



City of Columbus

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

Legislation Text

File #: 0345-2012, **Version:** 1

Rezoning Application Z11-029

APPLICANT: Buy Here Sell Here; c/o Stan Poznyak; 4373 East Livingston Avenue; Columbus, Ohio 43227.

PROPOSED USE: Commercial Development.

DEVELOPMENT COMMISSION RECOMMENDATION: Disapproval (0-6) on December 8, 2011.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-C-4, Commercial District would allow more intensive commercial uses at the currently vacant site. Since the December 8th Development Commission Meeting, the Applicant has revised the application from a request for the C-4, Commercial District to a request for the L-C-4, Limited Commercial District. The Applicant has agreed to a limitation to not buy or sell firearms at the site in order to address this concern that was raised by neighbors at the Development Commission meeting. Staff finds the proposed L-C-4 zoning to be compatible with the *Livingston East Area Plan*(2009), the surrounding development and with the established zoning pattern of the area.

To rezone **4373 EAST LIVINGSTON AVENUE (43227)**, being 0.85± acres located on the south side of East Livingston Avenue, 150± feet west of South Hamilton Road, **From:** C-2 Commercial District, **To:** L-C-4, Limited Commercial District. (Rezoning # Z11-029).

WHEREAS, application #Z11-029 is on file with the Department of Building and Zoning Services requesting rezoning of 0.85± acres from: C-2 Commercial District, to L-C-4, Limited Commercial District; and

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

WHEREAS, the City Departments recommend approval of said zoning change. The applicant has revised his application from a request for the C-4, Commercial District to a request for the L-C-4, Limited Commercial District. The Applicant has agreed to a limitation to not buy or sell firearms at the site in order to address this concern that was raised by neighbors at the Development Commission meeting. Therefore Staff finds the C-4 Commercial uses to be appropriate and compatible with with the *Livingston East Area Plan* (2009) and the uses in the area, especially with the limitation agreed to by the applicant, and

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:

4373 EAST LIVINGSTON AVENUE (43227), being 0.85± acres located south side of East Livingston Avenue, 150± feet west of South Hamilton Road, and being more particularly described as follows:

**DESCRIPTION OF
PART OF LOT 1
THUNDERBIRD ACRES
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of Lot 1 of Thunderbird Acres, a subdivision of record in Plat Book 31, Page 2 as described in a deed to Buy Here Sell Here, LLC, of record in Instrument No. 201108300108447 (Parcel I), all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

BEGINNING at the northwesterly corner of said Lot 1, also being an easterly corner of Reserve "A" as shown and delineated on said Thunderbird Acres and the southwesterly corner of that 0.498 acre tract of land as described in a deed to Columbus Check Cashers, Inc., of record in Instrument No. 200009200191226;

Thence South 87° 09' 00" East, a distance of 94.00 feet along the southerly line of said 0.498 acre tract to a point, said point being located North 87° 09' 00" West, a distance of 1.00 foot from the northeasterly corner of said Lot 1;

Thence South 2° 58' 30" West, a distance of 71.77 feet along a line 1.00 foot westerly of and parallel to the easterly line of Lot 1 to a point in the northerly line of Lot 2 of said Thunderbird Acres, said point being located North 87° 01' 30" West, a distance of 1.00 foot from the southeasterly corner of said Lot 1;

Thence North 87° 01' 30" West, a distance of 119.00 feet along the northerly line of said Lot 2, to the northwesterly corner of said Lot 2, also being the southeasterly corner of the aforementioned Reserve "A";

Thence North 22° 13' 54" East, a distance of 75.78 feet along the easterly line of said Reserve "A" to the PLACE OF BEGINNING and containing 0.175 acre of land.

Bearings herein are based on a bearing of South 87° 09' 00" East for Livingston Avenue as shown and delineated on the plat of said Thunderbird Acres, of record in Plat Book 31, Page 2.

This description was prepared by American Land Surveyors, LLC by Jon B. Adcock, Ohio Professional Surveyor No. 8461 based on records and is intended for zoning purposes only.

**DESCRIPTION OF PART OF LOT 2
THUNDERBIRD ACRES
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Half Section 35, Section 21, Township 12, Range 21, Refugee Lands and being part of Thunderbird Acres, of record in Plat Book 31, Pages 2 and 3, Franklin County Recorder's Office, said part of Thunderbird Acres, being more particularly described as follows:

Beginning at a point in the centerline of Livingston Avenue on the Northerly extension of the Easterly line of Grattan Road (50 feet in width);

Thence S. 87 degrees 09' E. with the centerline of said Livingston Avenue, the Northerly line of said Thunderbird Acres; a distance of 239.32 feet to a point in an Easterly line of said Thunderbird Acres;

Thence S. 2 degrees 58' 30" W. with the said Easterly line of thunderbird Acres and the Easterly line of Reserve "A" in said Thunderbird Acres, a distance 190 feet to an angle point in the Easterly line of said Reserve "A", the Northwesterly corner of Lot 1, in said Thunderbird Acres;

Thence Southwesterly, with an Easterly line of said Reserve "A", the Northwesterly line of said Lot 1, a distance of 75.78 feet to a point in the Southeasterly corner of said Reserve "A", the Southwesterly corner of said Lot 1;

Thence N. 52 degrees 28' W. with the Southwesterly side of said Reserve "A". the Northeasterly lines of Lots 33 and 34, in said Thunderbird Acres, a distance of 108.15 feet to a point in the Southwesterly corner of said Reserve "A", the Northeasterly corner of said Lot 34, the Southeasterly corner of Lot 35;

Thence N. 2 degrees 51' E, with the Westerly line of said Reserve "A", the Easterly lines of Lots 35 and 36, a distance of 115 feet to a point in the Northwesterly corner of said Reserve "A", the Northeasterly corner of said Lot 36, the Southerly line of said Livingston Avenue;

Thence N 87 degrees 09' W. with the Northerly line of said Lot 36, the Southerly line of said Livingston Avenue, a distance of 125 feet to a point in the Northwesterly corner of said Lot 36, the Easterly Line of said Grattan Road;

Thence N. 2 degrees 51' E. a distance of 85 feet to the place of beginning and containing 0.845 acres of land, more or less.

Parcel No. 010-120516-00-, 010-207010-00

Property Address: 4373 East Livingston Ave., Columbus, OH 43227
11-2253-12-A-R

To Rezone From: from C-2, Commercial District

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Department of the Building and Zoning Services and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text being titled "**LIMITATION TEXT**," signed by Stan Poznyak, Applicant, dated January 20, 2012, and the text reading as follows:

Limitation Text

Proposed District: L-C-4, Limited Commercial District

Property Address: 4373 E. Livingston Ave, Columbus OH 43227

Owner: Buy Here Sell Here Stan Poznyak

Applicant: Buy Here Sell Here Stan Poznyak

Applicant Number: Z11-029

Date: 01/20/12

1. Introduction: This property is presently developed, albeit with a vacant building. Changing the zoning from C-2 to C-4

to allow retail uses but wish to prohibit the buying and selling of firearms dues to neighborhood concern about that. This limitation overlay text is necessary to establish appropriate use restrictions for the above property.

2. Permitted Uses: Those uses permitted in Chapter 3356.03 C-4 of the Columbus Zoning Code.

The following use however shall be prohibited:

A. The buying and selling of firearms.

3. Development Standards:

Not applicable.

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