



## Legislation Details (With Text)

**File #:** 2124-2020      **Version:** 1

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

**File created:** 9/15/2020      **In control:** Zoning Committee

**On agenda:** 10/5/2020      **Final action:** 10/8/2020

**Title:** To rezone 1199 FRANKLIN AVE. (43205), being 0.77± acres located at the southwest corner of Franklin Avenue and Sherman Avenue, From: R-3, Residential District, To: CPD, Commercial Planned Development District (Rezoning #Z20-019).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2124-2020\_Attachments, 2. ORD2124-2020\_Labels

Date	Ver.	Action By	Action	Result
10/8/2020	1	CITY CLERK	Attest	
10/7/2020	1	MAYOR	Signed	
10/5/2020	1	COUNCIL PRESIDENT	Signed	
10/5/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
10/5/2020	1	Zoning Committee	Approved	Pass

### Rezoning Application Z20-019

**APPLICANT:** 1199 Franklin Investments, LLC, et al; c/o Dave Perry, Agent; 411 East Town Street, 1st Floor; Columbus, OH 43201, and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 10, 2020.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**HISTORIC RESOURCES COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 0.77± acre site consists of five parcels zoned in the R-3, Residential District, and is subject to CV17-076 (ORD #2100-2018) which permitted a mixed use development and parking at this site. The requested CPD, Commercial Planned Development District is comprised of three subareas: Subarea A is developed with the historic Avery Pontiac Building listed on the Columbus Register of Historic Properties; Subarea B is developed with a single-unit dwelling; and Subarea C is part of three undeveloped parcels. The CPD district will permit the rehabilitation of Subarea A into 7,200 square feet of eating and drinking establishment space, 800 square feet of patio space, 4,010 square feet of retail space, and 18,363 square feet of general office space, while Subareas B and C will be redeveloped into parking lots containing 36 and 16 parking spaces, respectively, solely for the purpose of supporting those uses in Subarea A.. The CPD text establishes use restrictions and supplemental development standards for each subarea, includes a commitment to develop the site in accordance with the submitted site plan, and contains variances that reflect both current conditions on site, and the proposed parking lots in Subareas B and C. Subarea A

includes a parking reduction variance from 159 required parking spaces to 0 on-site provided parking spaces with a total of 52 spaces being provided on Subareas B and C. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain a specific land use recommendation for this location, but does provide guidance on the development of new commercial uses within residential areas, specifically encouraging the preservation and renovation of historic structures rather than demolition. The Plan also states that parking needs should be balanced with the goal of preserving the character of the neighborhood, and that a pedestrian-friendly environment should be created. Staff supports the requested variances because of the existing building's characteristics and urban setting. The proposal is consistent with the Plan's guidelines for historic preservation and the balancing of parking needs with the goal of preserving the character of the neighborhood and creating a pedestrian-friendly environment. Additionally, a parking study was completed by the Applicant and reviewed by the Department of Public Service where it was determined that the parking reduction variance could be supported at this location

To rezone **1199 FRANKLIN AVE. (43205)**, being 0.77± acres located at the southwest corner of Franklin Avenue and Sherman Avenue, **From:** R-3, Residential District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-019).

**WHEREAS**, application #Z20-019 is on file with the Department of Building and Zoning Services requesting rezoning of 0.77± acres from R-3, Residential District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Near East Area Commission recommends approval of said zoning change; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change noting that the proposed CPD, Commercial Planned Development District contains appropriate use restrictions and development standards that will preserve the historic Pontiac Avery Building, provide a balance between the development's parking requirements while creating a pedestrian friendly environment, and preserving the character of the neighborhood; 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:

**1199 FRANKLIN AVE. (43205)**, being 0.77± acres located at the southwest corner of Franklin Avenue and Sherman Avenue, and being more particularly described as follows:

**SUBAREA A: DESCRIPTION OF 0.373 ACRE TRACT OF LAND SOUTH OF FRANKLIN AVENUE WEST OF WILSON AVENUE EAST OF SOUTH CHAMPION AVENUE**

Situated in the State of Ohio, County of Franklin, City of Columbus, being lots 69-72 of Stewart & Jones Subdivision as recorded in Plat Book 2, Page 192, and being the tract of land conveyed to 1199 Franklin Investments, LLC as recorded in Instrument Number 201702270026984 (all references refer to records in the Franklin, County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at the intersection of the southerly right of way of Franklin Avenue (50' R/W) and the westerly right of way of Sherman Avenue (50' R/W) also being the northeasterly corner of lot 72 of said Stewart & Jones Subdivision being the Point of Beginning;

