



Legislation Text

File #: 2270-2021, **Version:** 2

Rezoning Application: Z21-024

APPLICANT: Claudia Realty, LLC; c/o Michael Shannon, Atty.; Underhill & Hodge; 8000 Walton Parkway, Suite 260; New Albany, OH 43054

PROPOSED USE: Limited commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0-1) on July 8, 2021.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.64± acre site consists of two parcels, the northern parcel is undeveloped and zoned in the C-3, Commercial District, and the southern parcel is developed with an industrial building zoned in the R-2, Residential District. The requested L-C-4, Limited Commercial District will permit limited commercial uses. The applicant intends to utilize the existing building for automotive maintenance and repair. The limitation text establishes appropriate use restrictions and includes a commitment for street trees along Fairwood Avenue. The requested L-C-4 district is consistent with the *South Side Plan's* (2014) recommendation for "Neighborhood Commercial" land uses at this location, and incorporates a high level of landscaping and screening between the right-of-way and parking lot, consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. A concurrent Council variance (Ordinance #2271-2021; CV21-044) has been filed to reduce the number of required parking lot shade trees and eliminate screening along the abutting residential zoning district.

To rezone **1646 FAIRWOOD AVE. (43206)**, being 0.64± acres located on the east side of Fairwood Avenue, 160± feet south of Frebis Avenue, **From:** R-2, Residential District and C-3, Commercial District, **To:** L-C-4, Limited Commercial District (Rezoning #Z21-024) **and to declare an emergency.**

WHEREAS, application #Z21-024 is on file with the Department of Building and Zoning Services requesting rezoning of 0.64± acres from R-2, Residential District and C-3, Commercial District, to the L-C-4, Limited Commercial District; and

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

WHEREAS, the Columbus Southside Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because it is consistent with the *South Side Plan's* land use recommendation, and incorporates a high level of landscaping and screening between the right-of-way and parking lot consistent with the *Columbus Citywide Planning Policies* Design Guidelines;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance since this property is currently an open lot with no people presence and so there is no real buffer between the convenience store and the neighborhood for the immediate preservation of the public peace, property, health and safety; 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:

1646 FAIRWOOD AVE. (43206), being 0.64± acres located on the east side of Fairwood Avenue, 160± feet south of Frebis Avenue, and being more particularly described as follows:

Parcel One:

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

Being a part of Three (3) acres off the west side of Lot Number Seven (7) of Nathaniel Merion's Refugee Lands, as the same is numbered and delineated in Plat Book I, page 189, Recorder's Office, Franklin County, Ohio, said part of said Lot 7 being more particularly bounded and described as follows:

Being 140 feet off the south end of the following described tract:

Beginning at a point in the center line of Frebis Avenue, said point being South 87° East 157.74 feet distant from the division line which divides Half Sections 38 from 39;

Thence along the center line of Frebis Avenue North 87° West, 140 feet to a point in said center line; Thence South 3° West, 413.97 feet to an iron stake, passing an iron stake at 25 feet;
Thence South 87° East, 140 feet to an iron stake.

Thence North 3° East, 414 feet to the center of Frebis Avenue and the place of beginning, passing an iron stake at 394 feet, containing one and thirty-three hundredths (1.33) acres of land.

The tract herein covered is 140 feet wide and 140 feet deep. Together with an easement for joint driveway purposes along the west side of said 1.33-acre tract, until Fairwood Avenue is opened for public use; the width of this easement is 15 feet.

Parcel Two:

Situated in the County of Franklin, City of Columbus and State of Ohio and being part of Lot Seven (7) of Nathaniel Merion's Subdivision of record in Plat Book I, page 189 and being situated in the State of Ohio, County of Franklin, City of Columbus, Section 26, Half Section 28, Township 5, Range 22, Refugee Lands, and being a part of a certain tract deeded to Robert and June Spillman in Deed Book 1411, page 200, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Commencing at an iron pin at the southwesterly comer of said Spillman tract (southwesterly comer of the H. Poli and E.R. Smith tract). (Deed Book 1581, page 338);

Thence in a northerly direction along the westerly line of said Spillman and Poli and Smith tracts, a distance of 140.0 feet to an iron pin at the northwesterly comer of said Poli and Smith tract, and the true point of beginning of this description;

