



## Legislation Text

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**File #:** 1518-2021, **Version:** 1

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**Rezoning Application: Z20-100**

**APPLICANT:** Ascent Development Group, LLC; c/o Rebecca Mott, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Disapproval (0-5) on May 13, 2021.

**SOUTH LINDEN AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 10.86± acre site consists of 20 parcels developed with various storage buildings and a storage yard in the M, Manufacturing District. The requested L-AR-1, Apartment Residential District will permit redevelopment of the site with a 204-unit apartment complex. The site is within the planning area of the *South Linden Land Use Plan* (2018), which recommends industrial and warehouse development for this location, and includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). Despite this recommendation, Planning Division staff recognizes the site's location adjacent to residential and institutional uses, as well as to a transit hub at the intersection of Cleveland Avenue and East 11th Avenue as mitigating factors. A multi-unit residential proposal that includes an accessory commercial component with a high level of design and landscaping consistent with C2P2 Design Guidelines warrants deviation from the Plan recommendation and can be supported. The limitation text includes maximum number of units, and development standards that address setbacks, access, landscaping and screening, and commitments to a site plan, landscape buffer plan, and building renderings. A concurrent Council variance (Ordinance #1519-2021; CV21-013) has been submitted to permit up to 4,000 square feet of commercial space for a mixed-use development, and includes variances to eliminate parking for the proposed commercial space, and to reduce the south perimeter yard. The request includes an accessory commercial component, a high level of design, and extensive landscaping. The request does not represent an introduction of an incompatible use to the surrounding neighborhood, and is consistent with C2P2 Design Guidelines.

To rezone **999 BONHAM AVE. (43211)**, being 10.86± acres located on the south side of Bonham Avenue at the terminus of St. Clair Avenue, **From:** M, Manufacturing District, **To:** L-AR-1, Limited Apartment Residential District (Rezoning #Z20-100).

**WHEREAS**, application #Z20-100 is on file with the Department of Building and Zoning Services requesting rezoning of 10.86± acres From: M, Manufacturing District, To: L-AR-1, Limited Apartment Residential District; and

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

**WHEREAS**, the South Linden Area Commission recommends disapproval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because although multi-unit residential development is inconsistent with the industrial land use recommendation of the *South Linden Land Use Plan*, staff recognizes the site's location adjacent to residential and institutional uses, as well as to a transit hub at the intersection of

Cleveland Avenue and East 11th Avenue as mitigating factors. The request includes an accessory commercial component, a high level of design, and extensive landscaping. The request does not represent an introduction of an incompatible use to the surrounding neighborhood, and is consistent with C2P2 Design Guidelines; 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:

**999 BONHAM AVE. (43211)**, being 10.86± acres located on the south side of Bonham Avenue at the terminus of St. Clair Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in the Fourth Quarter, Township 1, Range 18, U.S.M.L. and being Part of Lot 29 and all of lots 15 through 28 of the Bonham Subdivision as Recorded in P.B. 13 Pg. 21, All of Lots 78 through 89 and 5 through 8 of the Sink's and Hoover's St. Clair Avenue Addition as Recorded in P.B. 5 Pg. 464 and Part of Lots 13, 14 and 15 of the Shoemaker's Addition as Recorded in P.B. 3 Pg. 234 and all other parcels as conveyed to Phil-Ro Land Company, LLC Instrument No. 200503240054545, hereon referred to as Grantor, records stated herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

Commencing from a found monument box located at the centerline intersection of Cleveland Avenue (60' ROW) and Eleventh Avenue (50' ROW), THENCE South 39°29'25" West 190.64 feet to the centerline intersection of Cleveland Avenue (60' ROW) and Bonham Avenue (50' ROW), THENCE South 63°42'45" East 267.30 feet along centerline of Bonham Avenue (50' ROW) to which the Point of Beginning bears South 26°17'23" West at 25.00 feet. Said Point of Beginning being located on the southerly line of Bonham Avenue, in the North Line of Said Lot 29 and being the northwest corner of the subject tract of land.