Thence South 3°41'59" West a distance of 125.00 feet, along the westerly right of way of said Sherman Avenue, to a

point on the northerly line of a fifteen (15') alley and the southeasterly corner of said lot 72;

Thence North  $86^{\circ}47'23''$  West a distance of 130.00 feet, along the southerly line of said lots 69-72 and the northerly line of said alley, to a point at the southwesterly corner of said lot 69 and easterly line of a fourteen (14') alley;

Thence North  $3^{\circ}41'59''$  East a distance of 125.00 feet, along the westerly line of said lot 69 and easterly line of said fourteen (14') alley to a point on the southerly right of way of said Franklin Avenue and northwesterly corner of said lot 69;

Thence South  $86^{\circ}47'23''$  East a distance of 130.00 feet, along the southerly right of way of said Franklin Avenue and northerly lines of said lots 69-72, to the Point of beginning containing 0.373 acres more or less according to deeds and recorded plats of record compiled by Hockaden and Associates, Inc. in October of 2017.

Bearings are assumed.

#### **SUBAREA B: DESCRIPTION OF 0.268 ACRE TRACT OF LAND**

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

Being Lot Numbers Eight-eight (88), Eighty-nine (89) and Ninety (90) of STEWART & JONES' SUBDIVISION, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 192, Recorder's Office, Franklin County, Ohio.

#### **SUBAREA C: DESCRIPTION OF A 0.130 ACRE TRACT OF LAND EAST OF SHERMAN AVENUE WEST OF WILSON AVENUE NORTH OF EAST CHAPEL STREET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 23, Township - 5, Range -22, Refugee Lands, and being 0.130 acres of land in part of (Lots No. 85, 86 and 87 of Stewart and Jones in Plat Book 2, Pg 192) 228 Sherman Investments, LLC of (PID 010-009941, 010-001773 and 010-001774) IN 201702270026985 (all references refer to records in the Franklin County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at a point at the northwest corner of said Lot No. 87 at the intersection of the easterly right of way of Sherman Avenue and southerly right of way of Gustavus Lane, being the Point of Beginning;

Thence South  $90^{\circ}00'00''$  East a distance of 63.00 feet, along the northerly line of said Lot No. 87 and southerly right of way of said Gustavus Lane, to a point;

Thence South  $0^{\circ}00'00''$  West a distance of 90.00 feet, through the property of said 228 Sherman Investments, LLC, to a point on the south line of said Lot 85 and the northerly right of way of East Chapel Street;

Thence North  $90^{\circ}00'00''$  West a distance of 63.00 feet to a point at the southwest corner of said Lot 85 in the easterly right of way of said Sherman Avenue;

Thence North  $0^{\circ}00'00''$  West a distance of 90.00 feet, along the easterly right of way of said Sherman Avenue, to the Point of Beginning containing 0.130 acres more or less.

Parcel IDs: 010-001240, 010-023240, and part of 010-001774, 010-001773, and 010-009941.  
Known as address: 1199 Franklin Ave., Columbus, OH 43205.

**To Rezone From:** R-3, 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 site plan being titled, “**AVERY MOTOR CAR BUILDING REHABILITATION - 1199 FRANKLIN AVENUE,**” and text titled, “**DEVELOPMENT TEXT,**” both dated September 9, 2020, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**EXISTING ZONING:** R-3, Residential District

**PROPOSED ZONING:** CPD, Commercial Planned Development District

**PROPERTY ADDRESS:** 1199 Franklin Avenue, Columbus, OH 43205

**APPLICANT:** 1199 Franklin Investments, LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**OWNER:** 1199 Franklin Investments, LLC, Steven Cox, Tr. and 228 Sherman Investments LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**DATE OF TEXT:** September 9, 2020

**APPLICATION NUMBER:** Z20-019

**1. INTRODUCTION:** The total site area is 0.77 +/- acres located on the south side of Franklin Avenue (1199 Franklin Avenue) and east and west sides of Sherman Avenue (off-site parking lots). The 0.77 +/- acres consists of 0.373 +/- acres (Subarea A) and 0.398 +/- acres (Subareas B and C). Subarea A is developed with the “Avery Pontiac Building”, which is registered on national and local historic building registers. The building will be preserved. Subareas B and C, located to the south and southeast of Subarea A, are proposed to be developed with 36 space and 16 space parking lots, respectively, for the exclusive use of Subarea A. The site plan titled “Avery Motor Car Building Rehabilitation - 1199 Franklin Avenue” dated September 9, 2020, hereafter “Site Plan”, is submitted with this application as the site plan for Subareas A, B and C.