Thence easterly across said Spillman tract, and along the northerly line of said Poli and Smith tract, and parallel to the southerly line of said tracts, (Spillman and Poli and Smith) a distance of 140.0 feet to an iron pin at the northeasterly comer of said Poli and Smith tract, and in the easterly line of said Spillman tract;

Thence northerly along the easterly line of said Spillman tract, a distance of 82.5 feet to an iron pin;

Thence westerly across said Spillman tract, a distance of 140.0 feet to an iron pin in the westerly line of said Spillman

tract;

Thence southerly along the westerly line of said Spillman tract, a distance of 82.5 feet to the place of beginning, containing 0.265 acre, more or less.

LESS AND EXCEPTING THEREFROM THE FOLLOWING 0.051 ACRE TRACT AS KNOWN AS 3-WD AS CONVEYED IN INSTRUMENT NO. 201509290136582 AND MORE FULLY DESCRIBED AS FOLLOWS:

Situated in the State of Ohio, Franklin County, City of Columbus, Part of Lot No. 7 of Nathaniel Merion's Subdivision recorded in Plat Book I, Page 189, T5N, R22W, Half Section 38, Section 26 Refugee Lands, and being part of a 140 foot by 140-foot parcel and a 0.265 acre parcel conveyed to J 3 M & E, LLC, recorded in Instrument Number 200508290177188 in the Franklin County Recorder's office and being more particularly described as follows:

Being a parcel lying on the right side of centerline of Fairwood Avenue.

Commencing at an iron pin set at the intersection of Moler Road at centerline station KH-00.00 and Fairwood Avenue at centerline station I 0+00.00 (reference the west line of Half Section 38 and the east line of Half Section 39 being South 86° Degrees 05 Minutes 35 Seconds East 6.06 feet);

Thence North 03 Degrees 16 Minutes 21 Seconds East 414.22 feet along the centerline of Fairwood Avenue (50' right of way) to a point on the south line of City of Columbus recorded in Deed Book 2452, Page 507 and a point on the north line of City of Columbus recorded in Deed Book 2371, page 619 at centerline station 14+ 14.22.

Thence perpendicular to the centerline of Fairwood Avenue South 86 Degrees 43 Minutes 39 Seconds East 25.00 feet (passing the west line of Half Section 38 and the east line of Half Section 39 at 7.40 feet) to an iron pin found at the grantors southwest corner, the northwest corner of a 0.660 acre parcel conveyed to Anna Christine Strait recorded in Instrument Number 201409040116168, the northeast corner of City of Columbus recorded in Deed Book 2371, Page 619, the southeast corner of City of Columbus recorded in Deed Book 2452, Page 507 and the east right of way of Fairwood Avenue at 25.00 feet right of centerline station 14+ 14.22, said iron pin found being the Point of Beginning for the parcel herein described;

Thence from the Point of Beginning North 03 Degrees 16 Minutes 21 Seconds East 222.61 feet along the grantors west line, the east line of City of Columbus recorded in Deed Book 2452, Page 507 and the east right of way of Fairwood Avenue to a pipe found at the grantors northwest corner and the southwest corner of a 0.599 acre parcel conveyed to S.O.I Properties #4, LLC. recorded in Instrument Number 199811020279672 at 25.00 feet right of centerline station 16+36.83;

Thence leaving the east right of way of Fairwood Avenue South 86 Degrees 43 Minutes 39 Seconds East 10.00 feet along the grantors north line and the south line of said 0.599-acre parcel conveyed to S.O.I. Properties M, LLC. to an iron pin set at 35.00 feet right of centerline station 16+36.83;

Thence South 03 Degrees 16 Minutes 21 Seconds West 222.61 feet across the grantor to an iron pin set on the grantors south line and the north line of said 0.660-acre parcel at 35.00 feet right of centerline station 14+14.22;

Thence North 86 Degrees 43 Minutes 39 Seconds West 10.00 feet along the grantors south line and the north line of said 0.660-acre parcel to the Point of Beginning.

The above described contains 0.051 acres more or less including the present road which occupies 0.000 acres (0.032 acres from 010-115121-00 and 0.019 acres from 010-089856-00) and is contained in Auditors Parcel Number 010-115121-00 which presently shows 0.450 acres and Auditors Parcel Number 010-089856-00 which presently shows 0.265 acres.