THENCE along the northerly line of subject tract the following six (6) courses and distances;

1. South 63°42'45" East 180.59 feet along the southerly line of Bonham Avenue (50' ROW) to a found iron pin with 2-inch solid cap,
2. South 86°26'29" East 406.51 feet continuing along the southerly line of Bonham Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of southerly line of Bonham Avenue (50' ROW) and the westerly line of Saint Clair Avenue (50' ROW),
3. South 04°15'31" West 138.07 feet along the westerly line of Saint Clair Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of the westerly line and the southerly line of Saint Clair Avenue (50' ROW),
4. South 85°44'29" East 50.53 feet along the southerly line of Saint Clair Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of the southerly line and the easterly line of Saint Clair Avenue (50' ROW),
5. North 04°02'14" East 138.56 feet along the easterly line of Saint Clair Avenue (50' ROW) to a found iron pin, said iron being the intersection of the south line of Bonham Avenue (50' ROW) and the easterly line of Saint Clair Avenue (50' ROW),
6. South 86°26'29" East 536.04 feet to a found iron pin along the southerly line of Bonham Avenue (50' ROW) said point being the Northeast corner of subject tract of land and being the Northeast corner of said Lot 78.

THENCE along the easterly line of subject tract of land in the following five (5) courses and distances;

1. South 03°33'31" West 228.96 feet to a found iron pin,
2. North 86°26'41" West 174.50 feet,
3. South 04°02'04" West 55.00 feet,
4. South 86°26'41" East 124.82 feet,
5. South 04°02'04" West 69.12 feet to the Southeast corner of the subject tract of land.

THENCE along the southerly line of the subject tract of land in the following three (3) courses and distances;

1. North 86°49'31" West 515.00' to a found PK nail, said PK nail also being located on the projected centerline of Saint Clair Avenue (50' ROW).

2. North 85°38'28" West 406.30 feet to a found iron pin,
3. North 85°27'40" West 751.26 feet to a found iron pin, said iron pin also being the southwest corner of subject tract of land,

THENCE along the westerly line of subject tract of land the following eight (8) courses and distances;

1. North 03°42'51" East 29.06 feet to a point along the southeasterly line of Cleveland Avenue (60' ROW),
2. North 39°28'13" East 43.04 feet along the southeasterly line of Cleveland Avenue (60' ROW) to a point, said point also being the southwest corner of neighboring tract of land as conveyed to Famous Realty of Cleveland Inc. in Inst. No. 20059160193001,

The following four (4) courses and distances being along the east line of said Famous Realty of Cleveland,

3. South 89°58'40" East 252.24 feet to a point, said point being the most southerly southeast corner of neighboring tract of land,
4. North 39°33'23" East 184.10 feet,
5. South 86°26'08" East 20.08 feet,
6. South 39°32'50" West 42.40 feet,
7. South 65°40'46" East 78.48 feet to a found iron pin,
8. North 28°04'05" East 265.54 feet, to the TRUE POINT OF BEGINNING and containing **10.858 Acres**;

Subject to all easements, rights-of-way or restrictions of record.

This description was prepared by Ackison Surveying, LLC (under direct supervision of Anthony W. Williams Registered Surveyor No. PS-7726) from an actual field survey of the premises in November of 2020. A Plat of survey is attached hereto and made a part hereof.

Basis of Bearing is the Centerline of Cleveland Avenue as being S39°29'25"W and was determined through G.P.S. Observation utilizing the O.D.O.T. V.R.S. Network and should be used to denote angles only.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

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

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

**SECTION 2.** That a Height District of sixty (60) 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 in the office of the Department of Building and Zoning Services 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 site plan titled, "**BONHAM POINTE SITE PLAN**," and said building elevations titled, "**BUILDINGS RENDERING**," and "**SCHEMATIC ELEVATION**," all dated April 20, 2021, and said landscaping plans titled, "**BONHAM POINTE**," dated May 3, 2021, and "**LANDSCAPE BERM BUFFER PRECEDENT IMAGES**," dated April 20, 2021, and said text titled, "**LIMITATION TEXT**," dated May 6, 2021, all signed by Rebecca J. Mott, Attorney for the Applicant, and the text reading as follows:

#### **LIMITATION TEXT**

**EXISTING ZONING DISTRICT:** M, Manufacturing District

**PROPOSED ZONING DISTRICT:** L-AR-1, Limited Apartment District

**PROPERTY ADDRESS:** 999 Bonham Avenue

**ACRES:** 10.858 ±

**PROPERTY OWNER:** Phil-Ro Land Co LLC

**APPLICANT:** KCG-Ascent Ventures, LLC

**DATE OF TEXT:** 05/06/2021

**APPLICATION NUMBER:** Z20-100

**1. INTRODUCTION:** The subject property of this limitation text is Franklin County Auditor Tax Parcel Id. No.'s: 010057027, 010-019762, 010-055471, 010-137226, 010-031478, 010-057142, 010-003755, 010-037482, 010-025258, 010-062148, 010-057420, 010-050950, 010-047555, 010-047554, 010-047553, 010-050946, 010-050918, 010-026863, 010-026862, and 010-055639 tax parcels (the "Property") is zoned M-Manufacturing and is currently vacant. The Property is underutilized.

