



City of Columbus

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

Legislation Text

File #: 0083-2012, **Version:** 1

Rezoning Application Z06-088

APPLICANT: Byers Realty LLC; c/o Brent D. Rosenthal; Atty., Carlile, Patchen & Murphy LLP; 366 East Broad Street; Columbus, OH 43215.

PROPOSED USE: Automobile sales and storage.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0-1) on November 10, 2011.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant proposes to store and park new inventory vehicles and those awaiting body repairs and to provide employee parking on four separate sites within close proximity to the applicant's automobile body shop and dealership. Because the proposal has been scaled back from the original so as to not intrude so far into the surrounding neighborhood, Staff supports the proposal and deviation from *Franklinton Plan* (2003), noting that the applicant has agreed to pave and screen the parking and display areas.

To rezone **51 MAY AVENUE (43205)**, being 1.34± acres generally located at the northwest corner of West State Street and May Avenue; and on the east side of May Avenue, 130± feet north of West State Street From: ARLD, Apartment Residential and C-4, Commercial Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z06-088).

WHEREAS, application #Z06-088 is on file with the Building and Zoning Services Department requesting rezoning of 1.34± acres from ARLD, Apartment Residential and C-4, Commercial Districts, to CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the proposal has been scaled back from the original so as to not intrude so far into the surrounding neighborhood, Staff supports the proposal and deviation from *Franklinton Plan* (2003), noting that the applicant has agreed to pave and screen the parking and display areas; 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:

51 MAY AVENUE (43205), being 1.34± acres generally located at the northwest corner of West State Street and May Avenue; and on the east side of May Avenue, 130± feet north of West State Street, and being more particularly described as follows:

**AREA "A" CPD ZONING DESCRIPTION
MARCH 2, 2011 - REVISED NOVEMBER 29, 2011**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of lots 46 through 57 inclusive and all of that 10 foot wide alley (vacated) along the south side of Lot 57 as said lots and alley are designated and delineated on the recorded plat of Francis C. Sessions' western addition, to the City of Columbus of record in Plat Book 2, Pages 242 and 243, in the Recorder's Office, Franklin County, Ohio.

Known as Tax Parcel No. 010-000899.00, containing 0.620 acres, more or less.

The above 0.620 acres being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of Lot 58 of said subdivision, being on the northerly right-of-way line of State Street (80' wide) and the easterly right-of-way line of Mead Street (now known as May Avenue, 40' wide);

Thence Northerly 120.00 feet, along the easterly right-of-way line of May Avenue and the westerly line of said Lot 58, to the True Point of Beginning;

Thence continuing Northerly along said right-of-way line and the westerly lines of said Vacated Alley and Lots 57 through 46 inclusive, 300.00 feet to the northwesterly corner of said Lot 46;

Thence Easterly 90.00 feet, along the northerly line of said Lot 46, to the westerly right-of-way line of a 16 foot wide Alley;

Thence Southerly 300.00 feet, along the westerly right-of-way line of said Alley and the easterly lines of said Lots 46 through 57 inclusive and vacated 10 foot wide Alley, to the northeasterly corner of Lot 60 of said subdivision;

Thence Westerly 90.00 feet, along the southerly right-of-way line of said vacated 10 foot wide Alley and the northerly lines of Lots 60, 59 and 58 of said subdivision, to the Point of Beginning, containing 0.620 acres of land, more or less.

To Rezone From: C-4, Commercial District

To: CPD, Commercial Planned Development District

**AREA "B" CPD ZONING DESCRIPTION
MARCH 2, 2011 - REVISED NOVEMBER 29, 2011**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lots 27 through 31 inclusive and the south half of Lot 32 and all of that 10 foot wide Alley (vacated) between Lots 27, 28, 29 and 30, as said Lots and Alley are designated and delineated on the recorded plat of Francis C. Sessions' Western Addition, to the City of Columbus of record in Plat Book 2, Pages 242 and 243, in the Recorder's Office, Franklin County, Ohio.

Known as Tax Parcel No. 010-021432.00, containing 0.395 acres, more or less.

