



## Legislation Details (With Text)

**File #:** 1619-2020      **Version:** 1

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

**File created:** 7/1/2020      **In control:** Zoning Committee

**On agenda:** 7/20/2020      **Final action:** 7/23/2020

**Title:** To rezone 1573 E. LIVINGSTON AVE. (43205), being 1.03± acres located at the southeast and southwest corners of East Livingston Avenue and Geers Avenue, From: C-4, Commercial District, To: AR-3, Apartment Residential District and CPD, Commercial Planned Development District (Rezoning #Z20-021).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1619-2020.Attachments, 2. ORD1619-2020.Labels

Date	Ver.	Action By	Action	Result
7/23/2020	1	CITY CLERK	Attest	
7/22/2020	1	MAYOR	Signed	
7/20/2020	1	COUNCIL PRESIDENT	Signed	
7/20/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
7/20/2020	1	Zoning Committee	Approved	Pass

### Rezoning Application: Z20-021

**APPLICANT:** Woda Cooper Companies, Inc.; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2<sup>nd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development and parking lot.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 11, 2020.

**LIVINGSTON AVENUE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels zoned in the C-4, Commercial District, with the west parcel being developed with a parking lot, and the east parcel developed with the former Livingston Theater undergoing conversion to a 45-unit senior housing apartment building. The applicant proposes the AR-3, Apartment Residential and CPD, Commercial Planned Development District to permit the continued development of the apartment building and accessory parking lot, as permitted by ORD #0182-2017; CV16-075. That ordinance was conditioned on the applicant submitting a rezoning application to rezone the property to an appropriate zoning district to reflect the senior housing land use within 18 months of the effective date of the ordinance. The development text commits to a site plan and includes provisions for access, landscaping, lighting, and graphics commitments. The site is located within the Livingston Avenue Urban Commercial Overlay and is within the planning area of the *Near Southside Plan* (2011), which recommends "Neighborhood Mixed Use (16-29 du/AC)" land uses for this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design

Guidelines. The requested AR-3, Apartment Residential and CPD, Commercial Planned Development districts will allow a residential development that is consistent with the land use recommendations of the *Near Southside Plan*. Although the proposed development exceeds the recommended density in the Plan, the request would result in the preservation of an existing contributing building, and will add to the traditional and established development pattern along East Livingston Avenue. A concurrent Council variance (Ordinance #1620-2020; CV20-023) has been filed to vary the minimum numbers of parking spaces required, vision clearance triangles, building lines, maximum side yard, rear yard, and lot coverage.

To rezone **1573 E. LIVINGSTON AVE. (43205)**, being 1.03± acres located at the southeast and southwest corners of East Livingston Avenue and Geers Avenue, From: C-4, Commercial District, To: AR-3, Apartment Residential District and CPD, Commercial Planned Development District (Rezoning #Z20-021).

**WHEREAS**, application #Z20-021 is on file with the Department of Building and Zoning Services requesting rezoning of 1.03± acres from C-4, Commercial District, 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 Livingston Avenue 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 that is consistent with the land use recommendations of the *Near Southside Plan* and is compatible with the development standards of adjacent residential development; 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:

**1573 E. LIVINGSTON AVE. (43205)**, being 1.03± acres located at the southeast and southwest corners of East Livingston Avenue and Geers Avenue, and being more particularly described as follows:

**AR-3, Apartment Residential District, 0.71 acres:**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 32, Township 5, Range 22, Refugee Lands, being all of Lots 26, 27, 28, 29, and 30 of The Driving Park Addition, as recorded in Plat Book 18, Page 47, being all of Lot 1, and part of Lots 2 and 3 of Lenox Addition, as recorded in Plat Book 7, Page 282, said Lots being described in a deed to Thomas C. Smith, of record in Instrument Number 201207250106810, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being more particularly described and bounded as follows:

BEGINNING at a MAG nail set at the intersection of the existing south right-of-way line for Livingston Avenue and existing east right-of-way line for Geers Avenue, both as established by said Plat Book 18, Page 47, said MAG nail set being the northwest corner of said Smith tract and the northwest corner of said Lot 26;

Thence South 86 degrees 03 minutes 28 seconds East, along the existing south right-of-way line for Livingston Avenue, along a north line of said Smith tract and the north line of said Lots 26, 27, 28, 29, 30, 1 and 2, a distance of 196.88 feet to a point at the northeast corner of said Smith tract, being the northwest corner of that tract described in a deed to Harvey H. Alton Sr. Lodge (I.B.P.O.E. of W.)

