Legislation Details (With Text)

File #:	2452-2019 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	9/17/2019	**In control:**	Zoning Committee
On agenda:	10/7/2019	**Final action:**	10/10/2019
Title:	To rezone 2700 MCKINLEY AVE. (43214), being 2.85± acres located on the east side of McKinley Avenue, 1,650± feet southeast of West Fifth Avenue, From: L-ARLD, Limited Apartment Residential District, To: PUD-8, Planned Unit Development District (Rezoning #Z19-051).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD2452-2019_Attachments, 2. ORD2452-2019_Labels		

Date	Ver.	Action By	Action	Result
10/10/2019	1	CITY CLERK	Attest	
10/9/2019	1	MAYOR	Signed	
10/7/2019	1	COUNCIL PRESIDENT	Signed	
10/7/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
10/7/2019	1	Zoning Committee	Approved	Pass

Rezoning Application: Z19-051

APPLICANT: 2700 McKinley 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.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 12, 2019.

WEST SCIOTO AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This site was rezoned in 2017 to the L-ARLD, Limited Apartment Residential District which permits the development of a 42-unit apartment building in accordance with a registered site plan. The requested PUD-8, Planned Unit Development District will permit a total of 22 dwelling units within several buildings in a townhouse configuration. This proposal represents a nearly 50% decrease in permitted density from 14.73 units per acre to 7.72 units per acre. The development text includes supplemental development standards that address the maximum number of dwelling units permitted, building and parking setbacks, building height, vehicular access, provided open space, natural resource preservation, landscaping and screening, street trees, building design and exterior treatments, and a commitment to develop the site in accordance with the submitted site plan. Additionally, the text includes variances to reduce the building and parking setback along McKinley Avenue, and to increase building height from 35’ to 36’-4”. The site is within the planning boundary of the *McKinley Avenue Corridor Plan* (2000), which does not contain a land use recommendation, but states that residential development should be confined to existing residential zoning districts, and that screening and landscaping buffers should be provided to mitigate

adverse impacts on adjacent land uses. The proposal is supportable because of the reduced number of dwelling units proposed, adjacency to existing multi-unit residential development, preservation of natural resources on the southeast portion of the site, and landscaping and buffering as demonstrated on the site plan.

To rezone **2700 MCKINLEY AVE. (43214)**, being 2.85± acres located on the east side of McKinley Avenue, 1,650± feet southeast of West Fifth Avenue, **From**: L-ARLD, Limited Apartment Residential District, **To**: PUD-8, Planned Unit Development District (Rezoning #Z19-051).

WHEREAS, application #Z19-051 is on file with the Department of Building and Zoning Services requesting rezoning of 2.85± acres from L-ARLD, Limited Apartment Residential District, to PUD-8, Planned Unit Development District; and

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

WHEREAS, the West Scioto Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the proposed PUD-8, Planned Unit Development District will allow a multi-unit residential development containing a maximum of 22 dwelling units that demonstrates appropriate development standards including open space, natural resource preservation, and buffering and landscaping as recommended by the *McKinley Avenue Corridor Plan*; 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:

2700 MCKINLEY AVE. (43214), being 2.85± acres located on the east side of McKinley Avenue, 1,650± feet southeast of West Fifth Avenue, and being more particularly described as follows:

PROPERTY DESCRIPTION FOR 2700 MCKINLEY:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in part of lots 2 and 3 of “Scioto Park”, of record in Plat Book 43, Page 108 being part of those tracts of land conveyed to Pittsburg National Bank, by deed of record in Deed Book 3792, Page 488 (record references to those of the Recorder’s Office, Franklin County, Ohio), described as follows:

Commencing at a railroad spike at the centerline intersection of McKinley Avenue and West Fifth Avenue as shown on the plat of “Subdivision of Lot 4 of Scioto Park Subdivision” of record in Plat Book 46, Page 66;

Thence along the centerline of said McKinley Avenue (80.00 feet in width), S 36 degrees 37 minutes 36 seconds E a distance 1319.32 feet; Thence continuing along said centerline S 36 degrees 33 minutes 57 seconds E a distance 229.47 feet to a point of curvature; Thence along the arc of a curve to the left (Radius = 308.12 feet, Sub-Delta = 29 degrees 40 minutes 12 seconds), a chord bearing and distance of
S 51 degrees 24 minutes 05 seconds E a distance 157.78 feet to an iron pin in the northeasterly Right-of-Way line of said McKinley Avenue and the **TRUE POINT OF BEGINNING**;