The above 0.395 acres being more particularly described as follows:

Beginning at the southeasterly corner of said Lot 29, being on the northerly right-of-way line of State Street (80' wide) and the westerly right-of-way line of Mead Street (now known as May Avenue, 40' wide)'

Thence Westerly 90.00 feet, along the northerly right-of-way line of State Street and the southerly line of said Lots 29, 28 and 27, to the easterly right-of-way line of a 16 foot wide Alley;

Thence Northerly 191.00 feet, along said easterly right-of-way line and the westerly lines of said Lot 27, the vacated 10 foot wide Alley between Lots 27 and 30, and Lots 30, 31 and 32, to a point;

Thence Easterly 90.00 feet along the north line of the south half of Lot 32, to the westerly right-of-way line of May Avenue;

Thence Southerly 191.00 feet, along said westerly right-of-way line and the easterly lines of Lots 32, 31, and 30, the 10 foot wide Vacated Alley between Lots 30 and 29 and Lot 29, to the Point of Beginning, containing 0.395 acres of land, more or less.

To Rezone From: C-4, Commercial and ARLD, Apartment Residential District

To: CPD, Commercial Planned Development District

**AREA "C" CPD ZONING DESCRIPTION
MARCH 2, 2011 - REVISED NOVEMBER 29, 2011**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lots 23 and 24 as said lots are designated and delineated on the recorded plat of Francis C. Sessions' Western Addition, to the City of Columbus of record in Plat Book 2, Pages 242 and 243, in the Recorder's Office, Franklin County, Ohio.

Known as Tax Parcel No. 010-055151.00, containing 0.131 acres, more or less.

The above described 0.131 acres being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of Lot 26 of said subdivision, being on the northerly right-of-way line of State Street (80' wide) and the easterly right-of-way line of Mill Street (49.50' wide);

Thence Northerly 60.00 feet, along said easterly right-of-way line and the westerly lines of Lots 26 and 25 of said subdivision, to the True Point of Beginning, the southwesterly corner of said Lot 24;

Thence Northerly 60.00 feet, along said easterly right-of-way line and the westerly lines of Lots 24 and 23, to the northwesterly corner of Lot 23;

Thence Easterly 95.50 feet, along the northerly line of Lot 23 and the southerly line of Lot 22 of said subdivision to the westerly right-of-way line of a 16 foot wide Alley;

Thence Southerly 60.00 feet, along said westerly right-of-way line and the easterly lines of Lots 23 and 24, to the southeasterly corner of Lot 24;

Thence Westerly 95.50 feet, along the southerly line of said Lot 24 and the northerly line of Lot 25 of said subdivision, to the Point of Beginning, containing 0.131 acres more or less.

To Rezone From: ARLD, Apartment Residential District

To: CPD, Commercial Planned Development District

**AREA "D" CPD ZONING DESCRIPTION
MARCH 2, 2011 - REVISED NOVEMBER 29, 2011**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lots 34 through 37 inclusive as said lots are designated and delineated on the recorded plat of Francis C. Sessions' Western Addition, to the City of Columbus of record in Plat Book 2, Pages 242 and 243, in the Recorder's Office, Franklin County, Ohio.

Known as Tax Parcel No. 010-049726.00, containing 0.198 acres, more or less.

The above described 0.198 acres being more particularly described as follows:

Beginning, for reference, at the southeasterly corner of Lot 29 of said subdivision, on the northerly right-of-way line of State Street (80' wide) and the westerly right-of-way line of Mead Street (now known as May Avenue, 40' wide);

Thence Northerly 228.00 feet, along said westerly right-of-way line and the easterly lines of Lots 29, the vacated 10 foot wide Alley between Lots 29 and 30 and Lots 30 through 33 inclusive of said subdivision to the southeasterly corner of said Lot 34, the True Point of Beginning;

Thence Westerly 90.00 feet, along the northerly line of said Lot 33 and the southerly line of Lot 34, to the easterly right-of-way line of a 16 foot wide Alley;

Thence Northerly 96.00 feet, along said easterly right-of-way line and the westerly lines of Lots 34 through 37 inclusive, to the northwesterly corner of Lot 37;

Thence Easterly 90.00 feet, along the southerly line of Lot 38 of said subdivision and the northerly line of said Lot 37, to the westerly right-of-way line of May Avenue;

Thence Southerly 96.00 feet, along said westerly right-of-way line and the easterly lines of said Lots 37 through 34 inclusive, to the Point of Beginning, containing 0.198 acres, more or less.

