



## Legislation Details (With Text)

**File #:** 0751-2017      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/14/2017      **In control:** Zoning Committee  
**On agenda:** 4/3/2017      **Final action:** 4/5/2017  
**Title:** To rezone 5055 DIERKER ROAD (43220), being 0.61± acres located on the west side of Dierker Road, 560± feet north of County Corners Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Z16-065).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0751-2017\_Attachments, 2. ORD0751-2017\_Labels

Date	Ver.	Action By	Action	Result
4/5/2017	1	CITY CLERK	Attest	
4/5/2017	1	ACTING MAYOR	Signed	
4/3/2017	1	COUNCIL PRESIDENT	Signed	
4/3/2017	1	Zoning Committee	Approved	Pass
3/27/2017	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z16-065

**APPLICANT:** John Chess; 4263 Gavin Lane; Columbus, OH 43220.

**PROPOSED USE:** Microbrewery and mixed-commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (7-0) on December 8, 2016.

**HISTORIC RESOURCES COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is listed on the Columbus Register of Historic Properties, and is developed with an office building zoned CPD, Commercial Planned Development District. The current CPD (Z84-045) only permits general office uses. The requested CPD will permit an eating and drinking establishment (microbrewery) and general office uses. A 2,265± square foot building addition and 1,373± square feet of outdoor dining area are proposed for the microbrewery. At the time the application was filed, the *Northwest Land Use Plan & Design Guidelines* (2017), which recommends office uses for this site, was still in draft form. The land use recommendation provides criteria to evaluate a proposal that is inconsistent with the recommendation for office uses, such as development trends in the vicinity of the site, and the proposed use relative to the best use of the site. Based on the historic status of the site and isolation of the site as an office use, Planning Division staff is supportive of the proposed use with the commitments in the CPD text for maintaining the parking setback on the south property line, installing additional landscaping, and preserving mature trees. The CPD text also commits to a site plan, and includes use restrictions and provisions for setbacks, access, graphics, and a parking space reduction variance for 23 required spaces. A concurrent Council variance (Ordinance No. 0752-2017; CV16-065) has been filed to vary distance separation from residential zoning districts for the proposed microbrewery.

To rezone **5055 DIERKER ROAD (43220)**, being 0.61± acres located on the west side of Dierker Road, 560± feet north of County Corners Drive, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Z16-065).

**WHEREAS**, by application No. Z16-065 is on file with the Building and Zoning Services Department requesting rezoning of 0.61± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

**WHEREAS**, the Development Commission recommends approval; and

**WHEREAS**, the Historic Resources Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of said zoning change based on the historic status of the site and isolation of the site as an office use. Staff is supportive of the proposed use with the commitments in the CPD text for maintaining the parking setback on the south property line, installing additional landscaping, and preserving mature trees; 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:

**5055 DIERKER ROAD (43220)**, being 0.61± acres located on the west side of Dierker Road, 560± feet north of County Corners Drive, and being more particularly described as follows:

Being in Section 1, Township 1, Range 19, United States Military Lands and being a part of Lot Number 1 of Joseph Henderson's Heirs Farm Petition of record in Plat Book 4, Page 382. and being part of the 1.277 acre tract conveyed to Dierker Builders, Inc. by deed of record in O.R. 3982C16, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for reference at an iron pin in the westerly line of Dierker Road, 30.00 feet (as measured at right angles) westerly of the centerline, said iron pin also being in the northeasterly corner of said 1.277 acre tract and the northwesterly corner of a 30.00 foot strip of land conveyed to the City of Columbus;

Thence S 3° 34' 33" W and parallel with the centerline of Dierker Road, a distance of 50.00 feet, along the westerly line of Dierker Road and the easterly line of said 1.277 acre tract to an iron pin, said iron pin being the point of true beginning for the herein described tract;

Thence S 3° 34' 33" W and parallel with the centerline of Dierker Road, a distance of 216.00 feet, continuing along the westerly line of Dierker Road and the easterly line of said 1.277 acre tract to an iron pin at the southeasterly corner of said 1.277 acre tract;

Thence N 86° 25' 27" W, a distance of 122.00 feet, along the southerly line of said 1.277 acre tract to an iron pin; Thence N 3° 34' 33" E, a distance of 216.00 feet, across said 1.277 acre tract to an iron pin;  
Thence S 86° 25' 27" E, a distance of 122.00 feet, continuing across the said 1.277 acre tract to the point of true beginning containing 0.605 acres, more or less, and being subject to all easements and restrictions of record.

**To Rezone From:** CPD, Commercial Planned Development 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 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, "**HENDERSON FARM MICRO PUB & BREWERY,**" signed by Mark R. Denney, Architect, and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT,**" signed by John Chess, Owner, both dated March 7, 2017, and the text reading as follows:

**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT**

**EXISTING DISTRICT:** CPD, Commercial Planned Development District - C-2 Office Uses

**PROPOSED DISTRICT:** CPD, Commercial Planned Development District - C-2 Office and Special Use of Micro Pub with onsite retail and wholesale distribution (per CV16-065)

**PROPERTY ADDRESS:** 5055 Dierker Rd. Columbus, OH 43220

**OWNER/APPLICANT:** John Chess; 4263 Gavin Lane; Columbus, OH 43220

**DATE OF TEXT:** March 7, 2017

**APPLICATION NUMBER:** Z16-065

**INTRODUCTION:** The subject property ("Site") is 0.605± acres located on the west side of Dierker Rd between Bethel and Henderson Roads. The site is zoned CPD for office only uses from a 1986 rezoning. The site had been a residence that was a single family home constructed in 1850 time frame. The original use was a cattle farm owned by Joseph Henderson. It was a Revolutionary War Land Grant. The property has had only three owners, the Henderson Family, the Borrer family and the Stevenson family.

