



## Legislation Details (With Text)

**File #:** 0227-2023      **Version:** 1

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

**File created:** 1/17/2023      **In control:** Zoning Committee

**On agenda:** 3/13/2023      **Final action:** 3/16/2023

**Title:** To rezone 1010 W. 5TH AVE. (43212), being 2.52± acres located at the northwest corner of West 5th Avenue and Gerrard Avenue, From: C-1, Commercial, R-4, Residential, and M, Manufacturing Districts, To: AR-3, Apartment Residential District (Rezoning #Z22-049).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0227-2023.Attachments, 2. ORD0227-2023.Labels

Date	Ver.	Action By	Action	Result
3/16/2023	1	ACTING CITY CLERK	Attest	
3/15/2023	1	MAYOR	Signed	
3/13/2023	1	Zoning Committee	Approved	Pass
3/13/2023	1	COUNCIL PRESIDENT	Signed	
3/6/2023	1	Columbus City Council	Read for the First Time	

**Rezoning Application: Z22-049**

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

**PROPOSED USE:** Mixed-use development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on December 8, 2022.

**5<sup>TH</sup> BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of 11 parcels developed with a mix of commercial, residential, and manufacturing uses in the C-1, Commercial, R-4, Residential, and M, Manufacturing Districts. The requested AR-3, Apartment Residential District and a concurrent Council variance (Ordinance #0228-2023; CV22-059) will permit a mixed-use development with up to 7,400 square feet of commercial space and a maximum of 208 apartment units over two subareas. The site is located in the West Fifth Avenue Urban Commercial Overlay (UCO) and within the boundaries of the 5<sup>th</sup> by Northwest Area Plan (2009), which recommends "Mixed Use" and "Medium Density Mixed Residential" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The proposal is compatible with adjacent apartment residential and light industrial uses, and is also consistent with the land use and design recommendations of the Plan and C2P2 Design Guidelines. CV22-059 has been submitted to allow limited commercial uses, commercial parking in an apartment residential district, and includes variances to building height, landscaping and screening, maneuvering, parking space, minimum number of parking spaces required, vision clearance, landscaping, lot area, building lines, and rear yard.

To rezone **1010 W. 5TH AVE. (43212)**, being 2.52± acres located at the northwest corner of West 5th Avenue and Gerrard Avenue, **From:** C-1, Commercial, R-4, Residential, and M, Manufacturing Districts, **To:** AR-3, Apartment Residential District (Rezoning #Z22-049).

**WHEREAS**, application #Z22-049 is on file with the Department of Building and Zoning Services requesting rezoning of 2.52± acres from C-1, Commercial, R-4, Residential, and M, Manufacturing Districts, to AR-3, Apartment Residential District; and

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

**WHEREAS**, the 5<sup>th</sup> by Northwest Area Commission recommends disapproval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested AR-3, Apartment Residential District will result in a mixed-use development that is consistent with the land use and design recommendations of the *5th by Northwest Neighborhood Plan* and C2P2 Design Guidelines, and is similar to developments along the West 5<sup>th</sup> Avenue and West 3<sup>rd</sup> Avenue corridors; 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:

**1010 W. 5TH AVE. (43212)**, being 2.52± acres located at the northwest corner of West 5th Avenue and Gerrard Avenue, and being more particularly described as follows:

North Subarea, 1.13 Acres  
North of Fifth Avenue, West of Gerard Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, United States Military District, being a 1.13± acre tract of land, said 1.13± acre tract being all of tract of land being conveyed to Brian and Neva Hoover of record in Instrument Number 200803240044274, said tract being part of Lot 28 and all of Lot 29 of Sunny Slope Addition to Columbus of record in Plat Book 5, Page 368, being all of a tract of land being conveyed to Brian Hoover of record in Instrument Number 200612290257883, said tract being all of Lots 30 and 31 as dedicated on said plat, being all of tract of land conveyed to Brian S. Hoover of record in Instrument Number 201405150060201, said tract being all of Lots 32-35 as dedicated on said plat, being a tract of land conveyed to Katelyn Elizabeth Hansen of record in Instrument number 202101290018648, said tract being the northerly portion of Lots 36 and 37 as dedicated on said plat, being all of a tract of land conveyed to 1020 Fifth LLC of record in Instrument Number 202006080079401, said tract being the southerly part of Lots 36 and 37, being all of Lots 38 and 39 and part of a vacated Alley (R/W-15') by Ordinance Number 826-57, Lots 36-39 and said Alley being dedicated on said plat, said 1.13 acre tract being more particularly described as follows:

