



## Legislation Text

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**File #:** 0683-2017, **Version:** 1

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### **Rezoning Application Z16-082**

**APPLICANT:** Frederick F. Campbell, Catholic Diocese of Columbus; c/o Catherine A. Cunningham, Atty.; 65 East State Street, Suite 1800; Columbus, OH 43215.

**PROPOSED USE:** Ancillary school facilities.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on February 9, 2017.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels zoned in the ARLD, Apartment Residential District. One parcel is developed with a single-unit dwelling and the other with vacant commercial structures. The requested CPD, Commercial Planned Development District will allow the development of ancillary school facilities to the nearby St. Charles Preparatory School. The CPD text proposes schools and affiliated activities, including uses that support the mission of St. Charles Preparatory School; such as religious, education, charitable, and social assistance offices and facilities. Also included in the CPD text are development standards commitments to setbacks, site access, landscaping and screening, and a site plan. Additionally, variances for reduced building and parking setbacks, and landscaping and screening requirements are included. The site is within the planning area of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location. While the intrusion of new non-residential uses into residential areas is discouraged in the *Near East Plan*, the plan also recognizes that intrusion may be appropriate depending on the type of development and site characteristics. The location of the proposed development is appropriate when considering the proximity to the school and their existing recreational facilities on the east side of the adjacent railroad tracks.

To rezone **1824 EAST LONG STREET (43203)**, being 1.15± acres located on the north side of East Long Street at the intersection with Moneypenny Avenue, From: ARLD, Apartment Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z16-082).

**WHEREAS**, application No. Z16-082 is on file with the Department of Building and Zoning Services requesting rezoning of 1.15± acres from ARLD, Apartment Residential District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Near East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change as the requested CPD, Commercial Planned Development District for ancillary school facilities meets criteria within the *Near East Area Plan* that provide for the placement of non-residential uses in residential areas. The location of the proposed development is appropriate when considering the proximity to the school, and their existing recreational facilities on the east side of the adjacent railroad tracks; 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:

**1824 EAST LONG STREET (43203)**, being 1.15± acres located on the north side of East Long Street at the intersection with Moneypenny Avenue, and being more particularly described as follows:

**Parcel I:**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of a 1.146 Acre tract described in Official Record 6598-0-16, dated 11/27/85 (S&M Properties, Ltd. Tract), Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at an iron pin at the Southeasterly corner of Lot 30 of William Moneypenny Administration Subdivision, as the same is numbered and delineated upon the recorded plat thereof in Plat Book 7, Page 300, Recorder's Office, Franklin County, Ohio, and at a Southwesterly corner of said 1.146 Acre Tract, said iron pin being in the Northerly line of East Long Street (70 feet wide);

Thence, along a Southerly line of said 1.146 Acre Tract, and along the Northerly line of said East Long Street, North 86° 01' East, a distance of 71.95 feet to a cross cut on a vertical railroad rail at the Southeasterly corner of said 1.146 Acre Tract, and in the Westerly line of the Norfolk and Western Railroad Right-of-Way;

Thence, along the Easterly line of said 1.146 Acre Tract, and along the Westerly line of said Norfolk and Western Right-of-Way, North 18° 02' 30" West, a distance of 175.24 feet to an iron pin and the true point of beginning of this description, said last described iron pin being in the Northerly line of an alley 20 feet wide produced Easterly;

Thence, across said 1.146 Acre Tract, and along a Southerly line of said Tract produced Easterly, and along the Northerly line of said alley 20 feet wide produced Easterly, South 86° 01' West, a distance of 192.92 feet to an iron pin at a Southwesterly corner of said 1.146 Acre Tract, said last described iron pin at the intersection of the Northerly line of said alley 20 feet wide, with the Easterly line of an alley 16 feet wide;

Thence, along a Westerly line of said 1.146 Acre Tract, and along the Easterly line of said alley 16 feet wide, North 06° 18' East, a distance of 369.0 feet to an iron pin at the Northeasterly corner of said 1.146 Acre Tract;

Thence, along the Northerly line of said 1.146 Acre Tract, South 82° 29' East, a distance of 38.85 feet to an iron pin at the Northeasterly corner of said 1.146 Acre Tract, and in the Westerly line of said Norfolk and Western Railroad Right-of-Way;

Thence, along the Easterly line of said 1.146 Acre Tract, and along the Westerly line of said Norfolk and Western Right-of-Way, South 18° 02' 30" East, a distance of 366.30 feet to the place of beginning, containing 0.951 Acres, subject to all legal easements, and agreements, and restrictions and leases of record.

