



Legislation Text

File #: 3328-2019, **Version:** 2

Rezoning Application Z19-052

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

PROPOSED USE: Multi-unit residential development.

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

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with two industrial buildings and is zoned in the L-M, Limited Manufacturing District. The applicant proposes the AR-3, Apartment Residential District to permit construction of a 78-unit apartment building. The site is within the boundaries of the *Fifth by Northwest Neighborhood Plan* (2005), which recommends mixed-use land uses at this location. The request is consistent with the established development pattern along Chambers Road and with the Plan's recommendation for mixed-use development. A concurrent Council Variance (Ordinance #3329-2019; CV19-070) has been filed to reduce building setback, maneuvering, and rear yard, to increase lot coverage, to eliminate parking lot shade trees, and to allow stacked parking and reduced parking space dimensions for a limited number of required parking spaces.

To rezone **1145 CHAMBERS RD. (43212)**, being 1.13± acres located on the south side of Chambers Road, 900± feet east of Northwest Boulevard, **From:** L-M, Limited Manufacturing District, **To:** AR-3, Apartment Residential District (Rezoning #Z19-052) **and to declare an emergency.**

WHEREAS, application #Z19-052 is on file with the Department of Building and Zoning Services requesting rezoning of 1.13± acres from L-M, Limited Manufacturing District, to the 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 AR-3, Apartment Residential District uses are appropriate and consistent with the zoning and development along Chambers Road, and with the recommendation of the *Fifth by Northwest Neighborhood Plan* for mixed-use development;

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 begin construction as soon as possible 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 No. 0179 -03, passed

February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

1145 CHAMBERS RD. (43212), being 1.13± acres located on the south side of Chambers Road, 900± feet east of Northwest Boulevard, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and in the City of Columbus:

Tract One:

Being parts of lots and vacated alley in John M. Pugh's subdivision, of 32 acres of land off of the east end of the Domigan Farm in Clinton Township, Franklin County, Ohio, as said lots and alley are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 324, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the north line of Lot Number One (1) in said Subdivision, 30 feet east from the northwest corner of said Lot and running thence in a southerly direction and parallel to the west lines of Lots Numbers One (1) and Two (2) in said Subdivision, to a point in the south line of Lot Number Two (2), 30 feet east of the southwest corner of said Lot Number Two (2); thence in a westerly direction along the south lines of Lots Numbers Two (2), Five (5) and Eight (8) in said Subdivision to the southwest corner of said Lot Number Eight (8); thence in a northerly direction along the west line of said Lot Number Eight and said west line extended, to a point in the center line of a vacated alley; thence in a westerly direction along the centerline of said vacated alley, 27.43 feet to a point; thence in a northerly direction and parallel to the east line of Lot Number Twelve (12) in said Subdivision, to a point in the north line of said Lot Number Twelve (12), 27.43 feet west of the northeast corner of said lot; thence in an easterly direction along the north lines of Lots Numbers Twelve (12), Seven (7), Six (6) and One (1) in said Subdivision to the place of beginning.

Tract Two:

Situated in the State of Ohio, County of Franklin, Township of Clinton, and being part of Lot No. 1 and Lot No. 2 of John M. Pugh's Subdivision as recorded in Plat Book 4, Page 324 and conveyed to Gardner, Inc. and recorded in Official Record 10402-J02, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a found 3/4" Iron Pin at the centerline of Virginia Avenue (Vacated 2-7-58), Road Record 18, Page 306, and the southerly right of way line of Chambers Road (60') North 87° 32' 15" West along the southerly right of way line of Chambers Road, a distance of 147.73 feet to a set Iron pin, said Iron Pin being the TRUE PLACE OF BEGINNING.

Thence South 02° 23' 52" West, leaving the right of way line of Chambers Road, a distance of 365.80 feet to a set Iron Pin in the northerly right of way line of Chesapeake Avenue (50');

Thence North 87° 25' 40" West, along the northerly right of way line of Chesapeake Avenue (50'), a distance of 60.00 feet to a set Iron Pin;

Thence North 02° 23' 52" East, leaving the northerly right of way line of Chesapeake Avenue (50'), a distance of 365.74 feet to a set Iron Pin in the southerly right of way line of Chambers Road (60');

Thence South 87° 32' 15" East, along the southerly right of way line of Chambers Road (60'), a distance of 60.00 feet returning to the TRUE PLACE OF BEGINNING and containing 0.504 acres more or less and being subject to all easements, restrictions, and rights of way of record.

The above description was prepared from an actual field survey on August 5, 1991 and from records on filed at the Recorder's Office, Franklin County, Ohio.

