



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1410-2008, **Version:** 1

Rezoning Application Z08-017

APPLICANT: Dr. Robert Stephens; c/o Danny Popp; 855 E. Cooke Road; Columbus, Ohio 43224.

PROPOSED USE: Church, school, daycare and parking use.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on June 12, 2008.

SOUTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of 13 parcels creating four CPD zoning Subareas planned for one existing Church, three existing school buildings, one existing Day Care with parking, four existing residential buildings, and two existing shared parking lots serving the Church and the school building. The Owner wishes to complete the CPD zoning for all four Subareas to bring all properties into zoning compliance as well as planning for the future expansion of the W.C. Cupe Community School onto the four residential building sites located in Subarea 4. The Applicant's request is consistent with surrounding zoning and land uses. This rezoning will improve the site by adding screening to existing parking lots and dumpsters that currently is not provided.

To rezone **1132 EAST WINDSOR AVENUE (43211)**, being 2.37± acres located at the northwest corner of East Windsor Avenue and Isabel Avenue and at the southwest corner of East Windsor Avenue and Gerald Avenue, **From:** C-3, Commercial, P-1, Parking, R-3 and R-4, Residential Districts, **To:** CPD, Commercial Planned Development District. (Rezoning # Z08-017)

WHEREAS, application #Z08-017 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.37± acres from the C-3, Commercial, P-1 Parking, R-3 Residential and R-4, Residential Districts to the CPD, Commercial Planned Development District; and

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

WHEREAS, the South Linden Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the proposed CPD text and plan will bring all properties into zoning compliance as well as providing an orderly plan for the future expansion of the W.C. Cupe Community School onto the four residential building sites located in Subarea 4. The Applicant's request is consistent with surrounding zoning and land uses. This rezoning will improve the site by adding screening to existing parking lots and dumpsters that currently is not provided; 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:

1132 EAST WINDSOR AVENUE (43211), being 2.37± acres located at the northwest corner of East Windsor Avenue and Isabel

Avenue and at the southwest corner of East Windsor Avenue and Gerald Avenue, and being more particularly described as follows:

0.176 Acres

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being a part of Section 4, Township 1, Range 18, United States Military Lands, and being all of Lot Nos. 16 and 17 of Alphonsine Isabel's Subdivision being of record in Plat Book 7, Page 74, conveyed to **Greater Liberty Temple Church of God in Christ** as described in Instrument Number 200607270146875, record references to those of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at the intersection of the northeasterly line of a 20 foot Alley and the north line of a 16 foot Alley, being the southwest corner of said Lot No. 16, and being the **POINT OF BEGINNING**:

Thence northeasterly along the northeasterly line of said 20 foot Alley and the northeasterly line of said Lot Nos. 16 and 17, North 27° 14' 50" East, 59.1 feet to the northwest corner of said Lot No. 17 and the southwest corner of Lot No. 18;

Thence easterly along the north line of said Lot No. 17 and the south line of said Lot No. 18, South 86° 24' 08" East, 118.5 feet to the northeast corner of said Lot No. 17 and the southeast corner of said Lot No. 18, and being on the west line of Isabel Avenue;

Thence southerly along the west line of said Isabel Avenue and the east line of said Lot Nos. 16 and 17, South 03° 40' 00" West, 62.4 feet to the intersection of the west line of said Isabel Avenue and the north line of said 16 foot Alley, and being the southeast corner of said Lot No. 16;

Thence westerly along the north line of said 16 foot Alley and the south line of Lot No. 16, North 83° 05' 00" West, 142.4 feet to the **PLACE OF BEGINNING**, containing 0.176 acres, more or less.

To Rezone From: R-3, Residential and P-1, Parking Districts,

To: CPD, Commercial Planned Development District.

