



Legislation Text

File #: 3332-2019, **Version:** 2

Rezoning Application Z19-018

APPLICANT: Kelley Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Michael Kelley, Atty.; 250 East Broad Street, Suite 1100; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0-1) on August 8, 2019.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.35± acre site consists of one parcel developed with a historic school building in the R-2F, Residential District. The applicant requests the CPD, Commercial Planned Development District, to repurpose the site for C-1 neighborhood scale commercial and limited C-3 community scale commercial uses, including office, fitness, retail, and eating and drinking establishment uses. The CPD text establishes use restrictions and supplemental development standards, includes commitments to a site plan and parkland dedication, and contains variances that both reflect current conditions on site, and will conform the proposed parking space numbers and configuration. While the *University District Plan* (2015) recommends institutional land uses at this location, the Plan does provide provisions for the redevelopment of former institutional sites in residential areas. Staff notes that the school building is a contributing structure of architectural significance to the neighborhood. The proposed CPD district includes the rehabilitation and reuse of a contributing building, establishes appropriate commercial uses, includes preservation of natural resources on the western side of the property, and will be developed in accordance with the submitted site plan.

To rezone **2571 NEIL AVE. (43202)**, being 1.35± acres located at the northwest corner of Neil Avenue and West Hudson Street, **From:** R-2F, Residential District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-018) **and to declare an emergency.**

WHEREAS, application #Z19-018 is on file with the Department of Building and Zoning Services requesting rezoning of 1.35± acres from R-2F, Residential District, to CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change noting that, while the *University District Plan* recommends institutional land uses at this location, the Plan does provide provisions for the redevelopment of former institutional sites in residential areas. Additionally, the proposed CPD, Commercial Planned Development District includes the reuse and rehabilitation of a contributing structure with appropriate commercial uses and preservation of natural resources on site;

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:

2571 NEIL AVE. (43202), being 1.35± acres located at the northwest corner of Neil Avenue and West Hudson Street, and being more particularly described as follows:

Situated in the city of Columbus, Franklin County, Ohio and being part of Lot 22, Lot 2, Lot 3 and that vacated alley dedicated in The Solomon and George W. Beers' North Addition, as recorded in P.B. 1, Pg. 54, as conveyed to NAMS LLC of record in IN201801170007054 and IN201912060164277 (all references to recorded documents refer to the records of the Franklin County Recorder's Office located in Columbus Ohio) and being more particularly described as follows:

Beginning at the northeasterly corner of Lot 22 of the aforementioned Solomon and George W. Beers' North Addition, and at the intersection of the southerly right-of-way line of said vacated 20' wide alley and the westerly right-of-way line of Neil Avenue, as recorded in P.B. 1, Pg. 54;

Thence along said westerly right-of-way line of Neil Avenue the follow three (3) courses;

1. South 11°20'19" East, a distance of 150.00 feet to a point;
2. South 78°39'41" West, a distance of 5.00 feet to a point;
3. South 11°20'19" East, a distance of 15.00 feet to a point in the northerly right-of-way line of West Hudson Street, as recorded in P.B. 1, Pg. 54;

Thence along said northerly right-of-way line of West Hudson Street, South 78°39'41" West, a distance of 312.00 feet to a point in the easterly line of a City of Columbus Parcel as recorded in Deed Book 2886 page 484;

Thence partly along the easterly line of said Columbus parcel and partly along the said westerly right-of-way line of the said 20' wide alley North 11°20'19" West a distance of 185.00 feet to a point, in the northerly right-of-way line of the said 20' wide alley, at the southwesterly corner of a parcel conveyed to Anthony F. Vrsansky, Trustee, as recorded in Official Record Volume 24016, page 115, and a the southwesterly corner of a vacated 20' wide alley vacated by ordinance 455-40:

Thence along the said northerly right-of-way line and along the southerly line of the said Vrsansky parcel, North 78° 39'41" East a distance of 317.00 feet to a point in the said westerly right-of-way line of Neil Avenue and at the southeasterly corner of a parcel conveyed to Paul Eric Stevenson as recorded in Instrument Number 200402110030640, the said common corner also being the southeasterly corner of Lot 23 of the aforementioned Solomon and George W. Beers' North Addition;

Thence along said westerly line of Neil Avenue, South 11°20'19" East a distance of 20.00 feet to the Point of Beginning.

