



Legislation Text

File #: 0124-2015, Version: 2

Rezoning Application Z14-045

APPLICANT: NRP Group, LLC; c/o Dave Perry, David Perry Company, Inc.; 145 East Rich Street, Third Floor; Columbus, Ohio 43215; and Donald Plank, Attorney; Plank Law Firm; 145 East Rich Street, Third Floor; Columbus, Ohio 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on December 11, 2014.

SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with the former Heyl Elementary School in the C-4, Commercial, AR-1, Apartment Residential, and R-4, Residential Districts. The requested L-AR-1, Limited Apartment Residential District will allow the development of a multi-unit residential development. Companion Ordinance No. 0125-2015 (CV14-047) is also requested to permit a small commercial component and to vary setback, yard, height and landscaping/screening standards. The site development will consist of a maximum of 2,700 square feet of commercial office located in the apartment building fronting Whittier Street, and a total of fifty-eight (58) dwelling units in the form of a 44-unit building, three 4-unit dwellings and one 2-unit dwelling. The site is located within the planning area of the *Near South Side Plan* (2011), which recommends institutional uses for this location, in recognition of the site's previous use as a school. The plan also recommends maintaining current densities (6-10 du/ac) in the area, a series of design guidelines for residential development and preserving landmarks (including the school building). The proposal addresses these recommendations by placing an apartment building on the portion of the site currently zoned C-4, Commercial District, which allows for such a use in conjunction with commercial development. The balance of the proposal includes residential development compatible with area densities. The limitation text sets a maximum of fifty-eight (58) dwelling units. Building design commitments are also included in the limitation text, specifically regarding the front building elevation of the East Whittier Street apartment building.

To rezone **760 REINHARD AVENUE (43206)**, being 2.65± acres located at the northeast corner of Reinhard and Heyl Avenues, **From:** C-4, Commercial, AR-1, Apartment Residential, and R-4, Residential Districts, **To:** L-AR-1, Limited Apartment Residential District **and to declare an emergency** (Rezoning # Z14-045).

WHEREAS, application #Z14-045 is on file with the Department of Building and Zoning Services requesting rezoning of 2.65± acres from C-4, Commercial, AR-1, Apartment Residential and R-4, Residential Districts, to L-AR-1, Limited Apartment Residential District; and

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

WHEREAS, the South Side Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because multi-unit residential development is appropriate at this location, and Staff recognizes efforts to maintain existing densities with commitments

to building development standards as recommended by the *Near South Site Plan*; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

760 REINHARD AVENUE (43206), being 2.65± acres located at the northeast corner of Reinhard and Heyl Avenues, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 30, Section 22, Township 5, Range 22, Refugee Lands, and being all of the following parcels:

All of Lot 6 and Lot 7 and part of Lot 5 of Philip Schmitt's Subdivision (excepting the public rights-of-way for Reinhard Avenue, Heyl Avenue and Whittier Street and the vacated portion of Carpenter Street), of record in Plat Book 3, Page 107, as described in a deed to The Board of Education of the City School District of the City of Columbus, of record in Deed Book 468, Page 337;

All of Lot 1, Lot 2, Lot 3 and Lot 4 of George W. Rhode's Subdivision, of record in Plat Book 7, Page 382, as described in deeds to The Board of Education of the City School District of Columbus, Ohio, each lot of record in Deed Book 1873, Page 339, Deed Book 1921, Page 645, Deed Book 3493, Page 968 and Deed Book 3493, Page 970, respectively;

45-feet off the west side of Lot 8 of Philip Schmitt's Subdivision (as measured from the east right-of-way line for Carpenter Street, excepting the public right-of-way for Reinhard Avenue and the vacated portions of Carpenter Street and the east-west alley on the north), of record in Plat Book 3, Page 107, as described in a deed to The Board of Education of the City School District of Columbus, Ohio, of record in Deed Book 1873, Page 342;

The west 14-feet of Lot 1, all of Lot 2 and the west 16-feet of Lot 3 of Mary A. Goddard's Subdivision, of record in Plat Book 10, Page 303, as described in deeds to The Board of Education of the City School District of Columbus, Ohio, each lot of record in Deed Book 1888, Page 648, Deed Book 3467, Page 734 and Deed Book 3467, Page 736, respectively;

The east 20-feet of Lot 1 of Mary A. Goddard's Subdivision, of record in Plat Book 10, Page 303, as described in a deed to City of Columbus, of record in Deed Book 1920, Page 638;

And also those parts of Carpenter Street and an east-west alley vacated by City of Columbus Ordinance Number 1316-55;

All records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, the above property being further bounded and described for zoning purposes as follows:

BEGINNING at the northeast corner of said Lot 4 of Rhode's Subdivision, being the northwest corner of Lot 5 of said Rhode's Subdivision, as said Lot 5 is described in a deed to Beverly J. Butler-Burnam, of record in Official Record 34225 A17, said point being on the south right-of-way line for Whittier Street;

Thence South 03 degrees 59 minutes 32 seconds West, along the east line of said Lot 4 and the west line of said Lot 5, a distance of 110.00 feet to the southeast corner of said Lot 4 and the southwest corner of said Lot 5, said point being on the north right-of-way line of a 15-foot wide public alley;

Thence North 85 degrees 39 minutes 28 seconds West, along the south lines of Lot 4, Lot 3 and Lot 2 of said Rhode's Subdivision, along the north right-of-way line for said 15-foot wide public alley, a distance of 71.18 feet to the northeast corner of that portion of said alley vacated by City of Columbus Ordinance Number 1316-55;

Thence South 03 degrees 59 minutes 32 seconds West, along the east line of said vacated alley, a distance of 15.00 feet to the northeast corner of the west 14-feet of said Lot 1 of Goddard's Subdivision, being the northwest corner of the east 20-feet of said Lot 1, and being the southeast corner of said vacated alley;