Applicant will work with the city Historic Preservation Office for determination as to the appropriate architectural designs for the new addition and any restoration or changes to the existing structures as this property is listed on the Columbus Register of Historic Properties.

1. **PERMITTED USES:** All office permitted in Columbus City Code Chapter 3353, C-2, Office Commercial District, and restaurant uses permitted in Chapter 3355, C-3, and Commercial District.

2. **DEVELOPMENT STANDARDS:** The applicable development standards shall be as specified in Chapter 3361, CPD, Commercial Planned Development District, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standard, except as specifically set forth herein.

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

1. The minimum parking and building setback along Dierker Road is 25 feet for parking and buildings.
2. The minimum parking and building setbacks along the south property line shall be 30 feet.
3. The minimum parking and building setbacks along the north and the west property lines are requested to be 0 feet as there is an easement within the property adjacent to these boundaries.
4. Lot Coverage for Building and Pavement shall not exceed 60%

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

1. Existing ingress, egress, parking lot will be utilized. Any new access shall be approved by the Department of Public Service, Division of Traffic Management. The main entrance will be changed to 22' wide.

2. Bicycle spaces will be provided per code requirements. Bicycle racks that reflect the historic significance of the property will be incorporated as approved by the Historic Resources Commission and the Department of Public Service.

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

1. The existing 6' wood and masonry fence shall be maintained.

2. Landscaping, as depicted on the CPD Plan, shall be installed as follows: A staggered row of Arborvitae or similar species shall be planted along on the south side of the property. On the east side, Burning Bush and Winged Euonymus (or similar species), and ornamental grasses shall be planted between the planned sidewalk and the parking lot. Street trees shall be planted along the frontage of Dierker Road.

3. The three mature trees that are within the boundaries of the site shall be maintained and pruned for continued healthy growth.

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

All exterior design elements and building materials will be approved by the Historic Resources Commission.

**E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments. N/A**

**F. Graphics and Signage Commitments.**

1. All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the CPD, Commercial Planned Development. Any variance to the applicable requirements shall be submitted to the Columbus Graphics Commission.

2. The current sign monument for the address will be maintained. A Historical Placard is planned for the other existing entry monument which shall be reviewed and approved by the Historic Resources Commission.

**G. Modifications of Code Standards.**

1. 3312.49 - OFF STREET PARKING: Request variance to reduce required parking calculation total from 40 required to 17 spaces. Permanent, Exclusive Easement is provided that allows use of 13 existing additional parking spaces on adjacent lot (2 spaces of which straddle the subject site and easement area) for grand total of 30 available parking spaces.

2. 3361.04 - CPD PERFORMANCE CRITERIA: Request variance to reduce required setbacks along the north and west property lines from 25 feet to 0 feet.

3. 3312.25 - MANEUVERING: Request variance to allow maneuvering areas (including aisle and parking space) to be divided by a parcel line (existing condition) for parking spaces in Permanent, Exclusive Easement area.

4. 3312.29 - PARKING SPACE: Request a variance to allow parking spaces to be divided by parcel lines, (existing condition) for 2 parking spaces which straddle the subject site and the Permanent, Exclusive Easement area.

**H. Other CPD Requirements**

1. Natural Environment: The natural environment of the site is flat with established boundaries to neighboring properties. Utilities are in place to handle current and proposed additions.

2. Existing Land Use: The property is developed with a 3,760 sq. ft. 2 story office building and accessory parking.
3. Circulation: Access to and from the site is from Dierker Road and circulation is as shown on the site plan.
4. Visual Form of the Environment: The area surrounding the site is zoned for Residential use to the North, South and West. There is a large church with two parcels to the east on the other side of Dierker Road.
5. Visibility: The site is visible from Dierker Road. Additional landscaping is proposed along the frontage to augment existing landscaping.
6. Proposed Development: Neighborhood Commercial Development. Micro Brew Pub with manufacturing) and with offices.
7. Traffic Studies and Patterns: A traffic study has been submitted to the Public Service Department, Division of Traffic Management.
8. A new sidewalk will be constructed in the front of the property to the front door of the historical portion of the building and connecting along the side of the building to the new entrance. This will tie into the new city planned sidewalks.

#### **I. Miscellaneous Commitments**

1. Development of the site shall be developed in accordance with the site plan titled "Henderson Farm Micro Pub & Brewery." The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Building and Zoning Services Department, or a designee, upon submission of the appropriate data regarding the proposed adjustment. Historic accessory structures that are planned but that are not depicted on the plan shall be permitted if approved by the Historic Resources Commission.
2. Deliveries and trash pick-up will not occur outside the hours of 7AM to 7PM, and the developer will require this as part of any service agreement.

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