Beginning at the southeasterly corner of said 1020 Fifth LLC tract, said point being the northwesterly right-of-way intersection of the westerly right-of-way line of Gerard Avenue (R/W-50') and the northerly right-of-way line of a second Alley (R/W-15);

Thence N 85° 54' 38" W, along the southerly line of said 1020 Fifth LLC tract, said Brian S. Hoover tract, said Brian Hoover tract and said Brian and Neva Hoover tract, said tracts being the southerly line of a portion of said Lot 28 and said Lots 29-35 and Lot 38 and the southerly line of said vacated Alley and along the northerly line of said 450.36± feet to a southwesterly corner of said Brian and Neva Hoover tract, said point being within said Lot 28;

Thence N 03° 42' 53" E, along the westerly line of said Brian and Neva Hoover tract and across said Lot 28, 120.00± feet to the northwesterly corner of said Brian and Neva Hoover tract and being in the southerly right-of-way line of Sixth

Avenue (R/W-Varies);

Thence S 85° 54' 38" E, along the northerly line of said Brian and Neva Hoover tract, said Brian Hoover tract, said Brian S. Hoover tract, and said Hansen tract, said tracts being the northerly line of a portion of said Lot 28 and the northerly lines of said Lots 29-37, along a portion of said vacated Alley and along the said southerly right-of-way line, 323.58± feet to the northeasterly corner of said Hansen tract, the centerline said vacated Alley and the northwesterly corner of a tract of land conveyed to Andrea Schuster of record in Instrument Number 201205250074504;

Thence S 04° 03' 28" W, along the easterly line of said Hansen tract and said centerline of said vacated Alley and along the westerly line of said Schuster tract, 40.00± feet to the southwesterly corner of said Schuster tract and being the northwesterly corner of said 1020 Fifth LLC tract;

Thence S 85° 54' 38" E, along the southerly line of said Schuster tract, along the southerly line of said Lot 40, along the northerly line of said 1020 Fifth LLC tract, along the northerly line of said Lot 39, 127.50± feet to a common corner thereof and being the westerly right-of-way line of said Gerard Avenue (R/W-50');

Thence S 04° 03' 28" W, along the easterly line of said 1020 Fifth LLC tract and said westerly right-of-way line, 80.00± feet to the True Point of Beginning.

Containing 1.13 acre, more or less.

The above description was prepared by Advanced Civil Design, Inc. on April 22, 2022 and is based on existing records from the Franklin County Auditor's and Franklin County Recorder's Office.

This description is for zoning purposes only and is not to be used for the transfer of land.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

South Subarea, 1.39 Acres  
North of Fifth Avenue, West of Gerard Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, United States Military District, being a 1.39± acre tract of land, said 1.39± acre tract being all of Tract I, Tract II and Tract III as conveyed to Brian S. Hoover of record in Instrument Number 201608110105550 and being all of two tracts of land described as First and Second Parcel as conveyed to 1020 Fifth II LLC of record in Instrument Number 201509140129173, said 1.39 acre tract being more particularly described as follows:

Beginning at the northeasterly corner of said First Parcel, said point being the southwesterly right-of-way intersection of the westerly right-of-way line of Gerard Avenue (R/W-50') and the southerly right-of-way line of an Alley (R/W-15);

Thence S 04° 03' 28" W, along the easterly line of said First Parcel and along the westerly right-of-way line of said Gerard Avenue (R/W-50'), 150.00± feet to a common corner thereof and being in the northerly right-of-way line of Fifth Avenue (R/W-Varies);

Thence N 85° 54' 38" W, along the southerly lines of said First Parcel, Second Parcel, Tract III and Tract I and along said northerly right-of-way line, 403.75± feet to the southwesterly corner of said Tract I and being the southeasterly corner of a tract of land conveyed to 1072 W 5<sup>th</sup> LLC of record in Instrument Number 201010140136513;

Thence N 04° 03' 28" E, along the westerly line of said Parcel I and along the easterly line of said 1072 W 5<sup>th</sup> LLC tract, 150.00± feet to a common corner thereof and being the southerly corner of said Alley (R/W-15');

Thence S 85° 54' 38" E, along the northerly lines of said Tract I, Tract II, Tract III, First Parcel and Second Parcel and along the said southerly right-of-way line, 403.79± feet to the True Point of Beginning.

Containing 1.39 acre, more or less.

The above description was prepared by Advanced Civil Design, Inc. on April 4, 2022 and is based on existing records from the Franklin County Auditor's and Franklin County Recorder's Office.

This description is for zoning purposes only and is not to be used for the transfer of land.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

**To Rezone From:** C-1, Commercial, R-4, Residential, and M, Manufacturing Districts,

**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.