



City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0912-2008, Version: 1

Rezoning Application # Z08-002

APPLICANT: City of Columbus City of Columbus Department of Development; c/o Laura MacGregor Comek, Attorney; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Theater and parking.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on April 10, 2008.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with the Lincoln Theater zoned in the R-2F, Residential District and a parking lot zoned in the CPD, Commercial Planned Development District. Council variance Ord. # 0909-2007 (CV91-0046C) and rezoning Ord. # 0910-2007 (Z93-052B) were approved in July 2007 to allow expansion and renovation of the theater. The applicant requests the CPD, Commercial Planned Development District to satisfy conditions of the recently approved ordinances that a follow-up rezoning application be filed for the site within one year of their effective dates and to simplify any future development projects. The requested CPD, Commercial Planned Development District includes previously approved development standards and variances for the existing theater and parking lot. The request is consistent with the recommendations of the *Near East Area Plan* (2005) and *King-Lincoln District Plan* (2002) for mixed-use development in this corridor, and with the established zoning and development patterns of the area.

To rezone **771 EAST LONG STREET (43203)**, being 0.96± acres located at the southwest corner of East Long Street and Garfield Avenue, **From:** R-2F, Residential and CPD, Commercial Planned Development Districts, **To:** CPD, Commercial Planned Development District (Rezoning # Z08-002).

WHEREAS, application #Z08-002 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.96± acres from R-2F, Residential and CPD, Commercial Planned Development Districts 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 is consistent with the recommendations of the *Near East Area Plan* (2005) and *King-Lincoln District Plan* (2002) for mixed-use development in this corridor, and with the established zoning and development patterns of the area. The request includes previously approved development standards and variances for the existing theater and parking lot, and will fulfill conditions of Council variance Ord. # 0909-2007 (CV91-0046C) and rezoning Ord. # 0910-2007 (Z93-052B) for the filing of a follow-up rezoning application, 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:

771 EAST LONG STREET (43203), being 0.96± acres located at the southwest corner of East Long Street and Garfield Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, being 0.955 acres out of all of Lots 111, 112, 113, 114, 115 in EAST PARK PLACE ADDITION, a subdivision of record in Plat Book 2, Pages 61 and 62, together with a portion of Lot 82 in said subdivision and finally with a portion of a vacated alley (Boone Street, vacated by Ordinance 1207-2007), said Lots 114, 115, portion of Lot 82 and portion of alley being conveyed to the City of Columbus in Instrument No. 200404260092754, said Lot 111 being conveyed to The City of Columbus in O.R. 25298 B19 and said Lots 112 & 113 being conveyed to The City of Columbus in O.R. 21426 I06, said 0.955 acres being more particularly described as:

Beginning, at a drill hole (with a PK nail) found at the intersection of the westerly right-of-way line of Garfield Street (50') with the southerly right-of-way line of Long Street (75'), said point also being the northeasterly corner of said East Park Place Addition and being the northeasterly corner of Lot 115 in said subdivision, as conveyed, together with Lot 114 (in said subdivision) to the City of Columbus in Instrument No. 200404260092754;

Thence, South 03°33'50" West, with the westerly right-of-way line of said Garfield Street, with the easterly line of said Lot 115, crossing said vacated alley (the easterly terminus of said Boone Street) and with the easterly line of said Lot 82, passing a ½-inch iron pipe found at a distance of 153.51 feet, passing a railroad spike found at a distance of 172.15 feet, a total distance of 223.14 feet to a railroad spike found at the southeasterly corner of said Lot 82, the same being the northeasterly corner of Lot 81 in said subdivision;

Thence, South 81°31'27" West, with the southerly line of a portion of said Lot 82 and with the northerly line of a portion of said Lot 81, a distance of 91.63 feet to a ¾-inch iron pin found;

Thence, North 07°43'57" West, crossing said Lot 82, with a westerly line of said City of Columbus tract (I.N. 200404260092754) and with an easterly line of that portion of said Lot 82 conveyed to Rehab/Phoenix Group, LLC in Instrument No. 200509080185878, a distance of 49.85 feet to a ¾-inch iron pin found in the southerly right-of-way of said vacated alley, the same being in the northerly line of said Lot 82;

Thence, South 81°30'38" West, with said southerly right-of-way of said vacated alley and with a portion of said Lot 82, a distance of 12.62 feet to a Mag nail set;

