



## Legislation Details (With Text)

**File #:** 0846-2021      **Version:** 2

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

**File created:** 3/30/2021      **In control:** Zoning Committee

**On agenda:** 5/10/2021      **Final action:** 5/13/2021

**Title:** To rezone 1550 KENNY RD. (43212), being 1.04± acres located on the east side of Kenny Road, 220± feet south of King Avenue, From: C-4, Commercial District, To: AR-3, Apartment Residential District (Rezoning #Z20-083) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0846-2021.Attachments, 2. ORD0846-2021.Labels

Date	Ver.	Action By	Action	Result
5/13/2021	2	ACTING CITY CLERK	Attest	
5/12/2021	2	MAYOR	Signed	
5/11/2021	2	COUNCIL PRESIDENT PRO-TEM	Signed	
5/10/2021	1	Zoning Committee	Amended to Emergency	Pass
5/10/2021	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application: Z20-083

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

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on February 11, 2021.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel which is developed with a medical office in the C-4, Commercial District. The applicant proposes the AR-3, Apartment Residential District to permit a multi-unit residential development. The site is within the planning area of the *5<sup>th</sup> by Northwest Area Plan (2009)*, which recommends "Medium Density Mixed Residential" uses for this location. The Plan recommends that "Higher densities should be focused on the area's primary corridors [Fifth Avenue, Grandview Avenue (south of Fifth Avenue), Third Avenue (east of North Star), and King Avenue (east of North Star Road)]." Additionally, the Plan recommends this location for Medium Density Mixed Residential, which does not have specific density recommendations but does speak to maintaining existing densities and demonstrating that new development will not adversely impact the existing nature of the area. The Plan also includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. The Planning Division staff notes that while the proposed density exceeds the Plan's recommendations, the applicant is seeking a tax abatement for work force housing as part of the Northwest CRA, and the provision of affordable housing as part of the application is considered a mitigating factor in moving to support. Concurrent Council variance (Ordinance #0847-2021; CV20-094) has been submitted to vary the parking setback line, building line, rear yard, and lot coverage.

To rezone **1550 KENNY RD. (43212)**, being 1.04± acres located on the east side of Kenny Road, 220± feet south of King Avenue, **From:** C-4, Commercial District, **To:** AR-3, Apartment Residential District (Rezoning #Z20-083) **and to declare an emergency.**

**WHEREAS**, application #Z20-083 is on file with the Department of Building and Zoning Services requesting rezoning of 1.04± acres from C-4, Commercial District, to AR-3, Apartment Residential District; and

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

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed AR-3, Apartment Residential District will allow multi-unit residential development that is reflective of recent urban infill developments. While the request exceeds the 5<sup>th</sup> by Northwest Area Plan's density recommendations, the proposal will also provide affordable housing;

**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 conclude permitting and commence construction for redevelopment of the property which includes a provision for affordable housing 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**1550 KENNY RD. (43212)**, being 1.04± acres located on the east side of Kenny Road, 220± feet south of King Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, In Quarter Township 3, Township 1 North, Range 18 West, United States Military Lands and being all of a 0.147 acre of land conveyed to as Tract 2 and all of a 0.896 acre tract of land (0.895 acres by recent survey) conveyed as Tract 1 to Wendt-Bristol Diagnostics Company by deed of record In Instrument 199904210099569, all references to the Recorders Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point In the centerline of Kenny Road (50 feet in width), at the northwest corner of said 0.895 acre tract and at the southwest corner of a 0.944 acre tract of land conveyed lo Randall Benderson 1993-1 Trust by deeds of record In Instrument 199808100142866 (Land) and Instrument 199806100142870 (Improvements), said point being S 03 deg. 20' 00" W a distance of 231.47 feet from a point at the centerline intersection of Kenny Road with King Avenue (60 feet in width);

thence S 87 deg. 16' 01" E along a portion of the north line of said 0.895 acre tract and along a south line of said 0.944 acre tract a distance of 177.91 feet to a 3/4" ID Iron pipe found at the southeast corner of said 0.944 acre tract and at the southwest corner of said 0.147 acre tract (passing a 3/4" ID. Iron pipe set in the east line of Kenny Road at 25.00 feet);

thence N 03 deg. 22' 12" E along the west line of said 0.147 acre tract and along a portion of the east line of said 0.944 acre tract a distance of 43.37 feet to a 3/4" ID Iron pipe found at the northwest corner of said 0.147 acre tract and at the southwest corner of a 0.666 acre tract of land conveyed to Magna National Realty, LLC, by deed of record In Instrument 199912270315294;

thence S 86 deg. 11' 20" E along the north line of said 0.147 acre tract and along the south line of said 0.666 acre tract a

distance of 152.79 feet to a 3/4" ID Iron pipe found at the northeast corner of said 0.147 acre tract at the southeast corner of said 0.666 acre tract and in the west end of Western Avenue (40 feet in width), as shown upon the plat of the David M. Elliott Subdivision of record in Plat Book 5, Page 224;

thence S 03 deg. 40' 16" W along a portion of the west end of Western Avenue, along the east line of said 0.147 acre tract, along a portion of the west line of Lot No. 18, as shown upon said plat of David M. Elliott Subdivision and along the west line of said 0.895 acre tract a distance of 160.24 feet to a 3/4" ID Iron pipe set at the southeast corner of said 0.895 acre tract and at the northeast corner of a 1.901 acre tract of land conveyed as Tract III by deed of record in Official Record 30856, Page G 17;

thence N 86 deg. 41' 53" W along the south line of said 0.895 acre tract and along the north line of said 1,901 acre tract a distance of 329.76 feet to a point in the centerline of Kenny Road, at the southwest corner of said 0.895 acre tract and at the northwest corner of said 1.901 acre tract (passing a point in the east line of Kenny Road at 304.76 feet, said point being referenced by a 3/4" ID Iron pipe found at S 03 deg. 20' 00" W a distance of 1.00 feet);

thence N 03 deg. 20' 0" E along the centerline of Kenny Reed and along the west line of said 0.895 acre tract a distance of 118.48 feet to the place of beginning; containing 1.042 acres of land more or less.

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

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

**SECTION 2.** That a Height District of sixty (60) feet is hereby established on the AR-3, 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.**