



## Legislation Text

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**File #:** 1635-2019, **Version:** 1

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### **Rezoning Application: Z19-014**

**APPLICANT:** Parsons Village II, 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:** Senior housing development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on April 11, 2019.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned CPD, Commercial Planned Development District and is under construction for a senior housing development that also permits 4,000 square feet of commercial space. The applicant is requesting the CPD, Commercial Planned Development District to modify the approved CPD Plan for the addition of an ATM and other minor modifications resulting from the required right-of-way dedication. The site is located within the boundaries of the *South Side Plan* (2014), which recommends "Neighborhood Mixed Use" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. The development text proposes I, Institutional District and C-4, Commercial District uses, commits to a site plan, and includes development standards addressing density, maximum square footage of commercial space, setbacks, access, buffering and landscaping, and signage commitments. Variances to minimum number of required parking spaces, lot area, setback lines, and parking and circulation are included in this request. The request remains consistent with the *South Side Plan's* land use recommendation for "Neighborhood Mixed Use" at this location. This development is also considered compatible with the density and development standards of adjacent residential and commercial developments.

To rezone **1859 PARSONS AVE (43207)**, being 1.78± acres located at the northwest corner of Parsons Avenue and Reeb Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z19-014).

**WHEREAS**, application #Z19-014 is on file with the Department of Building and Zoning Services requesting rezoning of 1.78 ± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Columbus South Side Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, is consistent with the *South Side Plan's* land use recommendation for "Neighborhood Mixed Use" and is compatible with surrounding development patterns; 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:

**1859 PARSONS AVE (43207)**, being 1.78± acres located at the northwest corner of Parsons Avenue and Reeb Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 28, Township 5, Range 22, Refugee Lands, being all of Lots 16, 17, 28, and 29 and part of Lots 15, 18 thru 27, and 30 of 20th Century Addition, as recorded in Plat Book 5, Page 496, and a part of those unnamed 20-foot wide alleys as vacated by City of Columbus Ordinance Number 0851-2011, and being part of that 1.811 acres, less exceptions, described in a deed to City of Columbus, Ohio of record in Instrument Number 201603160031393, 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:

Commencing for reference at the southeast corner of said Lot 27, being at the intersection of the original west right-of-way line for Parsons Avenue (variable width) and the north right-of-way line for Reeb Avenue (50 feet wide), and being the southeast corner of that 0.015 acre parcel described in a deed to City of Columbus, Ohio, of record in Instrument Number 201503300039031, (reference MAG nails set on-line to the east and south at 1.00 foot from the corner);

Thence North 86 degrees 19 minutes 11 seconds West, along the north right-of-way line for said Reeb Avenue, along the south line of said Lot 27 and the south line of said 0.015 acre parcel, a distance of 2.00 feet to an iron pin set at the southwest corner of said 0.015 acre, being the TRUE POINT OF BEGINNING for this description;

Thence North 86 degrees 19 minutes 11 seconds West, along the north right-of-way line for said Reeb Avenue, along the south line of said 1.811 acre tract, along the south line of said Lots 27, 28, 29 and 30, and along the south line of said vacated alley, a distance of 243.00 feet to an iron pin set at the southwest corner of said 1.811 acre tract, being the southeast corner of that 1.559 acre tract described in a deed to Parsons Senior LLC, of record in Instrument Number 201311230196273;

Thence North 03 degrees 30 minutes 08 seconds East, along the west line of said 1.811 acre tract, along the east line of said 1.559 acre tract, across said Lots 30 and 15, and across said vacated alley, a distance of 322.00 feet to an iron pin set at the northwest corner of said 1.811 acre tract, being the northeast corner of said 1.559 acre tract, being on the north line of said Lot 15, and being on the south right-of-way line for Innis Avenue (50 feet wide);

Thence South 86 degrees 19 minutes 09 seconds East, along the south right-of-way line for said Innis Avenue, along the north line of said 1.811 acre tract, along the north line of said Lots 15, 16, 17 and 18, and along the north line of said vacated alley, a distance of 214.95 feet to an iron pin set;

Thence across said 1.811 acre tract, across said Lots 18 through 27, along the following four (4) described courses:

1. South 47 degrees 27 minutes 34 seconds East, a distance of 27.32 feet to an iron pin set;
2. South 03 degrees 29 minutes 01 second West, a distance of 58.60 feet to an iron pin set;
3. South 86 degrees 30 minutes 59 seconds East, a distance of 6.81 feet to an iron pin set on the west line of said 0.015 acre parcel;
4. South 03 degrees 30 minutes 08 seconds West, along the west line of said 0.015 acre parcel, a distance of 246.28 feet to the POINT OF BEGINNING.

