



City of Columbus

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

Legislation Text

File #: 1394-2009, Version: 3

Rezoning Application Z09-030

APPLICANT: Wagbros Co., Ltd; c/o David Hodge, Atty.; Smith & Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: To construct a four story building containing retail and restaurant uses and 39 multi-family dwelling units.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (2-1-1) on October 8, 2009.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicants are requesting a rezoning to the CPD, Commercial Planned Development District to replace a two story mixed use building destroyed by fire with a four story building containing retail and restaurant uses on the first floor and 39 multi-family dwelling units on the top three floors. A similar application, Z09-012, by the same applicant was approved by City Council on July 27, 2009. Since then, an agreement to share parking between applicant and an adjacent property owner that the Division of Planning & Operations conditioned their approval on has fallen through. Therefore that plan could not be approved for construction. The applicants have revised their proposal to account for their inability to use adjacent parking places by eliminating 2,565 square feet of space allocated for restaurant use. The applicants may or may not have a penthouse as part of the application and thus are asking approval of this proposal with or without said penthouse. The plan approved in the Z09-012 application had a parking variance of 224 spaces while the revised plan would have a parking variance of 190 or 194 parking spaces depending on whether the penthouse is built. The requested CPD, Commercial Planned Development District would provide for a mixed use building consistent with the *Fifth by Northwest Neighborhood Plan* (2009), zoning and development patterns of the area. The only aspects that have changed from Z09-012 is the parking ratio and the addition of the Penthouse. The Division of Planning and Operations supports the revision reducing the amount of space devoted to restaurant use in order to make up for the lost parking.

To rezone **1382 GRANDVIEW AVENUE (43212)**, being 0.81± acres located on the east side of Grandview Avenue, 125± feet north of West Third Avenue, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z09-030).

WHEREAS, application #Z09-030 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.81± acres from the CPD, Commercial Planned Development District, to the CPD, Commercial Planned Development District; and

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

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features and recognizes this

development is very pedestrian friendly and has bike racks for customers and employees who chose an active living lifestyle and for those that have no other alternative; and

WHEREAS, the City Departments recommend approval because the applicants have revised their proposal to account for their inability to use adjacent parking places by eliminating 2565 square feet of space allocated for restaurant use. The applicants may or may not have a penthouse as part of the application and thus are asking approval of this proposal with or without said penthouse. The plan approved in the Z09-012 application had a parking variance of 224 spaces while the revised plan would have a parking variance of 190 or 194 parking spaces depending on whether the penthouse is built. The requested CPD, Commercial Planned Development District would provide for a mixed use building consistent with the *Fifth by Northwest Neighborhood Plan* (2009), zoning and development patterns of the area. The only aspects that have changed from Z09-012 is the parking ratio and the addition of the Penthouse. The Division of Planning and Operations supports the revision reducing the amount of space devoted to restaurant use in order to make up for the lost parking, 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:

1382 GRANDVIEW AVENUE (43212), being 0.81± acres located on the east side of Grandview Avenue, 125± feet north of Third Avenue, and being more particularly described as follows:

Subarea A

Legal Description

0.571 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 84, 85, 86, 87, 88, 89 90 and 91 of Ricketts and Ady's Fairday Addition, as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 278, Recorder's Office, Franklin County, Ohio, and being all of the land conveyed to Wabros Company, Ltd., as shown of record in Instrument Number 200112210299110, said Recorder's Office, and being more particularly described as follows:

Beginning at the northwest corner of said Lot 84, being the intersection of the east line of Grandview Avenue (60 feet wide) with the south line of a 30' wide alley;

Thence, along the north line of said Lot 84 and the south line of said alley, **North 89° 12' 40" East, 99.00 feet** to the northeast corner of said Lot 84, being the intersection of the south line of said alley with the west line of a 12' wide alley;

Thence, along the east line of said Lots 84, 85, 86, 87, 88, 89, 90 and 91, and the west line of said alley, **South 00° 30' 45" East, 248.57 feet** to the southeast corner of said Lot 91, being the intersection of the west line of said alley with the north line of a 15.5 wide alley;

Thence, along the south line of said Lot 91 and the north line of said alley, **South 89° 25' 50" West, 101.22 feet** to the southwest corner of said Lot 91, being the intersection of the north line of said alley with the east line of said Grandview Avenue;

Thence, along the west line of said Lots 91, 90, 89, 88, 87, 86, 85 and 84, and said east line of Grandview Avenue, **NORTH, 248.20 feet** to the place of beginning **CONTAINING 0.571 ACRES** (24,865 Square Feet). Bearing are based on the east line of Grandview Avenue held as NORTH.

