



## Legislation Details (With Text)

**File #:** 0215-2016      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 1/19/2016      **In control:** Zoning Committee

**On agenda:** 2/8/2016      **Final action:** 2/10/2016

**Title:** To rezone 1660 HARRISBURG PIKE (43223), being 2.7± acres located on the east side of Harrisburg Pike, just south of Chambers Avenue, From: L-AR-O, Limited Apartment Office and CPD, Commercial Planned Development Districts, To: L-AR-O, Limited Apartment Office District and to declare an emergency (Rezoning # Z15-052).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0215-2016Attachments, 2. ORD0215-2016Labels

Date	Ver.	Action By	Action	Result
2/10/2016	2	CITY CLERK	Attest	
2/10/2016	2	MAYOR	Signed	
2/8/2016	2	COUNCIL PRESIDENT	Signed	
2/8/2016	1	Zoning Committee	Approved as Amended	Pass
2/8/2016	1	Zoning Committee	Amended to Emergency	Pass
2/1/2016	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z15-052

**APPLICANT:** Community Housing Network, Inc.; c/o Dave Perry, David Perry Co., Inc.; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215; and Donald Plank Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on December 10, 2015.

**SOUTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single-unit dwelling zoned in the CPD, Commercial Planned Development District, and a 35-unit supportive-housing apartment building in the L-AR-O, Limited Apartment Office District, each on separate parcels. The applicant proposes the L-AR-O, Limited Apartment Office District to construct a new 40-unit supportive-housing apartment building that will be attached to the existing apartment building, with reconfigured parcels to create two subareas. The site is within the planning area of the *Southwest Area Plan* (2009), which recommends medium density residential uses for this location. Staff recognizes that aspects of this use differ from conventional apartment residential development, and supports the increased density. The requested L-AR-O, Limited Apartment Office District will permit a 75-unit supportive housing apartment development with a commitment to a subarea plan and development standards in consideration of the abutting residential lots. The text also includes provisions for setbacks, street trees, screening in the form of a privacy fence along the site boundaries, and

lighting controls. The proposed use is in the spirit of the land use recommendation of the *Southwest Area Plan*. The project also includes companion Council Variance No. CV15-070 (ORD No. 0216-2016) that conditions the proposed development on a site plan.

To rezone **1660 HARRISBURG PIKE (43223)**, being 2.7± acres located on the east side of Harrisburg Pike, just south of Chambers Avenue, **From:** L-AR-O, Limited Apartment Office and CPD, Commercial Planned Development Districts, **To:** L-AR-O, Limited Apartment Office District **and to declare an emergency** (Rezoning # Z15-052).

**WHEREAS**, application No. Z15-052 is on file with the Department of Building and Zoning Services requesting rezoning of 2.7± acres from L-AR-O, Limited Apartment Office and CPD, Commercial Planned Development Districts, to L-AR-O, Limited Apartment Office District; and

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

**WHEREAS**, the Southwest Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the L-AR-O, Limited Apartment Office District will permit a 75-unit supportive housing apartment development with appropriate development standards and because the proposed use is in the spirit of the land use recommendation of the *Southwest Area Plan* for medium density residential uses; 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:

**1660 HARRISBURG PIKE (43223)**, being 2.7± acres located on the east side of Harrisburg Pike, just south of Chambers Avenue, and being more particularly described as follows:

**SUBAREA A: 1.470 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Virginia Military Survey No. 7065, and containing 1.470 acres of land, more or less, and being all of that 0.930 acre (by survey) tract of land conveyed to Community Housing Network, Inc., of record in Instrument Number 200309160296016, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being 0.540 acre out of that 1.767 acre (by survey) tract of land conveyed to Briggsdale Apartments, LLC, of record in Instrument Number 200411160262536, said 1.470 acre Subarea A being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Harrisburg Pike (R/W varies) with Chambers Road (50 feet in width);

Thence with the centerline of said Harrisburg Pike, South 32°55'00" West, a distance of 14.21 feet to the northwesterly corner of that 0.418 acre Right of Way parcel conveyed to the City of Columbus, Ohio, of record in Instrument Number 200405240118579;