Auditor's Parcel No. 010-040131-00  
1824 East Long Street, Columbus, Ohio 43203

**Parcel II:**

Being situated in the County of Franklin, State of Ohio and the City of Columbus, and being part of a 1.46 Acre Tract described in Official Record 6598, C-16, dated November 27, 1985 (S and M Properties, Ltd. Tract) Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin at the southeasterly corner of Lot 30 of William Moneypenny Administrator's Subdivision, as the same is numbered and delineated upon the recorded plat thereof in Plat Book 7, Page 300, Recorder's Office, Franklin County, Ohio, and at a southwesterly corner of said 1.146 Acre Tract, said iron pin being in the northerly line of East Long Street, (70 feet wide):

Thence, along the easterly line of said Lot 30, and along the easterly end of a 20 foot wide alley, (vacated by Ordinance Number 1140-69) and along a westerly of said 1.146 Acre Tract, North 3 degrees 28 minutes west a distance of 170.0 feet to an iron pin at a corner of said 1.146 Acre Tract;

Thence, across said 1.146 Acre Tract, and along a line parallel to the northerly line of said East Long Street, North 86 degrees 01 minutes East, a distance of 27.85 feet to an iron pin in the easterly line of said 1.146 Acre Tract, and in the westerly line of Norfolk and Western Rail Road Right-of-Way;

Thence along the easterly line of said 1.146 Acre Tract, and along the westerly line of said Norfolk and Western Railroad Right-of-Way, South 18 degrees 02 minutes 30 seconds East, a distance of 175.24 feet to cross cut on a vertical railroad rail at the southeasterly corner of said 1.146 Acre Tract, and in the northerly line of said East Long Street;

Thence along the southerly line of said 1.146 Acre Tract, and along the northerly line of said East Long Street, South 86 degrees 01 minutes West, a distance of 71 .95 feet to the place of beginning, containing 0.195 Acres, subject to all legal easements and agreements and restrictions and leases of record.

Auditor's Parcel No. 010-047595-00  
1818 East Long Street, Columbus, Ohio 43203

**To Rezone From:** ARLD, Apartment Residential District

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

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned 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 change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District 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, "**ZONING SITE PLAN FOR ST. CHARLES MULTI-PURPOSE FACILITY**," dated March 30, 2017, signed by Brent T. Foley, Architect for Applicant, and text titled "**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT**," dated March 30, 2017, signed by Catherine A. Cunningham, Attorney for Applicant, and the text reading as follows:

**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT**

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

**PROPERTY ADDRESS:** 1824 E. Long St. (& 1818 E. Long Street), Columbus, OH 43203

**PROPERTY OWNERS:** City of Columbus Land Bank, c/o John Turner and Silver Arbor Lustron, LLC

**APPLICANTS:** City of Columbus Land Bank, c/o John Turner and Frederick F. Campbell, Bishop of the Catholic Diocese of Columbus, c/o Catherine A. Cunningham, Esq.

**ATTORNEY:** Catherine A. Cunningham

Kegler, Brown, Hill + Ritter

65 E. State Street, Suite 1800

Columbus, OH 43215

**DATE OF TEXT:** March 30, 2017

**APPLICATION NUMBER:** Z16-082

**INTRODUCTION:** The subject site is two adjacent parcels comprising 1.146 +/- acres abutting and west of the Norfolk and Western railroad right of way that has two active railroad tracks atop an approximately ten-foot high earthen embankment. The Applicant, St. Charles Preparatory School and the Catholic Diocese of Columbus, proposes to redevelop the site for the construction of ancillary school facilities for St. Charles Preparatory School, which is east of the site and separated from it by the railroad. The rear (north) parcel is 0.95± acres located at 1824 E. Long Street, is owned by the Columbus Land Bank and has been approved by Columbus City Council in Ordinance No. 1875-2016 for transfer to Frederick F. Campbell, Bishop of the Catholic Diocese of Columbus for use as an ancillary school facility. The north portion of the site is shown as “Area A” on the Site Plan referred to in Section I(1) below. There are two dilapidated commercial structures on the north parcel that the Diocese intends to demolish as part of the redevelopment of the site. Currently, the only access to the north parcel is from two public alleys abutting the parcel on its entire west property line and a portion of its south property line.