To Rezone From: CPD, Commercial Planned Development District,

To: CPD, Commercial Planned Development District.

Subarea B

Legal Description

0.240 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 71, 72 and 73 of Ricketts and Ady's Fairday Addition, as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 278, Recorder's Office, Franklin County, Ohio, and being part of the land conveyed to Wabros Company, Ltd., as shown of record in Instrument Number 200112210299110, said Recorder's Office, and being more particularly described as follows:

Beginning at a point in the west line of Hollywood Place (45 feet wide) at the southeast corner of said Lot 71, (northeast corner of Lot 70 of said addition) being North 00° 30' 45" West, 59.15 feet from the intersection of the west line of said Hollywood Place with the north line of a 15.5' wide alley;

Thence, along the south line of said Lot 71, (north line of said Lot 70) *South 89° 06' 40" West, 108.00 feet* to the southwest corner of said Lot 71, (northwest corner of said Lot 70) being the intersection of the south line of said Lot 71 with the east line of a 12' wide alley;

Thence, along the west line of said Lots 71, 72 and 73, and the east line of said alley *North 00° 30' 45" West, 97.03 feet* to the northwest corner of said Lot 73, (southwest corner of Lot 74 of said addition);

Thence, along the north line of said Lot 73 (south line of said Lot 74), *North 89° 09' 42" East, 108.00 feet* to the northeast corner of said Lot 73, (southeast corner of said Lot 74) being the intersection of the north line of said Lot 73 with the west line of said Hollywood Place;

Thence, along the east line of said Lots 73, 72 and 71, and said west line of Hollywood Place, *South 00° 30' 45" East, 96.94 feet* to the place of beginning **CONTAINING 0.240ACRES** (10,474 Square Feet). Bearing are based on the east line of Grandview Avenue held as **NORTH**.

To Rezone From: CPD, Commercial Planned Development District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of Sixty (60) 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 plans being titled, "**GRANDVIEW AVENUE DEVELOPMENT 1368-1400 GRANDVIEW AVENUE (SHEETS 1.01, 4.01 and 4.02)**" all signed by Jeffrey L. Brown, Attorney for the Applicant, and dated October 13, 2009, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT GRANDVIEW AVENUE,**" signed by Jeffrey L. Brown, Attorney for the Applicant, and dated September 17, 2009, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

GRANDVIEW AVENUE

PROPOSED DISTRICT: CPD

PROPERTY ADDRESS: 1382 Grandview Avenue

OWNER: Wagbros Co., Ltd.

APPLICANT: Wagbros Co., Ltd.

DATE OF TEXT: September 17, 2009

APPLICATION NUMBER: Z09-030

INTRODUCTION:

This summer City Council passed Z09-012 which permitted the redevelopment of this block along Grandview Avenue. The applicant's proposal was based partly on some off site parking being provided by an adjacent property owner. Those parking spaces are no longer available. This application reduces the permitted amount of restaurant square footage to correspond to the reduction of those parking spaces. The applicant still provides an appropriate amount of parking for the revised development.

Subarea A

1. INTRODUCTION: The subject property is located along the east side of Grandview Avenue, north of its intersection with Third Avenue. The majority of the buildings on this property were recently destroyed by fire. This property has long been a major and integral part of the vitality of this neighborhood by providing convenient neighborhood retail and restaurant uses in this walkable neighborhood. The applicant seeks approval of this rezoning request from the, L-P-1, Limited Private Parking District and C-4, Regional Scale Commercial Development District to the CPD, Commercial Planned District to restore and continue the commercial retail and restaurant usage on the first floor of a new building and to further the mixed use potential by providing residential uses to young professionals and seniors on floors above. Subarea A of this rezoning request is to provide for redevelopment of the portion of the site with frontage along Grandview Avenue.

2. PERMITTED USES: Those uses permitted by Section 3356.03, C-4, Commercial of the Columbus City Code excepting therefrom: Building Material and Supplies, drive-throughs, pick up windows, all automotive uses, boat dealers, Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing, Warehouse Clubs and Super Centers, Automotive Maintenance and Repair, Drive-In Motion Picture Theaters, Farm Equipment and Supply Stores, Hospitals, Spectator Sports and Related Industries, and crematory.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4 Regional Scale Commercial Development.

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

1. Building setbacks shall be zero from both Grandview Avenue and the right-of-way to the north.
2. Parking setbacks shall be zero from both Grandview Avenue and the right-of-way to the north.
3. Height district shall be sixty (60) feet.

