



Legislation Details (With Text)

File #: 2567-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/6/2020 **In control:** Zoning Committee

On agenda: 11/23/2020 **Final action:** 11/25/2020

Title: To rezone 1448-1450 E. MAIN ST. (43205), being 0.3± acres located at the northeast corner of East Main Street and Miller Avenue, From: R-3, Residential District, To: CPD, Commercial Planned Development District (Rezoning #Z20-056).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#2567-2020_Attachments, 2. ORD#2567-2020_Labels

Date	Ver.	Action By	Action	Result
11/25/2020	1	CITY CLERK	Attest	
11/24/2020	1	MAYOR	Signed	
11/23/2020	1	COUNCIL PRESIDENT	Signed	
11/23/2020	1	Zoning Committee	Approved	Pass
11/16/2020	1	Columbus City Council	Read for the First Time	

Rezoning Application Z20-056

APPLICANT: Matryoshka Properties LLC, c/o David Bernstein, Agent; 302 South Cassady Avenue; Columbus, OH 43209; and Jackson B. Reynolds, Atty.; Smith and Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on October 8, 2020.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.3± acre site consists of two parcels, one developed with a multi-story building last used as a child daycare center with second story apartments, and one developed with a parking lot, both zoned in the R-3, Residential District. The requested CPD, Commercial Planned Development District would permit C-3, Commercial District uses, including food trucks, farmer's markets, and similar outdoor sales on site. The CPD text establishes supplemental development standards that address site access, lighting, signage, and includes a commitment to a site plan. Variances are included for reduced building width, parking setback, and to exceed the maximum parking requirement. The site is located within the boundaries of the East Main Street Urban Commercial Overlay and is within the boundaries of the *Near East Area Plan* (2005), which recommends higher density residential and mixed-use land uses at this location. The request is compatible with the development pattern along the East Main Street corridor and incorporates adequate landscaping and buffering to minimize negative impacts on adjacent residential uses.

To rezone **1448-1450 E. MAIN ST. (43205)**, being 0.3± acres located at the northeast corner of East Main Street and Miller Avenue, **From:** R-3, Residential District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-056).

WHEREAS, application #Z20-056 is on file with the Department of Building and Zoning Services requesting rezoning of 0.3± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow a mixed-use development that is consistent with the recommendations of the *Near East Area Plan* and compatible with the development pattern along the East Main Street corridor; 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:

1448-1450 E. MAIN ST. (43205), being 0.3± acres located at the northeast corner of East Main Street and Miller Avenue, and being more particularly described as follows:

TRACT I:

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

Being the northeast corner of East Main Street and Miller Avenue and known as Lot Number Eleven (11) of JAMES NELSON'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 322, Recorder's Office, Franklin County, Ohio.

TRACT II:

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

Being Lot Number Twelve (12) of JAMES NELSON'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 166, Recorder's Office, Franklin County, Ohio.

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 plans being titled, "**SITE PLAN**," dated October 9, 2020, and text titled, "**DEVELOPMENT TEXT**," dated October 7, 2020, both signed by Jackson B. Reynolds, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

PROPOSED DISTRICTS: CPD

PROPERTY ADDRESS: 1448 - 1450 East Main Street

OWNER: Matryoshka Properties LLC

APPLICANT: Matryoshka Properties LLC

DATE OF TEXT: 10/7/20

APPLICATION: Z20-056

1. **INTRODUCTION:** The site is comprised of two (2) parcels that will be combined and located at the northeast corner of East Main Street and Miller Avenue. One lot has a concrete parking lot unit and the other lot has a two story commercial building built in 1920. The lots were rezoned in an area wide zoning to the R-3 district in 1974. The owner/applicant wants to reuse the building and parking area for commercial uses. The second story of the building will be used as a residential space.

2. **PERMITTED USES:** All uses permitted in Section 3355.03, C-3, including a residence on the second floor of the structure as detailed in Section 3355.05, including on site food truck use and farmer's markets and similar sales.

3. **DEVELOPMENT STANDARDS:** Except as specified here in the applicable development standards of the Urban Commercial Overlay, Chapter 3372.603 - 609, Chapters 3312, 3321 and 3355 of the Columbus City Code shall apply.

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

N/A

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

1. The site shall be accessed from Miller Avenue.
2. The temporary activities (food truck use, farmer's markets and similar sales) are not required to provide parking on the site due to the temporary nature of the activities listed in the Permitted Use Section.
3. The existing sidewalks shall remain.

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

Two (2) parking lot trees will be added to the site plan to comply with Section 3312.21(A)(2) of the Columbus Code.

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

N/A

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

New parking lot lights shall have a maximum height of 14' and will utilize cut off fixtures.

F. Graphics and Signage Commitments

Any signage and graphics shall conform to the City of Columbus Graphics Code as it applies to the C-3 District. Any variance of the sign requirements will be submitted to the City of Columbus Graphics Commission.

G. Miscellaneous

1. Food trucks shall be permitted on site and farmer's markets and similar outdoor sales shall be permitted on site.
2. The existing lawn area may be used for future building construction and if construction is commenced all applicable development standard shall be followed.
3. Variances
 - a. Section 3312.49(C) to allow up to 19 parking spaces for general office space use of the building (the temporary activities (food truck use, farmer's markets and similar sales), listed in the Permitted Uses section, are not required to provide parking on site due to the temporary nature of the activities).
 - b. Section 3372.604(B) to reduce the minimum parking setback from 5' to 0'.
 - c. Section 3372.605(B) the existing building is less than 60% of the lot width (50%).
4. CPD Requirements:
 - a. Natural Environment: The property has a existing building and a lawn area that can be developed with a new building that will conform to the development standards contained in this text.
 - b. Existing Land Use: The existing site is zoned R-3 with a commercial building, lawn area and parking lot.
 - c. Transportation and Circulation: The site shall be accessed from the Miller Avenue.
 - d. Visual Form and the Environment: Appropriate landscaping shall be added to the site.
 - e. View and Visibility: The existing building will be revised and additional landscaping added to the site.
 - f. Proposed Development: The proposal will allow commercial activities in the existing structure.
 - g. Behavior Patterns: The property will provide an additional commercial property in the area.
 - h. Emissions: No adverse emissions will result from the proposed use of the property.

The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a 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.