0.189 Acres

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being a part of Section 4, Township 1, Range 18, United States Military Lands, and being all of Lot Nos. 21 and 22 of Alphonsine Isabel's Subdivision being of record in Plat Book 7, Page 74, conveyed to **Greater Liberty Temple Church of God in Christ** as described in Instrument Number 200404230091876, record references to those of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at the intersection of the north line of Windsor Avenue and the east line of Isabel Avenue, being the southwest corner of said Lot No. 21, and being the **POINT OF BEGINNING**:

Thence northerly along the east line of Isabel Avenue and the west line of said Lot No. 21, North 03° 40' 00" East, 125.2 feet to the intersection of the east line of Isabel Avenue and the south line of a 16 foot Alley, being the northwest corner of said Lot No. 21;

Thence easterly along the south line of said 16 foot Alley, and the south line of said Lot Nos. 21 and 22, South 83° 05' 00" East, 70.0 feet to the northeast corner of said Lot No. 21 and the northwest corner of Lot No. 23;

Thence southerly along the east line of said Lot No. 22 and the west line of said Lot No. 23, South 07° 19' 49" West, 125.0 feet to the southeast corner of said Lot No. 22 and the southwest corner of said Lot No. 23, being on the north line of said Windsor Avenue;

Thence westerly along the north line of Windsor Avenue, and the south line of said Lot Nos. 21 and 22, North 83° 05' 00" West, 62.0 feet to the **PLACE OF BEGINNING**, containing 0.189 acres, more or less.

To Rezone From: R-3, Residential Districts,

To: CPD, Commercial Planned Development District.

0.568 Acres

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being a part of Section 4, Township 1, Range 18, United States Military Lands, and being all of Lot Nos. 10 thru 15 of Alphonsine Isabel's Subdivision being of record in Plat Book 7, Page 74, conveyed to **Greater Liberty Temple Church** as described in Official Record Volume 16693 G13, record references to those of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at the intersection of the north line of Windsor Avenue and the east line of a 20 foot Alley, being the southwest corner of said Lot No. 10, and being the **POINT OF BEGINNING**:

Thence northeasterly along the east line of said 20 foot Alley and the west line of said Lot No. 10, North 39° 57' 27" East, 148.7 feet to the intersection of the east line of said 20 foot alley and the south line of a 16 foot Alley, and being the northwest corner of said Lot No. 10;

Thence easterly along the south line of said 16 foot Alley and the north line of said Lot Nos. 10 thru 15, South 83° 05' 00" East, 153.6 feet to the intersection of the south line of said 16 foot Alley and the west line of Isabel Avenue, and being the northeast corner of said Lot No. 15;

Thence southerly along the west line of said Isabel Avenue and the east line of said Lot No. 15, South 03° 40' 00" West, 125.2 feet to the intersection of the west line of said Isabel Avenue and the north line of said Windsor Avenue, and being the southeast corner of said Lot No. 15;

Thence westerly along the north line of said Windsor Avenue and the south line of Lot Nos. 10 thru 15, North 83° 05' 00" West, 242.0 feet to the **PLACE OF BEGINNING**, containing 0.568 acres, more or less.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on January 29, 2008.

To Rezone From: R-3, Residential Districts,

To: CPD, Commercial Planned Development District.

1.438 Acres

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being a part of Section 4, Township 1, Range 18, United States Military Lands, and being all of Lot Nos. 10 thru 15 of Alphonsine Isabel's Subdivision being of record in Plat Book 7, Page 74, conveyed to **Greater Liberty Temple Church in Christ** as described in Official Record Volume 16693 G13, record references to those of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at the intersection of the north line of Windsor Avenue and the west line of Thirteenth Avenue, and being the **POINT OF BEGINNING**:

Thence southerly along the west line of Thirteenth Avenue, South 07° 30' 00" West, 145.0 feet to the intersection of the west line of Thirteenth Avenue and the north line of Thirteenth Avenue;

Thence westerly along the north line of Thirteenth Avenue, North 82° 30' 00" West, 133.0 feet;

Thence southerly along the north line of Thirteenth Avenue, South 07° 30' 00" West, 20.0 feet;

Thence westerly along the north line of Thirteenth Avenue, North 82° 30' 00" West, 50.0 feet;

Thence northerly along the north line of Thirteenth Avenue, North 07° 30' 00" East, 7.6 feet;

Thence westerly along the north line of Thirteenth Avenue, North 82° 30' 00" West, 169.7 feet;

Thence northerly, North 07° 30' 00" East, 67.6 feet;

Thence westerly, North 82° 04' 00" West, 70.0 feet;

Thence southerly, South 07° 30' 00" West, 2.0 feet;

Thence westerly, North 82° 47' 30" West, 40.3 feet;

Thence northerly, North 22° 43' 00" East, 92.7 feet to the south line of Windsor Avenue;

Thence easterly along the south line of Windsor Avenue, South 82° 15' 00" East, 438.8 feet to the **PLACE OF BEGINNING**, containing 1.438 acres, more or less.

