



Legislation Details (With Text)

File #: 1046-2011 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/23/2011 **In control:** Zoning Committee
On agenda: 7/18/2011 **Final action:** 7/20/2011
Title: To rezone 156 DERING AVENUE (43207), being 5.8± acres located at the northwest corner of Dering Avenue and South Fifth Street, From: L-M, Limited Manufacturing and R-2, Residential Districts, To: CPD, Commercial Planned Development District (Rezoning # Z08-035).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1046-2011Attachments.pdf, 2. 1046-2011Labels.pdf, 3. ORD1046-2011DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg0718.pdf

Date	Ver.	Action By	Action	Result
7/20/2011	1	MAYOR	Signed	
7/20/2011	1	CITY CLERK	Attest	
7/18/2011	1	Zoning Committee	Approved	Pass
7/18/2011	1	COUNCIL PRESIDENT PRO-TEM	Signed	
7/11/2011	1	Columbus City Council	Read for the First Time	
7/1/2011	1	Building and Zoning Drafter	Sent for Approval	
7/1/2011	1	Building and Zoning Reviewer	Reviewed and Approved	
7/1/2011	1	Building and Zoning Drafter	Sent for Approval	
7/1/2011	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
7/1/2011	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	

Rezoning Application Z08-035

APPLICANT: Integrity Cycles; c/o David L. Hodge and Jeffrey L. Brown, Attys.; Smith and Hale LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Motorcycle sales, service and training.

FAR SOUTH COLUMBUS AREA COMMISSION: Approval.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0-1) on November 13, 2008.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 5.8± acre site includes several buildings on property zoned in the L-M, Limited Manufacturing District, and undeveloped property zoned in the R-2, Residential District. The existing L-M district allows only retail, wholesale and storage of utility supplies. The applicant requests the CPD, Commercial Planned Development District to allow a motorcycle sales, service and training facility. The site is located within the boundaries of the *Scioto Southland Area Plan (2007)*, which recommends commercial uses for this location. The proposed CPD would permit most C-4, Commercial District uses and includes development standards for setbacks, lighting, and landscaping. The proposal includes variances for existing conditions to conform existing building setbacks and to eliminate interior parking lot landscaping, and also allows a reduction of 188

required parking spaces. The parking variance is supported because the applicant is providing 30 motorcycle spaces and 26 un-stripped spaces adjacent to the pavilion, which raises the total of available spaces to 127. The paved training area can also be utilized for additional parking if needed, and the majority of the proposed variance is related to the pavilion and patio, which are charged at a ratio of 1 space per 30 square feet as assembly space and are not going to be used for assembly on a daily basis. The request is consistent with the land use recommendations of the *Scioto Southland Area Plan*, and with development in the area.

To rezone **156 DERING AVENUE (43207)**, being 5.8± acres located at the northwest corner of Dering Avenue and South Fifth Street, **From:** L-M, Limited Manufacturing and R-2, Residential Districts, **To:** CPD, Commercial Planned Development District (Rezoning # Z08-035).

WHEREAS, application #Z08-035 is on file with the Department of Building and Zoning Services requesting rezoning of 5.8± acres from the L-M, Limited Manufacturing and R-2, Residential Districts to CPD, Commercial Planned Development District; and

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

WHEREAS, the Far South Columbus 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 land use recommendations of the *Scioto Southland Area Plan*, and with development in the area, 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:

156 DERING AVENUE (43207), being 5.8± acres located at the northwest corner of Dering Avenue and South Fifth Street, and being more particularly described as follows:

Being situated in the State of Ohio, County of Franklin, and City of Columbus, a part of Lot 5 of Nathaniel J. Marion's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, record in Plat Book 1, Page 331, Franklin County Recorder's Office, and being all of the 1.686 Acre tract (Deed Book 970, Page 132), all of a 2.00 Acre tract (Deed Book 890, Page 161), all of a 1.41 Acre tract (Deed Book 656, Page 172), all of a 1.00 Acre tract (Deed Book 359, Page 569), and a 7,500 square feet parcel (deed Volume 970, Page 137), being more particularly bounded as follows;

Beginning at a spike set on the south line of said Lot 5, spike bears South 85 degrees 30 minutes West, 15.0 feet from the southeast corner of said Lot 5;

Thence from said point of beginning, and along the south line of said Lot 5, South 85 degrees 30 minutes West, 457.49 feet to a spike representing the southwest corner of said Lot 5, and the southeast corner of the Johnson Enterprises 1.861 Acre tract, Parcel #2 (Deed Book 3670, Page 236);