The Harambee Christian School and the Rosewind apartment community are located on the north side of Bonham Avenue. A multi-family residential development at this Property is not only supportive of, and compatible with, the character of the neighborhood, as a mix of multi-family residential (predominant) and manufacturing-zoned properties (lesser part of the mix), but would allow future residents and guests to take advantage of the nearby neighborhood amenities such as the Linden Transit Center, The Linden Fresh Market, and the Columbus Metropolitan Housing Authority. This proposed development would also help spur further retail and commercial investment and economic opportunities for residents (existing and new) in the South Linden area. The Applicant seeks to develop this Property as an affordable multi-family residential community in order to provide the much-needed workforce housing for the residents of Columbus, and specifically of the South Linden neighborhood, while supporting the One Linden Plan's, City of Columbus' leadership's, and City Council's goals for more diverse housing stock and affordable, workforce housing options. Please note that a Council use variance application (CV21-013) has been filed as a concurrent application to this rezoning application to permit general retail and/or restaurant uses on the Property and to obtain certain area variances.

## **2. PERMITTED USES:**

A. Those uses permitted in Section 3333.02, AR-12, ARLD and AR-1 apartment residential districts under Title 33 of the Columbus City Code (the "Zoning Code").

B. Accessory uses and buildings to the multi-family residential use, as specified under Section 3333.32 of the Zoning Code.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in this limitation text below, the applicable development standards shall be as specified in Chapter 3333 of the Zoning Code.

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

1. The maximum number of multi-family residential dwelling units shall be two hundred and four (204).

2. Garage buildings or structures are permitted within seven (7) feet of the southern boundary line of the Property per CV21-013.

3. The perimeter yard shall be at least twenty-five feet in width along the western, northern, and eastern boundary lines of the Property. The perimeter yard shall be a minimum of seven (7) feet along the southern boundary line of the Property per CV21-013. A privacy fence (at least six feet (6') to eight feet (8') in height) shall be permitted in the required

perimeter yard per CV21-013.

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

1. Four (4) full service driveways onto the Property from Bonham Road shall be provided, as shown on the site plan dated April 20, 2021 (the “Site Plan”).
2. At least three hundred and twenty-one (321) parking spaces shall be provided as part of the proposed development of the Property, as shown on the Site Plan.
3. The Applicant will dedicate to the City of Columbus fifty feet (50’) from the centerline of Cleveland Avenue per Columbus City Code, Section 4309.17.
4. Dumpster locations, as shown on the Site Plan, and refuse collections shall not interfere with the circulation and drive aisles within the proposed development.

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

1. The perimeter yard, as shown on the Site Plan, shall contain the following buffering, screening and landscaping commitments:
  - a. An opaque, privacy fence (at least six feet (6’) to eight feet (8’) in height) shall be installed along the eastern, southern, and western boundary lines of the Property.
  - b. A landscaped mound at a minimum of three feet (3’) in height shall be installed within the northeastern and eastern perimeter yard to buffer and screen the uses on the Property from the industrial use to the east of the Property and provide for headlight screening for the parking area located at the northeastern part of the Property, as shown on the landscape buffer plan titled, “Bonham Pointe,” dated May 3, 2021, and in general conformance with the exhibit titled, “Landscape Berm Buffer Precedent Images,” dated April 20, 2021.
  - c. Planting of native species of fast-growing arborvitaes shall be planted on top of the mound and new trees and shrubs shall be planted within the perimeter yard, except along the southern boundary line of the Property.

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

The buildings shall be in general conformance with the “Building Rendering” and “Schematic Elevation” exhibits dated April 20, 2021.

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

Lighting for the Property shall comply with Section 3321.03 of the Zoning Code.

**F. Graphics and/or Signage Commitments:**

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and the I-670 Graphics Control overlay, as it applies to the AR-1 zoning classification, unless any variances to those requirements are submitted to, and approved by, the City of Columbus Graphics Commission.

**G. Miscellaneous Commitments:**

The Property shall be developed in general conformance with the Site Plan titled, “Bonham Pointe Site Plan,” dated April 20, 2021; however, the Site Plan may be adjusted to reflect engineering, topographical, or other site data established at the

time of development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a 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.