Thence with the northerly line of said 0.418 acre City of Columbus Right of Way parcel, South 58°48'46" East, passing

over a  $\frac{3}{4}$  inch iron pipe found at 30.00 feet, a total distance of 60.03 feet to a  $\frac{3}{4}$  inch iron pipe found at the northeasterly corner of said 0.418 acre Right of Way parcel, also being the northwesterly corner of said 0.930 acre Community Housing Network tract, also being in the southerly line of that 0.5 acre tract of land conveyed to Troy Alderman, of record in Instrument Number 201307010110108, said iron pipe marking the true point of beginning of the herein described 1.470 acre Subarea A;

Thence with the southerly line of said 0.5 acre Alderman tract, also with the northerly line of said 0.930 acre Community Housing Network tract, and continuing with the northerly line of said 1.767 acre Briggsdale Apartments tract, South  $58^{\circ}48'46''$  East, passing over iron pipes set at 159.96 feet and 338.28 feet, a total distance of 348.28 feet to a point referenced by said iron pipe set online at 10.00 feet, said point being the northeasterly corner of said 1.767 acre Briggsdale Apartments tract, also being the southeasterly corner of said 0.5 acre Alderman tract, also being in the westerly line of Autumn Village Section II, as shown for record in Plat Book 78, Page 85;

Thence with an easterly line of said 1.767 acre Briggsdale Apartments tract, also with the westerly line of said Autumn Village Section II, and continuing with a westerly line of Autumn Village Section III, as shown for record in Plat Book 81, Page 65, South  $14^{\circ}02'17''$  West, a distance of 85.12 feet to an iron pipe set;

Thence with a new line, across and through said 1.767 acre Briggsdale Apartments tract, the following six (6) courses:

- 1) North  $58^{\circ}47'56''$  West, a distance of 113.75 feet to an iron pipe set;
- 2) South  $81^{\circ}42'24''$  West, a distance of 5.87 feet to an iron pipe set;
- 3) North  $65^{\circ}15'37''$  West, a distance of 8.05 feet to an iron pipe set;
- 4) South  $31^{\circ}12'04''$  West, a distance of 44.82 feet to an iron pipe set;
- 5) North  $58^{\circ}47'56''$  West, a distance of 71.68 feet to an iron pipe set;
- 6) South  $31^{\circ}12'04''$  West, a distance of 122.46 feet to an iron pipe set

Thence with a new line, and continuing with the southerly line of said 0.930 acre Community Housing Network tract, also continuing with a northerly line of said 1.767 acre Briggsdale Apartments tract, North  $58^{\circ}47'56''$  West, passing over an iron pipe set at 23.06 feet, a total distance of 183.02 feet to an iron pipe set at the southwest corner of said 0.930 acre Community Housing Network tract, also being a northwesterly corner of said 1.767 acre Briggsdale Apartments tract, also being in the easterly line of the aforesaid 0.418 acre City of Columbus Right of Way parcel;

Thence with the westerly line of said 0.930 acre Community Housing Network tract, also with the easterly line of said 0.418 acre City of Columbus Right of Way parcel, North  $32^{\circ}55'00''$  East, a distance of 253.28 feet to the point of beginning, and containing 1.470 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly right of way of Harrisburg Pike was assigned a bearing of North  $32^{\circ}55'00''$  East, as described in Instrument Number 200309160296016, Recorder's Office, Franklin County, Ohio.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2014.

#### **SUBAREA B: 1.227 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Virginia Military Survey No. 7065, and containing 1.227 acres of land, more or less, and being all out of that 1.767 acre (by survey) tract of land conveyed to

Briggsdale Apartments, LLC, of record in Instrument Number 200411160262536, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 1.227 acre Subarea B being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Harrisburg Pike (R/W varies) with Chambers Road (50 feet in width);

Thence with the centerline of said Harrisburg Pike, South 32°55'00" West, a distance of 14.21 feet to the northwesterly corner of that 0.418 acre Right of Way parcel conveyed to the City of Columbus, Ohio, of record in Instrument Number 200405240118579;

