



Legislation Text

File #: 1897-2021, **Version:** 1

Rezoning Application: Z20-065

APPLICANT: 5CL Properties, 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 and parking lot.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on December 10, 2020.

MILO-GROGAN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of nine parcels that are developed with a few vacant commercial buildings but is otherwise primarily undeveloped. The proposed AR-3, Apartment Residential District, will permit a multi-unit residential development; and the proposed CPD, Commercial Planned Development District will permit a parking lot exclusively for the development. The CPD text permits only a parking lot, commits to a site plan, and includes development standards addressing setbacks, site access, landscaping, building design, lighting, and graphics provisions. Variances to reduce the required number of parking lot trees, the parking setback line, and maneuvering area for the interior parking spaces are included in this request. The site is subject to the Milo-Grogan Urban Commercial Overlay and is located within the boundaries of the *Milo-Grogan Neighborhood Plan (2007)*, which recommends “Commercial/Multi-Family” land uses for AR-3 district portion of the site, and “Single-family residential” for the CPD district portion of the site. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. C2P2 Guidelines recommend that buildings have high quality materials with four-sided architecture, as well as parking that is located to the rear or side of buildings. The Plan also recommends that multi-unit buildings incorporate building articulation through the use of bays, balconies, cornice lines, and varying rooflines. The requested AR-3, Apartment Residential, and CPD, Commercial Planned Development districts will allow a multi-unit residential development and parking lot which meets the intent of the Urban Commercial Overlay and is compatible with adjacent uses along the Cleveland Avenue corridor. The request is also consistent with the land use recommendations of the *Milo-Grogan Area Plan, C2P2 Design Guidelines*, and several considerations that support the encroachment of the parking lots across a rear alley. A concurrent Council variance (Ordinance #1898-2021; CV20-072) has been filed for the AR-3 district portion of the site to permit a maximum of 90 apartment units (115.4 du/AC) and a ground floor commercial space (3,874 square feet with seasonal patio), and to vary the parking setback line, minimum numbers of parking spaces, vision clearance, landscaping, lot coverage, and building lines.

To rezone **986 CLEVELAND AVE. (43201)**, being 1.07± acres located at the northeast corner of Cleveland Avenue and Gibbard Avenue, From: C-4, Commercial District and R-4, Residential District, To: AR-3, Apartment Residential District and CPD, Commercial Planned Development District (Rezoning #Z20-065).

WHEREAS, application #Z20-065 is on file with the Department of Building and Zoning Services requesting rezoning of 1.07± acres from C-4, Commercial and R-4, Residential districts, to AR-3, Apartment Residential and CPD, Commercial Planned Development districts; and

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

WHEREAS, the Milo-Grogan Area Commission 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 will allow a multi-unit residential development and parking lot which meets the intent of the Urban Commercial Overlay and is compatible with adjacent uses along the Cleveland Avenue corridor. The proposal is also consistent with the land use recommendations of the *Milo-Grogan Area Plan and 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:

986 CLEVELAND AVE. (43201), being 1.07± acres located at the northeast corner of Cleveland Avenue and Gibbard Avenue, and being more particularly described as follows:

AR-3, Apartment Residential District, 0.78 acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 4, Township 5, Range 22, Refugee Lands, being all of Lots 4 - 10, inclusive, of Woolley's 2nd Addition, recorded in Plat Book 4, Page 190, said Lots 4 and 5 being described in a deed to 958 Cleveland Avenue LLC, of record in Instrument Number 201909190122154, said Lot 6 being described in a deed to HL PROPERTY INVESTMENTS, LLC, of record in Instrument Number 201912120167266, said Lot 7 being described in a deed to 97268 C Ave LLC, of record in Instrument Number 201612020164569, said Lot 8 being described in a deed to 97268 C Ave LLC, of record in Instrument Number 201612020164568, said Lot 9 being described in a deed to City of Columbus, of record in Instrument Number 201407150089623, said Lot 10 being described in a deed to 986 Cleveland LLC, of record in Instrument Number 202004160050640, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the existing east right-of-way line for Cleveland Avenue and the existing south right-of-way line for Gibbard Avenue, being the northwest corner of said Lot 10;

Thence South 86 degrees 26 minutes 38 seconds East, along the existing south right-of-way line for Gibbard Avenue and along the north line of said Lot 10, a distance of 129.20 feet to the intersection the existing south right-of-way line for Gibbard Avenue and the existing west right-of-way line for a 20-foot wide public alley, being the northeast corner of said Lot 10;

Thence South 03 degrees 33 minutes 29 seconds West, along the existing west right-of-way line for said 20-foot wide public alley and along the east line of said Lots 10, 9, 8, 7, 6, 5 and 4, a distance of 260.94 feet to the intersection of the existing west right-of-way line for said 20-foot public alley and the existing north right-of-way line for Third Avenue, being the southeast corner of said Lot 4;

