



Legislation Text

File #: 1969-2019, **Version:** 2

Rezoning Application: Z18-079

APPLICANT: Trolley Barn LLC; c/o David Hodge, Atty; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Mixed use commercial and apartment residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on April 11, 2019.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels, one of which is developed with the historic Trolley Barn and zoned I, Institutional District, and the other is undeveloped and zoned R-3, Residential District. The applicant proposes mixed-use development in two subareas. Subarea A, the Trolley Barn site, is proposed as retail, office, restaurant, brewery, and outside dining uses in the CPD, Commercial Planned Development District. Subarea B is proposed for multi-unit residential development in the AR-3, Apartment Residential District. The CPD plan depicts the proposed development on Subarea A. The CPD text proposes C-4, Commercial District uses and development standards, and includes commitments for setbacks and parking. Variances to reduce building setback, parking lot landscaping, loading space requirements, and the number of required parking spaces from 412 to 168 are included in the CPD text. The site is within the boundaries of the *Near East Area Plan* (2005), but no land use recommendation is given for this location. The Plan does contain criteria to evaluate whether proposed commercial uses are appropriate in residentially-zoned areas, recommends that new housing be compatible with the existing architecture, and that density be consistent with housing types and densities found in the surrounding area. The Plan also takes into consideration the restoration of existing contributing buildings when supporting new commercial activities. The requested CPD, Commercial Planned Development and AR-3, Apartment Residential districts would permit a mixed-use development that is consistent with criteria within the *Near East Area Plan* as it relates to rehabilitation of contributing buildings for commercial use, and for compatible housing types, architecture, and density for the proposed residential development. Because of the significant parking variance request that is included in the CPD district, a parking study was requested and has been reviewed by the Department of Public Service. Based on the information provided in the study, the Department of Public Service has no further concerns with the proposed parking variance request associated with this application. A concurrent Council variance (ORD #1970-2019; CV18-104) has been filed to allow off-site distribution for the proposed brewery in Subarea A, and C-3, Commercial District uses in Subarea B. Standard variances have also been incorporated for parking-related and yard-related reduced development standards.

To rezone **1600 OAK ST. (43205)**, being 4.62± acres located at the northeast and southeast corners of Oak Street and Kelton Avenue, From: I, Institutional District and R-3, Residential District, To: CPD, Commercial Planned Development District and AR-3, Apartment Residential District (Rezoning #Z18-079) **and to declare an emergency.**

WHEREAS, application #Z18-079 is on file with the Department of Building and Zoning Services requesting rezoning of 4.62 ± acres from I, Institutional District and R-3, Residential District, to CPD, Commercial Planned Development District and AR-3, Apartment Residential 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 and AR-3, Apartment Residential districts would permit a mixed-use development that is consistent with criteria within the *Near East Area Plan* as it relates to rehabilitation of contributing buildings for commercial use, and for compatible housing types, architecture, and density for the proposed residential development;

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; 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:

1600 OAK ST. (43205), being 4.62± acres located at the northeast and southeast corners of Oak Street and Kelton Avenue, and being more particularly described as follows:

SUBAREA A
DESCRIPTION OF 3.158 ACRES
TROLLEY BARN

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all out of a parcel of land conveyed to Minnie M McGee of record in Instrument Number 200307230227093, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 3.15773 acre parcel being more fully described herein;

BEGINNING at a mag spike set at the southwest corner of said McGee parcel and the intersection of the south Right of Way line of Oak Street (50 feet) and the east Right of Way line of Kelton Avenue (60 feet);

Thence, North 03°56'09" East, a distance of 226.55 feet, with the west line of said McGee parcel and the east Right of Way of said Kelton Avenue to an iron pin set at the northwest corner of said McGee parcel and also being on the south line of a 15 foot alley as shown on the plat for Maynards Fair Avenue Addition of record in Plat Book 7, Page 157;