Thence, North 07°43'57" West, with the westerly terminus of said portion of vacated alley, a distance of 18.23 feet to a Mag nail set in the southerly line of said Lot 113;

Thence, South 81°30'38" West, with the southerly line of a portion of said Lot 113, with the southerly line of Lots 112 and 111, with the northerly line of said alley (not vacated portion), a distance of 96.94 feet to a Mag nail found at the southwesterly corner of said Lot 111, the same being the southeasterly corner of said Lot 110 and being in the northerly line of said alley;

Thence, North 08°25'22" West, with the easterly line of said Lot 110 and with the westerly line of said Lot 111, a distance of 150.28 feet to a Mag nail found at the northeasterly corner of said Lot 110, the same being the northwesterly corner of said Lot 111 and being in the southerly right-of-way line of said Long Street;

Thence, North 81°32'49" East, with the northerly line of said Lots 111, 112, 113, 114 and 115 and with said southerly right-of-way line, a distance of 246.71 feet to the TRUE PLACE OF BEGINNING.

Containing 0.955 acres of land, more or less, out of all of Auditors Parcel #'s 010-021285, 010-006805 and 010-016525.

Subject to all easements, restrictions, and rights-of-way of record.

Bearings are based on South 03°33'50" West, as given for the westerly right-of-way line of Garfield Avenue in Official Record 31059 A03.

All references are to records of the Recorder's Office, Franklin County, Ohio.

To Rezone From: R-2F, Residential and CPD, Commercial Planned Development Districts,

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, "**RENOVATION OF AND ADDITION TO THE LINCOLN THEATER,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both signed by Laura MacGregor Comek, Attorney for the Applicant, dated March 21, 2008, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

771 East Long Street, Columbus, Ohio 43203

0.955+ Acres

PROPOSED DISTRICT: CPD, COMMERCIAL PLANNED DEVELOPMENT

PROPERTY ADDRESS: 771 East Long Street

OWNER: City of Columbus, Attn: Boyce Safford, III, 50 W. Gay Street, Columbus, Ohio, 43215.

APPLICANT: City of Columbus, c/o CRABBE, BROWN & JAMES, LLP, Laura MacGregor Comek Esq., 500 S. Front St., Ste. 1200, Columbus, Ohio 43215, lcomek@cbjlawyers.com

DATE OF TEXT: March 21, 2008

APPLICATION NUMBER: Z08-002

1. INTRODUCTION:

The subject property ("Site") is located along East Long Street, East of Hamilton Avenue and immediately west of Garfield Avenue. The Site consists of the historic Lincoln Theatre zoned R2F, and an adjacent parking lot zoned CPD, Commercial Planned Development district. All parcels subject to this text are owned by the City of Columbus, and are being leased to the Lincoln Theatre Association for redevelopment of the Theatre and accessory office and retail commercial uses within the building.

The parking lot's CPD zoning was recently amended by Application Z93-052B (Ordinance No.: 0910-2007). That lot is and has been secured for use by the Lincoln Theatre, via lease agreements. The Theatre's council variance was also recently amended by CV91-0046C (Ordinance No.: 0909-2007). Each of the referenced amendment ordinances were approved in July 2007 to facilitate renovation and expansion of the Theatre, and a reconfiguration of the adjacent parking lot. Those ordinances were conditioned upon the properties being joined together by a follow-up rezoning, which rezoning is the subject of this Development text. The purpose of this rezoning, as contemplated by the 2007 amendment ordinances, is to bring the Theatre parcel and parking lot parcels together, under one CPD zoning, development text, and site plan.

The historic Lincoln Theatre was built in 1928, and was down-zoned from C-4 to R2F as part of the 1974 Model Cities rezoning, thereby classifying the use of the structure as non-conforming. The first of several council variances, CV91-046, included both the Theatre and the parking lot. Since the passage of that C.V., the Theatre and parking lot have been essentially separated (the parking lot is zoned CPD and the Theatre remains R2F with approved variances), but they remained tied together by conditions that the parking lot be used as the Theatre's primary parking source via a long-term lease agreement. This CPD Development Text will establish a commercial zoning for the Theatre, and officially combine it with the parking under one commercial planned development zoning.

As described throughout this text, certain variances are necessary for redevelopment of the Site, in part due to the current Urban Commercial Overlay standards, which standards became effective following the Theatre's 1928 construction and subsequent abandonment in the 1970's. The Theatre has not been utilized for many years, and current Building and Zoning Code requirements preclude functional use of most of the building as a Theatre, in its current condition.