Thence, North 4 degrees 51 minutes 46 seconds West, along the westerly line of said Lot 5 and along the easterly line of said 1.861 Acre tract, and the easterly line of the Johnson Enterprises 0.569 Acre, Tract #1, (Official Record Volume 5836 G-10), passing an iron pin on line at 15.0 feet and passing an iron pin on line at 523.15 feet, a total distance of 548.15 feet to a spike set at the northwest corner of said Lot 5;

Thence, North 85 degrees 25 minutes 02 seconds East, along the center of Fornoff Lane, and along the north line of said Lot 5, 472.44 feet to a spike set in the northeast corner of said Lot 5, said spike being the intersection of the centerline of Fornoff Lane and the northerly prolongation of the west line of South Fifth Street (25 feet wide) as said Lane and Street are delineated upon the Malinda and Charles Obetz Subdivision of record in Plat Book 5, Page 424, said Recorder's office;

Thence, along the west line (25.0 feet in width) of South Fifth Street and the east line of said Lot 5, South 5 degrees 54 minutes 42 seconds East, 349.00 feet to an iron pin set at the southeast corner of said 2.0 Acre tract;

Thence, across said Lot 5 and along the southerly line of said 2.0 Acre tract, South 85 degrees 30 minutes West 16.00 feet to an iron pin at the northeasterly corner of said 1.0 Acre tract;

Thence, South 5 degrees 54 minutes 42 seconds East, along a line drawn parallel to, and 15 feet measured at right angles, from the west line of said Lot 5 and along the easterly line of said 1.0 Acre tract, 200.00 feet to the true point of beginning CONTAINNG 5.943 ACRES.

Excepting Therefrom:

Beginning at a spike set on the south line of said Lot 5, which spike bears South 85 degrees 30 minutes West, 15.0 feet from the southeast corner of said Lot 5;

Thence, from said point of beginning, and along the south line of said Lot 5, South 85 degrees 30 minutes West, 467.49 feet to a spike representing the southwest corner of said Lot 5 and the southeast corner of the Johnson Enterprises 1.861 Acre tract, Parcel #2 (Deed Book 3670, Page 236);

Thence, North 4 degrees 51 minutes 46 seconds West, along the westerly line of said Lot 5 and along the easterly line of said 1.861 Acre tract, 15.000 feet to a found iron pin;

Thence, North 85 degrees 30 minutes East, along a line parallel with and 15 feet northerly of the south line of said Lot 5, 467.21 feet to a set iron pipe;

Thence, South 5 degrees 54 minutes 42 seconds East, 15.00 feet to the place of beginning containing 0.161 ACRES.

The descriptions were prepared from a survey of the premises in July, 1987. Basis of bearing is Dering Avenue used as South 85 degrees 30 minutes West per prior deeds. Set iron pipes are 30" x 1" O.D. with an orange plastic plug inscribed "P.S. 6579". Albert J. Myers, Registered Surveyor #6579.

Commonly known as: 156 Dering Avenue, Columbus, OH 43207

To Rezone From: L-M, Limited Manufacturing and R-2, Residential Districts,

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, "INTEGRITY CYCLES," and text titled, "COMMERCIAL PLANNED DEVELOPMENT TEXT," both signed by Frank Ferri, Applicant, and dated June 22, 2011, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development

EXISTING DISTRICT: L-M, R-2

ACRES: 5.8+/- acres

PROPERTY ADDRESS: 156 Dering Avenue

OWNER: Frank Ferri

APPLICANT: Frank Ferri

DATE OF TEXT: 6/22/11

APPLICATION NUMBER: Z08-035

1. INTRODUCTION: The applicant owns the property on the west side of Fifth Street between Fornoff road and Dering Avenue. His current business is located along the southern portion of the site fronting onto Dering Avenue. The applicant wants to expand its business up Fornoff Road and use the whole site.

2. PERMITTED USES: Permitted uses shall include those uses permitted in Chapter 3356 of Columbus City Code (C-4, Commercial). The following uses shall be prohibited:

Billboard
Bowling alley
Cabaret
Check Cashing facility or store
Commercial radio transmitting or television station and appurtenances including cellular towers
Dance hall
Electric substation
Funeral parlor
Motor bus terminal
Motion picture theater
Night club
Off premises graphics (unless approved as part of a graphics plan)
Pawn shop
Poolroom
Testing or experimental laboratory
Trade school

3. DEVELOPMENT STANDARDS: Unless other wise specified in the following Development Standards, the Development Standards shall be as specified in Chapter 3356 of Columbus City Code (C-4, Commercial District).

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

1. Building setback from Dering Avenue, Fifth Street and Fornoff Road shall be a minimum of 25 feet except for the two existing buildings which setbacks are shown on the site plan.
2. Parking setback from Dering Avenue, Fifth Street and Fornoff Road shall be 15 feet.

