



City of Columbus

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

Legislation Text

File #: 1539-2007, Version: 2

Rezoning Application Z04-045

APPLICANT: Mike Badurina c/o David J. Chakeres, Esq.; 2192 Tremont Road; Columbus, Ohio 43221.

PROPOSED USE: Commercial and manufacturing development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on May 10, 2007.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposed commercial and manufacturing development is compatible with the adjacent residences due to the proposed screening and orientation of the storage doors away from the residences. The proposed buffering, lighting controls, building material limitations and the screening of mechanicals provided in the text also help ensure compatibility with the nearby dwellings.

To rezone **2685 PARSONS AVENUE (43207)**, being 6.4± acres located on the west side of Parsons Avenue, 286± feet south of Southard Drive, **From:** SR and R-2, Residential Districts, **To:** L-M, Limited Manufacturing District. (Rezoning # Z04-045)

WHEREAS, application #Z04-045 is on file with the Building Services Division of the Department of Development requesting rezoning of 6.4± acres from SR and R-2, Residential Districts, to L-M, Limited Manufacturing District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the proposed commercial and manufacturing development is compatible with the adjacent residences due to the proposed screening and orientation of the storage doors away from the residences. The proposed buffering, lighting controls, building material limitations and the screening of mechanicals provided in the text also help ensure compatibility with the nearby dwellings, 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:

2685 PARSONS AVENUE (43207), being 6.4± acres located on the west side of Parsons Avenue, 286± feet south of Southard Drive, being more particularly described as follows:

6.376 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 4, Township 4, Range 22 Congress Lands, and being all of the 6.061 Acre tract and all of the 0.374 Acre tract conveyed to Mike and Elizabeth Badurina in Instrument Number 200205290131932, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as

follows:

Commencing at the centerline intersection of Parsons Avenue, 60 feet wide, and Southard Drive, 50 feet wide;

Thence, along the centerline of Parsons Avenue, South 03 degrees 57 minutes 00 seconds West, 326.00 feet to a point at the northeast corner of said 6.061 Acre tract and the True Point of Beginning of the parcel herein intended to be described;

Thence, along the centerline of Parsons Avenue and the east line of said 6.061 Acre tract, South 03 degrees 57 minutes 00 seconds West, 189.81 feet to a point at the southeast corner of said 6.061 Acre tract;

Thence along the south line of said 6.061 Acre tract and the north lines of the parcels conveyed to Glenn H. and Henrietta M. Dyer, Trustees, in Instrument Number 199809250243919, North 86 degrees 04 minutes 00 seconds West, 1371.70 feet to a point at the southwest corner of said 6.061 Acre tract and in the east line of Castle Terrace Boulevard Subdivision as recorded in Plat Book 7, Page 378;

Thence, along the west lines of said 6.061 Acre and 0.374 Acre tracts and along part of the east lines of said Castle Terrace Boulevard Subdivision and of Castle Terrace Extension as recorded in Plat Book 7, Page 456, North 00 degrees 46 minutes 00 seconds East, 205.12 feet to a point at the northwest corner of said 0.374 Acre tract and the southwest corner of Parsons South Addition as recorded in Plat Book 16, Page 1;

Thence, along the north line of said 0.374 Acre tract and part of the south line of said Parsons South Addition, South 86 degrees 04 minutes 00 seconds East, 1093.09 feet to a point at the northeast corner of said 0.374 Acre tract and the northwest corner of a 0.1 Acre tract conveyed to Todd Miller and Bob Benner in Instrument Number 199904130092198;

Thence, along the east line of said 0.374 Acre tract and the west line of said 0.1 Acre parcel, South 03 degrees 57 minutes 00 seconds West, 15.00 feet to the southeast corner of said 0.374 Acre tract, the southwest corner of said 0.1 Acre tract and in the north line of said 6.061 Acre tract;

Thence, along part of the north line of said 6.061 Acre tract and the south line of said 0.1 Acre tract, South 86 degrees 04 minutes 00 seconds East, 290.00 feet to the True Point of Beginning, **containing 6.376 Acres**, subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Basis of bearings is assumed to be South 03 degrees 57 minutes 00 seconds West on the centerline of Parsons Avenue. This description is based on records only and is to be used for zoning purposes only and is not to be used for the transfer of real property.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-M, Limited Manufacturing 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 L-

M, Limited Manufacturing District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes said plan being titled, "**SITE PLAN MR. & MRS. BADURINA**," signed by David J. Chakeres, Attorney for the Applicant, dated May 10, 2007 and said text titled, "**LIMITATION TEXT**," signed by David J. Chakeres, Attorney for the Applicant, dated May 22, 2007, and the text reading as follows:

LIMITATION TEXT

APPLICATION NO. **Z04-045**

LIMITATION NO. **1539-2007**

PROPOSED DISTRICT: L-M Limited Manufacturing District

PROPERTY ADDRESS: 2685 Parsons Avenue
Columbus, Ohio 43207-3051

OWNERS/APPLICANTS: Mike and Elizabeth Badurina
2192 Tremont Road
Columbus, Ohio 43221
c/o David J. Chakeres, Esq.
~~3707 Kirkham Road~~
~~Columbus, Ohio 43221-1313~~
7262 Park Bend Drive
Westerville, Ohio 43082-8658

APPLICANTS: Mike and Elizabeth Badurina
David J. Chakeres, Esq.