Containing 1.345 Total Acres of land and subject to all easements, encumbrances, covenants, restrictions and matters of record affecting the subject parcel.

Parcel No: 010-066725

Known as address: 2571 Neil Ave., Columbus, OH 43202.

To Rezone From: R-2F, 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 site plan being titled, “**SITE PLAN**,” and text titled, “**DEVELOPMENT TEXT**,” both dated January 17, 2020, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

EXISTING ZONING: R-2F, Residential District

PROPOSED ZONING: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 2571 Neil Avenue, Columbus, OH 43202

APPLICANT: Kelley Companies c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Michael Kelley, Attorney, Kelley Companies, 175 S. Third Street, Suite 1020, Columbus, OH 43215

OWNER: NAMS LLC, c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Michael Kelley, Attorney, Kelley Companies, 175 S. Third Street, Suite 1020, Columbus, OH 43215

DATE OF TEXT: January 17, 2020

APPLICATION NUMBER: Z19-018

1. INTRODUCTION: The site is 1.35 +/- acres located at the northwest corner of Neil Avenue and West Hudson Street. The property is developed with the former Neil Avenue school. The Columbus School District sold the property as excess real estate. The property is now privately owned. The original school building dates to about 1920 and is a landmark in the community. Applicant proposes to preserve both the original school building and the later 1960’s addition along the W. Hudson Street frontage by changing the use of the buildings for commercial use including office, fitness, retail and restaurant uses. The west 1/3 +/- of the site has significant slope leading to Tuttle Park and will not be developed. The site plan titled “Neil Avenue School”, dated January 17, 2020 hereafter “Site Plan”, is submitted with this application as the site development plan.

2. PERMITTED USES: Permitted uses shall be the following:

A. All uses of Section 3351.03(A)(B)(C), C-1, Permitted Uses;

B. The following uses of Section 3355.03(B), C-3, Permitted Uses: Art Dealers and galleries, Book Store, Butcher Shops, Fish, Meat, and Seafood Markets (Unlimited size), Cafes, Delicatessens and Restaurants (Unlimited size), Clothing and Clothing Accessories Stores, Computer and Software Stores, Dry cleaning and Laundry Services, Exercise and Health Facilities, Food Stores.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Community Scale Commercial Development, of the Columbus City Code.

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

1. The existing Neil Avenue and W. Hudson Street building setbacks shall be the existing estimated building setbacks of 55 feet and 14 feet, respectively, except the Neil Avenue setback for the dumpsters shall be 40 feet.

2. The Neil Avenue parking setback shall be 0 feet - 4 feet (variable) and 0’ feet on W. Hudson Street, both as depicted on the Site Plan.

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

1. Vehicular access shall be on W. Hudson Street and from the alley abutting the site to the north, as depicted on the Site Plan.
2. Total on-site required parking shall be 39 spaces.
3. No loading space, as defined in Section 3312.51, Loading Space, shall be required.
4. Seventeen (17) parking spaces, as depicted on the Site Plan, are permitted to be 8.5 feet wide.
5. Clear vision triangles are reduced as noted in Section H.6.

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

1. Other than as may be required for maintenance or replacement of the sanitary sewer lateral presently in the west buffer (80 feet), as shown on the Site Plan, there shall be no development of the west 80 feet of the property. The west 80 feet shall be left in a natural state other than the removal of invasive species, dead or dying plant material and trimming as needed adjacent to the west side of the patio area.
2. Four (4) street trees shall be planted in the Neil Avenue right of way at approximately 25 - 30 feet on center starting 20 feet from the intersection of Neil Avenue/W. Hudson and intersection of Neil Avenue/north alley, and two (2) trees shall be planted in front of the existing building on W. Hudson Street, approximately 120 - 190 feet west of the east property line (Neil Avenue). Any existing trees in the right of way to be preserved shall offset new tree planting in the right of way on a one for one basis.
3. Parking lot screening shall be provided in the Neil Avenue and W. Hudson Street right of way, subject to permission from the Department of Public Service. If permission is not granted, no parking lot screening shall be required.
4. There are presently no interior parking lot islands or interior parking lot trees and none shall be required. See Section H. 1.