Improved Benevolent Protective Order of Elks of the World, of record in Official Record 18320 B11, (reference an iron

pipe being North 04 degrees 46 minutes 22 seconds East at a distance of 0.23 feet);

Thence South 04 degrees 04 minutes 44 seconds West, along an east line of said Smith tract, and along a west line of said Alton Lodge tract, a distance of 80.00 feet to a point;

Thence South 86 degrees 03 minutes 28 seconds East, along a north line of said Smith tract, and along a south line of said Alton Lodge tract, a distance of 10.00 feet to a point;

Thence South 04 degrees 04 minutes 44 seconds West, along an east line of said Smith tract, and along a west line of said Alton Lodge tract, a distance of 80.00 feet to an iron pin set on the existing north right-of-way line of an unnamed public alley, established by said Plat Book 7, Page 282, and being on the south line of said Lot 3, said iron pin set being the southeast corner of said Smith tract, and being the southwest corner of said Alton Lodge tract;

Thence North 86 degrees 03 minutes 28 seconds West, along the existing north right-of-way line for said alley, along the south line of said Smith tract, and along the south line of said Lots 3, 2 and 1, a distance of 69.96 feet to an iron pin set at an angle point in the north right-of-way line for said unnamed public alley, said iron pin set being the southwest corner of said Lot 1, and being the southeast corner of said Lot 30;

Thence North 76 degrees 31 minutes 07 seconds West, continuing along the existing north right-of-way line for said alley, as established by said Plat Book 18, Page 47, continuing along the south line of said Smith tract, and along the south line of said Lots 30, 29, 28, 27, and 26, a distance of 138.79 feet to a MAG nail set on the existing east right-of-way line for Geers Avenue, said MAG nail set being the southwest corner of said Smith tract and the southwest corner of said Lot 26;

Thence North 04 degrees 04 minutes 44 seconds East, along the existing east right-of-way line for Geers Avenue, along the west line of said Smith tract and the west line of said Lot 26, a distance of 137.00 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 0.705 acres, being all of Franklin County Auditor's Parcel Number 010-080525;

**To Rezone From:** C-4, Commercial District,

**To:** AR-3, Apartment Residential District.

**CPD, Commercial Planned Development District, 0.32 acres:**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 32, Township 5, Range 22, Refugee Lands, and being all of Lots 23, 24, and 25 of The Driving Park Addition, as recorded in Plat Book 18, Page 47, said Lots being described in a deed to Thomas C. Smith, of record in Instrument Number 201207250106810, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being more particularly described and bounded as follows:

BEGINNING at a point at the intersection of the existing south right-of-way line for Livingston Avenue and existing west right-of-way line for Geers Avenue, both as established by said Plat Book 18, Page 47, said point being the northeast corner of said Smith tract and the northeast corner of said Lot 25, (reference a PK nail being South 85 degrees 58 minutes 01 second East at a distance of 0.10 feet);

Thence South 04 degrees 04 minutes 44 seconds West, along the existing west right-of-way for Geers Avenue, along the east line of said Smith tract and the east line of said Lot 25, a distance of 137.00 feet to a MAG nail set at the intersection of the existing west right-of-way line for Geers Avenue and the existing north right-of-way line for an unnamed public alley, as established by said Plat Book 18, Page 47, said MAG nail set being the southeast corner of said Smith tract, and being the southeast corner of said Lot 25;

Thence North 86 degrees 03 minutes 28 seconds West, along the existing north right-of-way line for said alley, along the

south line of said Smith tract and the south line of said Lot 25, a distance of 100.80 feet to the southwest corner of said Smith tract, being the southwest corner of said Lot 23, being the southeast corner of Lot 22 of said Driving Park Addition, and being the southeast corner of that tract described in a deed to Ababe Real Estate, LLC, of record in Instrument Number 201110200134476, (reference an iron pipe being South 64 degrees 19 minutes 38 seconds West at a distance of 0.18 feet);

