



Legislation Text

File #: 0504-2018, Version: 1

Rezoning Amendment Z16-048A

Ordinance # 1159-2017, passed May 15, 2017 (Z16-048), rezoned 0.82± acres from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District. This legislation will amend Ordinance # 1159-2017 by modifying the CPD Text to alter the required building setback line along Virginia Avenue to accommodate a roof structure over a seasonal patio, and to correct the required building setback line along West Third Avenue. The amendment includes an updated site plan reflective of the modifications. The CPD Text modifications were reviewed by the Planning Division of the Department of Development to ensure the proposed amendment remains consistent with the land use recommendation of the *Fifth by Northwest Neighborhood Plan* (2009), and it should be noted that reducing the building setback line along Virginia Avenue brings the building more in compliance with Urban Commercial Overlay standards. This amendment does not alter any other requirement established by Ordinance # 1159-2017.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance # 1159-2017, passed May 15, 2017 (Z16-048), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the CPD Text and site plan to alter the required building setbacks for property located at **1158 WEST THIRD AVENUE (43212)** (Rezoning # Z16-048A).

WHEREAS, Ordinance # 1159-2017, passed May 15, 2017 (Z16-048), rezoned 0.82± acres located at **1158 WEST THIRD AVENUE (43212)** from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District; and

WHEREAS, that rezoning established specific development standards addressing permitted uses, setbacks, access, landscaping and buffering, arrangement of existing on-site parking lot, and incorporated variances for parking lot landscaping and screening, minimum parking spaces required, and location requirements for outdoor exercise areas in association with a veterinary practice; and

WHEREAS, the applicant proposes to modify the building setback lines along Virginia Avenue from 16 feet to between 0 -10 feet for the expansion area, and along West Third Avenue from 12 to 11.3 feet; and

WHEREAS, it is necessary to amend Section 3 of Ordinance # 1159-2017, passed May 15, 2017 (Z16-048), to establish new building setback lines; and

WHEREAS, all other aspects of Sections 1 and 2 contained in Ordinance No. 1159-2017 are unaffected by this amendment and remain in effect, and are repeated below for consistency; and

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:

1158 WEST THIRD AVENUE (43212), being 0.82± acres located at the northeast corner of West Third Avenue and Virginia Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lots Number 56, 58, 59, 60, 61 and part of Lot 57 of VIRGINIA PLACE ADDITION as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, Pages 372 and 373 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at a 3/4" hollow iron pin found at the northwesterly corner of said Lot 61 at the intersection of the easterly right-of-way line of Virginia Avenue (50' wide right-of-way) with the southerly right-of-way line of a 20 foot wide Alley as shown on said Plat Book 10, Page 372;

Thence South 86° 11' 49" East 196.00 feet, along the southerly line of said Alley and the northerly lines of said Lots 61, 60, and 59, to a 1" hollow iron pin found bent on the northerly line of Lot 58;

Thence the following three (3) courses being across said Lot 59 and along the lines of that 14' x 16' tract conveyed to Columbia Gas of Ohio, Inc. of record in Deed Book 2542, Page 456:

- 1) South 03° 48' 11" West 14.00 feet, to a point;
- 2) Thence South 86° 11' 49" East 16.00 feet, to a point;
- 3) Thence North 03° 48' 11" East 14.00 feet, along the westerly line of said Lot 56, to a 1" hollow iron pin found;

Thence South 86° 11' 49" East 43.00 feet, along the southerly line of said 20 foot wide Alley and the northerly line of Lot 56, to a Mag Nail set on the westerly right-of-way line of Eastview Avenue (50' wide right-of-way);

Thence South 03° 48' 11" West 134.87 feet along the westerly right-of-way line of Eastview Avenue, to an iron pin set on the northerly right-of-way line of West Third Avenue (60' wide right-of-way);

Thence North 86° 17' 00" West 287.23 feet along the southerly lines of Lots 56 through 61 inclusive and the northerly right-of-way line of West Third Avenue, to an iron pin set on the easterly right-of-way line of Virginia Avenue;