To Rezone From: C-3 Commercial and R-4, 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 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, "**W.C. CUPE MODULAR CLASSROOM ADDITIONS**," and said text titled, "**CPD TEXT**," both signed by Danny D. Popp, Architect and Agent for the Applicant, and dated June 18, 2008, and the text reading as follows:

CPD Text

Proposed District: CPD Community Planned Development
Property Address: 1132 Windsor Avenue
Owner: Greater Liberty Temple Church of God in Christ
1132 Windsor Avenue
Columbus, Ohio 43211

Applicant: DDP and Associates, Architects/Planners
855 E. Cooke Road
Columbus, Ohio 43224

Date of Text: June 18, 2008
Application No.:

1) Introduction:

The site consists of 13 parcels creating four CPD zoning Subareas planned for (1) existing Church, (3) existing school buildings, (1) existing Day Care with parking, (4) existing residential buildings, and (2) existing shared parking lots serving the Church and the school building respectively, please note that the use of parking lots by the Church does not conflict with the school. School activities use the shared parking lots from 8:00 am to 4:00 p.m. Monday through Friday during the school year. The Church utilizes the shared parking on weekends and twice weekly during early evening hours 5:00 p.m. to 8:00 p.m. typically.

The Day Care has its parking and drop-off/pick-up areas already established on its own site, parking for the remaining four

residential/single family buildings are existing and will not be altered by this application.

The Owner wishes to complete the CPD zoning for all four Subareas to bring all properties into zoning compliance as well as planning for the proposed future expansion of the W.C. Cupe Community School onto the four residential building sites located in Subarea 4.

Subarea 1:

2) Permitted Use:

This Subarea is currently developed to house the Greater Liberty Temple Church of God in Christ on the east side of the property with one W.C. Cupe School Building housing two classrooms on the west side. 16 parking spaces exists on the west and north sides of the property with an existing dumpster at the northwest corner.

3) Development Standards:

A. Density, height, lot and/or setback commitments.

1. A front yard setback of 0' for the classroom building/Industrialized Unit.
2. A side yard setback of 0' for the classroom building/Industrialized Unit.
3. Rear yard area as shown on CPD site plan.

B. Access, loading, parking, and or other traffic related commitments.

1. 82 total parking spaces will be provided for the CPD subarea(s) , as shown on the CPD site plan, 15 of which are on subarea 1.
1. The parking spaces shall have 0' setbacks, 17' of depth.
2. Parking space maneuvering to remain as is and shown on the site plan, i.e., 10' at alleys.

C. Buffering, landscaping, open space, and/or screening commitments.

1. Dumpster will have a wooden screen fence per City code requirements.
2. Parking to remain as is with screening of the parking lots as shown on the site plan.

D. Building Design and /or Interim-Exterior Treatment Commitments-N/A.

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

1. Light standards shall not exceed 28 feet in height except lights located within 100 feet of a residential used or zoned property shall not exceed 18 feet in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Lighting shall not exceed .1 foot-candle along the property line of a residentially used or zoned property.

F. Graphics and/or Signage Commitments

1. All signs and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the CPD, Commercial Planned Development District classification. Any variance to those standards shall be submitted to the Columbus Graphics Commission.

Subarea 2:

This Subarea currently exist as an on grade parking lot to the north of the Greater Liberty Temple with 29 spaces provided. This Subarea is to remain unchanged with the exception of adding screening to the north.

2) Permitted Use:

A private 29 space parking lot for the sole shared use of the Greater Liberty Temple and W.C. Cupe Community School.