Thence North 04 degrees 04 minutes 44 seconds East, along the west line of said Smith tract and the west line of said Lot 23, along the east line of said Ababe tract and the east line of said Lot 22, a distance of 137.00 feet to the northwest corner of said Smith tract and the northwest corner of said Lot 23, being the northeast corner of said Ababe tract and the northeast corner of said Lot 22, and being on the existing south right-of-way line for Livingston Avenue (reference an iron pipe being South 56 degrees 47 minutes 13 seconds East at a distance of 0.17 feet);

Thence South 86 degrees 03 minutes 28 seconds East, along the existing south right-of-way line for Livingston Avenue, along the north line of said Smith tract and the north line of said Lot 23, a distance of 100.80 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 0.317 acres, of which 0.201 acres makes up all of Franklin County Auditor's Parcel Number 010-080524, and 0.116 acres makes up all of Franklin County Auditor's Parcel Number 010-252845;

**To Rezone From:** C-4, Commercial District,

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the AR-3, Apartment Residential and CPD, Commercial Planned Development districts 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 AR-3, Apartment Residential and CPD, Commercial Planned Development Districts 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, "**THE LIVINGSTON-PARKING LOT,**" and text titled, "**DEVELOPMENT TEXT,**" both dated June 29, 2020, 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:** C-4, Commercial District (CV16-075)

**PROPOSED ZONING:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 1573 E Livingston Avenue, Columbus, OH 43205

**APPLICANT:** Woda Cooper Companies, Inc., 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:** 1543 East Livingston Limited Partnership 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

**DATE OF TEXT:** June 29, 2020

**APPLICATION NUMBER:** Z20-021

#### **INTRODUCTION:**

The site is 0.317 +/- acres located at the southwest corner of E. Livingston Avenue and Geers Avenue. By CV16-075 (Ordinance 0182-2017, passed February 7, 2017), variances were granted for development of the site as a parking lot in conjunction with and to provide parking for a multi-family development on the southeast corner of E. Livingston Avenue and Geers Avenue. This application for rezoning is submitted as follow-up to CV16-075 and, through the CPD, to tie the parking lot to the multi-family development as required parking. The site is in the Livingston Avenue Urban Commercial

Overlay (UCO). The multi-family area is being rezoned to the AR-3 district. The site plan titled “The Livingston”, dated June 29, 2020, 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 37 space parking lot exclusively to provide parking for the 45 dwelling units at the southeast corner of E. Livingston Avenue and Geers Avenue and being Franklin County Auditors PID: 010-080525.

**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 the Livingston Avenue Urban Commercial Overlay (UCO), of the Columbus City Code.

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

The E. Livingston Avenue and Geers Avenue parking setback shall be five (5) feet.

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

Vehicular access shall be from Denton Alley, abutting the south side of the parking lot.

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

Landscaping shall be provided as depicted on the Site Plan. Parking lot screening shall be provided along the E. Livingston Avenue and Geers Avenue frontages with a four (4) foot masonry wall, as permitted by the Urban Commercial Overlay and as shown on the Site Plan.

**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 18 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. The site is in the Livingston Avenue Urban Commercial Overlay (UCO) and is subject to prohibited graphics of the UCO. Any variance to applicable sign requirements, other than UCO prohibited graphics, shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: The site is located at the southwest corner of E. Livingston Avenue and Geer Avenue.

2. Existing Land Use: The site has been developed as a parking lot, as permitted by CV16-075.

3. Circulation: Vehicular access to the parking lot shall be from Denton Alley, abutting the parking lot to the south.

4. Visual Form of the Environment: The parking lot will provide required parking for the multi-family use located at the southeast corner of E. Livingston Avenue and Geers Avenue (PID: 010-080525).

5. Visibility: The site is visible from both E. Livingston Avenue and Geers Avenue.

6. Proposed Development: Accessory parking lot for 45 dwelling unit multi-family use at the southeast corner of E. Livingston Avenue and Geers Avenue (PID: 010-080525).

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)(3), (D)(1), Landscaping and Screening, to reduce one (1) parking lot island from 145 square feet to 116 square feet.

#### **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 “The Livingston”, dated June 29, 2020, 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.