Thence the following three (3) courses being along the easterly right-of-way lines of Virginia Avenue:

- 1) Northeasterly along the arc of a curve to the right, having a radius of 164.54 feet, a central angle of 11° 41' 52", the chord bearing North 20° 13' 01" East 33.53 feet, to a Mag Nail set at the point of tangency;
- 2) Thence North 26° 04' 56" East 18.00 feet, to an iron pin set at the point of curvature;
- 3) Thence northeasterly along the arc of a curve to the left, having a radius of 214.54 feet, a central angle of 23° 39' 02", the chord bearing North 14° 14' 26" East 87.93 feet, to the Point of Beginning, containing 0.8233 acres of land, more or less, subject to any easements, restrictions or right-of-ways of previous record.

NOTE: Bearings are used for the determination of angles only. For the purpose of this description, a bearing of North 86° 17' 00" West was assumed on the centerline of West Third Avenue. The iron pins set are 5/8" rebars, 30" long with yellow plastic caps stamped "SITE ENG INC."

The above description was prepared from an actual field survey of the premises during July, 2005 by Site Engineering, Inc.

Parcel No.: 010-065643

To Rezone From: CPD, Commercial Planned Development 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 Section 3 of Ordinance No. 1159-2017, passed May 15, 2017 (Z16-048), be hereby repealed and replaced with new Section 3 reading as follows:

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, **“1158 WEST THIRD AVENUE EXPANSION,” signed by Robert Johnson, Architect for the Applicant dated April 19, 2017 and text titled, “CPD TEXT,” dated February 7, 2017, and both signed by Robert E. Caudy, the Applicant, both dated January 22, 2018, and the text reading as follows:**

CPD TEXT

PROPOSED DISTRICTS: CPD, Commercial Planned Development

PROPERTY ADDRESS: 1158 West Third Avenue, Columbus, Ohio 43212

OWNER: R&KC Adventures LLC

APPLICANT: Robert E. Caudy (owner of R&KC Adventures LLC)

DATE OF TEXT: ~~2.7.2017~~ **1.22.2018**

APPLICATION: Z16-048A

1. INTRODUCTION: The site is located on the north side of West Third Avenue between Eastview Avenue and Virginia Avenue. There is an existing building with entrances off of Eastview Avenue and Virginia Avenue. The site is initially zoned M2, Manufacturing District, but received council variances (Council Variance #: CV05-043, file #: 1481-2005) in 2005 allowing an unlimited veterinarian practice with an outdoor therapeutic area, along with accessory pet daycare, boarding and grooming uses with existing off-street parking conditions. One portion of the original 2005 variance handled the parking space variance where the existing 27 spaces were allowed to accommodate the calculated 67 spaces needed. The 2012 modification (Z12-009) expanded the permitted uses and retained the original 2005 variances. This CPD request will carry over all of the variances that were approved by CV05-043 in 2005, all the expansion of appropriate commercial uses under Z12-009 in 2012 and requests permission for the 25 parking spaces to satisfy the calculated 62 parking spaces required for the existing uses as well as the addition of the outdoor patio area.

2. PERMITTED USES: Veterinarians (Unlimited Practice), Pet Grooming, Pet Boarding, Pet Training, Pet Daycare, Pets and Supplies (only in association with the veterinary clinic, no stand alone pet retail), Animal Kennel, Animal Shelter, Grooming Training Facility, Indoor Putt-Putt, Indoor Virtual Golf, Concession Stand, Outdoor Patio and Concession Area, Arcade, Laser Tag, Laser Frenzy, Kids Inflatable Activity Center (bouncy castles, slides, etc.), Bumper Cars, Catering Businesses, Vending Machine Operators, Art Dealers/Art Galleries, Locksmiths and any use permitted in Chapter 3353 C-2 Office Commercial District except Telephone Call Centers, Telemarketing Bureaus, Telephone Answering Services and all uses in Section 3353.03(B) of the Columbus City Code in regards to Offices and/or Clinics for Health Care and Social Assistance.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in this text, the applicable development standards are contained in Chapter 3356 (C-4 Regional Scale Commercial District) and Chapter 3372 (Planning Overlay) of the Columbus City Code.