**SUBAREA A, 0.373 +/- ACRES:**

**2. PERMITTED USE:** All uses of Section 3355.03, C-3 Permitted Uses.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Commercial District, of the Columbus City Code.

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

1, Height District shall be H-35.

2. Subarea A shall have the following minimum building setbacks: north (Franklin Avenue), 9 feet; east (Sherman Avenue) 0 feet; south (Gustavus Lane), 0 feet; west (alley) 0 feet.

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

1. There shall be no vehicular access inside the building on Subarea A. Existing or new overhead doors on the east, south and west sides of the building may be used for delivery purposes from the existing right of ways.

2. No parking shall be provided on Subarea A. Off-street parking for Subarea A is located on Subarea B.

3. Parking is reduced to zero (0) for Subarea A (see Section H) subject to 36 spaces provided on Subarea B and 16 spaces provide on Subarea C.

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

Street trees at 40' +/- on-center shall be provided along Franklin Avenue, if not presently existing, in the Franklin Avenue right of way, subject to permission of the City Forester.

**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-3, Commercial District, and as approved by the Historic Resources Commission. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: The site is located on the south side of Franklin Avenue, at the southwest corner of Franklin Avenue and Sherman Avenue.
2. Existing Land Use: The site is developed with the “Avery Pontiac Building”, which is registered on national and local historic building registers. The building will be preserved.
3. Circulation: There shall be no on-site vehicular access to Subarea A.
4. Visual Form of the Environment: The proposed uses are appropriate for reuse of this large historic commercial building, the construction of which pre-dates zoning in Columbus Ohio.
5. Visibility: The site is visible from Franklin Avenue and Sherman Avenue.
6. Proposed Development: Change of use of existing building for commercial uses as permitted by this text and as depicted on the referenced Site Plan.
7. Behavior Patterns: No vehicular access onto the site.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

**H. Modification of Code Standards.**

1. Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 158 to zero (0) spaces on Subarea A, calculated based on ground level use of 7,200 SF of restaurant, 800 SF of seasonal restaurant patio, 4,010 SF of retail uses and total 18,400 SF of general office use (ground level and second floor), to reduce parking from 158 spaces to 0 spaces with 36 spaces provided on Subarea B and 16 spaces provided on Subarea C. Any permitted use or combination of permitted uses with calculated parking not exceeding 158 spaces shall be permitted.
2. Section 3312.53, Minimum Number of Loading Spaces Required, to reduce loading spaces from one (1) to zero (0).

3. Section 3321.05(B)(1), Vision Clearance, to reduce vision clearance triangles for Subarea A from 10'x10' to 0'x0' at the corner of Sherman Avenue and Gustavus Lane (20', alley), to reflect existing conditions with the existing building at zero (0) setback.

4. Section 3355.09, C-3 District Setback Lines, to permit existing building setbacks on Franklin Avenue and Sherman Avenue of nine (9) feet and zero (0) feet, respectively.

#### **I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled "Avery Motor Car Building Rehabilitation - 1199 Franklin Avenue" dated September 9, 2020, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan 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.

#### **SUBAREA B, 0.268 +/- acres:**

**2. PERMITTED USE:** Uses of Section 3355.03, C-3 Permitted Uses, subject to the only permitted use of Subarea B being a 36 space parking lot with dumpster(s). Subarea B parking is for the exclusive use of Subarea A.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Commercial District, of the Columbus City Code.

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

1. Height District shall be H-35.

2. Subarea B shall have the following minimum building setback from Sherman Avenue, as applicable to the refuse facilities (dumpster): 7 feet. There shall be no buildings on Subarea B.

3. Subarea B shall have the following minimum parking setback from Sherman Avenue: 4 feet.

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

Vehicular access for Subarea B shall be from Gustavus Lane (20', alley), an unnamed alley on the west side of Subarea B and Sherman Avenue.

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

1. Two (2) street trees shall be provided along Sherman Avenue, in the Sherman Avenue right of way, subject to permission of the City Forester, or in the Sherman Avenue parking setback.

