



## Legislation Details (With Text)

**File #:** 0205-2009      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/5/2009      **In control:** Zoning Committee  
**On agenda:** 5/11/2009      **Final action:** 5/14/2009  
**Title:** To rezone 22-28 WEST POPLAR AVENUE (43205), being 0.19± acres located at the southeast corner of Park Street and West Poplar Avenue, From: AR-2, Apartment Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z08-025).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0205-2009attachments.pdf, 2. ORD0205-2009.lbls.pdf, 3. City Council Data Form\_Z08-025.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
5/14/2009	1	CITY CLERK	Attest	
5/12/2009	1	MAYOR	Signed	
5/11/2009	1	Zoning Committee	Approved	Pass
5/11/2009	1	COUNCIL PRESIDENT	Signed	
5/4/2009	1	Columbus City Council	Read for the First Time	
4/24/2009	1	Dev Zoning Reviewer	Reviewed and Approved	
4/24/2009	1	Dev Zoning Drafter	Sent for Approval	
4/24/2009	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/24/2009	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/6/2009	1	Dev Zoning Drafter	Sent for Approval	

### Rezoning Application # Z08-025

**APPLICANT:** Giannopoulos Properties, Ltd. c/o Michael Paplow, Feinkopf Macioce Schappa Architects; 995 W. Third Avenue; Columbus, Ohio 43212

**PROPOSED USE:** Parking for two years followed by mixed use development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on November 13, 2008.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. Staff recommends approval because the proposed mixed use building is consistent with the zoning and uses in the area. The variances are to allow one parking space per dwelling and for zero foot setbacks. Staff supports parking on the site which will be limited to two years in order to provide time to develop the mixed use building. The site will be redeveloped with a mix of residential office or institutional uses within two years, and if this condition is not met, the parking lot as a primary use would no longer be allowed.

To rezone **22-28 WEST POPLAR AVENUE (43205)**, being 0.19± acres located at the southeast corner of Park Street and West Poplar Avenue, **From:** AR-2, Apartment Residential District, **To:** CPD, Commercial Planned Development District (Rezoning # Z08-025).

**WHEREAS**, application #Z08-025 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.19± acres from AR-2, Apartment Residential Districts to the CPD, Commercial Planned Development District; and

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

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed mixed use building is consistent with the zoning and uses in the area. The variances are to allow one parking space per dwelling and for zero foot setbacks. Staff supports parking on the site which will be limited to two years in order to provide time to develop the mixed use building. The site will be redeveloped with a mix of residential office or institutional uses within two years, and if this condition is not met, the parking lot as a primary use would no longer be allowed.

**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:

**22-28 WEST POPLAR AVENUE (43205)**, being 0.19± acres located at the southeast corner of Park Street and West Poplar Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and being bounded and described as follows:

Beginning at the intersection of the south line of Poplar Avenue (50' R/W) and the east line of Park Street (75'R/W), said point also being the northwest corner of the Joseph and Helen Skilken Foundation property, as described in Deed Book 3711, Page 897, Recorder's Office, Franklin County, Ohio;

Thence eastward along the north line of the Skilken property, the south line of Poplar Avenue, North 81°57'44" East, a distance of 139.00 feet to an iron pin found, said iron pin being the Point of Beginning of the herein described parcel;

Thence continuing along the south line of Poplar Avenue, North 81°57'44" East, a distance of 143.50 feet to a p.k. nail set;

Thence South 07°02'49" East, a distance of 30.00 feet to an iron pin set in the north right-of-way of I-670;

Thence along said north right-of-way, South 61°08'38" West, a distance of 151.35 feet to an iron pin set at the intersection of the north right-of-way of I-670 and the east line of said Skilken property

Thence along the east line of said Skilken property, North 09°04'31" West, a distance of 83.80 feet to the Point of Beginning, and containing 8,166.92 square feet or .1875 acre, more or less.

**To Rezone From:** AR-2, Apartment Residential District,

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of sixty (60) 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 plans being titled, "22-28 WEST POPLAR ST COLUMBUS OH 43125 SITE PLAN TEMPORARY PARKING S-0" AND "22-28 WEST POPLAR ST COLUMBUS OH 43125 SITE PLAN NEW BUILDING S-1", both signed by Michael Paplow, Architect for the Applicant, dated December 2, 2008 and text titled, "COMMERCIAL PLANNED DEVELOPMENT TEXT," both signed by Michael Paplow, Architect for the Applicant, dated September 10, 2008, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

PROPOSED DISTRICT: Commercial Planned Development District

PROPERTY ADDRESSES: 22 W Poplar Ave, 28 W Poplar Ave,  
Columbus, Ohio 43205

OWNERS: Giannopoulos Properties, Ltd.

