



Legislation Text

File #: 0910-2008, **Version:** 2

Rezoning Application Z08-016

APPLICANT: 1426 High Street, LLC c/o David Perry, The David Perry Company; 145 East Rich Street, 3rd floor; Columbus, OH 43215 and Donald Plank; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Commercial and second floor residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on May 8, 2008.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow a mixed use building that is consistent with surrounding uses. The CPD text contains appropriate use restrictions and lighting controls. The Transportation Division has determined the proposed parking variances will not have a negative impact on the site and surrounding area. The request is consistent with the zoning and development patterns of the area.

To rezone **1428 NORTH HIGH STREET (43201)**, being 0.18± acres located at the northeast corner of North High Street and Euclid Avenue, **From:** AR-O, Apartment Residential / Office District, **To:** CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z08-016).

WHEREAS, application #Z08-016 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.18± acres from the AR-O, Apartment Residential / Office District to the CPD, Commercial Planned Development District; and

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

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; and

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

WHEREAS, the City Departments recommend approval because the requested CPD, Commercial Planned Development District will allow a mixed use building that is consistent with surrounding uses. The CPD text contains use restrictions and lighting controls. The Transportation Division has determined the proposed parking variances will not have a negative impact on the site and surrounding area. The request is consistent with the zoning and development patterns of the area; 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:

1428 NORTH HIGH STREET (43201), being 0.18± acres located at the northeast corner of North High Street and Euclid Avenue, and being more particularly described as follows:

0.184 Acre (8005 Square Feet) Description for Zoning Purposes

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lot 14 and eleven (11) feet off the south side of Lot 15 of the Phil. D. Fisher and Mrs. M.C. Millers, Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 69, Franklin County Recorder's Office, also being all of the premises conveyed to 1426 High Street, LLC as shown of record in Instrument Number 200804290065313 and being more particularly described as follows:

Beginning at the intersection of the east line of North High Street (66 feet wide) with the north line of Euclid Avenue (60 feet wide), also being the southwest corner of said Lot 14;

Thence, along the east line of North High Street, along the west line of said Lot 14 and part of the west line of said Lot 15, North 11 degrees 35 minutes 14 seconds West, 57.11 feet (plat/deed = 57') to a point being 11.00 feet north from the southwest corner of said Lot 15;

Thence, across said Lot 15, North 89 degrees 44 minutes 11 seconds East, 144.54 feet to the east line of said Lot 15, also the west line of a 20 foot alley, also being 11.00 feet north from the southeast corner of said Lot 15;

Thence, along part of the east line of said Lot 15, along the east line of said Lot 14, along the west line of said 20 foot alley, South 07 degrees 51 minutes 10 seconds East, 56.73 feet (plat/deed = 56.5 feet) to the southeast corner of said Lot 14, also being on the north line of said Euclid Avenue;

Thence, along the south line of said Lot 14, the north line of said Euclid Avenue, South 89 degrees 49 minutes 55 seconds West, 140.82 feet (plat = 140) to the place of beginning **CONTAINING 0.184 ACRES (8005 SQUARE FEET)**. Basis of bearings is the east line of North High Street assumed as North 11 degrees 35 minutes 14 seconds West. This description is for zoning purposes only.

To Rezone From: AR-O, Apartment Residential / Office 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 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, **"PROPOSED NEW BUILDING 1428 N HIGH STREET COLUMBUS OHIO,"** signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and dated May 9, 2008, and said text titled, **"DEVELOPMENT TEXT CPD, COMMERCIAL PLANNED DEVELOPMENT 0.184 +/- ACRES,"** signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and dated May 9, 2008, and the text reading as follows:

DEVELOPMENT TEXT
CPD, COMMERCIAL PLANNED DEVELOPMENT
0.184 +/- ACRES

EXISTING ZONING:	AR-O, Apartment Residential / Office District
PROPOSED ZONING:	CPD, Commercial Planned Development
PROPERTY ADDRESS:	1428 North High Street, Columbus, OH, 43201
OWNER:	1426 High Street, LLC, c/o David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3 rd Floor, Columbus, OH 43215 and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.
APPLICANT:	1426 High Street, LLC, c/o David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3 rd Floor, Columbus, OH 43215 and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.