D. Building design and/or Interior-Exterior treatment commitments: The existing buildings, as depicted on the Site Plan, shall be preserved. The enclosed building connection between the original school building and the 1960's addition may be removed, as depicted on the Site Plan.

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

1. Parking lot lighting shall be a maximum of 14 feet tall if pole mounted. Parking lot lighting may also be building mounted.
2. Dumpsters are depicted on the Site Plan at the northeast corner of the north building. Alternative arrangements for location of dumpsters or alternative means of refuse collection shall be permitted. If the dumpsters are not located where depicted on the Site Plan, the area where dumpsters are shown may be used for additional parking spaces.

F. Graphics and Signage Commitments: All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-3, Commercial District. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

G. Other CPD Requirements:

1. Natural Environment: The site is located at the northwest corner of Neil Avenue and W. Hudson Street.
2. Existing Land Use: The site is developed with a public school building that is closed and the property sold by the Columbus Board of Education to the current property owner.
3. Circulation: Site access shall be by an existing driveway and W. Hudson Street and from the alley (20') abutting the site to the north.
4. Visual Form of the Environment: Neil Avenue provides north/south vehicular movement between The Ohio State University Campus, Lane Avenue and W. Dodridge Street/N. High Street to the north. W. Hudson Street is adjacent to the south side of the site. Improved W. Hudson Street terminates about 80 feet east of the west property line of the site and provides pedestrian access to Tuttle Park. The area is characterized by many forms of housing and close proximity to the N High Street corridor.
5. Visibility: The site is visible from both Neil Avenue and W. Hudson Street.
6. Proposed Development: Applicant proposes the change of use of the former public school building for commercial uses. The existing building was built and used for non-residential purposes. The school use has been discontinued. Applicant proposes to preserve the former school building with a change of use for new uses.
7. Behavior Patterns: Vehicular access to the site will be from existing access points on W. Hudson Street and the alley abutting the site to the north.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

H. Modification of Code Standards:

1. Section 3312.21(A)(B)(C), Landscaping and Screening, to not place landscaping islands and interior trees in the existing parking lot, and to not provide on-site headlight screening along Neil Avenue and W. Hudson Street, with headlight screening to be provided in the right of way of each street.
2. Section 3312.27(4), Parking Setback Line, to reduce the required parking setback line along Neil Avenue from 10 feet to 0 - 4 feet (variable, as depicted on Site Plan) and from 10 feet to 0 feet along W. Hudson Street, to reflect existing pavement setback for the existing parking lot.
3. Section 3312.29, Parking Space, to reduce the required width of a parking space from 9 feet to 8.5 feet for 17 parking spaces, as shown on the Site Plan.
4. Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 155 spaces to 39 on-site parking spaces. Thirty-nine (39) parking spaces shall be the code required parking for the sum of all permitted uses, subject to the sum of calculated parking for permitted uses not exceeding 155 spaces as calculated under the provisions of Section 3312.03(C), Administrative Requirements for the change of use of the school to commercial uses.
5. Section 3312.52, Minimum Number of Loading Spaces Required, to reduce required loading spaces, as defined, from one (1) to zero (0).
6. Section 3321.05(A)(1), Vision Clearance, to reduce the clear vision triangle on the east side of the W. Hudson Avenue curbcut from 10'x10' to 0'x0' for an existing parking space located in the clear vision triangle, and to reduce the clear vision triangle on the south side of the Neil Avenue driveway from 10/x10' to 10'x8'. The north side of the former alley, now vacated, intersection with Neil Avenue is an existing condition.

7. Section 3355.09(3), C-3 District Setback Lines, to reduce the W. Hudson Street building setback line from 25 feet to 14 feet to reflect the existing building setback.

I. Miscellaneous:

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled "Neil Avenue School", dated January 17, 2020, and signed by David B. Perry, agent for applicant, and Michael Kelley, attorney for applicant. 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 the Plan shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his 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.**