The above description contains a total of 1.780 acres out of Franklin County Auditor's Parcel Number 010-044235.

Iron pins set are 5/8 inch by 30 inch diameter rebar with caps inscribed “ASI PS 8438”.

Bearings described herein are based on the bearing of South 03 degrees 30 minutes 06 seconds West for the west right-of-way line for Parsons Avenue, as measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983, as established utilizing a GPS survey and NGS OPUS Solution.

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

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

**SECTION 2.** That a Height District of sixty (60) 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 plans being titled, “**PARSONS SENIOR II - SHEETS 1 AND 2,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT,**” both dated June 1, 2019, and signed by David B. Perry, Agent and Donald Plank, Attorney for the Applicant, and the text reading as follows:

### **COMMERCIAL PLANNED DEVELOPMENT**

**PROPERTY ADDRESS:** 1859 Parsons Avenue, Columbus, OH 43207

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

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

**APPLICANT:** Parsons Village II, LLC 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:** Parsons Village II, LLC 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 1, 2019

**APPLICATION:** Z19-014

**1. INTRODUCTION:** The 1.78 +/- acre site was zoned CPD (Z16-057) in 2017. The senior housing project is under construction. Applicant proposes to rezone the site from CPD to CPD to change the registered site plan, to permit installation of an ATM in the parking lot and make associated changes to the parking lot layout. The site plan titled “Site Plan for Parsons Senior 2, 1859 Parsons Avenue”, hereafter “Site Plan” (Sheet 1 of 2), and “Parsons Senior II, 1859 Parsons Ave Planting Plan”, hereafter “Planting Plan (Sheet 2 of 2), both dated 06/01/2019, are submitted as the development plan for the site. Ground level use shall include ground floor senior housing dwelling units. Subsequent to the Z16-057 rezoning being completed, the City of Columbus acquired 0.03 +/- ac right of way from the site for improvements to the intersection of E. Innis Avenue and Parsons Avenue. The right of way dedication slightly changes the E. Innis Avenue building setback and slightly reduces the lot area per dwelling unit for the senior dwelling units.

**2. PERMITTED USES:** Those uses permitted by Chapter 3349 I, Institutional, and 3356, C-4, Commercial of the Columbus City Code.

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted in the text or Site Plan, the applicable development standards of Chapter 3356 C-4, Commercial District shall apply to the subject site and the Parsons Avenue Urban Commercial Overlay (UCO), as applicable.

### **A. Density, Height, Lot and/or Setback Requirements**

1. There shall be a maximum of 60 senior housing dwelling units and a maximum of 4,000 square feet of commercial space in the building. The maximum restaurant area shall be 1,500 square feet of the 4,000 square feet of total commercial space. An outside seasonal patio (maximum 1,500 square feet) as an accessory use to restaurant use shall be permitted, but is not required. The area of an outside seasonal patio shall not be included in the maximum 1,500 square feet of permitted restaurant area.
2. The Parsons Avenue building setback line shall be 0' - 10' feet, as required by the Parsons Avenue Urban Commercial Overlay (UCO), including for that portion of the building on Parsons Avenue used for residential use.
3. The Reeb Avenue building setback may be up to 45 feet (maximum). An outside seasonal dining patio may be located within the Reeb Avenue building setback.
4. The Innis Avenue building setback line shall be a minimum of 20 feet.
5. The Innis Avenue and Reeb Avenue parking setback shall be a minimum of 10 feet.
6. Height District shall be H-60.

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

Vehicular access shall be by curbcuts on Innis Avenue and Reeb Avenue. There shall be no direct vehicular access to Parsons Avenue.

