lot Twelve (12) of Benj. Monett Jr's North High Street Addition, said point also being the northwesterly corner of said 0.032 acre tract, said point also being the northeasterly corner of a 0.019 acre tract of land conveyed to City of Columbus Ohio as described in Instrument Number 200107160160871; thence,

Along the westerly line of said Lot Eleven (11) and along the easterly line of said Lot Twelve (12), then through said alley vacated by City Ordinance No. 223-68, then along the westerly line of said Lot Thirteen (13) and along the easterly line of Lot Fourteen (14) of C.M. Williams' Subdivision, also being along a westerly line of said alley

vacated by City Ordinance No. 223-68, North 03° 44' 45" East for a distance of 323.00' to a mag nail set, said point being on the southerly right-of-way line of Norwich Avenue, said point also being the northwesterly corner of said Lot Thirteen (13), and the northeasterly corner of said Lot Fourteen (14), said point also being a northwesterly corner of said alley vacated by City Ordinance No. 223-68; thence,

Along the southerly right-of-way line of Norwich Avenue, also being along the northerly terminus of said alley vacated by City Ordinance No. 223-68, also being along the northerly lines of said Lot Thirteen (13), Lot Twelve (12), Lot Eleven (11), Lot Ten (10), and Lot Nine (9) of C.M. Williams' Subdivision, South 86° 17' 15" East for a distance of 167.06' to the point of beginning, containing 1.489 acres of land more or less, of which 1.392 acres are located within Parcel 010-001019 and 0.097 acres are within Parcel 010-010667, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in March and April, 2022.

Property Address: 50 W. Lane Ave., Columbus, OH 43201

Parcels: 010-001019 & 010-010667

To Rezone From: AR-4, Apartment Residential District and R-2F, Residential District,

To: AR-3, Apartment Residential District.

Situated in the State of Ohio, County of Franklin and City of Columbus and being further described as follows:

Being Lots No Three (3), Four (4), Five (5), and Six (6) of C.M. Williams' Subdivision of Outlots 7, 12, and 13 of Chaffee's Subdivision of a part of the Third Quarter, Township 1, Range 18, U.S. Military Lands in the City of Columbus, Ohio, as the same are numbered and delineated on the recorded plat thereof, of record in Plat Book 4, page 424, Recorder's Office, Franklin County, Ohio.

To Rezone From: C-4, Commercial District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of one hundred-ten (110) feet is hereby established on the AR-3, Apartment Residential District and 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 plan being titled, "**2195 NORTH HIGH STREET ARCHITECTURAL SITE PLAN**," and text titled, "**CPD TEXT**," both dated May 31, 2023, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICTS: CPD

PROPERTY ADDRESS: 50 West Lane Avenue

OWNER: American Campus Communities

APPLICANT: FIMOK LLC

DATE OF TEXT: 5/31/2023

APPLICATION: Z22-065

1. INTRODUCTION: The property is on the west side of North High Street south of West Norwich Avenue. The site is developed with a commercial building. The applicant is proposing a mixed-use building which will occupy the whole site.

2. **PERMITTED USES:** Those uses permitted in Chapter 3356 C-4 Commercial of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated on the submitted site plan, the applicable development standards are contained in Chapter 3356 C-4, Commercial of the Columbus City Code and the Regional Commercial Standards of the University District Zoning Overlay in Chapter 3325 of the Columbus City Code.

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

1. FAR for the site 3.78.
2. Maximum number of apartment units is 28 and maximum number of beds is 72.
3. Maximum commercial sq. ft. is 10,588.
4. Building Height: not more than 68 feet.

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

1. The site is subject to a parking reduction as permitted by the University District Zoning Overlay in Chapter 3325 of the Columbus City Code.
2. Parking spaces will be provided for this site on the parcel west of the alley.

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

N/A

D. Building Design and/or Interior-Exterior Treatment Commitments

The proposed building is subject to a Certificate of Approval from the University Impact District Review Board.

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

N/A

F. Graphics and Signage Commitments

The applicable graphics standards shall be those standards contained in Article 15 of the Columbus City Code as they apply to the C-4 Commercial District. Requested variances shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments

Site Plan Revision Allowance: The Property shall be developed in accordance with the Site Plan; however, the site plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director's designee may approve any slight adjustment to the site plan upon submission of the appropriate data regarding the proposed adjustment.

H. Modifications of Code Standards

1. A modification from the requirements under Section 3325.381 Parking and Circulation where a parking ratio of 0.5

spaces per bed and a 50% reduction of non-residential use is permitted. Applicant is proposing no parking spaces for the commercial and residential uses on site. Parking will be provided on the parcel west of the alley.

Religious facility: 2,200 sq. ft. sanctuary at 1 space/30 sq. ft. = 74 spaces; balance of religious facility 8,388 sq. ft. at 1 space/250 sq. ft. = 34 spaces; reduction of 50% $74 + 34 \div 2 = 54$ spaces.

72 beds at 0.5 space per bed = 36 spaces.

Total parking for site $54 + 36 = 90$; parking provided on site: zero parking. Parking provided on parcel to the west: 54 spaces for church and 40 spaces for the residential units.

2. A modification from Section 3321.05 Vision Clearance to permit the building to encroach into the vision clearance at the northwest corner of the site (West Norwich Avenue and the alley).

4. CPD REQUIREMENTS:

A. Natural Environment: The site is at the southwest corner of West Norwich Avenue and North High Street. The site is zoned C-4 and developed with commercial building.

B. Existing Land Use: commercial building.

C. Transportation and Circulation: The site will have access on as shown on the Site Plan.

D. Visual Form of the Environment: The site will be used for the Permitted Uses.

E. View and Visibility: The Property is visible from West Norwich and North High Street and is subject to review by the UIDRB.

F. Proposed Development: The site will be used for the Permitted Uses.

G. Behavior Patterns: Existing development in the area has established vehicular and pedestrian patterns for the area.

H. Emissions: No adverse effect from emissions shall result from the proposed development.

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