3) Development Standards:

- A. Density, height, lot and/or setback commitments.
- 1. The parking lot shall have a 4' setback to the east, west and north with a 0' setback to the south and east, see CPD site plan.
- B. Access, loading, parking, and or other traffic commitments. N/A
- C. Buffering, Landscaping, Open Space, and/or Screening Commitments.
- 1. A wood board on board fence shall be installed as shown on the CPD site plan. This fence shall be 5' tall and shall be maintained by Greater Liberty Temple.
- 2. The screen fence shall be well maintained and repaired and or painted/stained as needed.
- D. Building Design and/or Interior-Exterior Treatment Commitments-N/A.
- E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.
- 1. Light standards shall not exceed 28 feet in height except lights located within 100 feet of a residential used or zoned property shall not exceed 18 feet in height.
- 2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
- 3. For aesthetic compatibility, lights shall be from the same or similar type and color.
- 4. Lighting shall not exceed .1 foot-candle along the property line of a residentially used or zoned property.
- F. Graphics and/or Signage Commitments. N/A at this Subarea.

Subarea 3:

As with Subarea 2 this area also currently exists as an on-grade parking lot to the east of the Greater Liberty Temple Church of God in Christ with 25 spaces provided. This Subarea is to remain as is with an existing wood screen fence to the north and with the addition of landscaping to the east as shown on the site plan to enhance the existing open feel and visual aesthetics of the site.

2) Permitted Use:

A private 25 space parking lot for the sole shared use of the Greater Liberty Temple and W.C. Cupe Community School.

3) Development Standards:

- A. Density, height, lot and/or setback commitments.
- 1. The parking lot shall have a 3' setback on all sides as shown on CPD site plan.
- B. Access, Loading, Parking, and/or Other Traffic Related Commitments. N/A
- C. Buffering, Landscaping, Open Space, and/or Screening Commitments.
- 1. A wood board on board fence exists to the north and maintained by the respective property Owner.
- 2. All shrubs shall meet the following minimum size at the time of planting: 30" in height.
- 3. Evergreen shrubs shall be planted as a visual screen every 15' on center, along the east property line with a minimum height of 6'.
- 4. Deciduous shrubs shall be planted as a visual screen every 60" on center along the eastern edge and setback from the property line with a minimum height of 30", any trees shall have a 2" to 2 ½" caliber trunk.

5. All landscape screening shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

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

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

1. Light standards shall not exceed 28 feet in height except lights located within 100 feet of a residential used or zoned property shall not exceed 18 feet in height.

2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.

3. For aesthetic compatibility, lights shall be from the same or similar type and color.

4. Lighting shall not exceed .1 foot-candle along the property line of a residentially used or zoned property.

F. Graphics and/or Signage Commitments-N/A

Subarea 4:

This area consists of the existing Liberty Temple Day Care, two existing W.C. Cupe Industrialized Unit classroom buildings with two classrooms each and four residential buildings/single family residences, as with the other three Subareas all parcels are combined as per attached legal descriptions. Parking for the Day Care is contained on site and is to remain as is, parking for the classroom buildings are shared on the other three Subareas, residential parking is existing on the street and from 13th Street this area is also to remain as is.

2) Permitted Use:

The use of the property shall remain as with the Industrialized Unit Classrooms and Day Care. The residences are included in the CPD to accommodate the future expansion of the W.C. Cupe Community School should the need ever arise. Future uses may be a school, a trade school, adult education, adult/child daycare, a nursery school, religious facilities or a playground.

3) Development Standards:

A. Density, height, lot and/or set back commitments.

1. At the classroom buildings a 10' front yard setback is provided, a 20'-4" rear yard set back with side yards at 5' and 10' , see CPD site plan.

2. Setbacks at Day Care to remain as shown on site plan and previously approved when constructed, i.e., 25' front yard, and 25'side yard.

3. Setbacks for the remainder of the site, as shown on site plan will be 10' front yard, 20'-4" rear yard and 5'side yards to match the classroom buildings.

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

1. The Day Care site contains 12 parking spaces with drop off and pick-up areas on site, there exists a 2 foot maneuvering encroachment at rear setback that is to remain.

2. Parking for the classroom buildings and Day Care if needed shares the parking at the other 3 Subareas as needed.

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

1. The classrooms are screened by a 5' high board on board fence to the west and from the Day Care's controlled play area to the east.