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

1. Shade and/or ornamental trees shall be planted in or adjacent to the Parsons Avenue, Innis Avenue and Reeb Avenue right of way. Tree planting shall be at the rate of approximately 40 feet on center.
2. Site landscaping is depicted on the Planting Plan.

**D. Building Design and/or Interior-Exterior Treatment Commitments**

N/A

**E. Graphics and Signage Commitments**

All signage and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4 Commercial District classification. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

**F. Other CPD Requirements**

1. Natural Environment: The site is located on the west side of Parsons Avenue, between E. Innis Avenue and Reeb Avenue. Parsons Avenue is a major arterial right of way.
2. Existing Land Use: The site is under construction with four (4) story building for senior housing and commercial uses permitted by Ordinance 0095-2017, passed January 30, 2017 (Z16-057). This rezoning changes the Z16-057 Site Plan to permit an ATM in the parking lot and a different arrangement of parking spaces, as depicted on the Site Plan for this rezoning. The building, maximum number of senior housing units and maximum square feet of commercial space are the same as permitted by Ordinance 0095-2017.
3. Circulation: Vehicular access will be via curbcuts on both E. Innis Avenue and Reeb Avenue. There will be no direct vehicular access to Parsons Avenue. Internal site circulation shall be as depicted on the Site Plan.

4. Visual Form of the Environment: Parsons Avenue is an arterial right of way appropriate for the proposed development that is under construction as permitted by Ordinance 0095-2017, passed January 30, 2017 (Z16-057). This ordinance permits the addition of an ATM to the parking lot and changes to the parking lot related to the ATM. The site plan change is minor and adds the ATM as a service to the area. Parsons Avenue is extensively developed with commercial and residential uses.

5. Visibility: The site is visible from Parsons Avenue, E. Innis Avenue and Reeb Avenue.

6. Proposed Development: The site is under construction with four (4) story building for senior housing and commercial uses permitted by Ordinance 0095-2017, passed January 30, 2017 (Z16-057). This rezoning changes the Z16-057 Site Plan to permit an ATM in the parking lot and a different arrangement of parking spaces, as depicted on the Site Plan for this rezoning. The building, maximum number of senior housing units and maximum square feet of commercial space are the same as permitted by Ordinance 0095-2017.

7. Behavior Patterns: Vehicular access will be from E. Innis Avenue and Reeb Avenue. No direct vehicular access to Parsons Avenue is permitted. On site circulation will 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.

#### **G. Code Modifications**

1. 3312.49, Minimum Number of Parking Spaces Required, to reduce code required parking from 73 spaces to 72 spaces due to the proposed seasonal outside patio, and reduce the minimum number of parking spaces required for senior housing dwelling units from 1.5 spaces per unit to 0.75 spaces per unit.

2. 3349.03(w), Permitted Uses, to reduce lot area per senior housing unit from 2,500 square feet to 1,290 square feet/unit for the proposed 60 senior housing dwelling units.

3. 3356.11, C-4 district setback lines, to reduce the Parsons Avenue building setback line from 50' (Thoroughfare Plan, 4-2 arterial) to zero (0') - ten (10) feet, for the senior housing portion of the building, consistent with the zero (0) to ten (10) foot setback permitted by the Parsons Avenue Urban Commercial Overlay (UCO) for commercial uses.

4. 3372.604(A)(B), Setback requirements, to increase the maximum building setback on Reeb Avenue from ten (10) feet to a maximum of forty-five (45) feet, to permit an outside dining patio in the Reeb Avenue building setback; and to permit parking that is located behind the building to project in advance of the Reeb Avenue building setback line with a ten (10) foot minimum parking setback.

5. 3372.609(A), Parking and Circulation, to permit parking and circulation between the principal building and the Reeb Avenue right of way with a minimum ten (10) foot Reeb Avenue parking setback, as depicted on the Site Plan.

#### **H. Miscellaneous**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. The property shall be developed in accordance with the submitted plans titled "Site Plan for Parsons Senior 2, 1859 Parsons Avenue" (Sheet 1 of 2), and "Parsons Senior II, 1859 Parsons Ave Planting Plan" (Sheet 2 of 2), both dated 06/01/2019 and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. This 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 sight adjustment in the site plan shall be reviewed and may be approved by the

Director, Department of Building and Zoning Services or his or her 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.