



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/4/2019 **In control:** Zoning Committee

On agenda: 4/29/2019 **Final action:** 5/2/2019

Title: To rezone 3341 EAST LIVINGSTON AVENUE (43227), being 2.58± acres located on the south side of East Livingston Avenue, 192± feet east of Barnett Road, From: C-2, Commercial District, To: AR-2, Apartment Residential District (Rezoning #Z18-068).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1025-2019_Attachments, 2. ORD1025-2019_Labels

Date	Ver.	Action By	Action	Result
5/2/2019	1	CITY CLERK	Attest	
5/1/2019	1	ACTING MAYOR	Signed	
4/29/2019	1	COUNCIL PRESIDENT	Signed	
4/29/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
4/29/2019	1	Zoning Committee	Approved	Pass

Rezoning Application Z18-068

APPLICANT: National Church Residences; c/o Matthew Bierlein, Agent; 2335 North Bank Drive; Columbus, OH 43220.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on March 14, 2019.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 2.57± acres site is undeveloped and zoned in the C-2, Commercial District. The applicant is requesting the AR-2, Apartment Residential District to allow for multi-unit residential development. The site is within the boundaries of the *Livingston East Area Plan* (2009), which recommends “mixed-use” land uses at this location. Additionally, this site is within an area that has adopted the *Columbus Citywide Planning Policies* (C2P2) design guidelines. Staff finds the proposed use and zoning to be consistent with the Plan’s land use recommendations and comparable to similar higher-density infill residential development. A concurrent Council Variance (Ordinance #1026-2019; CV18-092) has been filed to reduce the minimum number of parking spaces required, building lines, and minimum side yards, and to increase building height for a senior housing development.

To rezone **3341 EAST LIVINGSTON AVENUE (43227)**, being 2.58± acres located on the south side of East Livingston Avenue, 192± feet east of Barnett Road, **From:** C-2, Commercial District, **To:** AR-2, Apartment Residential District (Rezoning #Z18-068).

WHEREAS, application #Z18-068 is on file with the Department of Building and Zoning Services requesting rezoning of 2.57± acres from C-2, Commercial District, 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 because the proposed AR-2, Apartment Residential District is consistent with the *Livingston East Area Plan's* land use recommendations and will not add incompatible uses to the East Livingston Avenue corridor; 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:

3341 EAST LIVINGSTON AVENUE (43227), being 2.58± acres located on the south side of East Livingston Avenue, 192± feet east of Barnett Road, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio; being part of the northeast quarter of Section 19, Township 12, Range 21, Refugee Lands; also being that 2.634 acre tract as conveyed to Heritage Day Health Centers as described in Instrument No. 200202120040113, Tract 2; being more particularly described as follows:

Commencing at a 1" iron pipe found at the intersection of the extended southerly right-of-way line of Livingston Avenue (70' right-of-way) and the extended westerly right-of-way line of Barnett Road (60' right-of-way); thence,

Along the extended southerly right-of-way line and then the southerly right-of-way line of Livingston Avenue, North 85° 53' 35" West, for a distance of two hundred two and twenty one-hundredths feet (202.20') to a 1" iron pipe found, said point being the northwesterly corner of a 3.092 acre tract as conveyed to Heritage Day Health Centers as described in Instrument No. 200202120040113, Tract 1; said point also being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along a portion of an easterly line of said 2.634 acre tract, also being along a portion of a westerly line of said 3.092 acre tract, South 02° 24' 09" East, for a distance of twenty-five and forty-one one-hundredths feet (25.41') to an iron pin set; thence,

Along a new division line, South 04° 22' 31" West, for a distance of four hundred nineteen and fifty-seven one-hundredths feet (419.57') to a point along a northerly line of said 3.092 acre tract, said point also being along the southerly line of said 2.634 acre tract; thence,

Along a portion of the northerly line of said 3.092 acre tract, also being along a portion of the southerly line of said 2.634 acre tract, North 85° 18' 02" West, for a distance of two hundred fifty-three and four one-hundredths feet (253.04') to a 1" iron pipe found, said point being a northwesterly corner of said 3.092 acre tract, said point also being the southwest corner of said 2.634 acre tract, said point also being along the easterly line of Lot No. 38 of Liv-Moor Heights as recorded in Plat Book 26 Page 49; thence,

Along the westerly line of said 2.634 acre tract, also being along a portion of the easterly line of said Lot No. 38 and then along the easterly line of Lot No. 37 of said Liv-Moor Heights and then along the easterly line of Lot No. 36 of said Liv-Moor Heights and then along the easterly line of a 0.436 acre tract as conveyed to Geo-Graphics, Inc. as described in Instrument No. 199911190289639, North 04° 23' 00" East, for a distance of four hundred forty-two and twenty-one one-hundredths feet (442.21') to a 1" iron pipe found, said point being the northwesterly corner of said 2.634 acre tract, said point also being the northeasterly corner of said 0.436 acre tract, said point also being along the southerly right-of-way line of Livingston Avenue; thence,

Along the northerly line of said 2.634 acre tract, also being along the southerly right-of-way line of Livingston Avenue,

South 85° 53' 35" East, for a distance of two hundred forty-nine and ninety-eight one-hundredths feet (249.98') to the point of beginning containing 2.575 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in August, 2009.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the southerly right-of-way line of Livingston Avenue being North 85° 53' 35" West, as determined by a VRS-GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and station "FRANK 44".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

To Rezone From: C-2, Commercial District

To: AR-2, Apartment Residential District

SECTION 2. That a Height District of thirty-five (35) 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.