2. The Day Care's outdoor play area is screened as noted above, the parking areas abut public streets on its north, south, and east sides.

D. Building Design and/or Interior-Exterior Treatment Commitments, N/A.

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

1. Light standards shall not exceed 28 feet in height except lights located within 100 feet of a residential used or zoned property shall not exceed 18 feet in height.

2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.

3. For aesthetic compatibility, lights shall be from the same or similar type and color.

4. Lighting shall not exceed .1 foot-candle along the property line of a residentially used or zoned property.

F. Graphics and/or Signage Commitments.

1. All signs and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the CPD, Commercial Planned Development District classification. Any variance to those standards shall be submitted to the Columbus Graphics Commission.

4) CPD Requirements:

A. Natural Environment: The project site consists of four Subareas with Subarea one containing the Church, one modular classroom building and paved parking, please note that all Subareas existing building and parking areas currently drain to the streets and alleys as shown on the CPD plan. Subareas two and three are paved parking areas and Subarea four consist of the facilities day care building and parking, two modular classroom buildings and several existing residential buildings.

B. Existing Land Use: This site is within a residential area with commercial zoning to the west along Cleveland Avenue and residential zoning to the north, east, and south of the respective Subareas.

C. Transportation and Circulation: This site is within a residential area that currently has a tertiary vehicular traffic circulation pattern. This site will not produce adverse affects on the current traffic pattern.

D. Visual Form of Environment: The development currently exists, with the scale and proportion of its buildings conducive to that of the neighborhood.

E. View and Visibility: The development currently exists its visual impact on the neighborhood is positive and further enhanced with new landscaping and screening.

F. Proposed Development: The development currently exists with no expansions of the Church, daycare or classrooms proposed at this time, however, should the owners be fortunate enough to see an increase in the Community School's enrollment any future expansion would be proposed on the owners current parcels to the west in Subarea four and so included in the CPD site plan.

G. Behavior Patterns: No traffic flow changes will be created due to the development of this site.

H. Emissions: Proposed development will not produce adverse levels of light, sounds, smells and dust beyond the normal existing levels in the community.

5) Miscellaneous for all Subareas:

A. The Subject site shall be developed in accordance with the CPD site plan. The plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of any future development or when engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Development or his or her designee upon submission of the appropriate data regarding the proposed adjustment. Landscaping, screening, and sidewalks shall only be installed upon the development of the parcel.

B. To accommodate the city's Health and Park Departments, two bike racks are provided with 2.37 AC x \$400.00 to be provided as/when required respectively.

6) Variances:

Subarea 1: Main Building and I.U. Classroom Building

In addition to the main building this parcel contains one State approved industrialized unit containing two classrooms and 16 parking spaces.

Variances Requested:

- 3332.21 Front yard setback from 25' to 0' for the industrialized unit.
- 3332.26 Side yard setback from 5' to 0' for the industrialized unit.
- 3332.27 Variances to rear yard, 25% to 0%.
- 3342.18 Parking setbacks to 0'.
- 3342.15 Parking space maneuvering.
- 3342.19 Parking space size 19'-depth to 17'-18'.
- 3342.17 Delete screening.
- 3342.28 Parking space reduction from 109 to 82 75%+/- of required amount.

Subarea 2: Parking Lot

This is an adjacent area containing two parcels that will be combined into one, 29 parking spaces are existing, variances requested;

3342.18 10' setback to 4' to the east, west, and north and 0' to the south.

Subarea 3: Parking Lot

This is an adjacent area containing two parcels that will be combined into one, 25 parking spaces are existing, variances requested;

3342.18 Parking setback from 10' to 3' on all sides.

Subarea 4: Location of Two I.U. Classroom Buildings, Daycare Classroom Buildings

Two separate industrialized units are located on this parcel with two classrooms each variances requested;

3332.21 Front yard setback from 25' to 10'.

3332.27 Rear yard to 20'-4".

Note: Side yards are 5' and 10'-0", see site plan.

Daycare:

The daycare is existing and contains 12 parking spaces, variances requested;

3342.15 Maneuvering - Maneuvering encroachment on set back at rear.

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