Thence South 85 degrees 39 minutes 28 seconds East, along the north lines of Lot 1, Lot 2 and Lot 3 of said Goddard's Subdivision, along the south right-of-way line of said 15-foot wide public alley, a distance of 70.00 feet to the northeast corner of the west 16-feet of Lot 3 of said Goddard's Subdivision, being the northwest corner of the east 18-feet of Lot 3, as described in a deed to The Board of Education of the City School District of Columbus, Ohio, of record in Deed Book 3467, Page 736;

Thence South 03 degrees 59 minutes 32 seconds West, along the east line of the west 16-feet of said Lot 3 and the west line of the east 18-feet of said Lot 3, a distance of 92.77 feet to the southeast corner of the west 16-feet of the said Lot 3 and the southwest corner of the east 18-feet said Lot 3, said point being on the north right-of-way line for Reinhard Avenue;

Thence North 86 degrees 00 minutes 28 seconds West, along the north right-of-way line for said Reinhard Avenue, along the south lines of Lot 3, Lot 2 and Lot 1 of said Goddard's Subdivision, along the south line of the remainder of Lot 8 and Lot 7 of said Schmitt's Subdivision, and along the south line of the vacated portion of Carpenter Street, a distance of 518.86 feet to the intersection of the north right-of-way line for said Reinhard Avenue and the east right-of-way line for Heyl Avenue;

Thence North 03 degrees 59 minutes 32 seconds East, along the east right-of-way line for said Heyl Avenue, along the west line of the remainder of Lot 7, Lot 6 and Lot 5 of said Schmitt's Subdivision, a distance of 220.94 feet to the intersection of the east right-of-way line for Heyl Avenue and the south right-of-way line for Whittier Street;

Thence South 85 degrees 39 minutes 28 seconds East, along the south right-of-way line for said Whittier Street, along the north line of the remainder of Lot 5 of said Schmitt's Subdivision, along the north line of the vacated portion of Carpenter Street, and along the north lines of Lot 1, Lot 2, Lot 3 and Lot 4 of said Rhode's Subdivision, a distance of 520.05 feet to the POINT OF BEGINNING for this zoning description, and containing a total area of 2.592 acres, of which 2.280 acres lies within Franklin County Auditor's Parcel Number 010-066731, 0.081 acres lies within Franklin County Auditor's Parcel Number 010-020942, 0.081 acres lies within Franklin County Auditor's Parcel Number 010-003230, 0.043 acres lies within Franklin County Auditor's Parcel Number 010-044365, 0.073 acres lies within Franklin County Auditor's Parcel Number 010-044539, and 0.034 acres lies within Franklin County Auditor's Parcel Number 010-044540.

Bearings described herein are based on the assumed bearing of North 03 degrees 59 minutes 32 seconds East for the east right-of-way line of Heyl Avenue. The above description was prepared for zoning purposes only, is not based on an actual field survey and is not to be used for property conveyance.

To Rezone From: C-4, Commercial, AR-1, Apartment Residential, and R-4, Residential Districts

To: L-AR-1, Limited Apartment Residential District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-AR-1, Limited Apartment Residential 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 changes on the said original zoning map and shall register a copy of the approved L-AR-1, Limited Apartment Residential 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 text titled, "**DEVELOPMENT TEXT**," signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, dated December 30, 2014, and reading as follows:

DEVELOPMENT TEXT

L-AR-1, Limited Apartment Residential District

2.61 ± ACRES

EXISTING DISTRICTS:

C-4, Commercial, R-4, Residential, and AR-1, Apartment Residential districts

PROPOSED DISTRICTS:

L-AR-1, Limited Apartment Residential District

PROPERTY ADDRESS:

760 Reinhard Avenue, Columbus, OH 43206

OWNER:

Board of Education of the Columbus City School District c/o Anne Lenzotti, Real Estate Department, 889 E 17th Avenue, Columbus, OH 43211

APPLICANT:

NRP Group LLC c/o Dave Perry, Agent, David Perry Company, Inc., 145 East Rich Street, FL 3, Columbus, OH 43215-5240 and Donald Plank, Attorney, Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215-5240

DATE OF TEXT:

December 30, 2014

APPLICATION NUMBER:

Z14-045

INTRODUCTION:

The subject property ("Site") is 2.61 +/- acres located on the south side of East Whittier, the north side of Reinhard Avenue and east of Heyl Avenue (30'). There are multiple tax parcels that will be combined in conjunction with the Site Compliance Plan process. Applicant proposes to rezone the site to the L-AR-1, Limited Apartment Residential District, to consolidate the existing three (3) zoning districts for a 58 dwelling unit multi-family residential development and to establish conditions through the Limitation Text to set maximum density and certain development standards. See also companion Council Variance application CV14-047.

1. PERMITTED USE: Uses of Chapter 3333, Apartment Districts, Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential District.

2. DEVELOPMENT STANDARDS: The applicable development standards for a 58 dwelling unit multi-family residential use shall be as specified in Chapter 3333, Apartment Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards, except as specifically set forth herein and except as modified by companion variance application CV14-047, also addressed as 760 Reinhard Avenue.

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

There shall be a maximum of fifty-eight (58) dwelling units if the site is redeveloped for multi-family residential use.

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

Not Applicable.

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

Not Applicable.

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

Every 50 feet of the front building elevation of the East Whittier Street forty-four (44) dwelling unit apartment building shall be articulated through the use of varying setbacks. Windows shall not be flush and each window shall have a reveal.

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

Not Applicable.

F. Graphics and Signage Commitments.

All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the AR-1, Apartment Residential District. Any variance to the applicable requirements of the AR-1 district shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments: N/A

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.