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

1. Seventeen (17) new parking spaces shall be provided along the east side of the building to be accessed from the alley. These parking spaces, except for the ADA spaces, shall be for the exclusive use of the residential dwelling units. No stacked parking shall be permitted in Subarea A.

C. Buffering, Landscaping, Open space and / or Screening commitments.

1. Storefront glass to be clear low-e to allow visibility into the storefront.

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

1. Rooftop Mechanicals Screening: Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the adjacent street or alley. The total height of the building including any rooftop mechanicals and screening walls shall not exceed 60 feet. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing materials that are comparable and compatible to the building materials.

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

1. All dumpsters shall be screened on four sides to a minimum height of six (6) feet utilizing materials that are comparable and compatible to the building materials.
2. Lighting shall be wall mounted and have fully shield, recessed lamps directed downward to prevent glare and shine above the horizontal plan or downlight design, mounted or constructed so that glare into residential areas is avoided.
3. All exterior lighting fixtures shall be the same or similar manufacturer's type and color to insure aesthetic compatibility.
4. To the extent permitted by the city and the utility companies all on site new power lines shall be underground.

F. Graphics and Signage commitments.

All signage shall conform to Article 15, Title 33, of the Columbus City Code, as applied to the C-4, Commercial District. Any variance from these requirements will be submitted to the City of Columbus Graphics Commission for consideration.

G. Miscellaneous commitments.

1. The property shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data, developed at the time of development or when engineering plans are completed. Any slight adjustments to the site plan or building elevations shall be reviewed and may be approved by the Director of the Department of Development, or his / her designee, upon submission of appropriate data regarding the proposed adjustment.
2. The building shall be developed in accordance with the submitted elevation drawings. The elevation drawings may be slightly adjusted to reflect architectural, engineering, and topographical or other site data developed at the time that architectural, development and engineering plans are completed including altering window size and location. Any slight adjustment to the elevations shall be reviewed and may be approved by the Director of Development or his designee upon the submission of the appropriate data regarding the proposed adjustment.
3. A public bike rack shall be installed along Grandview Avenue.

H. Variances.

1. Columbus City Code Section 3342.28 to permit a reduction in the minimum number of parking spaces required to permit 41 parking spaces where 235 are required.
2. Columbus City Code Section 3356.11 to permit a reduction in the minimum building setback requirement to permit a building setback of zero where twenty-five (25) feet is required.
3. Columbus City Code Section 3342.15 to permit a reduction in the maneuvering area to zero along the alley.
4. Columbus City Code Section 3342.17 to eliminate the parking lot screening along the alley.
5. Columbus City Code Section 3342.29 to eliminate the loading space for a tenant in excess of 5,000 sq.ft.

Subarea B

1. INTRODUCTION: This property was rezoned in 1996 to the L-P-1, Limited-Private Parking District, to provide a private parking lot to serve the development referred to in this text as Subarea 'A'. This property is incorporated into this CPD rezoning request due to the fact that it is an integral part of the development and to provide for the amendment of limitation text language included in the 1996 rezoning.

2. PERMITTED USES: All P-1 Private Parking District uses as set forth in Columbus City Code, Section 3371.01, provided, however, that use of the premises shall be for the private parking of the residential tenants occupying and using the Subarea 'A' property.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the written text, the applicable development standards shall be those standards contained in Chapter 3371, Private Parking District.

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

Not applicable.

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

1. No curb cuts shall be permitted on Hollywood Place.
2. Access to the parking lot shall be limited to the alley west of the property.
3. The maximum number of parking spaces permitted shall be 24 spaces. These parking spaces shall be for the exclusive use of the residential dwelling units on Subarea A.
4. No stacked parking shall be permitted on the lot.
5. The parking lot shall be designed such that it will function as a one way circulation with a designated point of entrance and exit off the alley. Maneuvering in the alley to the parking lot shall be permitted. Entrance and exit points shall be clearly designated by painting the word "ENTRANCE" and "EXIT" at the appropriate location.

