



Legislation Text

File #: 1420-2013, **Version:** 1

Rezoning Application Z13-025

APPLICANT: Tarik Yousef; c/o Jennifer L. Route, Atty; 6895 East Main Street; Reynoldsburg, OH 43068.

PROPOSED USE: Multi-unit residential and retail development.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 9, 2013.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow re-use of an existing industrial structure slated for preservation in *The South Side Plan* (2002). Parking is the only issue of concern to Staff and the applicant has worked with the Department of Public Service to limit the proposed uses so that they are comfortable that this proposal will not cause a parking problem in the area. The site was zoned commercially prior to the current zoning and this CPD, Commercial Planning Development District is consistent with the zoning and development patterns of the area.

To rezone **116 EAST MOLER STREET (43212)**, being 0.28± acres located at the northwest corner of East Moler Street and South Fourth Street, **From:** L-AR-3, Limited Apartment Residential District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z13-025)

WHEREAS, application # Z13-025 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.28± acres from L-AR-3, Limited Apartment Residential District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the Columbus South Side 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 re-use of an existing industrial structure slated for preservation in *The South Side Plan* (2002). Parking is the only issue of concern to Staff and the applicant has worked with the Department of Public Service to limit the proposed uses so that they are comfortable that this proposal will not cause a parking problem in the area. The site was zoned commercially prior to the current zoning and this CPD, Commercial Planning Development District is consistent with the zoning and development patterns of the area, 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:

116 EAST MOLER STREET (43212), being 0.28± acres located at the northwest corner of East Moler Street and South Fourth Streets, being more particularly described as follows:

Legal Description of 116 E. Moler Street, Columbus, OH 43207

Situated in the County of Franklin in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being a part of Lot No. 13, as designated upon an amended plat of a subdivision of part of Half Sec. No. 29, Township 5, Range 22, Refugee Lands, made by Nathaniel Merion and of record in Plat Book 1, page 96, Recorder's Office, Franklin County, Ohio and said part of Lot No. 13 being bounded and described as follows: Beginning at the southeast corner of said Lot No. 13, and running thence westwardly along the south line thereof 60 feet to a point in said south line; thence northward parallel with the east line of said lot 149 feet; thence eastwardly 60 feet to the east line of said Lot No. 13; thence with said east line southwardly 149 feet to the place of beginning. Said parcel fronting 60 feet on the north side of Moler Street by 149 feet on the west side of Fourth Street.

Excepting however from said above described premises 18 feet in width off the east end thereof and 9 feet in width off the south end thereof, heretofore appropriated by the City of Columbus, for widening Fourth Street and Moler Street. Also all right, title or interest in a right of way or private alley and all other appurtenances and rights attaching to the property referred to in deed to Adam Golderer record in D.B. 221, page 177, Recorder's Office, Franklin County, Ohio.

Being Lots Nos. 13 and 14, of Henry Richter and Emil Kiesewetter's Subdivision of Lots Nos. 12 and 13, of Nathaniel Merion's Amended Subdivision or part of Half Section 29, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 200, Recorder's Office, Franklin County, Ohio.

Commonly known as 106-108 and 114-116 E. Moler Street, Columbus, OH 43207

Parcel Number: 010-037613 (formerly two parcels: 010-037613 and 010-016912)

To Rezone From: L-AR-3, Limited Apartment 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 plan being titled, "**EXHIBIT A,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both dated May 20, 2013, and signed by Tarik Yousef, Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development

PROPERTY ADDRESS: 116 East Moler Street, Columbus, Ohio 43207; 12,027+ Sq. Ft.

OWNER: Tarik Yousef, 23717 Liberty West Road, Raymond, Ohio 43067

APPLICANT: Tarik Yousef, 23717 Liberty West Road, Raymond, Ohio 43067

DATE OF TEXT: May 20, 2013

APPLICATION #: Z13-025

1. INTRODUCTION

The subject property (hereinafter, the "Site") (Parcel ID# **010-037613-00**) is located on the north-west corner of Moler Street and South Fourth Street. The Site is currently owned by Tarik Yousef. The Site currently is vacant. The property previously was zoned as C-4, Regional Scale Commercial use and was rezoned to an M-Manufacturing District. On April 4, 2007, the Site was rezoned from an M-Manufacturing District to a Multi-family, LAR3; however, the Site was not used for any multi-family purposes.