The front (south) parcel of the site is 0.19 acres located at 1818 E. Long Street, adjacent to East Long Street, and improved with a single family residence that the Applicant intends to have removed from the parcel and relocated prior to the redevelopment of the site. There is also a small outbuilding on the rear of the south parcel that the Applicant intends to demolish. The south portion of the site is shown as “Area B” on the Site Plan referred to in Section I(1) below. It is intended that the parcels be combined and the south parcel provide direct access to and an entryway on East Long Street for the entire site. St. Charles Preparatory School has athletic facilities located at 81 Nelson Road east of the site abutting and east of the Norfolk and Western railroad right of way at the northwest corner of Nelson Road and East Long Street. St. Charles Preparatory School is located at 2210 East Broad Street, Bexley, Ohio, east of the site, its Nelson Road athletic facility and Alum Creek. Pedestrian access is available to the site from St. Charles on the pedestrian bridge over Alum Creek then on East Long Street under the railroad overpass. Vehicular access is available to the site from the St. Charles Athletic facilities directly onto East Long Street under the railroad overpass.

**1. PERMITTED USES:** Schools and their affiliated activities and accessory uses, including activities and uses that support the mission of St. Charles Preparatory School; religious, education, charitable, and social assistance offices and facilities.

**2. DEVELOPMENT STANDARDS:** Unless otherwise specified in the following Development Standards, the Development Standards shall be as specified in Chapter 3361 of Columbus City Code (CPD, Commercial Planned District), Chapter 3312, Off-Street Parking and Loading, and Chapter 3321, General Site Development Standards.

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

There will be no required yards or setbacks to the north, south (alley), east, or west, and there shall be a setback of twenty-five (25) feet from East Long Street.

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

1. The primary vehicular access to the site shall be one full turning movement curbcut on East Long Street located

directly north of the terminus of Monypenny Avenue at the south right of way of East Long Street as depicted on the Site Plan referred to in Section I(1) below.

2. One (1) additional access point will be provided to the north (rear) portion of the site from the public alley west of the property, as depicted on the Site Plan. Another direct access will be provided from the alley to any dumpster that is required on the site.

3. A minimum of 18 parking spaces shall be provided for all permitted uses on the site.

4. There will be no required setbacks to the north, south (alley), east, or west, and there shall be a setback of twenty-five (25) feet from East Long Street.

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

1. Street trees shall be provided in the East Long Street right of way at the rate of one (1) tree per 30 linear feet of street frontage with spacing adjusted as needed for clear vision requirements.

2. The entire site shall be enclosed with a fence. There shall be a six (6) feet high open ornamental fence along the entire west property line adjacent to the alley and along all south property lines adjacent to and surrounding an alley. An elevation of the ornamental fence is shown on the Site Plan. Along the southern property line on East Long Street the fence shall not be placed on the property line but shall align with the existing front building line of the residential structure on the adjacent lot west of the site. There shall be an eight (8) feet black chain link fence on the entire north property line and east property line along the railroad right of way. No buffering, landscaping or screening is required along the fence or perimeter.

3. Entrance features and landscaping shall be provided on the front of the site abutting East Long Street as required and permitted by the Columbus City Code. All vision clearance standards shall be met.

4. No buffering, landscaping or screening shall be required except as expressly provided in paragraphs 1 through 3 above.

### **D. Building Design and Exterior Commitments.**

N/A

### **E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.**

Zero (0) feet yards or setbacks shall be required for the location of the dumpster on a public alley. Direct access will be provided from the alley to the dumpster.

### **F. Graphics and/or 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 CPD Commercial Planned District. Any variance to the Graphics Code or request for Special Permit for Off-Premise Graphic(s) shall be submitted to the Columbus Graphics Commission for consideration.

### **G. Other CPD Requirements.**

1. Natural Environment: The natural environment of the site is flat. There are no known wetlands or streams on the property. All buildings on the site shall be demolished other than the existing residential building at 1818 E. Long Street, which is planned to be removed from the site and relocated. Any existing pavement will be removed.

2. Existing Land Use: The site is comprised of two parcels. The north parcel at 1824 E. Long Street has been vacant

since approximately 2014. That parcel has had various commercial uses since 1920 including a landscaping company and a cartage and freight company. A single family residence is located on the south parcel at 1818 E. Long Street and that portion of the site is being used for residential purposes.