The Site lies within the boundaries of the Near East Area Commission, the Urban Commercial Overlay, and the I-670 Graphics Control Area.

2. PERMITTED USES: The uses contemplated by the CPD site plan submitted herewith include Theatre, accessory assembly, retail and office commercial uses; however, the permitted uses for the site shall include all uses permitted by the Commercial Planned Development District, C.C.C. §3361.02, except for those uses specifically prohibited below:

Prohibited Uses: Automotive accessories, parts, and tire stores; Automotive and light truck dealers; Automotive driving training facility; Automotive sales, leasing and rental; Bars, cabarets and nightclubs; Blood and organ banks; Check cashing and loans; Community food pantry; Home centers; Missions/Temporary shelters; Motorcycle, boat and other motor vehicle dealers; Motor vehicle accessories and parts dealers; Outdoor power equipment stores; Pawn brokers; Recreational vehicle dealers; Supermarkets; Truck, utility trailer, and RV sales, rental and leasing; Warehouse clubs and super centers; Automotive maintenance and repair; Bowling centers; Drive-in motion picture theaters; Exterminating and pest control services; Farm equipment and supply stores; Garden, landscaping, and nursery centers and sales; Hotels and motels; Hospitals; Janitorial services; Animal Shelters; Halfway houses; Veterinarians (unlimited practice); Dwelling units, as allowed under C.C. §3356.05).

3. DEVELOPMENT STANDARDS: Except as specified herein, the applicable development standards shall be as specified in C.C.C. Chapter 3356, C-4 Commercial District, and §3372.6, et seq., Urban Commercial Overlay.

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

1. Building Setbacks: The primary building setback shall be zero (0) feet, except for the Theatre expansion to be constructed, which shall be set back a maximum of 24 feet, 5 inches from the front property line.
2. The minimum parking setback shall be five (5) feet.
3. The existing Theatre building bears a height of approximately sixty (60) feet, in excess of the 35-foot height limit imposed by C.C.C. §3309.14.

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

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.
2. Curb cuts shall be as approved by the City of Columbus Transportation Division. Primary access to and from the Site shall be via East Long Street.
3. Secondary access shall be provided via Boone Alley at the rear of the site, which alley is accessed from Hamilton Avenue. The portion of Boone Alley formerly accessed from Garfield Avenue has been vacated by the City to accommodate the Theatre's rear building expansion.
4. Driveway access points and aisles may be divided by property lines without regard to minimum dimensions within any single property, as long as the overall driveway or aisle dimensions meet minimum Code requirements and easements, as applicable, are provided to insure the function of shared driveways and aisles.
5. A minimum eighteen (18) onsite parking spaces shall be provided.

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

1. The parking lot shall have headlight screening parallel to the frontage, with a minimum height of 36 inches as measured from the elevation of the nearest section of the adjacent parking area. Headlight screening may be in the form of an evergreen hedge, earthen mounding or walls, or a combination thereof. The height of headlight screening may be reduced as needed adjacent to curb cuts to provide adequate vision clearance.
2. All trees and landscaping shall be well maintained. Weather permitting, dead items shall be replaced within six (6) months.
3. The minimum size of trees at the time of planting shall be as follows: Deciduous - 2 ½ inches; Ornamental - 1 ½ inches; Evergreen - 5-6 feet. The minimum size of shrubs shall be two (2) gallons. Caliper shall be measured 6 inches above grade.
4. Loading/service areas shall be screened from off-site view to a minimum height of four (4) feet by landscaping, fencing, walls or buildings, used individually or in combination.

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

1. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view from ground level.
2. Building materials shall be brick, concrete, stone, EIFS, metal, glass, synthetic stone, or a combination thereof.

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

1. Dumpsters shall be screened from view on all sides, to the minimum height of the dumpster.
2. All parking lot or ground-mounted lighting shall use fully shielded cutoff fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping in the front of structures and ground signs, provided the fixtures are screened with landscaping to prevent glare.
3. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility.
4. Except for decorative lighting, all other light poles shall be metal or fiberglass and such light poles shall be of the same color. Light poles in the parking lots shall not exceed a maximum of eighteen (18) feet in height.
5. All lighting shall be positioned as to not be directed toward any surrounding residential properties.
6. Any new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

F. Miscellaneous Commitments.

1. The Site shall be developed in accordance with the attached CPD Site Plan. The CPD 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 subject to review and approval by the director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.
2. Off-site parking leases/agreement(s) shall be secured for use by the Theatre, to supplement the onsite parking. Approximately 225 off-site parking spaces shall be secured and maintained at all times, and that any such off-site leases or agreements shall be subject to review and approval by the City of Columbus Division of Transportation.