DATE OF TEXT: MAY 27, 2007

EXISTING DISTRICT: SR (SUBURBAN RESIDENTIAL
DISTRICT) and R-2 (RESIDENTIAL
DISTRICT)

INTRODUCTION: This application concerns two unimproved contiguous parcels, numbers 010-116128 and 010-112331 of approximately 6 acres and .374 acres respectively (the "Site"). The parcels are currently zoned R-2 and SR respectively, and the application seeks to rezone both parcels to L-M. The site is surrounded on all sides by residential development, except some properties across Parsons Avenue to the east are zoned manufacturing. The site situated immediately west of Parson Avenue, and the parcel(s) immediately to the south are used as a trailer park.

The Applicants are seeking a zoning pursuant to Columbus City Code §3310.09. The intended development is for small, neighborhood scale "flex space", i.e., small commercial offices and warehouses. Applicants assert there is no market for residential development of the site.

The Applicants consider this rezoning an appropriate use and zoning classification for this location and asserts that the neighborhood would benefit from applicants intended uses.

Applicants have obtained preliminary approval of applicants' prior C-4 application to develop the Site for retail and office/warehouse uses, by both the "Save Our South Side" and "Council of South Side Organizations" Neighborhood organizations.

PROPOSED USE: Commercial/warehouse

1. PERMITTED USES: The following uses for this L-M district, as permitted by C.C.C. §3363.01 et. Seq., shall be permitted:

a. The following C1, Commercial District uses - dry-cleaning depot; florist shop; magazine and newspaper sales; office uses and office support services as set forth in C.C.C. §3351.

b). The following C2, Commercial District uses - offices uses and office support services, as set forth in C.C.C. §3353; art studio; photography studio.

c). The following C3, Commercial District uses - offices uses and office support services for uses set forth in C.C.C. §3355; appliance sales and service; dancing school; dry goods or notions store; furniture sales; wallpaper store (which may include home interiors such as custom blinds); hardware store.

d). The following C4, Commercial District uses - office uses and office support services for uses set forth in C.C.C. §3356; book bindery; custom shop; plumbing shop.

e). Uses set forth in §3363.02(a); (b), excluding fuel or paint, unless utilized in the course of another permitted use as stated herein; and (d), except for outdoor storage.

f). Uses set forth in §3363.04 excluding insecticides and fungicides.

g). The following uses set forth in §3363.05 with respect to the manufacturing, compounding, processing, assembly, packaging or treatment of goods, materials and products; excluding trailer and motorcycle assembly; including bicycle (assembly only); heating; ventilating; cooling and refrigeration supplies and appliances; metal products (fabrication); plumbing supplies; sheet metal products; vitreous enameled products; welding.

- h). Uses set forth in §3363.06.
- i). Uses set forth in §3363.07
- j). Uses set forth in §3363.08
- k). Outdoor storage, per C.C.C. §3363.41, shall not be permitted.

2. DEVELOPMENT STANDARDS:

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

- 1. There shall be a minimum 10' parking and/or access setback along the south and north property line and 25' along Parsons Avenue.
- 2. **A maximum of ten 10' overhead doors shall be permitted, and a maximum of two 12' overhead doors shall be permitted, and only at the west end of the building.** No overhead bay doors or loading docks shall be oriented toward Parsons Avenue north property line.
- 3. A Height District of Thirty-five (35) feet is proposed on the L-M Manufacturing District on this property.
- 4. **The number and location of dumpsters is indicated on the sight plan. The fence referred to in this limitation text, shall be at a height of 8' near the dumpsters.**
- 5. There shall be a minimum 25' building setback along the west and south property lines.

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

- 1. A 6' board-on-board wood fence shall be constructed along the north and south property lines, **running for 800', west from Parsons Avenue.**
- 2. The landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within size months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed. Landscaping materials shall be set forth on the site plan.
- 3. The Applicant shall keep and maintain existing trees, where possible, along the property lines. Existing trees that are maintained (whether evergreen or deciduous), shall count on a one-for-one basis with other requirements set forth herein. Trees to be preserved shall be marked off with snow fencing prior to construction, including grading.
- 4. **Trees approximately thirty-inches tall shall be planted between the development and the conservation area on the west side**

of the property. Minimum size of all trees at installation shall be 2½" caliper for deciduous, 5' in height for evergreen, and 1½" caliper for ornamental

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

1. All outdoor lighting, with the exception of security lighting, shall be cut-off down style fixtures, designed and placed to prevent off-site glare where abutting properties are zoned or used residentially. There may be accent lighting (up lighting) on landscaping and in front of structures or ground signs, provided these fixtures are screened to prevent of-site glare.
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer type/style to promote compatibility.
3. Light poles shall not exceed 28 feet in height, except that lights located within 100 feet of a residentially zoned or used property shall not exceed 14' in height.

D. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33, or the Columbus City Code, and any variance from those requirements will be submitted to the City of Columbus Graphics Commission for consideration.

E. Access, Loading, Parking, and/or Other Traffic Related Commitments.

1. All circulation, curb cuts and access points shall be subject to the approval of the City of Columbus Transportation Division.
2. A sidewalk shall be constructed along Parsons Avenue, as may be required by the City. **The property owner shall install a sidewalk along its Parsons Avenue frontage or contribute an equivalent estimated amount to the City of Columbus if there is a transportation project planned which would incorporate that sidewalk.**

F. Miscellaneous Commitments.

1. At the time of submission for zoning clearance, the developer shall pay the Parkland Dedication commitment of \$400 per acre to the Columbus Recreation and Parks Department. The conservation area is identified in our site plan at the west side of the property.
2. This application will be developed in accordance with the plan drawn by Scott Harper, Architect, dated May 22, 2007. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the site 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.

The undersigned, being the owners of and applicants regarding the subject property, do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by the above restrictions, conditions and commitments regarding development of the subject property and for such purpose, each states that he/she fully understands and acknowledges that none of the foregoing restrictions, conditions or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code.

X [Signed] _____ May 22, 2007
David J. Chakeres, Esq.