Thence with the northerly line of said 0.418 acre City of Columbus Right of Way parcel, South 58°48'46" East, passing over a ¾ inch iron pipe found at 30.00 feet, a total distance of 60.03 feet to a ¾ inch iron pipe found at the northeasterly corner of said 0.418 acre Right of Way parcel, also being the northwesterly corner of that 0.930 acre (by survey) tract of land conveyed to Community Housing Network, Inc., of record in Instrument Number 200309160296016, also being in the southerly line of that 0.5 acre tract of land conveyed to Troy Alderman, of record in Instrument Number 201307010110108;

Thence with the westerly line of said 0.930 acre Community Housing Network tract, also with the easterly line of said 0.418 acre City of Columbus Right of Way parcel, South 32°55'00" West, a distance of 253.28 feet to an iron pipe set at the southwesterly corner of said 0.930 acre Community Housing Network tract, also being a northwesterly corner of said 1.767 acre Briggsdale Apartments tract, said iron pipe marking the true point of beginning of the herein described 1.227 acre Subarea B;

Thence with the southerly line of said 0.930 acre Community Housing Network tract, also with a northerly line of said 1.767 acre Briggsdale Apartments tract, and continuing with a new line, across and through said 1.767 acre Briggsdale Apartments tract, South 58°47'56" East, passing over an iron pipe set at 159.96 feet, a total distance of 183.02 feet to an iron pipe set;

Thence with a new line, across and through said 1.767 acre Briggsdale Apartments tract, the following six (6) courses:

- 1) North 31°12'04" East, a distance of 122.46 feet to an iron pipe set;
- 2) South 58°47'56" East, a distance of 71.68 feet to an iron pipe set;
- 3) North 31°12'04" East, a distance of 44.82 feet to an iron pipe set;
- 4) South 65°15'37" East, a distance of 8.05 feet to an iron pipe set;
- 5) North 81°42'24" East, a distance of 5.87 feet to an iron pipe set;
- 6) South 58°47'56" East, a distance of 113.75 feet to an iron pipe set in the easterly line of said 1.767 acre Briggsdale Apartments tract, also being in a westerly line of Autumn Village Section III, as shown for record in Plat Book 81, Page 65;

Thence with easterly lines of said 1.767 acre Briggsdale Apartments tract, also with westerly lines of said Autumn Village Section III, the following three (3) courses:

- 1) South 14°02'17" West, a distance of 68.03 feet to an iron pipe set;
- 2) South 67°44'29" West, a distance of 30.40 feet to an iron pipe set;
- 3) South 14°02'17" West, a distance of 138.67 feet to the southeasterly corner of said 1.767 acre Briggsdale

Apartments tract, also being the northeast corner of that 1.041 acre tract of land conveyed to Darrell G. Neese, of record in Instrument Number 201507070091362, said corner referenced by a ¾ inch iron pipe found 0.86 feet east of the corner;

Thence with the southerly line of said 1.767 acre Briggsdale Apartments tract, also with the northerly line of said 1.041 acre Neese tract, North 58°47'56" West, a distance of 425.37 feet to a ¾ inch iron pipe found at the southwesterly corner of said 1.767 acre Briggsdale Apartments tract, also being the southeasterly corner of the aforesaid 0.418 acre City of Columbus Right of Way parcel;

Thence with a westerly line of said 1.767 acre Briggsdale Apartments tract, also with the easterly line of said 0.418 acre City of Columbus Right of Way parcel, North 32°55'00" East, a distance of 50.02 feet to the point of beginning, and containing 1.227 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly right of way of Harrisburg Pike was assigned a bearing of North 32°55'00" East, as described in Instrument Number 200309160296016, Recorder's Office, Franklin County, Ohio.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2014.