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

1. Building setback along West Third Avenue shall be a minimum of twelve (~~12~~**11.3**) feet.

2. Parking setback along West Third Avenue shall be a minimum of ten (10) feet.
- ~~3. Building setback along Virginia Avenue shall be a minimum of twenty-five (25) feet.~~
4. Parking setback along Virginia Avenue shall be a minimum of five (5) feet.
5. Building setback along Eastview Avenue shall be a minimum of twenty-five (25) feet.
6. Parking setback along Eastview Avenue shall be a minimum of zero (0) feet.

B. Access, Loading, Parking and/or Traffic Related Commitments: Access shall be as shown on the Site Plan. The exact location access points may be modified subject to the review and approval of the City's Department of Public Service without the need for rezoning.

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

1. Applicant commits to maintaining the existing trees along West Third Avenue and Virginia Avenue.
2. Applicant commits to providing additional trees along West Third Avenue that are 40 ft. on center, beginning from the existing trees and proceeding west to Virginia Avenue.
3. Applicant commits to providing additional buffering along Virginia Avenue located between and bordering the existing trees consisting of 14 code compliant shrubs as shown on the submitted site plan.

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

E. Graphics: All new 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 District and any variances to those requirements will be submitted to the Columbus Graphics Commission for consideration.

F. Miscellaneous

1. Variances:

A.) Section 3312.21B.1. Off-Street Parking and Loading, Landscaping and Screening: to require no new landscaping and allow existing paving between right-of-ways and the parking setback lines on the site for the existing building (or any direct replacement thereof in the case of damage replacement).

B.) Section 3312.21B.3. Off-Street Parking and Loading, Landscaping and Screening: to require no new screening of any portion of the existing parking lots at the site located within eighty (80) feet of residentially zoned property for the existing building (or any direct replacement thereof in the case of damage replacement).

C.) Section 3312.49C Off-Street Parking and Loading, Minimum Number of Parking Spaces Required: to allow twenty-five (25) parking spaces to satisfy the sixty-two (62) parking spaces needed to meet the minimum number of parking spaces required for the permitted uses listed above as a part of this application.

D.) Section 3356.05F.2. C-4 Regional Scale Commercial District Development Limitations, Outdoor Therapeutic Exercise Areas for Veterinarians (unlimited practice): to allow outdoor exercise areas on the site that are located less than 100 feet from adjacent residentially zoned districts.

E.) Section 3372.604A Planning Overlay, Setback Requirements: To allow existing building set back of 11.3 feet from West Third Avenue, 33.8 feet from Eastview Avenue and 44.2 feet from Virginia Avenue with a new build setback of 16

~~feet from Virginia Avenue, to satisfy the maximum building setback of 10 feet~~ **for the proposed patio expansion to meet UCO setback requirements along Virginia Avenue.**

F.) Section 3372.609A Planning Overlay, Parking and Circulation: Although not required, to allow existing building parking and circulation aisles between the building and Virginia Avenue on the west side of the building, and the building and Eastview Avenue on the east side of the building to satisfy the non-conforming situation created by existing parking lots between the building and the street right-of-ways to the east and west of the building.

2. Site Plan: The subject site shall be developed in accordance with the submitted site plan “1158 West Third Avenue Expansion”. The site 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 adjustment of the Site Plan shall be subject to review and may be approved by the Director of the Department of Building and Zoning Services, or designee, upon submission of the appropriate data regarding the proposed adjustment.

G. CPD Criteria:

A.) Natural Environment: The site is currently developed with a single building.

B.) Activities: The proposed development will provide commercial options for the surrounding commercial and residential neighborhoods.

C.) Behavior Patterns: Existing development in the area has established vehicular and pedestrian patterns for the area.

D.) Circulation: The site will have access to Eastview Avenue, Virginia Avenue and the alley adjacent to the site.

E.) Emission: The site will not have negative effects on emission levels of light, sound, smell and dust.

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