Thence, South 86°42'35" East, a distance of 631.80 feet, with the north line of said McGee parcel and the south line of said 15 foot alley to a ¾" iron pin found at the northeast corner of said McGee parcel, and also being on the west line of a 0.0198 acre parcel of land conveyed to Trolley Barn LLC of record in Instrument Number 201408080103726;

Thence, South 03°43'56" West, a distance of 208.63 feet, with the east line of said McGee parcel, the west line of said 0.0198 acre parcel and the west line of Lot 23 of Morrison and Others Subdivision of record in Plat Book 5, Page 257 to a mag spike set at the southeast corner of said McGee parcel, the southwest corner of said Lot 23 and also being on the north Right of Way line of said Oak Street;

Thence, North 88°19'51" West, a distance of 633.00 feet, with the south line of said McGee parcel and the north Right of Way line of said Oak Street to the TRUE POINT OF BEGINNING, containing 3.158 acres of land, subject to all easements and documents of record. All iron pins set are 5/8" solid rebar, thirty inches in length with yellow plastic cap bearing the initials "CEC INC."

For the purpose of this description a bearing of South 88°19'51" East was held on north Right of Way of said Oak Street, and is based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, and was determined by using National Geodetic Survey, OPUS-S

service. This document is based on a survey completed by or under the supervision of Robert W. Martin in January of the year 2018.

To Rezone From: I, Institutional District

To: CPD, Commercial Planned Development District

SUBAREA B

DESCRIPTION OF 1.504 ACRES

CITY HERITAGE

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all out of a 1.505 acre parcel of land conveyed to City Heritage, LLC of record in Instrument Number 201701170009787, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 1.504 acre parcel being more fully described herein;

BEGINNING at an $\frac{3}{4}$ " iron pin found at the northwest corner of said 1.505 acre parcel and the intersection of the south Right of Way line of Oak Street (50 feet) and the east Right of Way line of Kelton Avenue (60 feet);

Thence, South $88^{\circ}19'51"$ East, a distance of 428.46 feet with the north line of said 1.505 acre parcel and the south Right of Way line of said Oak Street to $\frac{3}{4}$ " iron pipe found at the northeast corner of said 1.505 acre parcel and also being the northwest corner of a 20 foot alley of record in Thomas Millers Heirs Subdivision of record in Plat Book 4, Page 72;

Thence, South $03^{\circ}53'14"$ West, a distance of 153.01 feet with the east line of said 1.505 acre parcel and the west line of said 20 foot alley to Mag Spike Set at the south east corner of said 1.505 acre parcel, the southwest corner of said 20 foot alley and also being on the north line of a 20 foot alley as shown on said Thomas Millers Heirs Subdivision, passing a $\frac{1}{2}$ " rebar found in concrete at a distance of 148.00 feet;

Thence, North $88^{\circ}19'51"$ West, a distance of 428.40 feet with the south line of said 1.505 acre parcel and the north line of said 20 foot alley to a Mag Spike Set at the southwest corner of said 1.505 acre parcel and also being on the north line of said Kelton Avenue;

Thence, North $03^{\circ}51'47"$ East, a distance of 153.00 feet with the south line of said 1.505 acre parcel and the north line of said Kelton Avenue to the TRUE POINT OF BEGINNING, containing 1.504 acres of land, subject to all easements and documents of record. All iron pins set are $\frac{5}{8}$ " solid rebar, thirty inches in length with yellow plastic cap bearing the initials "CEC INC."

For the purpose of this description a bearing of South $88^{\circ}19'51"$ East was held on south Right of Way of said Oak Street, and is based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, and was determined by using National Geodetic Survey, OPUS-S service. This document is based on a survey completed by or under the supervision of Robert W. Martin in January of the year 2018.

