



## Legislation Details (With Text)

**File #:** 0167-2017      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 1/18/2017      **In control:** Zoning Committee

**On agenda:** 5/8/2017      **Final action:** 5/11/2017

**Title:** To rezone 49 EAST THIRD AVENUE (43215), being 0.52± acres located at the southeast corner of East Third Avenue and Mount Pleasant Avenue, From: R-4, Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z16-074) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0167-2017.Attachments, 2. ORD0167-2017.Labels

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 5/11/2017 | 2    | CITY CLERK            | Attest                  |        |
| 5/9/2017  | 2    | MAYOR                 | Signed                  |        |
| 5/8/2017  | 2    | COUNCIL PRESIDENT     | Signed                  |        |
| 5/8/2017  | 1    | Zoning Committee      | Approved as Amended     | Pass   |
| 5/8/2017  | 1    | Zoning Committee      | Amended to Emergency    | Pass   |
| 5/1/2017  | 1    | Columbus City Council | Read for the First Time |        |

### Rezoning Application Z16-074

**APPLICANT:** 49 E. Third, LLC c/o David B. Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**PROPOSED USE:** Office and shared parking.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on December 8, 2016.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels developed with a church and parking lot in the R-4, Residential District. The requested CPD, Commercial Planned Development District, permits the conversion of the building into offices and utilizes a portion of the parking lot for shared parking. The CPD text will permit church, all office uses, and parking lot uses on the site, with commitments to C-3, Commercial District development standards and a site plan. Additionally, variances for a reduced driveway width, landscaping and screening requirements, shared use of the parking lot, and setback lines are requested. Staff finds that the proposed CPD, Commercial Planned Development District is consistent with the zoning and development patterns of this urban neighborhood.

To rezone **49 EAST THIRD AVENUE (43215)**, being 0.52± acres located at the southeast corner of East Third Avenue and Mount Pleasant Avenue, From: R-4, Residential District, To: CPD, Commercial Planned Development District

(Rezoning # Z16-074) and to declare an emergency.

**WHEREAS**, application # Z16-074 is on file with the Department of Building and Zoning Services requesting rezoning of 0.52± acres from R-4, Residential District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Italian Village 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, is consistent with the zoning and development patterns of this urban neighborhood;

**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; 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:

**49 EAST THIRD AVENUE (43215)**, being 0.52± acres located on the southeast corner of East Third Avenue and Mount Pleasant Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus bounded and described as follows:

Being the north half of Lot Numbered Forty-one (41) of William Phelan's Mt. Pleasant Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 9, Recorder's Office, Franklin County, Ohio excepting therefrom a strip twenty (20) feet wide off the west side of said north half of said lot leaving a parcel having one hundred twenty (120) feet front, (more or less) on the south side of Third Avenue and extending south between the east line and a line parallel to the east line of said lot 192.50 feet.

Tax Parcel Nos.: 010-015099 and 010-016532

**To Rezone From:** R-4, 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 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, "**ARCHALL OFFICE SPACE, 49 E. THIRD AVENUE**," and text titled, "**DEVELOPMENT TEXT**," both signed by David B. Perry, Agent for Applicant and Donald Plank, Attorney for Applicant, and dated April 6, 2017, and the text reading as follows:

**DEVELOPMENT TEXT**

EXISTING DISTRICT: R-4, Residential

PROPOSED DISTRICT: CPD, Commercial Planned Development

PROPERTY ADDRESS: 49 E. Third Avenue, Columbus, OH 43215

OWNER: 49 E. Third, LLC c/o David B. Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

APPLICANT: 49 E. Third, LLC c/o David B. Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

DATE OF TEXT: April 6, 2017

APPLICATION NUMBER: Z16-074

**INTRODUCTION:**

The subject property is 0.52 +/- acres located at the southeast corner of E. Third Avenue and Mount Pleasant Avenue (30') and 340' +/- east of North High Street. The site is developed with a church and a 40 space parking lot. Applicant proposes to change the use of the church to office use and use the parking lot for both accessory and non-accessory commercial parking. The plan titled "Archall Office Space, 49 E. Third Avenue", hereafter "Site Plan", dated 04-06-17, and referenced in Section 2.H. of this text, depicts the proposed site development.

**1. PERMITTED USES:** The following uses of Section 3355.03, C-3, Permitted Uses, shall be permitted: A church, all office uses with accessory parking and use of the parking lot for non-accessory parking for off-site uses.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of the C-3, Commercial District, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply.

**A. Density, Height Lot and/or Setback Commitments.**

1. Building setbacks are existing and as shown on the Site Plan, and as follows for E. Third Avenue, east property line and west property line: 6', 2', 2', respectively.

2. The parking lot is located behind (south of) the existing building. Parking setbacks are existing and as shown on the Site Plan, and as follows for the east property line, south property line and west property line: 0', 0', and 0', respectively.

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

The parking lot may be used as both accessory parking for on-site office uses and also for non-accessory parking for off-site use(s).

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

1. Four (4) new interior parking lot tree islands and trees shall be placed in the existing parking lot, as depicted on the Site Plan. Landscaping and parking lot screening shall be provided as depicted on the Site Plan.

2. Headlight screening (3', 75% opacity) shall be installed along the east and west sides of the parking lot unless the Italian Village Commission (IVC) doesn't require the screening.

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

N/A

**E. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments.**

N/A

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-2, Commercial District. Any ground sign shall be monument -style. Any variance to the applicable sign requirements of the C-2, Commercial District shall be submitted to the Columbus Graphics Commission.

## **G. Code Modifications.**

1. 3212.13, Driveway, to reduce on-site driveway width for a two-way driveway from 20' to 4' (+/-) for the existing driveway on the south side of the site with a property line in the shared driveway used for access to both this site and the parking lot to the south.

2. 3312.21(A)(2),(D)(1), Landscaping and Screening, to reduce soil area for parking lot trees from 145 square feet per/tree to 25 square feet (5' x 5', +/-) per tree for the four (4) islands shown on the Site Plan; to reduce soil radius from four (4) feet to two (2) feet; to reduce the width of the landscaped area adjacent to the east property line from four (4) feet to one-half (0.50) foot - two (2) feet, as depicted on the Site Plan, for the existing parking lot abutting residentially zoned property (Columbus Board of Education playground/athletic fields) to the east; to reduce required parking lot screen height along the east property line from five (5) feet to three (3) feet unless parking lot screening is not required by the Italian Village Commission, in which case no parking lot screening shall be required along the east property line; and to reduce the height of parking lot screening along the west property line, adjacent to Mt. Pleasant Avenue (30'), from five (5) feet to three (3) feet.

3. 3312.49, Minimum Numbers of Parking Spaces Required, to permit shared use of the 40 space on-site parking lot for both accessory parking for the on-site office use(s) and non-accessory parking for off-site use(s).

4. 3355.09, C-3 District Setback Lines, to conform the existing six (6) foot E. Third Avenue building setback by reducing building setback from 25 feet, as presently required, to six (6) feet.

## **H. Miscellaneous.**

1. Chapter 3318, Parkland Dedication, Columbus City Code, is not applicable because this rezoning is less than one (1) acre.

2. The plan titled "Archall Office Space, 49 E. Third Avenue", dated 04-06-17 and signed by David B. Perry, Agent, and Donald Plank, Attorney, depicts the site development. The site plan may be slightly adjusted to reflect engineering, architectural, topographical, or other site data developed at the time final development and engineering plans are

completed. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Building and Zoning Services Department 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.~~  
**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.**