To Rezone From: C-4, Commercial 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, "**CPD ZONING SITE PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," all signed by Jackie Lynn Hager, Attorney for the Applicant, dated November 21, 2011, and reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD
ACREAGE: 1.344, more or less
EXISTING ZONING: ARLD, Apartment Residential Low Density & C-4
PROPOSED ZONING: CPD, Commercial Planned Development
PROPERTY ADDRESS: 51 May Avenue, Columbus, Ohio 43215
OWNER: Byers Realty LLC, c/o Jackie Lynn Hager, Attorney, Carlile, Patchen & Murphy, LLP, 366 East Broad

Street, Columbus, OH 43215.

APPLICANT: Jackie Lynn Hager, Attorney, Carlile, Patchen & Murphy, LLP, 366 East Broad Street, Columbus, OH 43215.

DATE OF TEXT: 11/21/11 - FINAL

APPLICATION NUMBER: Z06-088 (AMENDED)

1. INTRODUCTION: The application is hereby amended to include four site locations, which are identified as Areas A, B, C & D on the update Site Plan (collectively referred to as the “Site”), attached hereto as Exhibit “A”. Area A is approximately 0.620 acres situated on the east side of South May Avenue, north of West State Street and previously consisted of 12 separate parcels. The 12 separate parcels which make up Area A were combined by the Franklin County Auditor on January 31, 2011 and are now commonly known as permanent parcel number 010-000899-00. Area A is currently an undeveloped, gravel parking lot, used since its acquisition by the current owner in 1982 as storage for the owner’s vehicle inventory display. Area A is currently zoned C-4 and this application is sought to reconcile the existing and historical uses with appropriate zoning uses and requirements.

Area B is approximately 0.395 acres situated on the west side of South May Avenue, north of West State Street and previously consisted of 7 separate parcels. The 7 separate parcels which make up Area B were combined by the Franklin County Auditor on January 31, 2011 and are now commonly known as permanent parcel number 010-021432-00. Area B is currently an undeveloped, gravel parking lot, used since its acquisition by the current owner in 1993 as storage for the owner’s vehicle inventory display. Area B is currently zoned ARLD and this rezoning application is sought to reconcile the existing and historical uses with appropriate C-4 zoning uses and requirements.

Area C is approximately 0.131 acres situated on the east side of South Mill Street, north of West State Street and previously consisted of 2 separate parcels. The 2 separate parcels which make up Area C were combined by the Franklin County Auditor on January 31, 2011 and are known commonly known as permanent parcel number 010-055151-00. Area C is currently an undeveloped, gravel parking lot, used since its acquisition by the current owner in 1996 as employee parking. Area C is currently zoned ARLD and this rezoning application is sought to reconcile the existing and historical uses with appropriate C-4 zoning uses and requirements.

Area D is approximately 0.198 acres situated on the west side of South Avenue, in the center of the block between West Broad Street and West State Street and previously consisted of 2 separate parcels. The 2 separate parcels which make up Area D were combined by the Franklin County Auditor on January 31, 2011 and are known commonly known as permanent parcel number 010-049726-00. Area D is currently an undeveloped, gravel parking lot, used since its acquisition by the current owner in 1982 as storage for the customer vehicles which are receiving services by the owner’s body shop garage directly across from Area D, separated only by a vacated alley. Area D is currently zoned C-4 and this application is sought to reconcile the existing and historical uses with appropriate zoning uses and requirements.

Time stamped copies of the parcel combination forms referenced above for the Site are attached hereto as Exhibit “B”. Copies of the updated legal descriptions for Area A, B, C & D are attached hereto as Exhibit “C”.

Adjacent uses to the north of the Site are commercial, zoned C-4. Adjacent uses to the south of the Site are a mixture of residential, zoned ARLD, manufacturing, zoned M, and industrial, zoned I.

The proposed rezoning is sought in order to conform the zoning to the existing and long-time commercial uses of the Site. No redevelopment of the Site is planned.

