



City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0258-2010, **Version:** 1

Rezoning Application # Z09-033

APPLICANT: Jack Cohen Trustee, and Violet A. Cohen, Trustee; c/o Brent D. Rosenthal, Atty.; Carlile, Patchen & Murphy LLP; 366 East Broad Street; Columbus, OH 43215.

PROPOSED USE: Retail or office commercial uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0-1) on January 14, 2010.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District would allow an existing non-conforming warehouse building zoned in the AR-4, Apartment Residential District to be used for retail or office purposes. The CPD text commits to a site plan and contains development standards that address permitted uses and a parking variance to maintain no existing on-site parking spaces. The site is located within the planning area of the *University Neighborhoods Revitalization Plan* (1996), which recommends mixed uses for this location. The request is consistent with the land use recommendations of the Plan, and the zoning and development patterns of the area.

To rezone **2228 TUTTLE PARK PLACE (43201)**, being 0.07± acres located on the east side of Tuttle Park Place, 165± feet north of West Lane Avenue, **From:** AR-4, Apartment Residential District, **To:** CPD, Commercial Planned Development District (Rezoning # Z09-033).

WHEREAS, application #Z09-033 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.07± acres from AR-4, Apartment Residential District, to CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District would allow an existing warehouse building zoned in the AR-4, Apartment Residential District to be used for retail or office purposes. The CPD text commits to a site plan and contains development standards that address permitted uses and a parking variance to maintain zero parking spaces. The request is consistent with the land use recommendations of the *University Neighborhoods Revitalization Plan* (1996), and the zoning and development patterns of the area, 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:

2228 TUTTLE PARK PLACE (43201), being 0.07± acres located on the east side of Tuttle Park Place, 165± feet north of West Lane Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 43 of Jacob Weber Place Addition, Plat Book 17, Page 28, also being part of Lot 21 of C.E. Justice's Northern Heights Addition, Plat Book 7, Page 372, and being in the name of

Jack Cohen, Trustee, as described in Instrument Number 200006090114866, all records contained herein on file at the Recorder's Office, Franklin County, Ohio:

Beginning at an iron pipe set at the southwesterly corner of said Lot 43, also being at the right-of-way intersection of Tuttle Park Place (50 foot right-of-way) and a Public Alley (20 foot right-of-way) and the **True Place of Beginning** for this tract herein being described;

Thence N 03°32'26" E, a distance of 94.48 feet, along the westerly line of said Lot 43 also being the easterly right-of-way line of said Tuttle Park Place to an iron pipe set at the southwesterly corner of a tract of land in the name of Steven A. Bowles as described in Official Record 441, Page G15;

Thence S 85°54'39" E, a distance of 30.00 feet, leaving the easterly right-of-way line of said Tuttle Park Place, through said Lot 43 and along the southerly line of said Bowles lands, to a survey nail set in a concrete wall at the southeasterly corner of aforesaid Bowles lands, also being in the westerly line of said Lot 21 in the name of MPP Properties, LLC, as described in Instrument Number 200811100164316;

Thence S 03°32'26" W, a distance of 1.82 feet, along the westerly line of said Lot 21 also being the westerly line of said MPP Properties lands to a survey nail set in a concrete wall;

Thence S 86°27'34" E, a distance of 0.50 feet, through said Lot 21, continuing along the westerly line of said MPP Properties tract to an iron pipe set;

Thence S 03°32'26" W, a total distance of 92.60 feet, along the westerly line of said MPP Properties lands, parallel to the westerly line of said Lot 21 to the northerly right-of-way line of said Public Alley, passing a found 3/4 inch iron pipe (capped) at 91.45 feet;

Thence N 86°02'27" W, a distance of 30.50 feet with the northerly right-of-way line of said Public Alley, to the **True Place of Beginning** containing 0.066 acres (2879.681 Sq. Ft.) more or less subject to all legal highways, easements, leases or restrictions of record and of records in the respective utility offices.

Iron pipes set are 30" long yellow capped 3/4" inside diameter iron pipes stamped "W.E. Stilson".

The bearings for this survey were based on the north line of West Lane Avenue being N 86°17'18" W as shown on a centerline survey plat of Lane Avenue prepared by MS Consultants, Inc., for the City of Columbus, on record with the Franklin County Engineer's Office.