Applicant proposes to rezone the Site to CPD, Commercial Planned Development District, to allow all uses under Chapter 3361. The Site, which is a combination of two neighboring parcels into one parcel, is developed with existing buildings. Applicant proposes to convert and use the existing buildings for furniture gallery space. In addition, Applicant proposes to rent the additional space as office space that will comply with CPD uses.

This CPD text is submitted in support of the zoning application filed concurrently herewith. This CPD text is submitted with respect to the change of use to the existing building structure. The site plan is compliant with Columbus City Code development standards. Any variances to the City Code requirements are identified in the CPD Text.

2. PERMITTED USES

Those uses permitted under Chapter 3356 for all C4 uses except as outlined below.

Medical practice, dental practice, sit down restaurant, convenience store, grocery store, school, and retail uses offering food and/or beverages for sale may be permitted upon acquisition of parcel 010-033452 which contains 23 additional parking spaces.

Uses excluded from this facility include animal shelters, auto repair, auto body, auto dealers, blood and organ banks, cabarets and night clubs, check cashing and loan facilities, food pantry, crematory, drive in theater, halfway houses, missions/temporary shelters, pawn brokers, repossession services.

3. DEVELOPMENT STANDARDS

Unless otherwise indicated in the submitted written text, the applicable development standards shall be those contained in Chapters 3361 as a commercial planned development district.

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

1. The development shall remain as shown on the site plan.

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

1. Access to and from the building will be provided on the corner of Moler Street and South Fourth Street, as illustrated on the attached Site Plan. There is one entrance in the alley that is perpendicular to South Fourth Street. There are two entrances in the back by the parking lot, one on each side of the parking lot. Applicant intends to re-open an entrance on the side of the building on South Fourth Street, which entrance has been covered over in brick.
2. Parking will be provided on a parking lot behind the building, accessible via an alley perpendicular to South Fourth Street. Applicant is attempting to purchase the parking lot that is situated directly across the street from the building, on the opposite corner of Moler Street and South Fourth Street it is Auditor Parcel Number 010-033452.

C. Buffering, Landscaping, Open space and/or Screening Commitments. N/A

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

1. Applicant will update the electrical service and install new finishes and flooring. Applicant also will paint the interior walls.

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

1. Currently, there is a large dumpster by the loading dock in the parking lot. Applicant will reduce the size of the dumpster and move it to a location beside the parking spaces on the parking lot.

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 and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

1. The Site shall remain developed in accordance with the site plan and details. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

H. Other CPD Requirements.

1. Natural Environment: The property is surrounded by residential houses on the north and east sides of the building. Existing commercial use is in existence in the surrounding area in the form of a strip mall and parking lot.

2. Existing Land Use: The building is currently vacant.

3. Circulation: The Site is currently being serviced by a curb cut on the corner of Moler Street and South Fourth Street and on the side of Moler Street

4. Visual Form of the Environment: The existing structure of the property will remain the same.

5. Visibility: The Site is visible from the street along both Moler Street and South Fourth Street. There is a residential house on the north side of the Site across the alley, which has a 6 foot privacy fence that partially blocks the visibility of the Site. There is a residential house on the west side of the Site by the parking lot, which has a tall fence and a garage that blocks the visibility of the Site. Applicant believes that the proposed uses will enhance the Site and that the Site will be utilized in a very safe and effective manner.

6. Proposed Development: The proposed development is a furniture gallery and office space.

7. Behavior Patterns: This property is currently being operated without adverse effect to its neighbors. The area is a commercial and residential area, but the residential part of the area is screened by fences and a garage. The proposed changes will not significantly alter the behavior patterns which currently occur on the site and will significantly enhance an independent effort that has not occasioned problems in relationship to its neighbors.

8. Emissions: There will be no additional emissions of sound, odor or dust of any kind in excess of that which currently occurs on Site. The Site will be fully supervised and, therefore, only authorized activities will occur and then in an effective and lawful manner.

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