2. PERMITTED USES:

Area A - continue existing parking uses for display inventory vehicles for owner’s business as permitted by Section 3356.03(B) of the Commercial of the Columbus City Code.

Area B - continue existing parking uses for display inventory vehicles for owner's business as permitted by Section 3356.03(B) of the Commercial of the Columbus City Code.

Area C - continue existing employee parking associated with the owner's business conducted on Areas A & B as permitted in Section 3356.03(B) of the Commercial of the Columbus City Code.

Area D - continue existing parking for body shop repair vehicles associated with the owner's business as permitted in Section 3356.03(B) of the Commercial of the Columbus City Code.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the submitted text or site plan, including without limitation those variances set forth in Section 3(H) below, the applicable development standards shall comply with all application standards contained in the Columbus City Code and the East Franklin Overlay.

A). Density, Height, Lot and/or Setback commitments.

Applicant conforms with lot setback commitments of zero feet setbacks for fencing and 5 feet setbacks for parking as set forth in the East Franklinton Overlay Section 3372.609.

B.) Access, Loading, Parking and/or other Traffic related commitments.

Parking in Areas A, B, C & D will be paved/resurfaced to conform with the East Franklinton Overlay. Area C will be striped for parking spaces.

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

Applicant proposes to install Winter Gem shrubs, from the Boxwood family, at 3' ½" on center inside the existing fencing along the entire landscape screening area noted on the updates site plan, attached hereto. At the time of installation, the shrubs will be a minimum of 24" in height and 2 gallons in size. Additionally, all landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.

Other than the above landscaping screening mentioned herein, Applicant will not conform with the interior landscaping requirements set forth in the East Franklinton Overlay.

Applicant will provide wheel blocks along the outside parking lots in Areas A, B, & C.

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

Not Applicable.

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

Area D shall contain a recycling dumpster/bin for repair and scrap parts associated with owner's body shop garage directly across from Area D, separated only by a vacated alley.

F.) Graphics and Signage commitments.

Not Applicable

G.) Other CPD Requirements.

1. Natural Environment: The Site is urban in nature, located in the Franklinton neighborhood. The Site is zoned for

commercial and multi-family residential use and is and has been used in conjunction with the owner's automotive and light truck dealer and service facilities. There is no greenspace or landscaping.

2. Existing Land Use: The Site includes Areas A, B, C & D, which total approximately 1.344 acres, and is used for vehicle inventory display parking, employee parking and body shop parking in connection with owner's business, which has existed on the Site since 1982. Adjacent uses to the north of the Site are commercial, zoned C-4. Adjacent uses to the south of the Site are a mixture of residential, zoned ARLD, manufacturing, zoned M, and industrial, zoned I.

3. Circulation: Access to and from the site is via West Broad Street to the south, Mill Street, May Street and West State Street to the north or as otherwise approved by the City.

4. Visual Form of the Development/Environment: The Site is located in an area of intense urban development with many housing and commercial uses. Most uses predated current zoning so many lots are noncompliant with respect to setbacks, lot coverage, parking and other requirements. Urban historic development is in close proximity to downtown Columbus and the Site.

5. Behavior Patterns: The proposed development represents an improvement to existing conditions in the immediate neighbor and will improve the function of the Site in relationship to the owner's existing automotive and light truck dealership and service facility.

6. Emissions: There will be no objectionable emissions of light, sound, dust, or other particulates.

H). Variances to Code Standards.

1. Code Section 3372.611, Design Standard - Applicant seeks a variance/modification from Section 3372.611(E) of the East Franklinton Overlay, which requires dumpster screening. Area D contains an existing recycling dumpster/bin with no screening.

2. Code Section 3372.611, Design Standard - Applicant seeks a variance/modification from Section 3372.611(F) of the East Franklinton Overlay, which requires decorative fencing. The Site contains existing 4 foot high chain link fencing.

3. Code Section 3372.611, Design Standard - Applicant seeks a variance/modification from Section 3372.611(H) of the East Franklinton Overlay, which requires screening and interior landscaping. Applicant proposes no screening (other than residential screening as noted above in Section 3(C)). Additionally, applicant proposes no interior landscaping.

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