To Rezone From: AR-4, Apartment Residential 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 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, "**2228 TUTTLE PARK PLACE,**" and text titled, "**DEVELOPMENT TEXT,**" both signed by Brent D. Rosenthal, Attorney for the Applicant, dated January 25, 2010, and the text reading as follows:

DEVELOPMENT TEXT
CPD, COMMERCIAL PLANNED DEVELOPMENT
0.06648 +/- ACRES

EXISTING ZONING: AR-4, Apartment Residential
PROPOSED ZONING: CPD, Commercial Planned Development
PROPERTY ADDRESS: 2228 Tuttle Park Place and 261 West Norwich, Columbus, OH, 43201
OWNER/APPLICANT: Jack Cohen, Trustee and Violet A. Cohen, Trustee, c/o Brent D. Rosenthal, Attorney, Carlile, Patchen &

Murphy, LLP, 366 East Broad Street, Columbus, OH 43215.

DATE OF TEXT: 1/25/2010

APPLICATION NUMBER: Z09-033

1. INTRODUCTION: This site contains approximately 0.06648 acres situated on the east side of Tuttle Park Place, north of Lane Avenue. The site is developed with a single story brick building, approximately 2,731 square feet, used since its acquisition by the current owners in 1982 as storage for the owners' retail sales business, Conrad's College Gifts, Inc., 316 W. Lane Ave. The building, believed to have been built around 1930, has previously been used for light manufacturing and storage purposes. This rezoning is sought to reconcile the current and recent historical uses with appropriate zoning, as well as the zoning reflected in the adjacent uses (see G. 2 below).

The property is developed with a single story brick building currently used as storage for the owners' retail sales business, Conrad's College Gifts, Inc., 316 West Lane Avenue. The building occupies virtually all of the property, with the walls sitting almost on the property's boundary lines. The building does not have a basement. Adjacent uses to the north and east are apartment residential, zoned AR-4. Adjacent uses to the south and west are commercial, including retail sales, restaurant, bars, a parking lot, and a light manufacturing use, primarily zoned C-4.

The proposed rezoning is sought in order to conform the zoning to the current and long-time commercial uses of the existing building. All use of the building will be conducted within the building. No redevelopment of or physical changes to the site are planned.

2. PERMITTED USES: Retail and office uses.

3. USE LIMITATIONS: All uses shall be conducted within the building.

4. DEVELOPMENT STANDARDS: Unless otherwise indicated in the written text, including without limitation those variances set forth below, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Regional Scale Commercial District, of the Columbus City Code.

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

Not applicable

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

Not applicable

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

Not applicable

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

Not Applicable.

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

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure compatibility.
3. Pole mounted lighting, if any, shall not exceed eighteen (18) feet in height.

F.) Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G.) Other CPD Requirements.

1. Natural Environment: The building footprint occupies substantially all of the property, with minimal blacktop along the western boundary. There is no greenspace or landscaping.
2. Existing Land Use: The property is developed with a single story brick building currently used as storage for the owners' retail sales business, Conrad's College Gifts, Inc., 316 West Lane Avenue. The building does not have a basement. Adjacent uses to the north and east are apartment residential, zoned AR-4. Adjacent uses to the south and west are commercial, including retail sales, restaurant, bars, a parking lot, and a light manufacturing use, primarily zoned C-4.
3. Circulation: Access to and from the site is via Tuttle Park Place to the west.
4. Visual Form of the 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.
5. Visibility: The site is located on Tuttle Park Place, north of Lane Avenue.
6. Proposed Development: No redevelopment of or physical changes to the site are planned. The proposed rezoning is sought in order to conform zoning to commercial use of existing building that predates AR-4 zoning.
7. Behavior Patterns: Vehicular access is available from Tuttle Park Place, abutting the site to the west.
8. Emissions: There will be no objectionable emissions of light, sound, dust, or other particulates.

H.) Modification of Code Standards.

1. Code Section 3342.28, Minimum Number of Parking Spaces Required - Applicant seeks a variance/modification from Section 3342.28(B)(15), which requires 15 parking spaces for the general retail use, calculated at a rate of 1 space per 250 square feet of gross area. Applicant proposes to provide zero parking spaces.
2. Code Section 3356.11, C-4 District Setback Lines - Applicant seeks a variance/modification from Section 3356.11(A), which requires a minimum setback line of 25 feet. The setback of the building is zero (0) feet.

I.) Miscellaneous commitments.

1. The subject Site 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 the development and 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 designee, upon submission of the appropriate data regarding the proposed adjustment.

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