APPLICANT: Giannopoulos Properties, Ltd.

DATE OF TEXT: September 10, 2008

APPLICATION NUMBER:

I. **INTRODUCTION:** The property consists of two tax parcels which, together, contain a total of approximately .19 acres (the "Subject Property"). The Subject Property is located in mid-block on the south side of West Poplar Ave between High Street to the east and Park Street to the west, and is bordered on the south by I-670. The plans entitled "22-28 WEST POPLAR ST COLUMBUS OH 43125 SITE PLAN TEMPORARY PARKING S-0" AND "22-28 WEST POPLAR ST COLUMBUS OH 43125 SITE PLAN NEW BUILDING S-1", sealed and dated December 2, 2008 by Feinknopf, Macioce, Schappa Architects, are incorporated into this zoning for the purposes of schematically showing the Subject Property, the parking and building setbacks and the height district.

Both portions of the Subject Property front W Poplar Ave. and are zoned AR-2 Apartment Residential District. The Subject Property is improved with a temporary parking lot serving as off-site parking for use by the adjacent High Street businesses, primarily restaurants, through the use of contract Valet Parking services.

This rezoning is to permit the use of the Subject Property as a temporary ancillary parking lot for a period of only two years, after which time it will be developed according to the limitations defined in this rezoning request. The two year temporary use as parking is concise and definitive and will not be extended. It is necessary to allow for the planning and financing of the planned development of the property as mixed use development appropriate to the neighborhood; construction of which will begin at the end of the two year temporary use. The two year use as temporary parking is also seen as beneficial to the recently redeveloped adjacent Yukon Building and I-670 Cap businesses.

The proposed development of the site after two years will be as ground floor restaurant or commercial, with two floors of dwellings above. The development will provide a suitably scaled street front on Poplar with residential balconies and windows on the second and third floors and commercial activity on the street to provide both a screen to the noise and activity of I-670 and a pleasant link between the Short North commercial district and Goodale Park; similar in feel to Russell Street to the south. This is seen as being an appropriate, definitive and positive northern boundary between Victorian Village and I-670, creating an urban link between the park and High Street that is in keeping with the look and feel of this part of the city.

II. **PERMITTED USES:**

A. (1) All uses permitted by Columbus City Codes Section 3351.03, including as stated therein all office uses permitted under Section 3353.03, and all other uses listed in the Columbus City Codes as being permitted in the C-1 zoning district, except that there shall be no area limits as defined in 3351.03 (B) for Book, Newspaper and Magazine Stores, Butcher Shops, Fish, Meat, and Seafood Markets, or Cafes, Delicatessens and Restaurants; and no facilities providing drive-thru windows; parking and loading shall be

permitted on the ground floor or as can be accommodated on the lot, and (2) until the date which is two (2) years after the date on which the ordinance enacting this zoning becomes effective, all uses permitted by Columbus City Codes Sections 3371.01, 3373.01 and all other uses listed in the Columbus City Codes as being permitted in the P-1 or P-2 zoning district, as parking for pay or by valet.

### III. DEVELOPMENT STANDARDS:

#### A Development Standards.

##### 1 Density, Height, Lot and/or Setback commitments.

- a Except as otherwise provided below in this paragraph, the height district shall be a sixty (60) foot height district, subject to the limitations that the maximum height for flat roof buildings shall be forty-five (45) feet, and the maximum height for pitched roof buildings shall be fifty-five (55) feet. The height of each part of the building may be increased above the applicable limit set forth in the preceding sentence by the distance in feet from that part to the building setback closest to that part.
- b The building, parking and maneuvering setbacks shall be a minimum of zero (0) feet along all Rights-of-Way and Streets.
- c The building setback from side or rear lot lines shall be zero (0) feet.
- d Lot coverage permitted shall be up to 100%.

##### 2 Access, Loading, Parking and/or other Traffic related commitments.

- a Access to the temporary lot and future development shall be directly from West Poplar Ave.
- b No parking shall be provided for non-residential uses. Parking shall be provided for future residential development at the minimum amount of one space per dwelling unit; and shall provide vision clearance triangles of at least 5 by 5 feet at all driveways, as measured from the intersection of the edge of the driveway and right-of-way line. Any parking spaces provided shall be for use only by dwelling units provided in the future development.

