



## Legislation Details (With Text)

**File #:** 1768-2017      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/26/2017      **In control:** Zoning Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**Title:** To rezone 1086 NORTH FOURTH STREET (43201), being 2.03± acres located at the southeast corner of North Fourth Street and East Fourth Avenue, From: M-2, Manufacturing District, To: CPD, Commercial Planned Development District (Rezoning # Z16-076).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1768-2017\_Attachments, 2. ORD1768-2017\_Labels

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 8/3/2017  | 1    | ACTING CITY CLERK     | Attest                  |        |
| 8/2/2017  | 1    | MAYOR                 | Signed                  |        |
| 7/31/2017 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 7/31/2017 | 1    | Zoning Committee      | Approved                | Pass   |
| 7/24/2017 | 1    | Columbus City Council | Read for the First Time |        |

### Rezoning Application Z16-076

**APPLICANT:** 1086 North Fourth St. LS, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Mixed-commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on February 9, 2017.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with the former Budd Dairy bottling plant, is zoned in the M-2, Manufacturing District, and is within the Italian Village Urban Commercial Overlay (UCO). The proposed CPD, Commercial Planned Development District will allow the conversion of the building into mixed-commercial tenant spaces. The CPD text proposes C-3 and limited C-4 uses, contains graphics provisions, and includes variances for reduced parking space size, vision clearance triangles, and UCO setback and building design standard requirements. A parking space reduction of up to 75 required parking spaces is also incorporated. The CPD plan depicts access locations, parking lot and landscaping improvements, and provides parking calculations. The request is consistent with the with the land use recommendations of the *Italian Village East Redevelopment Plan* (2000), which recommends commercial uses for this location, and with the established zoning and development patterns of the area. The reduced development standards are supportable because they account for existing conditions and allow for improved site design, traffic circulation, and reuse of the property as a commercial urban-infill site.

To rezone **1086 NORTH FOURTH STREET (43201)**, being 2.03± acres located at the southeast corner of North Fourth Street and East Fourth Avenue, From: M-2, Manufacturing District, To: CPD, Commercial Planned Development District (Rezoning # Z16-076).

**WHEREAS**, application # Z16-076 is on file with the Department of Building and Zoning Services requesting rezoning of 2.04± acres from M-2, Manufacturing District, to CPD, Commercial Planned Development District; and

**WHEREAS**, this ordinance includes a parking reduction variance because the application was submitted prior to the effective date of the Short North Special Parking Area; 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, is consistent with the with the land use recommendations of the *Italian Village East Redevelopment Plan*, and the established 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:

**1086 NORTH FOURTH STREET (43201)**, being 2.03± acres located at the southeast corner of North Fourth Street and East Fourth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Rickly and Graham's Addition as recorded in Plat Book 2, Page 158 and part of I.N. Price's Amended Subdivision as recorded in Plat Book 7, Page 215, being parcels of land, now or formerly in the name of The Bordon Company as recorded in Deed Book 1040, Page 637, and more fully described as follows:

Commencing for reference at a 1 ¾ inch pipe found at the intersection of the southerly right-of-way line of Fourth Avenue (60 feet wide) and the easterly right-of-way line of Fourth Street (60 feet wide), said 1 ¾ inch pipe being the TRUE PLACE OF BEGINNING of the parcel herein to be described:

Thence, South 88° 20' 34" east along the southerly right of way line of Fourth Avenue and the northerly lines of said I.N. Price's Amended Subdivision and Rickly and Graham's Addition, a distance of 436.20 feet (Formerly a record distance of 436.73 feet) to the westerly right of way line of Sixth Street (50 feet wide) (an iron pin was set South 88° 20' 34" East at 1.00 feet);

Thence, South 01° 37' 54" West along said westerly right of way line a record distance of 140.00 feet to a railroad spike set on the northerly line of a 20 foot alley;

Thence, North 88° 15' 20" west along the northerly line of said alley, a distance of 209.23 feet (formerly a record distance of 209.41 feet) to a railroad spike set at the southwesterly corner of Sublot 1 or aforesaid Rickly and Graham's Addition;

Thence, North 88° 49' 47" West continuing along the northerly line of said alley and the southerly line of Sublot 16 of aforesaid I.N. Price's Amended Subdivision a distance of 7.32 feet (no former record distance) to a railroad spike set;

Thence, South 09° 52' 45" east along the westerly line of said alley a distance of 157.04 feet (no former record distance) to an iron pin set on the northerly right of way line of Detroit Avenue (28 feet wide);

Thence, North 88° 20' 43" west along said northerly right of way line a distance of 190.54 feet (no former record distance) to a drill hole set on the westerly right of way line of Fourth Street (a ¾ inch rebar was found South 10° 00' 00" east at 447.54 feet on the easterly line of Fourth Street;

Thence, North 10° 00' 00" west along said easterly right of way line of Fourth Street a record distance of 299.80 feet to the place of beginning and containing 2.0273 acres (88,310 square feet) of land, more or less, as calculated by the above courses which were determined within the precision requirements of an Urban Class ATLA/ACSM Land Title Survey of 1992, by Robert A Dorner,

Registered Professional Survey Number S-6943, for and on behalf of Bock & Clark in May of 1997, under Project Number 9758, and is subject to all legal highways and easements of record.

Dimensions of this description are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to demote angles only. The Basis of Bearings for this description is North 10° 00' 00" west as the westerly line of Fourth Street, as evidenced by monuments found, and is an assumed bearing.

Note: All iron pins referred to as being set in this description are 5/8 inch diameter x 30 inches in length rebar with a plastic cap being the name of the company that prepared this description.