**To Rezone From:** L-AR-O, Limited Apartment Office and CPD, Commercial Planned Development Districts,

**To:** L-AR-O, Limited Apartment Office District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-AR-O, Limited Apartment Office 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-O, Limited Apartment Office District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.09 of the Columbus City Codes; said plan being titled, "**SUBAREA EXHIBIT, REZONING Z15-052, 1660 HARRISBURG PIKE,**" and said text being titled, "**DEVELOPMENT TEXT,**" both dated December 23, 2015, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**EXISTING DISTRICT:** L-AR-O, Limited Apartment Office and CPD, Commercial Planned Development

**PROPOSED DISTRICT:** L-AR-O, Limited Apartment Office

**PROPERTY ADDRESS:** 1660 Harrisburg Pike, Columbus, OH 43223

**APPLICANT:** Community Housing Network, Inc. c/o Dave Perry, David Perry Co., Inc., 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215

**OWNER:** Community Housing Network, Inc. and Briggsdale Apartments, LLC; c/o Dave Perry, David Perry Co., Inc.; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215 and Donald Plank, Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215

**DATE OF TEXT:** December 23, 2015

**APPLICATION NUMBER:** Z15-052

#### **INTRODUCTION:**

The subject property is 2.697 +/- acres located on the east side of Harrisburg Pike, 1,050 +/- feet north of Frank Road. By

Ordinance 0134-2004 (Z03-092), the property was rezoned to L-AR-O (1.520 ac) and CPD (1.322 ac). The L-AR-O area is developed with a 35 dwelling unit apartment building. The CPD area is developed with a house that will be razed as part of redevelopment of the property. The current property lines of the two (2) tax parcels will be reconfigured by lot split to correspond to Subareas A and B, as depicted on the Subarea Plan titled “Subarea Exhibit, Rezoning Z15-022, 1660 Harrisburg Pike”, hereafter “Subarea Plan”. Subarea A is proposed to be developed with a 40 dwelling unit apartment building. The existing 35 dwelling unit apartment house is located within Subarea B. Accessory parking will be located on each Subarea and the parking lot will be divided by the Subarea A/B property line. All applicable easements shall be provided for the common access to Harrisburg Pike and use of and circulation through the parking lots (Subarea A and B). Council Variance application CV15-070 is a companion ordinance to this rezoning for applicable variances.

**1. PERMITTED USES:** The permitted uses of both Subarea A and Subarea B shall be all uses of Section 3333.04, Permitted Uses in AR-O Apartment Office District.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply. Council variance application CV15-070 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

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

1. There shall be a maximum of 40 dwelling units in Subarea A.
2. There shall be a maximum of 35 dwelling units in Subarea B.
3. The minimum perimeter building setbacks along the external perimeter property lines of Subareas A and B, where abutting property owned by parties other than the two (2) property owners of the property included in this application, shall be fifteen (15) feet, except for the location of the dumpsters, treated as structures, along the south property line.

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

1. There shall be a single vehicular access point to Harrisburg Pike. The vehicular access point shall be located on Subarea B. All vehicular access to Subarea A and B shall be from/to the single access point.
2. Access to Harrisburg Pike (US Route 62) is controlled by the Ohio Department of Transportation (ODOT). An access study has been approved by ODOT. Access to the property shall be as specified in the approved access study.

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

1. Street trees shall be provided along the Harrisburg Pike frontage at the rate of one (1) tree per 40 lineal feet for a total of eight trees. All eight (8) street trees may be located on the Subarea A Harrisburg Pike frontage. Existing trees within the Harrisburg Pike parking setback shall satisfy this requirement.
2. A six (6) foot privacy fence shall be placed along the perimeter of the north, east and south property lines of the external perimeter of the 2.697 +/- acres, except within required clear vision areas. .

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

N/A

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

1. All new or relocated utility lines on-site shall be installed underground unless the applicable utility company directs or requires otherwise.

2. Parking lot light poles shall be a maximum of 14 feet tall.

#### **F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-O, Apartment Residential Office District. All signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-O, Apartment Residential District shall be submitted to the Columbus Graphics Commission.

#### **G. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. The Subarea plan titled “Subarea Exhibit, Rezoning Z15-052, 1660 Harrisburg Pike”, dated December 23, 2015, and signed by David B. Perry, Agent, and Donald Plank, Attorney, depicts Subareas A and B. The 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 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.

3. See also CV15-070.

**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.**