To Rezone From: R-3, Residential District

To: AR-3, Apartment Residential District

SECTION 2. That a Height District of sixty (60) feet is hereby established on the CPD, Commercial Planned Development District and AR-3, Apartment Residential 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 plans being titled, “**ZONING SITE PLAN FOR TROLLEY BARN - COVER SHEET**,” and “**ZONING SITE PLAN FOR TROLLEY BARN - SITE LAYOUT AND UTILITY PLAN**,” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” all dated June 26, 2019, and signed by David Hodge, Attorney for the Applicant, and the text reading as follows:

**COMMERCIAL PLANNED
DEVELOPMENT TEXT**

Property Address: 1600 Oak Street

Parcel ID: 010-066585

Current District: I, Institutional

Proposed District: CPD, Commercial Planned Development

Applicant: Trolley Barn LLC c/o Jeff Baur; 1400 Dublin Road; Columbus, Ohio 43215

Attorney: David Hodge; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054

Date of Text: June 26, 2019

Application: Z18-079

Introduction: The applicant requests this rezoning to permit a redevelopment to foster a mixed-use revitalization project in the Near East Side. Specifically, Applicant proposes renovation of the Columbus Trolley Barn into a mix of retail, restaurant, and community gathering spaces. The redevelopment will be known as The Trolley District, the proposed retail will be The East Market, a concept akin to The North Market with upstart retailer and restaurateurs, a brewery and further development on the Site to host other restaurant tenants. The redevelopment on the north side of Oak Street to the CPD District is Subarea A. This development will also include a mix of residential and commercial uses on the south side of Oak Street zoned in the AR-3 district, Subarea B.

This Site is located on the east side of the intersection of Oak Street and Kelton Avenue and is one block south of the Franklin Park Conservatory. Subarea A is on the north side of the intersection and is the subject of this Development Text. Subarea A is +/- 3.16 acres and is designated PID: 010-066585. Subarea A is currently zoned I, Institutional. Applicant proposes rezoning Subarea A to CPD, Commercial Planned Development with the development standards found within this text.

Subarea B is on the south side of the intersection and is not subject to this Development Text. Subarea B is +/- 1.5 acres and is designated PID: 010-138164. Subarea B is currently zoned R-3, Residential. Applicant proposes rezoning Subarea B to AR-3, Apartment Residential and its development standards are found within the companion Council Variance application and Chapter 3333 of the Columbus City Code.

The Site is neither within a commercial overlay nor planning overlay. The Site is situated within the boundary of the Near East Area Commission, District 4. The Site is also situated within the boundary of the Near East Area Plan. The Plan does not recommend a specific land use or provide design guidelines for this Site. This neighborhood is listed in the National Register of Historic Places but this specific Site is not listed in the Columbus Register of Historic Properties.

1. Permitted Uses: Those uses permitted under Section 3356.03 C-4 Commercial District of the Columbus City Code, as well as uses provided by approved council variance.

2. Development Standards: Unless otherwise indicated in this Development Text or the submitted Development Plan, the applicable development standards are those contained in Chapter 3356, C-4 Regional Scale Commercial Development of the Columbus City Code.

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

1. The height district shall be 60 feet.

2. The building line from the Oak Street and Kelton Avenue rights-of-way shall be zero feet.

B. Access, Loading, Parking and/or other Traffic Related Commitments:

1. The Site shall have three access points on Oak Street, as shown on the Development Plan.
2. There shall be two curb cuts on Kelton Avenue, the southern curb cut shall be restricted to right-in only, the northern curb cut shall be restricted to right-out only. The drive aisles shall be restricted to one-way circulation, with appropriate striping and signage as approved by the Department of Public Service.
3. The Site shall provide a minimum of 168 vehicle parking spaces.
4. Loading space shall be permitted within a driveway, aisle, or other circulation area where shown on the Development Plan.
5. The developer shall be responsible for modifying the traffic signal at the intersection of East Broad Street and Franklin Park West / Parkwood Avenue to add a westbound left turn phase, as approved by the Department of Public Service.
6. The developer shall be responsible for restriping the west leg of the intersection of Franklin Park South and South Nelson Road to include an eastbound left turn lane and eastbound through-right lane, as approved by the Department of Public Service.