Thence North 86 degrees 28 minutes 22 seconds West, along the existing north right-of-way line for Third Avenue and along the south line of said Lot 4, a distance of 130.00 feet to the intersection of the existing north right-of-way line for Third Avenue and the existing east right-of-way line for Cleveland Avenue, being the southwest corner of said Lot 4;

Thence North 03 degrees 44 minutes 04 seconds East, along the existing east right-of-way line for Cleveland Avenue and along the west line of said Lots 4, 5, 6, 7, 8, 9 and 10, a distance of 261.01 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 0.776 acres, of which:

0.111 acres is located within Franklin County Auditor's parcel number 010-008009,

0.111 acres is located within Franklin County Auditor's parcel number 010-049444,

0.111 acres is located within Franklin County Auditor's parcel number 010-006550,

0.111 acres is located within Franklin County Auditor's parcel number 010-011457,

0.111 acres is located within Franklin County Auditor's parcel number 010-046659,

0.221 acres is located within Franklin County Auditor's parcel number 010-019972.

Bearings described herein are based on the bearing of North 03 degrees 44 minutes 04 seconds East for the centerline of right-of-way for Cleveland Avenue, as measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

To Rezone From: C-4, Commercial District,

To: AR-3, Apartment Residential District.

CPD, Commercial Planned Development District, 0.29 acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 4, Township 5, Range 22, Refugee Lands, being all of Lots 28, 29 and 30 of Woolley's 2nd Addition, recorded in Plat Book 4, Page 190, said Lot 28 being described in a deed to 599 E. Gibbard LLC, of record in Instrument Number 201908210106513, said Lot 29 being described in a deed to 601 E GIBBARD LLC, of record in Instrument Number 202002270029383, said Lot 30 being described in a deed to 607 Gibbard Ave LLC, of record in Instrument Number 202001030001141, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the existing south right-of-way line for Gibbard Avenue and the existing east right-of-way line for a 20-foot wide public alley, being the northwest corner of said Lot 28;

Thence South 86 degrees 26 minutes 38 seconds East, along the existing south right-of-way line for Gibbard Avenue and along the north line of said Lots 28, 29 and 30, a distance of 105.37 feet to the northeast corner of said Lot 30, being the northwest corner of Lot 31 of said Woolley's 2nd Addition, as described in a deed to Zarazlin Fisseha and Letezgi Zewelde, of record in Official Record 19275, Page B13;

Thence South 03 degrees 40 minutes 20 seconds West, along the east line of said Lot 30 and along the west line of said Lot 31, a distance of 120.44 feet to the southeast corner of said Lot 30, being the southwest corner of said Lot 31 and being on the existing north right-of-way line for a 20-foot wide public alley;

Thence North 86 degrees 27 minutes 31 seconds West, along the existing north right-of-way line for said 20-foot wide public alley and along the south line of said Lots 30, 29 and 28, a distance of 105.14 feet to the intersection of the existing north right-of-way line for said 20-foot wide public alley and the existing east right-of-way line for a 20-foot wide public alley, being the southwest corner of said Lot 28;

Thence North 03 degrees 33 minutes 29 seconds East, along the existing east right-of-way line for said 20-foot wide public alley and along the west line of said Lot 28, a distance of 120.47 feet to the POINT OF BEGINNING for this

description.

The above description contains a total area of 0.291 acres, of which:

0.097 acres is located within Franklin County Auditor's parcel number 010-031528,

0.097 acres is located within Franklin County Auditor's parcel number 010-046500,

0.097 acres is located within Franklin County Auditor's parcel number 010-056186.

Bearings described herein are based on the bearing of North 03 degrees 44 minutes 04 seconds East for the centerline of right-of-way for Cleveland Avenue, as measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

To Rezone From: R-4, Residential District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of sixty (60) feet is hereby established on the AR-3, Apartment Residential District and 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 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, "**ZONING SITE PLAN FOR THE CLEVELAND,**" and text titled, "**DEVELOPMENT TEXT,**" both dated June 11, 2021, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

EXISTING ZONING: R-4, Residential District

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 986 Cleveland Avenue, Columbus, OH 43201

APPLICANT: 5CL Properties, LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

OWNER: 599 E Gibbard LLC et. al. c/o Joel Yakovac, 545 E. Fifth Avenue, Columbus, OH 4320

DATE OF TEXT: June 11, 2021

APPLICATION NUMBER: Z20-065

INTRODUCTION:

The site is 0.291 +/- acres located on the south side of E. Gibbard Avenue, 180 +/- feet east of Cleveland Avenue and adjacent to the east side of an unnamed public alley. The site is proposed to be rezoned to CPD for a parking lot for code required parking for the property on the west side of the adjacent alley, also pending rezoning by Z20-065.