##### 3 Buffering, Landscaping, Open Space and/or Screening commitments.

- a For temporary development of the Subject Property as a parking lot, no setback, screening or buffering shall be required.
- b No internal parking lot landscaping or tree planting will be required.

##### 4 Building design and/or Interior-Exterior treatment commitments.

- a The existing parking lot may be maintained as developed on the date on which the ordinance enacting this zoning becomes effective until a date two years from that date; provided however, the surface of the existing parking lots shall be improved with treatments to make the existing surface dustless, and that such treatment shall be re-applied as necessary during the two-year period to maintain the dustless condition of the surface. One parking block shall be provided for each parking space provided.
- b Any mechanical equipment or other utility equipment on the roof of a building shall be screened to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.
- c Ground-mounted mechanical equipment shall be screened by landscaping, a wall or fencing to the height of the equipment. Whenever live plants are installed, alone or in combination with other materials, the plants shall be selected to achieve the height equal to the height of the equipment, and a density not less than 75% opacity within three (3) years

of installation.

- 5 Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.
  - a All lighting shall be cut-off type fixtures (downlighting), except that pedestrian and accent lighting and lighting for signs are not required to be cut-off.
  - b Light poles shall be no higher than sixteen (16) feet.
- 6 Graphics and Signage commitments.
  - a All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.
- 7 Miscellaneous commitments. N/A.

IV. **CPD REQUIREMENTS:**

- A Natural environment: The Subject Property is flat and contains no wetlands or streams. There is no existing vegetation. It is a dense urban hardscape environment.
- B Existing land uses: The Subject Property is currently developed with a gravel parking lot.
- C Transportation and circulation facilities: The Subject Property is located at the abutment wall for I-670 West, the elevation of which is several feet below this property. West Poplar Ave runs east and west from North High Street to Park Street, and dead-ends at each. Its total length is one block between these two streets. There are Stop Signs at each end of the street; cross traffic at High and Park streets does not stop at these intersections. There are parking meters at varying intervals on both sides of the street.
  - 1 I-670 has recently been redeveloped, and is seen as being stable for the foreseeable future due to the extensive bridging required for the crossing of High and Park streets, and the development of the Cap over I-670 on High Street immediately adjacent to the Subject Property.
- D Visual form of the environment: As previously discussed, the Subject Property is developed with surface parking; there are no structures or buildings. The property to the east is comprised of the blank back wall of the High Street Cap over I-670; it has a small fenced electrical and refuse service yard at the sidewalk line adjacent to the Subject Property. To the south is the I-670 corridor, with the Greek Orthodox Church dome and North Market beyond; to the east an existing apartment house with surface parking located adjacent to the Subject property. Across Poplar Ave is a mix of new 4 story residential and renovated 3 story residential/ground floor commercial development. Goodale Park is across Park Street where Poplar Ave dead-ends into it.
- E View and visibility: Visibility at intersections is good for the urban environment in which the Subject Property is located and is compatible with the speed limits on the various streets in and surrounding the Subject Property.
- F Proposed development: The temporary parking facility will be replaced with low rise facilities related to the eclectic pedestrian scale and service-industry facilities already in the district; most likely ground floor restaurant or commercial with two or three floors of dwelling units above; no dwelling units or residential development shall be developed on the ground floor other than entry lobby, fire stair exits, etc. Parking shall provided for dwelling units only and in the rear or interior of the property, at the amount of one parking space per dwelling unit. Because the Subject Property is in a fully-developed urban location, public infrastructure improvements are in place. As discussed, the area around the Subject Property contains a mix of commercial and residential uses. As such, the uses currently on and proposed for the Subject Property are compatible with the mixed-use components of the area, and will be compatible with the surrounding existing development and Victorian Village. This development will complete the street wall between Park and High Streets at an appropriate contextual scale and manner, and seek to provide a good and appropriate neighborhood-scale connection between High Street commercial and Goodale Park.
- G Behavior patterns: The principal temporary use of the Subject Property is to provide parking facilities for the patrons of

businesses on High Street, primarily restaurants including those on the Cap, through valet services only. As previously discussed, the long term development of the property seeks to be compatible with the unique nature of the site, providing a pedestrian-friendly street level façade with commercial or service activity related to that of High Street, upper floor residential, a scale appropriate to the neighborhood, and a link between High Street and Goodale Park.

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