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

1. Interior parking lot landscaping shall be provided as indicated on the Development Plan.
2. Parking setback and perimeter landscaping shall not be required along Kelton Avenue or perimeter alleys. Oak Street frontage shall be landscaped in accordance with Uniform Commercial Overlay standards where feasible.
3. Additional buffering, landscaping, and open space, shall be as shown on the Development Plan.

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

1. The Building Design and/or Interior-Exterior Treatment shall be as shown on the Development Plan.

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

1. Dumpsters shall be fully screened from off-site view by a solid wall or fence consisting of materials that are consistent with one or more of the materials that are used on the nearest structure served by the dumpster.
2. Light poles shall be black, dark brown or bronze in color, consistent throughout, and coordinated with the overall development and architectural scheme.

F. Graphics and Signage Commitments:

1. All graphics and signage shall conform to Article 15 and Chapter 3377 of the Columbus City Code. Any variance to graphics and signage commitments shall be submitted to the Columbus Graphics Commission.

G. Requested Variances:

The following variances are requested:

1. Section 3356.11, C-4 district setback lines. This section establishes a minimum building setback of 25 feet from the right-of-way for streets not designated on the Columbus Thoroughfare Plan. Applicant proposes reducing the minimum building line to zero feet from the Oak Street and Kelton Avenue right-of-ways legitimizing the existing condition.
2. Section 3312.49, Minimum number of parking spaces required. This section requires a minimum of 412 vehicular parking spaces for the proposed uses. Applicant proposes reducing the minimum number of required vehicular parking to 168 parking spaces.
3. Section 3312.21, Landscaping. This section requires interior parking lot landscaping at a rate of 1 shade tree per ten parking spaces and requires parking setback and perimeter landscaping. Applicant requests a variance to reduce the interior parking lot landscaping requirement to only plant interior trees where interior islands existing in the parking lot and/or are appropriately sized for trees to thrive. Parking lot and perimeter landscaping requirements shall be met along the Kelton Avenue and Oak Street frontages only. Kelton Avenue frontage shall be landscaped as indicated on the Development Plan. Oak Street frontage shall adhere to the Uniform Commercial Overlay landscaping requirement where feasible.
4. Section 3321.51(2), Loading space. This section requires loading space to be exclusive of any driveway aisle, or other circulation area. Applicant requests a variance to allow loading space to be located within a driveway, aisle, or other circulation area.

H. CPD Criteria:

1. Natural Environment. This Site is located on the east side of the intersection of Oak Street and Kelton Avenue and is one block south of the Franklin Park Conservatory. Subarea A is an unused lot with several dilapidated buildings.
2. Existing Land Use. The Site does not have any current uses, it is vacant and has fallen into dilapidation since its use as the Columbus Trolley Barn.
3. Transportation and Circulation. The curb cuts and internal circulation patterns are shown on the CPD Plan.
4. Visual Form of the Environment. The proposed development will be of an aesthetically pleasing form that will have no detrimental effect to the environment. This proposal represents the redevelopment of a property that has long been blighted and a nuisance property in the neighborhood.
5. View and Visibility. Consideration shall be given to the viability and safety of the motorists, pedestrians, and residential neighbors in the development of the Site.
6. Proposed Development. Applicant proposes renovation of the Columbus Trolley Barn into a mixed use redevelopment on the Site in what will become The Trolley District housing a mix of uses including The East Market, brewery and taproom, restaurant and office spaces ("Subarea A"). This development will also include a mix of residential and commercial uses across Oak Street ("Subarea B").
7. Behavior Patterns. The proposed development will have no detrimental effect on the current behavior patterns of the area.
8. Emission. No adverse effect from emissions shall result from the proposed development.

I. Miscellaneous Commitments:

The Site shall be developed in accordance with the Development Plans titled, "Zoning Site Plan for Trolley Barn - Cover Sheet," and "Zoning Site Plan for Trolley Barn - Site Layout and Utility Plan." The Development Plans may be adjusted

to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any adjustment to the Development Plan 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.

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.