



Legislation Details (With Text)

File #: 0167-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/29/2009 **In control:** Zoning Committee

On agenda: 3/2/2009 **Final action:** 3/12/2009

Title: To rezone 893 NORTH FOURTH STREET (43201), being 0.3± acres located on the west side of North Fourth Street, 184± feet north of East First Avenue, From: R-4 Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z08-061).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0167-2009Attachments.pdf, 2. ORD0167-2009Labels.pdf, 3. ORD0167-2009DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
3/12/2009	1	CITY CLERK	Attest	
3/10/2009	1	MAYOR	Signed	
3/9/2009	1	Zoning Committee	Approved	Pass
3/9/2009	1	COUNCIL PRESIDENT	Signed	
3/2/2009	1	Columbus City Council	Read for the First Time	
2/20/2009	1	Dev Zoning Reviewer	Reviewed and Approved	
2/20/2009	1	Dev Zoning Drafter	Sent for Approval	
2/20/2009	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
2/20/2009	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/13/2009	1	Dev Zoning Drafter	Sent for Approval	

Rezoning Application # Z08-061

APPLICANT: Connie J. Klema, Atty.; P.O. Box 991; Pataskala, OH 43062.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on January 8, 2009.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will conform an existing bar/nightclub while allowing future commercial development in accordance with Urban Commercial Overlay requirements. The site is located within the planning area of the *Italian Village East Redevelopment Plan (2000)*, which recommends commercial uses for this location. The CPD text contains customary use restrictions, landscaping, screening, and lighting and graphics controls. Variances for the reduction of 19 required parking spaces and for six-foot high fencing in the Urban Commercial Overlay are included in the request and only apply to the existing development. The requested CPD District is consistent with the land use recommendations of the *Italian Village East Redevelopment Plan*, and with the zoning and development patterns of the area.

To rezone **893 NORTH FOURTH STREET (43201)**, being 0.3± acres located on the west side of North Fourth Street, 184± feet north of East First Avenue, **From:** R-4 Residential District, **To:** CPD, Commercial Planned Development District (Rezoning # Z08-061).

WHEREAS, application #Z08-061 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.3± acres from R-4 Residential District to CPD, Commercial Planned Development District; and

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

WHEREAS, the Italian Village 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 will conform an existing bar/nightclub while allowing future commercial development in accordance with Urban Commercial Overlay requirements. The site is located within the planning area of the *Italian Village East Redevelopment Plan* (2000), which recommends commercial uses for this location. The CPD text contains customary use restrictions, landscaping, screening, and lighting and graphics controls. The requested CPD District is consistent with the land use recommendations of the *Italian Village East Redevelopment Plan*, and with the zoning and development patterns of 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:

893 NORTH FOURTH STREET (43201), being 0.3± acres located on the west side of North Fourth Street, 184± feet north of East First Avenue, and being more particularly described as follows:

0.311 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lot 16 and part of Lot 17 of E. Sorin's Subdivision of record in Plat Book 1, Page 286, also being all of the tracts conveyed to Victor Investments, LTD in Instrument Numbers 200712310221398 and 200712310221405, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of East First Avenue, 60 feet wide and North Fourth Street, 59.57 feet wide;

Thence, along the centerline of North Fourth Street, NORTH, 220.28 feet to a point;

Thence, across part of North Fourth Street, WEST, 29.79 feet to a set Mag nail in the west line of North Fourth Street, 44 feet South of the northeast corner of said Lot 17, and the **True Point of Beginning** of the parcel herein intended to be described;

Thence, across said Lot 17, North 78 degrees 18 minutes 35 seconds West, 137.00 feet to a set 1" O.D. iron pipe in the west line of said Lot 17 and in the east line of Back Alley, 15 feet wide;

Thence, along part of the west line of said Lot 17 and the west line of said Lot 16 and along the east line of Back Alley, North 00 degree 03 minutes 42 seconds West, 100.93 feet to a set railroad spike at the northwest corner of said Lot 16 and in the south line of College Alley, 22 feet wide;

Thence, along the north line of said Lot 16 and the south line of College Alley, South 78 degrees 17 minutes 40 seconds East, 137.11 feet to a set Mag nail at the northeast corner of said Lot 16 and in the west line of North Fourth Street;

Thence, along the east line of said Lot 16 and part of the east line of said Lot 17, also along the west line of North Fourth Street, SOUTH, 100.87 feet to the True Point of Beginning, **containing 0.311 Acres**, subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron pipe set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. 6579". Basis of bearings is the west line of North Fourth Street assumed to be NORTH. This description is based on a field survey by Myers Surveying Company, Inc. in December, 2007.

Myers Surveying Company, Inc.

To Rezone From: R-4 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 Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**893 NORTH FOURTH STREET**," signed by Stephen A. Hurt, Architect, and text titled, "**DEVELOPMENT TEXT**," signed by Connie J. Klema, Applicant, both dated January 9, 2009, and the text reading as follows:

**DEVELOPMENT TEXT FOR PROPERTY ZONED
CPD, COMMERCIAL PLANNED DEVELOPMENT
LOCATED AT 893 N. 4TH STREET, COLUMBUS, OHIO**

DATE OF CPD TEXT: 1/9/09

ZONING APPLICATION: Z08-061

OWNER: Victor Investments, Ltd.
929 N. 4th Street, Columbus, Ohio 43201

APPLICANT: Connie J. Klema, Attorney
P.O. Box 991, Pataskala, Ohio 43062

EXISTING ZONING: R-4

PROPOSED ZONING: CPD; Commercial Planned Development

1. INTRODUCTION: 893 N. 4th Street (the "Property") is located on N. 4th Street in Italian Village in the Urban Commercial Overlay ("UCO"). Although presently zoned R-4, the Property and its existing building have been used commercially for many years as a bar-nightclub. The Property is located in the densely populated Italian Village where many residentially zoned but commercially used properties have served the many patrons who live in the area. Residences and commercial establishments are integrated into the neighborhood. This mixture encourages an internal, local environment. This design concept, which was established over a century ago, supports a local functioning environment that weaves commercial establishments that provide services, goods, and entertainment into the residential neighborhood that needs them. As a result, walking traffic is the norm and numerous paved parking lots on each business lot are not needed. To accommodate commercial uses of the Property, including the existing bar-nightclub use, and to adopt the standards applicable in the UCO, specifically Sections 3372.602, 3372.603, 3372.604, 3372.607, 3372.608 and 3372.609, the owner seeks to re-zone the property to Commercial Planned District in accordance with the following text:

2. PERMITTED USES: All uses of Section 3356.03 Regional Scale Commercial District, Permitted Uses, except: crematory, monopole telecommunication antennas; Automotive Accessories, Parts and Tire Stores; Automobile and Light Truck Dealers; Automobile Driving Training Facility; Automotive Sales, Leasing and Rental; Blood and Organ Banks; Building Materials and Supplies Dealers; Motorcycle, Boat, and Other Motor Vehicle Dealers; Motor Vehicle Accessories and Parts Dealers; Outdoor Power Equipment Stores; Recreational Vehicle Dealers; Truck, Utility Trailer, and RV Sales, Rental and Leasing; Warehouse Clubs and Super Centers; Automotive Maintenance and Repair; Drive-In Motion Picture Theatres; Farm Equipment and Supply Stores; Hospitals; Limousine and Taxi Service; Funeral Homes and Services; Parking Lots and Garages; Pet Day Care, Grooming, Pets and Supplies; Convention and Visitors Bureaus.

The use of Drive-In services shall require approval by the Italian Village Commission.

3. USE LIMITATIONS: When applicable, uses shall be maintained in accordance with Sections 3356.03 (Permitted Uses) and 3356.05 (C-4 District Development Limitations).

4. DEVELOPMENT STANDARDS: Unless otherwise indicated on the CPD Site Plan dated 1/9/09 submitted with this rezoning, (the "Site Plan") or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Regional Scale Commercial District, and 3372.602-3372.609 excepting 3372.605 & 3372.606, Urban Commercial Overlay of the Columbus City Code.

A) Site Plan:

The Site Plan delineates the existing structure, setbacks, court yard, and parking area which shall be permitted under this CPD with the variances delineated in "B" below. In the event the Site Plan is altered, said alteration shall meet those standards contained in Chapter 3356, Chapter 3342, the UCO, and this text, when applicable, unless permitted otherwise by variance.

B) Variances to accommodate Site Plan:

1. 3342.28 To permit a parking variance from 23 to four parking spaces.
2. 3372.607(C): To permit a six foot (6') high wood fence as delineated on the Site Plan.

Height, Lot and/or Setback commitments:

Except for the setbacks delineated in the Site Plan for the existing structure, court yard, and parking area, the height, lot and/or setbacks shall meet those standards contained in Chapter 3356, the UCO, and this text, when applicable.

C) Access, Loading, Parking and/or other Traffic related commitments:

Vehicular access shall be from the public alley bordering the west side of the Property as depicted on the Site Plan, or from the alley bordering the north side of the Property if approved by applicable authorities. Except for the parking delineated in the Site Plan, parking shall meet those standards contained in Chapter 3342, the UCO, and this text, when applicable.

D) Buffering, Landscaping, Open Space and/or Screening Commitments:

Except for the buffering, landscaping, open space and/or screening delineated in the Site Plan, buffering, landscaping, open space and/or screening shall meet those standards contained in Chapter 3356, the UCO, and this text, when applicable.

E) Building design:

The Property is located in Italian Village Commission and is subject to review of the Italian Village Commission.

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

1. Dumpsters, if required, shall meet those standards contained in Chapter 3356, the UCO, and this text, when applicable.
2. Lighting shall meet those standards contained in Chapter 3356, the UCO, and this text, when applicable.
3. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure compatibility.
4. Unless otherwise specified, minimum size of all trees at installation shall be two and one-half (2 ½) inches in caliper for deciduous shade trees, five (5) feet high for evergreen trees, and one and on-half (1 ½) inch caliper for ornamental trees. Tree caliper shall be measured six (6) inches from the ground. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months, weather permitting.

G) Other CPD Requirements.

1. **Natural Environment:** The Property will be developed in conformity with the Site Plan or altered in accordance with those standards contained in Chapter 3356, the UCO, and this text, when applicable. The natural environment of the Property is flat and does not present drainage issues.
2. **Activities:** The Property is located in a densely populated area that has a mixture of residential and commercial uses. The Property has been used commercially for many years and is part of the mixed-use neighborhood. The CPD zoning will provide the guidelines and requirements for existing and new development activities on the Property.
3. **Behavior Patterns:** The Property's ongoing commercial use is a product of the neighborhood it serves. A CPD zoning offers a variety of commercial use options to serve the neighborhood.
4. **Circulation:** Circulation of the existing development on the Property is part of the neighborhood pattern. The Site Plan provides access to and from the site from the alley bordering the rear of the Property. Future access plans may incorporate use of the alley bordering the north side of the Property.
5. **Visual Form of the Environment:** The Property serves to provide commercial uses in an area of intense urban development with many commercial, housing and community related needs.
6. **Visibility:** The Property will not diminish the visibility and safety of the motorist, bicyclist, or pedestrian.
7. **Emission:** The Property's development will not negatively contribute to the emission of light, sound, smell and dust.

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