DATE OF TEXT: 05/09/08
APPLICATION NUMBER: Z08-016

1. INTRODUCTION: The 0.184 +/- acre site is located at the northeast corner of North High Street and Euclid Avenue. The site is presently vacant. Applicant proposes to develop the site with a two (2) story building for ground level commercial use and three (3) second floor apartments. The proposed use is consistent with land uses and zoning on North High Street and a similar two (2) story building abutting the site to the north. The site plan titled "Proposed New Building: 1428 North High Street", hereafter referred to as the "Plan", dated May 9, 2008, is submitted with this application as the development plan for the site. The site is located in the University Urban Commercial Overlay (UCO) and also the University Impact District.

2. PERMITTED USES: All uses of Section 3356.03, Permitted Uses, except automobile repair, maintenance and/or sales; crematory and building materials and supplies dealers. The prohibition of automobile repair, maintenance and/or sales and building materials and supplies dealers shall not be interpreted to prohibit the retail sale of car parts/supplies or a hardware store selling building materials, subject to such uses being conducted inside the building.

3. USE LIMITATIONS: All uses shall be conducted within the building. Outside seating associated within an on-premise restaurant or café is permitted, subject to compliance with applicable code requirements.

4. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Plan or in the written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Regional Scale Commercial District, of the Columbus City Code.

A.) Density, Height, Lot and/or Setback commitments.

1. Building setbacks shall be as depicted on the Plan

B.) Access, Loading, Parking and/or other Traffic related commitments.

1. Vehicular access shall be from the public alley to the east of the site, as depicted on the Plan.

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

N/A

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

- 1) Site is located in the University Impact District. Building is subject to review of the University Review Board (URB).

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure compatibility.
3. Pole mounted parking lot lighting shall not exceed eighteen (18) feet in height.

F.) Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G.) Other CPD Requirements.

1. Natural Environment: The natural environment of the site is flat. The site is located at the northeast corner of North High Street and Euclid Avenue. The site is undeveloped.

2. Existing Land Use: The property is undeveloped. Commercial uses exist to the north, south and west. A private parking lot for a union hall exists to the east, east of the public alley.
3. Circulation: Access to and from the site will be via the public alley (Pearl Alley, 20') that abuts the site to the east.
4. Visual Form of the Environment: The site is located in an area of intense urban development with many commercial, housing and community related uses.
5. Visibility: The site is located at the northeast corner of North High Street and Euclid Avenue. The site is presently vacant and visible on the High Street corridor, particularly because there isn't a building on the property.
6. Proposed Development: Two (2) story building with ground level commercial uses and three (3) second floor apartments and accessory parking.
7. Behavior Patterns: Vehicular access will be from the public alley (Pearl Alley, 20 feet) abutting the site to the east.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H). Modification of Code Standards.

1. Section 3342.19, Parking Space, which Section requires a parallel parking space to have minimum dimensions of 9 feet by 22 feet, while applicant proposes one (1) parallel parking space of 9 feet by 16 feet, as depicted on the Plan, as a small car space or for motorcycles or bicycle parking.
2. Section 3342.28, Minimum Number of Parking Spaces Required, which Section requires 20 parking spaces for the proposed retail commercial and residential (3 dwelling units) uses, while applicant proposes to provide nine (9) parking spaces, as depicted on the Plan.
3. Section 3372.609, Setback Requirements, which Section requires a five (5) foot parking setback, while applicant is providing a four (4) foot opaque masonry wall along the south property line along Euclid Avenue and the parking lot will be located behind the wall.

I.) Miscellaneous commitments.

1. Development of the site shall be in accordance with the site plan titled "Proposed New Building: 1428 North High Street", dated May 9, 2008, and signed May 9, 2008, by David B. Perry, Agent, and Donald Plank, Attorney. 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 any of the drawings 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.
2. Parking for the ground level commercial uses has been calculated at the retail rate of 1 space per 250 sq ft of gross area. Changes of use that require more parking than the retail rate may be heard by the Board of Zoning Adjustment (BZA) as a variance or any other applicable process.
3. Bicycle parking shall be provided on-site.

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.**