LESS AND EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE:

Situated in the State of Ohio, County of Franklin and Township of Clinton, being parts of Lot Nos 1, 2, 7, 8 and 12, all of Lot Nos. 5 and 6 and part of a 20 foot wide alley (vacated in Road Record 17, Page 103) in John M. Pugh's Subdivision as recorded in Plat Book 4, Page 324, also being part of lands conveyed to Chesapeake Realty, Inc., of record in Deed Book 3121, Page 562 and all of a 0.504 acre tract conveyed to Chesapeake Realty, Inc., now known as Garner, Inc., of record in Official Record 18190F03 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, for reference, at a 3/4" iron pipe found at the intersection of the former centerline of Virginia Avenue (vacated in Road Record 18, Page 306) and the south right of way line of Chambers Road;

Thence North 87° 32' 15" West, along said south right of way line, a distance of 147.73 feet to a Mag nail set at the northwest corner of a 1.239 acre tract conveyed to Time Warner Entertainment Co., L.P. of record in Official Record 29684G09, being the northeast corner of said 0.504 acre tract and the TRUE POINT OF BEGINNING of the lands herein described;

Thence South 02° 23' 52" West, along the west line of said 1.239 acre tract and the east line of said 0.504 acre tract, a distance of 365.87 feet to a Mag nail set at the southwest and southeast corners thereof, being in the north right of way line of Chesapeake Avenue;

Thence North 87° 25' 40" West, along said north right of way line and the south line of said 0.504 acre tract and said Chesapeake Realty lands, a distance of 504.61 feet to a 3/4" iron pipe found at the southwest corner of said Chesapeake Realty lands, being the southeast corner of lands conveyed to Shie-Ming & Kai-Lun Hsu Hwang, of record in Instrument Number 200006130116924;

Thence North 02° 36' 20" East, along the west line of said Chesapeake Realty lands and the east line of Hwang lands, a distance of 157.82 feet to a Mag nail set;

Thence through said Chesapeake Realty lands the following courses and distances;

South 87° 33' 40" East, a distance of 206.23 feet to a Mag nail set;

North 02° 26' 20" East, a distance of 57.00 feet to a Mag nail set;

North 87° 32' 15" West, a distance of 20.00 feet to a Mag nail set;

North 02° 27' 45" East, a distance of 150.00 feet to a Mag nail set in north line of said Chesapeake Realty lands, being also in said south right of way line of Chambers Road;

Thence South 87° 32' 15" East, along said south right of way line and the north line of said Chesapeake Realty lands and said 0.504 acre tract, a distance of 317.59 feet to the TRUE POINT OF BEGINNING, containing 3.317 acres of land, more or less.

This description is based on and referenced to a Plat of Survey dated April 22, 2004, by EMH&T, Gahanna, Ohio.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the south right of way line of Chambers Road as being south 87° 32' 15" East, as found in Official Record 29684G09 (east adjoiners)

FURTHER LESS AND EXCEPTING THAT PORTION OF THE 0.345 ACRE TRACT AS CONVEYED TO THE CITY OF COLUMBUS BY INSTRUMENT NUMBER 201005210062761 AND DESCRIBED AS FOLLOWS:

Situated in the State of Ohio, County of Franklin and Township of Clinton:

Being parts of Lot No. 1, 6 and 7 in John M. Pugh's subdivision, of 32 acres of land off of the east end of the Domigan Farm in Clinton Township, Franklin County, Ohio, said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 324, recorder's Office, Franklin County, Ohio, and being described as follows:

Beginning for reference at a 3/4" diameter iron pipe (found) on the north right-of-way line of Chesapeake Avenue and the centerline of vacated Virginia Avenue (Vac. Rd. Rec. 18-306);

Thence, along the north right-of-way line of Chesapeake Avenue, N 3° 18' 52" E, a distance of 364.38 feet to a point at the centerline of vacated Virginia Avenue and the south right-of-way line of Chambers Road (60' R/W);

Thence, along the south right-of-way line of Chambers Road, N 87° 32' 15" W a distance of 178.09 feet to a P.K. Nail said point being the TRUE PLACE OF BEGINNING of the parcel herein described;

Thence, continuing along the south right-of-way of Chambers Road; the north line of Columbus Fasteners Corporation, Parcel 130-011871 (I.N. 200406280149140) and the north line of Goldenroot LLC, Parcel 130-005490 (I.N. 200805050086925), N 87° 32' 15" W, passing a 5/8" diameter iron pin (found) at 29.90 feet, a total distance of 500.06 feet to a P.K. Nail (set);

Thence, N 2° 56' 18" E a distance of 30.00 feet to a P.K. Nail (set) on the centerline of Chambers Road;

Thence, along the centerline of Chambers Road, S 87° 32' 15" E a distance of 500.27 feet to a P.K. Nail (set);

Thence, S 3° 19' 50" W a distance of 30.00 feet to the TRUE PLACE OF BEGINNING. The above described parcel contains 0.345 acres, more or less, and is subject to all easements and restrictions of record.

This description is based on the referenced to a Plat of Survey dated April 22, 2004, by EMH&T, Gahanna, Ohio. Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the south right of way line of Chambers Road as being South 87°32'15" East, as found in Official Record 29684G09 (east adjoiners).

Parcel No: 420-289815 (Formerly 130-005490 in Clinton Township) (1.133 + Acres)

To Rezone From: L-M, Limited Manufacturing District.

To: AR-2, 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.**