Thence N 53 degrees 02 minutes 48 seconds E a distance 218.88 feet to a point;

Thence S 47 degrees 47 minutes 28 seconds E a distance 252.50 feet to the westerly corner of the 32.372 acre tract conveyed to Main Street Properties, Inc. by deed of record in Official Records 704, Page G09;

Thence along said westerly line and the westerly lines of the Main Street Properties, Inc. 0.069 acre tract, the following

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five (5) courses and distances;

Thence S 53 degrees 11 minutes 11 seconds E a distance 208.36 feet;

Thence S 58 degrees 10 minutes 00 seconds W a distance 90.00 feet to an Iron pin;

Thence S 57 degrees 04 minutes 33 seconds W a distance 85.00 feet to an Iron pin;

Thence S 32 degrees 55 minutes 27 seconds E a distance 71.19 feet to an Iron pin; and

Thence S 17 degrees 07 minutes 36 seconds W a distance 148.27 feet to an Iron pin found in the Northeasterly Right-of-Way line of said McKinley Avenue;

Thence along said Right-of-Way line of McKinley Avenue, N 34 degrees 39 minutes 15 seconds W a distance 16.41 feet to an Iron pin at an angle point in said line;

Thence continuing along said Right-of-Way line, N 36 degrees 33 minutes 57 seconds W a distance 301.30 feet to an Iron pin;

Thence S 46 degrees 19 minutes 03 seconds W a distance 25.26 feet to an Iron pin;

Thence N 37 degrees 12 minutes 52 seconds W a distance 248.13 feet to an Iron pin;

Thence N 64 degrees 25 minutes 00 seconds E a distance 20.10 feet to an Iron pin;

Thence N 71 degrees 41 minutes 37 seconds W a distance 10.07 feet to an Iron pin at a point of curvature;

Thence N 68 degrees 57 minutes 53 seconds W along the arc of a curve to the right (Radius = 308.12 feet, Sub-Delta = 5 degrees 27 minutes 28 seconds), a chord distance of 29.34 feet to the **TRUE POINT OF BEGINNING**; containing 2.849 acres of land, more or less.

Parcel No: 010-153735
Known as address: 2700 McKinley Avenue, Columbus, OH 43214

To Rezone From: L-ARLD, Limited Apartment Residential District,

To: PUD-8, Planned Unit Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the PUD-8, Planned Unit 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 changes on the said original zoning map and shall register a copy of the approved PUD-8, Planned Unit Development 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, "**ZONING SITE PLAN**," and said text being titled, "**PLANNED UNIT DEVELOPMENT (PUD-8)**," both dated September 12, 2019, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

PLANNED UNIT DEVELOPMENT (PUD-8)

PROPERTY ADDRESS: 2700 McKinley Avenue, Columbus, OH 43214
PID: 010-153735
AREA: 2.85 +/- acres (net)

EXISTING ZONING: L-ARLD, Limited Apartment Residential District (Z16-081)
PROPOSED ZONING: PUD-8, Planned Unit Development
APPLICANT: 2700 McKinley Avenue, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, OH 43215
PROPERTY OWNER: 2700 McKinley Avenue, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, OH 43215
DATE OF TEXT: September 12, 2019
APPLICATION NUMBER: Z19-051

1. INTRODUCTION: The 2.85 +/- acre (net) site is located on the east side of McKinley Avenue, 45 +/- feet south of Runaway Bay Drive (private). The site is presently zoned L-ARLD (Z16-081) for development of 42 dwelling units. The current zoning is conditioned on a site plan and building elevations for the 42 dwelling unit project, so rezoning is required to change zoning for this proposed 22 dwelling unit development. A site plan titled "2700 McKinley Avenue, Zoning Site Plan", hereafter "Site Plan", dated September 12, 2019 is submitted with this application. The abutting property to the south and east is zoned PUD-8, and is developed with a condominium complex. The abutting property to the north is zoned AR-12, and is developed with an apartment complex. The proposed use is appropriate for the site and area. Density is being reduced by almost 50% from what is permitted by the current L-ARLD zoning.

2. PERMITTED USES: The permitted use shall be twenty-two (22) dwelling units, as permitted in Chapter 3345, Planned Unit Development District.

3. 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 3345, Planned Unit Development District, of the Columbus City Code.