1086 North Fourth Street  
Parcel Number 010-009127

**To Rezone From:** M-2, Manufacturing 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, "**ZONING SITE PLAN, BUDD DAIRY BUILDINGS 3 & 4, 1086 N. FOURTH STREET,**" and text titled, "**DEVELOPMENT TEXT,**" both dated June 18, 2017, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**EXISTING DISTRICT:** M-2, Manufacturing

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 1086 N. Fourth Street, Columbus, OH 43201

**APPLICANT:** 1086 North Fourth St LS, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**OWNER:** 1086 North Fourth St LS, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 2, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**DATE OF TEXT:** June 18, 2017

**APPLICATION NUMBER:** Z16-076

**INTRODUCTION:**

The subject property is 2.03 +/- acres located on the east side of North Fourth Street, between Detroit Avenue (28') and E. 4<sup>th</sup> Avenue (60'). The property is zoned M-2, Manufacturing and is developed with the Budd Dairy buildings. Applicant proposes to rezone the property to the CPD, Commercial Planned Development District to permit commercial reuse of the buildings/site with a change of use of the existing buildings. The plan titled "Zoning Site Plan, Budd Dairy Buildings 3 & 4, 1086 N. Fourth Street", hereafter "Site Plan", dated June 18, 2017, and referenced in Section 2.H. of this text, depicts the proposed site development.

**1. PERMITTED USES:** All uses of Section 3355.03, C-3, Permitted Uses, and the following uses of Section 3356.03, C-4 Permitted Uses: appliance stores; automotive sales, leasing, rental and parts, subject to no outside inventory, sales, display or car detailing; bars, cabarets and nightclubs; caterers; electronics stores; floor covering stores; furniture and home furnishings stores; general merchandise stores; home centers; lawn and garden equipment and supply stores; reupholster and furniture repair; sporting goods and outfitters; hotels; paint and wallpaper store; theaters, dance companies and dinner theater; subject to no outside sales or display of merchandise or inventory.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of the C-3, Commercial District, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply.

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

1. The North Fourth Street, East Fourth Street and North Sixth Street building setback lines are the setbacks of the existing buildings, being 30', 0' and 0', as depicted on the Site Plan.
2. The North Fourth Street and East Fourth Street parking setback lines are five (5) feet (minimum), as required by the Italian Village Urban Commercial Overlay (UCO).

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

The Site Plan depicts either 108 or 114 parking spaces as code required parking based on Alternate 1 and Alternate 2 site plan options. Alternate 1 and Alternate 2 propose to keep or remove, respectively, an existing 2,518 square foot area of the building that connects the front and rear buildings. The parking space layout and number of spaces provided is different with Alternate 1 and Alternate 2, as depicted on the Site Plan.

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

See site plan and subject to approval of Italian Village Commission with final Certificate of Appropriateness.

**D. Building design and/or Interior-Exterior treatment commitments.**

N/A

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

See site plan and subject to approval of Italian Village Commission with final Certificate of Appropriateness.

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-3, Commercial District. Any ground sign shall be monument-style. Any variance to the applicable sign requirements of the C-3, Commercial District shall be submitted to the Columbus Graphics Commission.

**G. Code Modifications.**

1. 3309.14, Height Districts, to increase the permitted height from 35' (H-35) to 55' +/- for the existing smoke stack that is part of the historic Budd Dairy building.
2. 33312.21(A)(2), Landscaping and Screening, to reduce the area of three (3) parking lot islands from 145 square feet to 88, 107 and 120 square feet and to reduce the minimum soil radius per parking lot tree for certain parking lot islands from four (4) feet to a minimum of 2.5 feet.
3. 3312.29, Parking Space, to reduce the width of parking spaces from 9 feet to 8.5 feet.
4. 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking from 183 spaces to 108 spaces for Site Plan Alternate 1 and from 179 spaces to 114 spaces for Site Plan Alternate 2.
5. 3321.05(B)(1), Vision Clearance, to reduce the 10'x10' clear vision triangle at N Sixth Street and the unnamed alley to 0'x0' for the existing building and to reduce the 10'x10' clear vision triangle at the E. 4<sup>th</sup> Avenue site driveway to 6' x 6' and 7' x 7' for Site Plan Alternate 1 and 7'x7' for Site Plan Alternate 2.
6. 3372.604(A)(B), Setback Requirements, to increase the permitted maximum building setback from ten (10) feet to thirty (30) feet on N. Fourth Street for the building fronting N. Fourth Street, to increase the permitted maximum building setback from ten (10) feet to 45 feet to 105 feet for the E. Fourth Avenue setback of the building fronting N. Fourth Street, and to permit the parking lot, as depicted on the Site Plan (Alternate 1 and 2), to be located in advance of the principal building on N. Fourth Street and in front of the N. Fourth Street building on the E. Fourth Avenue frontage, and to permit more than 50% of the provided parking to be located on the north and south sides of the N. Fourth Street building.
7. 3372.605(A)(B)(D), Building Design Standards, to permit the north elevation (E 4<sup>th</sup> Avenue) of the N. Fourth Street building to not have a primary entrance door; to permit the existing widths of the principal buildings on N. Fourth Street and E. 4<sup>th</sup> Avenue of 20% and 40% of the width of the lot rather than 60%; to permit less than 60% glass on the E. 4<sup>th</sup> Avenue primary (20%, existing) and secondary (35%, existing) building frontages of the E. 4<sup>th</sup> Avenue building.

#### **H. Miscellaneous.**

1. The plan titled "Zoning Site Plan, Budd Dairy Buildings 3 & 4, 1086 N. Fourth Street", hereafter "Site Plan", dated June 18, 2017, and signed by David B. Perry, agent and Donald Plank, attorney, depicts the site development. The site plan may be slightly adjusted to reflect engineering, architectural, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

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