The site plan titled "Zoning Site Plan for The Cleveland", dated June 11, 2021, hereafter, Site Plan, is submitted with this application as the CPD site plan for the parking lot.

1. PERMITTED USE: Uses of Section 3355.03, C-3 Permitted Uses, subject to the only permitted use being a 48 space parking lot exclusively to provide parking for the property to the west bounded by Cleveland Avenue, E. Gibbard Avenue,

E. 3rd Avenue and the alley east of Cleveland Avenue, being 0.776 +/- acres, and to be developed with an apartment building (Z20-065 / CV20-072)

2. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Commercial District and Chapter 3312, Off-Street Parking and Loading, of the Columbus City Code.

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

1. The E. Gibbard Avenue parking setback shall be five (5) feet (min.).
2. The east property line parking setback shall be eight (8) feet.

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

1. Vehicular access shall be from the unnamed public alleys abutting the west and south sides of the parking lot. There shall be no direct vehicular access to E. Gibbard Avenue.
2. The east side of the parking lot shows two (2) rows of 12 parking spaces with stack parking. Parking spaces in these two (2) rows will be assigned to dwelling units in the apartment building to be located west of this parking lot. Pairs of spaces with the interior space and exterior space shall be assigned to the same dwelling unit.

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

1. Landscaping shall be provided as depicted on the Site Plan. Parking lot screening shall be provided along the E. Gibbard Avenue frontage and along the east property line, as depicted on the submitted Site Plan. The east property line parking lot screening shall include a six (6) foot, opaque privacy fence, which shall terminate at the Gibbard Avenue parking setback (5', min).
2. The height of the E. Gibbard Avenue parking setback landscaping shall be reduced from three (3) feet to 2.5 feet within the west 10 feet of the E. Gibbard Avenue frontage to comply with unobstructed vision clearance between a height of 2.5 feet - 10 feet in the 10'x10' clear vision triangle at the southeast corner of E. Gibbard Avenue and the alley (20') adjacent to the west side of the parking lot, at the request to the Division of Traffic Management
3. Three (3) street trees shall be provided in the E. Gibbard Avenue right of way, subject to approval of the Recreation and Parks Department and Division of Traffic Management.

D. Building design and/or Interior-Exterior treatment commitments.

No building is permitted in the parking lot.

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

The maximum height of parking lot lighting shall be 16 feet.

F. Graphics and Signage Commitments.

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-3, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

G. Other CPD Requirements.

1. Natural Environment: The site is 0.291 +/- acres located on the south side of E. Gibbard Avenue, 180 +/- feet east of Cleveland Avenue and adjacent to the east side of an unnamed public alley.
2. Existing Land Use: The site has one vacant lot and two (2) single unit houses.
3. Circulation: Vehicular access shall be from the unnamed public alleys abutting the west and south sides of the parking lot. There shall be no direct vehicular access to E. Gibbard Avenue.
4. Visual Form of the Environment: The parking lot will provide required parking for the property to the west bounded by Cleveland Avenue, E. Gibbard Avenue, E. 3rd Avenue and the alley east of Cleveland Avenue, and being 0.776 +/- acres.
5. Visibility: The site is visible from both E. Gibbard Avenue.
6. Proposed Development: Accessory parking lot for the property to the west bounded by Cleveland Avenue, E. Gibbard Avenue, E. 3rd Avenue and the alley east of Cleveland Avenue, and being 0.776 +/- acres.
7. Behavior Patterns: Vehicular access and on-site circulation shall be as depicted on the Site Plan.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

H. Modification of Code Standards.

1. Section 3312.21(A)(D), to reduce interior parking lot trees from 5 to zero (0), subject to all required interior parking lot trees (5) being provided on-site in the perimeter landscaped setbacks and to reduce the required soil area radius from 4 feet to 2.5 feet for interior parking lot trees planted in the 5' (min.) wide E. Gibbard Avenue parking setback; and to reduce the height of parking lot screening from three (3) feet to 2.5 feet within the west 10 feet of the E. Gibbard Avenue frontage to comply with unobstructed vision clearance between a height of 2.5 feet - 10 feet in the 10'x10' clear vision triangle at the southeast corner of E. Gibbard Avenue and the alley (20') adjacent to the west side of the parking lot, at the request to the Division of Traffic Management
2. Section 3312.25, Maneuvering, to permit 12 parking spaces to be interior to 12 other parking spaces, thereby not having independent maneuvering area for the interior parking spaces.
3. Section 3312.27(4), Parking Setback Line, to reduce the E. Gibbard Avenue parking setback from 10 feet to 5' (min.).

I. Miscellaneous.

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. Development of the site shall be in accordance with the Site Plan titled "Zoning Site Plan for The Cleveland", dated June 11, 2021, signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Building and Zoning Services Department 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.