C. Buffering, Landscaping, Open space and / or Screening commitments.

1. A 25 foot landscaped area shall be created west of Hollywood Place, in accordance with the submitted site plan. Additionally, there shall be landscaped areas on the north and south property lines in accordance with the submitted site plan. Along Hollywood Place, a six foot high, 100% opaque wooden fence with six foot brick piers shall be erected along the building line creating the 25 foot buffer area. Within the buffer area, grass and a minimum of four deciduous trees, not counting existing trees, of minimum caliper of one and a half inches shall be placed to maintain the residential character of Hollywood Place.
2. A side yard set back of a minimum of 13 feet for a depth of 20 feet from the building line shall be maintained to buffer the houses on each side. Within each of the two buffer areas, a minimum of two deciduous trees with a minimum of one and a half inches in caliper shall be installed. In addition, a six foot high, 100% opaque wooden fence shall be erected along the north and south sides of the property or within the buffer areas if such fence is not already existing.
3. The landscape and environmental treatment contained in this CPD Text shall count toward any buffering or landscaping required in the Columbus City Code.
4. The applicant/owner's responsibility to maintain the buffer areas, planting and fences in good condition is continual and shall be replaced with same when necessary.
5. Along the north and south five foot setback lines, concrete, blacktop or other appropriate curbing shall be installed to delineate the five foot buffer area from the blacktop parking area.
6. The brick pillars installed along Hollywood Place shall be red in color.
7. The applicant/owner shall utilize high grade pressure treated wolmanized board on board fence assembled using galvanized wood screws and one inch by six inch boards as appropriate. Along the north side of the property, the existing six foot high board on board fence shall continuously maintain 100% opacity.
8. A continuous hedge of a minimum of two feet in height, at the time of planting, shall be maintained along Hollywood Place immediately east of the proposed 100% opaque wooden fence.
9. Landscaping shall be maintained in a healthy state. Dead items shall be replaced at the next planting season or within six (6) months, whichever occurs sooner. Unless otherwise specified, minimum size of all trees at installation shall be 2 ½ inches in caliper for deciduous shade trees, five (5) feet high for evergreen trees and 1 ½ inches in caliper for ornamental trees.

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

Not applicable.

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

1. Any and all forms of lighting shall not be permitted on the lot.
2. No dumpsters shall be permitted on the site.

F. Graphics and Signage Commitments.

1. No signage of any form shall be permitted on the site except for:
 - a. Maximum of four directional and/or informational signs which shall not exceed six square feet each and shall be in accordance with the City of Columbus Graphic Code requirements. Towing signs shall be installed so long as such signs and other traffic control signs shall not exceed six square feet.

G. Miscellaneous Commitments.

1. The parking lot shall be developed in accordance with the submitted site plan and the applicable development standards contained in Chapters 3371 and 3342 of the Columbus City Code.
2. No structure shall be erected on the site other than the described fencing. The applicant/owner intends to develop a surface only parking lot.
3. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data, developed at the time of development or when engineering plans are completed. Any slight adjustments to the site plan or building elevations shall be reviewed and may be approved by the Director of the Department of Development, or his/her designee, upon submission of appropriate data regarding the proposed adjustment.

H. Variances

1. Columbus City Code Section 3371.01 to permit the parking lot to not be illuminated where parking lot illumination is a requirement when a parking area is to be used at times other than daylight hours.
2. Columbus City Code Section 3342.15 to permit a reduction in the maneuvering area to zero along the alley.
3. Columbus City Code Section 3342.17 to eliminate the parking lot screening along the alley.

CPD Criteria for Subarea 'A' and Subarea 'B'

1. Natural Environment. The redevelopment of these properties will be consistent with the historic development of this property. Subarea 'A' will be redeveloped with first floor retail and restaurant uses with upper story residential rather than office. Subarea 'B' will remain a private parking lot to serve Subarea 'A'.
2. Existing Land Uses.
 - a. Subarea 'A'. To the south is a restaurant zoned C-5, Commercial District to the west are a parking lot and a retail and office building all zoned in the C-4, Commercial District. To the north is a church zoned in the C-4, Commercial and R-4 Residential Districts, and to the east is a parking lot zoned L-P-1, and residential uses zoned in the R-4 Residential District.
 - b. Subarea 'B'. To the south, north, and east are residential uses zoned in the R-4 Residential District. To the west is Subarea 'A' currently zoned C-4, Commercial.
3. Transportation and Circulation. The redevelopment of this property will provide for transportation and circulation patterns

consistent with the existing conditions. Additional parking spaces will be added along the east side of the building to be constructed on Subarea 'A'.

4. Visual Form of the Development. The site shall be developed in accordance with the Commercial Planned Development Text and site plan.

5. View and Visibility. In the proposed redevelopment of this property consideration has been given to aesthetics, function and current land use recommendations applicable to this property as well as visibility and safety of both motorists and pedestrians.

6. Proposed Development. First floor restaurant and retail uses with upper floor residential as well as a private parking lot.

7. Emissions. No adverse affects from emission shall result from the proposed development.

8. Behavior Patterns. The proposed development would serve the immediate neighborhood as well as the people who enjoy Grandview Avenue as a shopping and dining destination. The proposed development would further serve those who desire to reside in this mixed-use walkable neighborhood.

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.