A. Density, Height, Lot and/or Setback commitments:

1. There shall be a maximum of twenty-two (22) dwelling units, which is 7.72 +/- net dwelling units per acre. The net site area, net of right of way dedication for McKinley Avenue, (50 feet from centerline) is 2.85 +/- acres.

2. The McKinley Avenue building setback line shall be a minimum of five (5) feet due to a projection of right of way near the north end of the site, and shall otherwise be 17 feet and 25 feet or more, as noted on the Site Plan. Other building setbacks and yards shall be as depicted on the Site Plan.

3. The McKinley Avenue parking setback shall be seven (7) feet, net of McKinley Avenue right of way dedication totaling 50 feet from centerline.

4. The townhouse dwelling units are designed with a shed roof. The maximum height to the top of roof shall be 36' - 4".

B. Access, Loading, Parking and/or other Traffic related commitments:

1. Vehicular access shall be from a single full-turning movement curbcut on McKinley Avenue.

2. McKinley Avenue right of way totaling 50 feet from centerline shall be conveyed to the City of Columbus in conjunction with the final Site Compliance Plan.

3. The developer shall be responsible for the removal of foliage in the McKinley Avenue right of way south of the site access point to McKinley Avenue to maintain adequate site distance at the site access point.

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

1. Open space shall be provided as depicted on the Site Plan. Open Space areas shall remain in their natural state as part of the scenic beauty of the site. Part of the Open Space on the south side of the proposed development area is in a Perpetual Non-Exclusive buffer easement (OR3200A01, 1983) (hereafter "Buffer Area") and shall remain in its natural state as required by the easement. No encroachment into the easement area shall be permitted with any development, except for a ten foot wide area adjacent to the south side of the development area (north side of the easement area) for construction equipment during construction. At the completion of the project, any encroachment in the Buffer Area shall be returned to lawn or landscaped area. Every effort to maintain all trees in the Buffer Area shall be made. A resident walking path may be developed in the Open Space or other areas of the PUD Plan, other than in Buffer Area.

2. Three (3) trees shall be planted in the McKinley Avenue right of way as depicted on the Site Plan, if permitted in the right of way by the City of Columbus. If not permitted in the McKinley Avenue right of way, the three (3) trees shall be planted on the site.

3. A six (6) foot tall wood privacy fence shall be placed: a) along the south line of the development area, adjacent to, but not in, the Buffer Easement, and b) parallel to the north property line, both as depicted on the Site Plan.

4. Ten (10), eight (8) foot tall Canadian Hemlock (or similar species) trees shall be planted in the Buffer Area, generally in the location depicted on the Site Plan.

5. On the east side of the property, trees on the cliff bank where the tree trunks are located 10 feet or more below the finished site grade shall be preserved. The bank of the cliff that is presently 3- 4 +/- feet above the current site grade shall be preserved.

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

1. Each dwelling unit shall be a minimum of 2,600 square feet above grade, including the at grade one (1) car garage.

2. Primary building materials shall be brick, and cementitious board siding, such as hardie-plank brand siding.

3. The buildings shall be a maximum three (3) stories above grade.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments:

Refuse service shall be by private hauler.

F. Graphics and Signage commitments:

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the PUD, Planned Unit Development District. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. No off-premise graphics shall be permitted on this site.

G. Other PUD Requirements:

N/A

H. Code Modifications:

1. The McKinley Avenue building setback is reduced from 50 feet (Columbus Thoroughfare Plan) to five (5) feet to 25 feet, net of McKinley Avenue right of way dedication totaling 50 feet from centerline.

2. The McKinley Avenue parking setback is reduced from 25 feet to seven (7) feet, net of McKinley Avenue right of way dedication totaling 50 feet from centerline.

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3. The building height is increased from 35’. The townhouse dwelling units are designed with a shed roof. The maximum height to the top of roof shall be 36’ - 4”.

I. Miscellaneous commitments:

1. The existing topographical elevation(s) shall be maintained except for grading as needed for site engineering purposes.

2. The site shall be developed in accordance with the submitted Site Plan titled “2700 McKinley Avenue, Zoning Site Plan”, dated September 12, 2019 and signed by David B. Perry, Consultant, and Donald Plank, Attorney. 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 Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment. Building footprints shown on the Site Plan are illustrative.

3. Applicant shall pay the applicable Parkland Dedication Ordinance (PDO) fee in conjunction with the final site compliance plan.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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