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

1. The zoning code has different parking requirements for automobile sales, display and service but does not list any parking ratios for a motorcycle business. Since an automobile and motorcycle dealership function along similar lines the applicant has used the automobile parking ratios for this site.

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

1. Street trees shall be provided along Dering Avenue and Fifth Street at the rate of one (1) tree for every thirty (30) lineal feet of street frontage as shown on the submitted site plan. The balance of Fifth Street and Fornoff Road shall be landscaped in accordance with the submitted site plan.
2. One (1) tree shall be planted for every ten (10) parking spaces. Trees shall be planted in islands or medians.
3. Headlight screening in the form of landscaping (30 inch minimum at installation) shall be installed along Dering Avenue adjacent to any parking areas.
4. All landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within six months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.
5. The minimum size of all trees at installation shall be two and one half (2 1/2) inch in caliper for deciduous trees, five (5) feet in height for evergreen trees, and one and one half (1 1/2) inches in caliper for ornamental trees. Tree caliper shall be measured six (6) inches from the ground.
6. The developer shall comply with the parkland dedication ordinance by donating \$400/acre to the City's Recreation and Parks Department for the portion of the site which is currently zoned R-2.

D. Building design and Interior-Exterior treatment commitments.

1. Mechanical equipment or other utility hardware on the roof of a building or on the ground shall be screened to the height of the equipment by walls, building extension, fencing and/or landscaping.

2. Building materials shall consist of brick, decorative masonry product, wood, metal and glass individually or in any combination thereof.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. All external outdoor lighting including any wall packs shall be cut-off fixtures (down lighting) and shall be designed and placed to prevent spillage of light off the site and to prevent glare visible from the property lines.

2. Except for decorative lighting, all other light poles shall be metal and such light poles shall be of the same color. Light poles in the parking lots and in the training area shall not exceed fourteen (14) feet in height.

3. Wiring within a development shall be underground.

F. Graphics and/or Signage Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District and any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration. The free standing sign(s) shall be monument style sign with a maximum height of eight (8) feet.

G. Miscellaneous Commitments.

1. The subject site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate data regarding the proposed adjustment.

2. The paved area north of the pavilion is designed for motorcycle training but may also be used for events in association with the existing businesses on the site. In addition this area may be used for overflow parking. The 26 possible parking spaces adjacent to the training area may not be used all the time as parking spaces due to the need for a buffer around the training area when the training area is being used. No striping/markings, wheel stops or interior tree plantings shall be required for use of the training area and for the possible 26 parking spaces adjacent to the training area.

3. CPD Criteria

a. Natural Environment: The site is located on the west side of Fifth Street between Dering Avenue and Fornoff Road. The site is developed with two buildings and parking along Dering Avenue. The balance of the site is undeveloped.

b. Existing Land Use: Motorcycle sales and service

c. Transportation and Circulation: Access to the site shall be Dering Road.

d. Visual form of the Environment: The location of buildings and landscaping have been designed to buffer the adjacent properties.

e. View and Visibility: In the development of the subject site and in the location of buildings and access points, consideration has been given to the visibility and safety of the motorists and pedestrian.

f. Proposed Development: Commercial.

g. Behavior Patterns: The expansion of the applicant's business will allow him to expand his customer base and better use his existing customers.

4. Variance: Section 3312.49 (Minimum number of parking spaces required) of the Columbus City Code:

a. inside display/service/inventory/parts/retail areas: 1 parking space / 250 sq.ft. Variance from 124 to 71.

- b. service bay: 2 parking spaces / bay. Variance from 16 to 0.
- c. outdoor display areas: 1 parking space/5,000 sq.ft. Variance from 2 to 0.
- d. paved training area: no required parking.
- e. pavilion, patio area: 1 parking space/30 sq.ft. Variance from 117 to 0.
- f. Since the proposed use is a motorcycle facility there is an additional 30 motorcycle parking spaces provided on the site as well as 26 possible parking spaces adjacent to the training area which will be available as needed and the training area maybe used for parking as needed.
- 5. Variance: Section 3312.21 (Landscaping and screening), 3312.39 (Striping and marking) and 3312.45 (wheel stop device) of the Columbus City Code, the training area and the adjacent paved area to the south may be used for parking on an as needed basis without striping, interior tree planting or wheel stop devices.
- 6. Variance: Section 3356.11 (District setback lines) of the Columbus City Code: Reduce the building setback from Fifth Street from 25 to 16 feet and from Dering Avenue from 25 feet to 19 feet.
- 7. Variance: 3312.21 (Landscaping and screening) of the Columbus City Code: Developer shall comply with the tree planting requirement of one tree per 10 parking spaces but not with the required minimum soil area of 145 sq. ft.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.