G. CPD Requirements.

1. **Natural Environment.** The site currently contains the Lincoln Theatre parcel and the adjacent parking lot. The Theatre parcel has recently been combined with a portion of Boone Alley which has been vacated, and the City-owned parcel south of the alley. Upon completion of the project, the Theatre building will be expanded to the west and south, and the parking lot will be reconfigured to accommodate that expansion. The renovation and expansion will significantly improve the quality of the natural environment.

2. **Existing Land Use.**

The Site consists of the Theatre building and existing parking lot.

3. **Transportation and Circulation.**

The Site will be accessed from East Long Street, and will be developed to provide good internal traffic circulation. Additional access will be provided via Boone Alley.

4. **Visual Form of the Environment.**

The existing uses/zoning of the surrounding properties are as follows:

West: Vacant commercial structures, contemplated for future condominium development, and single-family residential across Hamilton Avenue to the west.

North: City-owned parking lot zoned CPD (which provides supplementary parking to the Theatre), and vacant land zoned C-4.

East: Vacant commercial structures on land zoned R2F, and multi-family residential structure zoned R2F.

South: Single- and multi-family residential structures (zoned R2F and LARO, respectively), as well as the vacant land owned by the City of Columbus, immediately south of the theatre site, which has recently been combined with the Theatre parcel for the contemplated expansion.

5. View and Visibility.

Significant consideration has been given to visibility and safety issues.

6. Proposed Development.

The proposed development will provide for renovation, expansion, and overall improvement of the Lincoln Theatre structure and adjacent parking lot, and together will revitalize the historic use of the properties.

7. Behavior Patterns.

East Long Street is a one-way street with traffic moving east, and provides access from Downtown through the Near East Side. This particular portion of East Long Street provides a mix of residential and commercial uses for the neighborhood.

8. Emissions.

There will be no emissions from the proposed uses.

H. Variances Requested.

The variances necessary for this Site have been approved via the previous ordinances referenced in the Introduction, above, but are included herein to ensure they remain in effect for the Site.

1. Variances from §3342.17 (Parking Lot Screening) and §3372.611(I) (UCO Standards), to allow the following reduced screening components for the parking lot:

a). No screening shall be required on the south side of the lot, to allow adequate vision clearance for vehicles exiting the parking lot via Boone Street (rear Alley, a.k.a. Boone Alley).

b). A reduced screening height of 3 feet for the west side of the parking lot.

2. There shall be 18 onsite parking spaces. While this is not a variance from the total Code-required parking (due to the existing CPD which allows 18 spaces), it is re-stated herein as a reduced development standard.

3. Variance from §3372.609(b) (Setback Requirements), to allow parking to be located on the west side of the building, rather than to the rear of the building as required by the UCO Standards. Although up to fifty (50%) percent of the parking may be located on the side of the building per §3375.609(b), all site parking for this property must be located to the west side of the building, due to inadequate rear area for parking.

4. The existing Theatre building bears a height of approximately sixty (60) feet, in excess of the 35-foot height limit imposed by C.C.C. §3309.14.

5. The Building Setback for the Theatre expansion area shall be a maximum of 24.5" from the front property line. This reflects a variance from §3372.609 (UCO Setback Requirements), which requires a maximum building setback of ten (10) feet. While the existing/main Theatre building sits at a zero (0) setback, the expansion will be recessed a maximum of 24 feet, 5 inches, from the front property line.

6. Variance from §3372.611(B), UCO Design Standards, to vary the requirement that the primary building frontage include vertical piers or other visual elements to break the plane of the building frontage. The historic façade of the Theatre building is being repaired and maintained, so as not to diminish the historic significance of the Theatre within the Community.

7. Variance from §3372.611©, UCO Design Standards, to vary the requirement that 60% of the front façade consist of window glass between 2-10 feet above sidewalk grade. While the original Theatre meets this requirement, portions of the building expansion may not. Most of the expansion's front façade will consist predominately of glass, but there are other architectural components to the expansion which may preclude full compliance with this Section.

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