



## Legislation Details (With Text)

**File #:** 0595-2019      **Version:** 2

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

**File created:** 2/20/2019      **In control:** Zoning Committee

**On agenda:** 3/18/2019      **Final action:** 3/20/2019

**Title:** To rezone 4522 KENNY ROAD (43220), being 5.4± acres located on the east side of Kenny Road, 214± feet south of West Henderson Road, From: C-2, Commercial, C-4, Commercial, and CPD, Commercial Planned Development districts, To: AR-2, Apartment Residential District (Rezoning #Z18-061) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0595-2019.Attachments.pdf, 2. ORD0595-2019.Labels.pdf

Date	Ver.	Action By	Action	Result
3/20/2019	2	CITY CLERK	Attest	
3/19/2019	2	MAYOR	Signed	
3/18/2019	2	COUNCIL PRESIDENT	Signed	
3/18/2019	1	Zoning Committee	Amended to Emergency	Pass
3/18/2019	1	Zoning Committee	Approved as Amended	Pass
3/11/2019	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z18-061

**APPLICANT:** Preferred Living Acquisitions LLC; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-1) on January 10, 2019.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of six parcels developed with a night club, a car wash, and an auto repair facility in the CPD, Commercial Planned Development District, and offices in the C-2 and C-4, Commercial districts. The applicant proposes the AR-2, Apartment Residential District in the 60-foot height district to redevelop the site with a multi-unit residential development. The site is within the boundaries of the *Olentangy West Area Plan* (2013) which recommends "Community Mixed Use" land uses, a designation that includes retail, office, institutional, or hotel uses with residential units located above or next to these uses. The requested AR-2, Apartment Residential District will allow a multi-unit residential development with higher density than recommended in the Plan. However, commitments to a site plan, streetscape improvements, open space, and building elevations consistent with the Plan's recommendations are included with the concurrent Council variance (Ordinance # 0596-2019; CV18-083) for reduced setbacks and perimeter yard. These commitments ensure that this proposed development, along a primary corridor, is compatible with surrounding development and logically fits with potential future redevelopment scenarios.

To rezone **4522 KENNY ROAD (43220)**, being 5.4± acres located on the east side of Kenny Road, 214± feet south of West Henderson Road, **From:** C-2, Commercial, C-4, Commercial, and CPD, Commercial Planned Development districts, **To:** AR-2, Apartment Residential District (Rezoning #Z18-061) **and to declare an emergency.**

**WHEREAS**, application #Z18-061 is on file with the Department of Building and Zoning Services requesting rezoning of 5.4± acres from C-2, Commercial, C-4, Commercial, and CPD, Commercial Planned Development districts, to the AR-2, Apartment Residential District; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested AR-2, Apartment Residential District, while including increased density above that which is recommended by the *Olentangy West Area Plan*, includes commitments made within the concurrent Council variance request for a site plan, streetscape improvements, open space, and building elevations consistent with the Plan's recommendations, ensuring that this proposed development, along a primary corridor, is compatible with surrounding development and logically fits with potential future redevelopment scenarios,

**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:

**4522 KENNY ROAD (43220)**, being 5.4± acres located on the east side of Kenny Road, 214± feet south of West Henderson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 1, Township 1, Range 19, United States Military District, being a 5.4± acre tract, said 5.4± acre tract being all of a 2.4244 acre tract of land described as Tract I conveyed to 4522 Kenny Road LLC of record in Instrument Number 199812210328301, being all of a 0.6745 acre tract of land conveyed to Sama Management, LLC of record in Instrument Number 201109280122395, being all of Tract I and Tract II as conveyed to Dr. Kvitko Properties, LLC of record in Instrument Number 201506020072460, being all of a 0.702 acre tract of land conveyed to Kathryn A. Schirtzinger Tr. of record in Instrument Number 200405270122380 and all of a 0.702 acre tract of land conveyed to Capital Car Wash LLC of record in Instrument Number 200509010180997, and being more particularly described as follows:

Beginning, at a northwesterly corner of said 2.4244 acre tract, at a southwesterly corner of a tract of land conveyed to ZKR Inc. of record in Instrument Number 200802050017981 and in the easterly right-of-way line of Kenny Road;

Thence S 87° 35' 13" E, along a northerly line of said 2.4244 acre tract, about 254.21± feet to a northwesterly corner thereof;

Thence along the westerly lines of said 2.4244 acre tract the following two (2) courses;

N 02° 42' 06" E, about 110.32± feet to an angle point thereof;

N 02° 38' 33" E, about 104.11± feet to a northwesterly corner thereof and being in the southerly right-of-way line of Henderson Road;

Thence S 87° 51' 05" E, along the northerly line of said 2.4244 acre tract, along the northerly line of said 0.6745 acre

tract and along the southerly right-of-way line of said Henderson Road, about 560.89± feet to the northeasterly corner of said 0.6745 acre tract;

Thence S 02° 16' 16" W, along the easterly line of said 0.6745 acre tract and said Parcel I, about 449.15± feet to the southeasterly corner of said Parcel I and the northwesterly right-of-way line of Old Henderson Road;

Thence along the southerly lines of said Parcel I and Parcel II, along the southerly line of said Schirtzinger tract and said Capital Car Wash LLC tract and along the northerly right-of-way lines of said Old Henderson Road, the following two (2) courses;

S 62° 50' 37" W, about 8.68± feet to an angle point thereof;

N 87° 55' 52" W, about 434.88± feet to the southwesterly corner of said Capital Car Wash LLC tract;

Thence N 02° 32' 09" E, along the westerly line of said Capital Car Wash LLC tract, about 210.21± feet to the northwesterly corner thereof and being in the southerly line of said 2.4244 acre tract;

Thence along the southerly and easterly lines of said 2.4244 acre tract, the following three (3) courses;

N 88° 00' 39" W, about 345.71± feet to the southeasterly corner thereof;

S 03° 02' 14" W, about 24.53± feet to the southeasterly corner thereof;

N 88° 02' 43" W, about 29.40± feet to the southwesterly corner thereof and being in the easterly right-of-way line of said Kenny Road;

Thence N 02° 29' 12" E, along the westerly line of said 2.4244 acre tract and the easterly right-of-way line of said Kenny Road, about 50.75± feet to the True Point of Beginning.

Containing about 5.4± acres, more or less.

**To Rezone From:** C-2, Commercial, C-4, Commercial, and CPD, Commercial Planned Development districts,

**To:** AR-2, Apartment Residential District.

**SECTION 2.** That a Height District of sixty (60) feet is hereby established on the AR-2, 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.

**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.**