3. Transportation and Circulation: Primary access to and from the site will be via one full turning movement curbcut on East Long Street. The south (front) portion of the site at 1818 E. Long Street is located directly north of where Monypenny Avenue stubs of T's into East Long Street and it is anticipated that the curbcut to East Long will align with Monypenny Avenue. One (1) additional access point will be provided to the north (rear) portion of the site from the public alley east of the property, as depicted on the Site Plan.

4. Visual Form of the Environment: The entire eastern boundary of the site abuts the Norfolk and Western railroad right of way and is located approximately ten-foot below the high earthen embankment of the railroad tracks. The northern portion of the site was used for decades for various commercial enterprises and is now vacant with two buildings in disrepair situated in the northern and southwestern portions of the site. The remainder of 1824 E. Long Street is vacant land with overgrown vegetation and scattered debris piles. Adjacent properties include single family dwellings with detached garages across public alleyways to the west and to the south, including the site's south parcel at 1818 E. Long Street. There is a vacant commercial lot to the north. To the east across elevated railroad tracks, lies St. Charles Preparatory School's athletic field.

5. View and Visibility: The south portion of the site at 1818 E. Long Street has visibility from East Long Street west of the railroad underpass and is located directly north of Monypenny Avenue. The visibility of the north portion of the site is primarily from the adjacent public alleys south and east of the north parcel. The visibility from 1824 E. Long Street is limited to the alleys. There is no visibility of the entire site from its eastern boundary abutting the railroad property and elevated railroad tracks.

6. Proposed Development: Rezoning to CPD for development of the site for ancillary school facilities of St. Charles Preparatory School.

7. Behavior Patterns: Primary vehicular access will be from East Long Street, with secondary access being provided from a public alley adjacent to and west of the site.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text and plan. There will be no objectionable emissions.

## **H. Modification of Code Standards.**

1. Section 3361.04(A), Performance Criteria in the CPD District Section requires (25) foot front, rear and side yards. There will be no required yards or setbacks to the north, south (alley), east, or west, and there shall be a setback of twenty-five (25) feet from East Long Street. The primary access to the site shall be from East Long Street and a driveway shall be permitted on the property as well as a six foot open ornamental black fence on the property line. An eight (8) foot high black chain link fence shall be permitted along north property line and the west property line abutting the railroad right of way and no building set back or yard shall be required for the fence in excess of six feet in height. (CC 4113.55)

2. Section 3312.21(A), Landscaping and Screening, Interior Landscaping, which Section requires interior landscaping for any parking lot containing ten parking spaces or with islands for interior tree planting to be a minimum of 145 sq. ft. Applicant proposes that no interior islands be provided due to the unusual shape of the site and the location of the site and parking being surrounded by alleys and railroad right of way.

3. Section 3312.21(B), Landscaping and Screening, Parking Setback and Perimeter Landscaping, which Section requires visual buffering from residentially-zoned property, landscaping between the right of way and parking setback line and perimeter parking lot screening on any portion of a parking lot located within 80 feet of residentially zoned property. Applicant proposes no landscaping or other headlight screening around the parking lot which is adjacent to two public

alleys and the south property line of the north parcel (1425 E. Long Street).

4. Section 3321.09, Screening of Nonresidential Districts Abutting Residential Districts, which requires screening in conjunction with yard and setback standards between abutting residential zoning classifications. While a fence of no less than five (5) feet will be provided, year round opacity of 75% will not be provided along the alleys adjacent to properties west and south zoned ARLD. Only the rear yard and lot line of any surrounding residential properties face the site and most of those properties have detached garages or buildings along the alleys that provide buffering. In addition, all of the parking spaces are oriented away from neighboring residential properties and directed toward the building and railroad right of way. Providing an open ornamental fence along alleys and portions of the site allows visibility into the site at this isolated location abutting a railroad and two alleys without a clear view from a public street and is in the interest of the neighborhood.

#### **I. Miscellaneous Commitments.**

1. Development shall be in accordance with the site plan titled “Zoning Site Plan for St Charles Multi-Purpose Facility” (Sheet A1.0), dated March 30, 2017, except that the parking lot and location of the 18 required parking spaces is a conceptual design configured that may be modified or reconfigured in conformance with the requirements of the Columbus City Code and this CPD Zoning Text. 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 reconfiguration of the parking lot or slight adjustment to any of the drawings 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.