



## Legislation Text

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**File #:** 2974-2019, **Version:** 1

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### **Rezoning Application: Z19-056**

**APPLICANT:** Homeport; 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:** Multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on October 10, 2019.

**NORTH LINDEN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of five parcels to be developed with an apartment building in the R-4, Residential District as permitted by Council variance Ordinance #3301-2018 (CV18-085). The applicant proposes the AR-2, Apartment Residential District to establish proper zoning for the proposed development as conditioned by Ordinance #3301-2018. The site is within the boundaries of the *North Linden Neighborhood Plan Amendment* (2014), which recommends "Neighborhood Mixed Use," including higher-density residential development, along the Cleveland Avenue corridor. Additionally, this site is subject to the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Staff supports the proposed zoning as it is consistent with the *North Linden Area Plan Amendment's* recommendation for "Neighborhood Mixed Use," and will contribute to the development pattern along Cleveland Avenue. Concurrent Council Variance (Ordinance #2975-2019; CV19-079) is also requested to reduce landscaping, parking, and building setback requirements.

To rezone **2959 CLEVELAND AVE. (43224)**, being 1.03± acres located at the southwest corner of Cleveland Avenue and Eddystone Avenue, **From:** R-4, Residential District, **To:** AR-2, Apartment Residential District (Rezoning #Z19-056).

**WHEREAS**, application #Z19-056 is on file with the Department of Building and Zoning Services requesting rezoning of 1.03± acres from R-4, Residential District, to the AR-2, Apartment Residential District; and

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

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

**WHEREAS**, the City Departments recommend approval because it is consistent with the *North Linden Area Plan Amendment's* recommendation for "Neighborhood Mixed Use," and will contribute to the development pattern along Cleveland Avenue; 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:

**2959 CLEVELAND AVE. (43224)**, being 1.03± acres located at the southwest corner of Cleveland Avenue and Eddystone Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Section 1, Township 1, Range 18 United States Military Lands, being all of Lots 22 and 23 of Eddystone Place Subdivision, recorded in Plat Book volume 21, page 12, as conveyed to John E. Fralick by the deeds filed as Instrument Number 201509300137580 and 201309200161175, respectively, being all of Lot 24 of the said Eddystone Place Subdivision as conveyed to Darcy Brownfield by the deed filed as Instrument Number 201612200175077, being part of a 0.6651 acre tract conveyed to New Salem Baptist Church by the deed filed as Instrument Number 201009130118420, being part of a 0.1650 acre tract conveyed to the said New Salem Baptist Church by the deed filed as Instrument Number 201009130118420, (all records referenced herein are to the records of Franklin County, Ohio, unless otherwise stated), and being more particularly described as follows.

BEGINNING at the intersection of the existing southerly right-of-way line of Eddystone Avenue (60' R/W - Public) and the existing westerly right-of-way line of Cleveland Avenue (R/W width varies) and being the northeast corner of the said Lot 22;

Thence along the easterly line of said Lots 22, 23 and 24, also being the existing westerly right-of-way line of said Cleveland Avenue, also crossing through the said 0.6651 acre and 0.1650 acre tracts and along the proposed westerly right-of-way line of the said Cleveland Avenue, South 03 degrees 42 minutes 59 seconds West for a distance of 318.26 feet to a point on the southerly line of the said 0.1650 acre tract and being on the northerly line of a 0.205 acre tract conveyed to Khalifah A. Ilmi and Zahrah Omar by the deed filed as Instrument Number 200508090160403;

Thence along the southerly line of the said 0.1650 acre tract and being the northerly line of the said 0.205 acre tract, North 86 degrees 13 minutes 55 seconds West for a distance of 102.33 feet to a point at an angle point in the common line;

Thence continuing along the last said common line, North 86 degrees 13 minutes 01 seconds West for a distance of 58.06 feet to a point at the southwest corner of the said 0.6651 acre tract, the northwest corner of the said 0.205 acre tract and being on the easterly line of a 2.889 acre tract conveyed to City of Columbus (aka Kenlawn Park) by the deed filed as Deed Book volume 1810, page 224;

Thence along the westerly line of the said 0.6651 acre tract and along the easterly line of the said 2.889 acre tract the following three (3) courses:

1. North 03 degrees 40 minutes 41 seconds East for a distance of 15.80 feet to a point;
2. South 84 degrees 21 minutes 57 seconds East for a distance of 10.24 feet to a point;
3. North 03 degrees 47 minutes 53 seconds East for a distance of 160.60 feet to a point at a northwest corner of the said 0.6651 acre tract, the northeast corner of the said 2.889 acre tract and being the southwest corner of a 20 foot wide Alley as shown on the plat of said Eddystone Place Subdivision;

Thence along the northerly line of the said 0.6651 acre tract and along the southerly line of the said 20 foot Alley, South 86 degrees 32 minutes 18 seconds East for a distance of 19.98 feet to a point at the southeast corner of the said 20 foot Alley and being at the southwest corner of the said Lot 24;

Thence along the easterly right-of-way line of the said 20 foot Alley and along the westerly lines of the said Lots 22, 23, and 24, North 03 degrees 48 minutes 42 seconds East for a distance of 141.38 feet to a point at the intersection of the said easterly right-of-way line of 20 foot Alley and the said southerly right-of-way line of Eddystone Avenue and being the northwest corner of the said Lot 22;

Thence along said southerly right-of-way line of Eddystone Avenue and the northerly line of the said Lot 22, South 86 degrees 32 minutes 18 seconds East for a distance of 129.72 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 1.033 acres, of which:

0.137 acres are located within Franklin County Auditor's parcel number 010-070877 (entire parcel)

0.125 acres are located within Franklin County Auditor's parcel number 010-070893 (entire parcel)

0.159 acres are located within Franklin County Auditor's parcel number 010-070895 (entire parcel)

0.485 acres are located within Franklin County Auditor's parcel number 010-076491

0.126 acres are located within Franklin County Auditor's parcel number 010-186401

Bearing described herein are based on South 03 degrees 42 minutes 59 seconds West for the centerline of Cleveland Avenue, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description is intended for zoning purposes only.

**To Rezone From:** R-4, Residential District,

**To:** AR-2, Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the AR-2, 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.