Subject to all legal easements and rights of way.

Parcel Numbers: 010-115121 and 010-089856.
Property Address: 1646 Fairwood Ave., Columbus, OH 43206.

To Rezone From: R-2, Residential District and C-3, 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 is hereby authorized and directed to make the said change on the said original zoning map 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 titled, "**LIMITATION TEXT**," dated July, 7 2021, signed by Michael T. Shannon, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

Application: Z21-024
Address: 1646 Fairwood Avenue
Parcel(s): 010-115121 and 010-08956
Property Size: +/- 0.64 Acres
Current District: R-2 and C-3
Proposed District: L-C-4
Area Commission: Southside Area Commission
Applicant(s): 2920 South High, LLC
Attorney: Michael Shannon, Underhill & Hodge LLC
Date: July 7, 2021

I. Introduction. The Site is approximately .64+/- acres and located on the east side of Fairwood Avenue and south of Frebis Avenue. The Site is composed of two parcels currently zoned R-2 and C-3, respectively. The C-3 parcel on the north is vacant. On the R-2 parcel on the south stands an approximately 8,780 square foot building which was most recently used for machine manufacturing. The Site is bordered on the north, west, and east by property zoned C-3 and on the south by property zoned R-2. The applicant proposes rezoning the site to L-C-4 to permit automotive maintenance and repair use.

The Site is situated within the boundary of the Deshler Civic Association and the Columbus Southside Area Commission. The Site is not within a commercial overlay, planning overlay, nor is it a historic site. The Site is within the boundary of the Southside Plan which recommends neighborhood commercial uses. The function of this classification is to provide neighborhood commercial services. These areas contain multiple functions and act as local centers of economic activity. Examples include smaller scale retail, office, or institutional uses, including gas stations with convenience stores that are built to Urban Commercial Overlay design standards.

The Applicant does not propose any demolition or new construction on the Site. Rather, the Applicant proposes rezoning the site to permit automotive maintenance and repair use within the existing building. The existing building will undergo some amount of rehabilitation and renovation to make the building suitable for the proposed use. Additionally, parking lot areas will be installed and/or improved as shown on the submitted site plan.

Since the site is already developed, the primary purpose of this limitation text is to explicitly prohibit certain uses which may be considered objectionable to the residential neighborhood to the south. Most of the development standards which are modified by the text below are existing conditions.

II. Permitted Uses: The permitted uses shall be those uses contained in Section 3356.03, C-4, Permitted Uses of the Columbus City Code excluding the following:

Parking or Storage of inoperable vehicles;
Automobile and Light Truck Dealers;
Automobile Driving Training Facility;
Automotive Sales,
Leasing and Rental;
Motorcycle, Boat, and Other Motor Vehicle Dealers;
Recreational Vehicle Dealers;
Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing;
Blood and Organ Banks;
Check Cashing and Loans;
Community Food Pantry;
Missions/Temporary Shelters;
Ohio Medical Marijuana Control Program Retail Dispensary;
Outdoor Power Equipment Stores;
Pawn Brokers;
Warehouse Clubs and Super Centers;
Bowling Centers;
Drive-In Motion Picture Theaters;
Exterminating and Pest Control Services;
Farm Equipment and Supply Store;
Hotels and Motels;
Hotels, Extended Stay;
Hospitals;
Limousine and Taxi Service;
Animal Shelter;
Amusement Arcade;
Halfway House;
Veterinarians (unlimited practice).

III. Development Standards: Except as otherwise listed herein, the development standards shall be those contained in Chapter 3356 of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements:

The parcels shall be combined.

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

N/A.

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

The Fairwood Avenue streetscape shall be landscaped with 6 street trees which are 2-inch caliper at planting and 7 arbor vitae which are 36-inches in height at planning.

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

N/A.

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

N/A.

F. Graphic and Signage Commitments:

Graphics on the Site will comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District. Variances to the sign requirements shall be submitted to the Columbus Graphics Commission or master graphic plan for the Site may be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

This rezoning application is filed with companion Council variance #CV21-044.

~~SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.