2. Perimeter parking lot landscaped setbacks shall be provided as depicted on the Site Plan.

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

N/A

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

The maximum height of parking lot lighting shall be 16 feet.

**F. Graphics and Signage Commitments.** All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-3, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G). Other CPD Requirements.**

1. Natural Environment: The site is located on the west side of Sherman Avenue, south of Franklin Avenue.
2. Existing Land Use: The site is developed with a house and various accessory structures. The site will be cleared for the Subarea B parking lot.
3. Circulation: Vehicular access to Subarea B shall be from Gustavus Lane (20', alley) and Sherman Avenue.
4. Visual Form of the Environment: The proposed use will provide accessory parking for the adjacent historic Avery Pontiac Building. Off-site parking occurs frequently with urban development.
5. Visibility: The site is visible from Franklin Avenue and Sherman Avenue.
6. Proposed Development: Accessory parking lot for Subarea A.
7. Behavior Patterns: Vehicular access and on-site circulation shall be as depicted on the Site Plan.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

**H. Modification of Code Standards.**

1. Section 3312.21(A)(3),(D)(1), Landscaping and Screening, to permit placement of the four (4) required parking lot trees along the south property line of the Subarea B parking lot versus dispersed throughout the Subarea B parking lot, and to permit reduction of the four (4) foot landscaped buffer strip to two (2) feet along portions of the west property line with the height of screening reduced from five (5) feet to three (3) feet.
2. Section 3312.27(4), Parking Setback Line, to reduce the Sherman Avenue parking setback line from ten (10) feet to four (4) feet.
3. Section 3355.09, C-3 District Setback Lines, to permit a dumpster located at a seven (7) foot setback from Sherman Avenue.

**I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. Development of the site shall be in accordance with the Site Plan titled "Avery Motor Car Building Rehabilitation - 1199 Franklin Avenue" dated September 9, 2020, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan 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.

**SUBAREA C, 0.13 +/- acres:**

**2. PERMITTED USE:** Uses of Section 3355.03, C-3 Permitted Uses, subject to the only permitted use of Subarea C being a 16 space parking lot. Subarea C parking is for the exclusive use of Subarea A.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Commercial District, of the Columbus City Code.

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

1. Height District shall be H-35.
2. There shall be no buildings or dumpster(s) on Subarea C.
3. The Sherman Avenue parking setback shall be 5 feet.

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

Vehicular access for Subarea C shall be from the adjacent alleys on the north and south sides of Subarea C. There shall be no direct vehicular access from Sherman Avenue.

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

1. Two (2) street trees shall be provided along Sherman Avenue, in the Sherman Avenue right of way, subject to permission of the City Forester, or in the Sherman Avenue parking setback.
2. Perimeter parking lot landscaped setbacks shall be provided as depicted on the Site Plan.

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

N/A

**E. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments.** The maximum height of parking lot lighting shall be 16 feet. .

**F. Graphics and Signage Commitments.** All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-3, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: The site is located on the east side of Sherman Avenue, south of Franklin Avenue.
2. Existing Land Use: The site is undeveloped.
3. Circulation: Vehicular access to Subarea C shall be from the adjacent alleys on the north and south sides of Subarea C. There shall be no direct vehicular access from Sherman Avenue.
4. Visual Form of the Environment: The proposed use will provide accessory parking for the adjacent historic Avery Pontiac Building (Subarea A). Off-site parking occurs frequently with urban development.
5. Visibility: The site is visible from Franklin Avenue and Sherman Avenue.



6. Proposed Development: Accessory parking lot for Subarea A.
7. Behavior Patterns: Vehicular access and on-site circulation shall be as depicted on the Site Plan.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

#### **H. Modification of Code Standards.**

1. Section 3312.21(A)(3),(D)(1), Landscaping and Screening, to permit placement of the two (2) required parking lot trees along the east property line of the Subarea C parking lot versus dispersed throughout the parking lot, and to permit reduction of the four (4) foot landscaped buffer strip along the east side of Subarea C.
2. Section 3312.27(4), Parking Setback Line, to reduce the Sherman Avenue parking setback line from ten (10) feet to five (5) feet.

#### **I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. Development of the site shall be in accordance with the Site Plan titled “Avery Motor Car Building Rehabilitation - 1199 Franklin Avenue” dated September 9, 2020, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan 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.