



Legislation Text

File #: 1974-2022, **Version:** 2

Rezoning Application Z21-077

APPLICANT: 1199 Franklin Investments, LLC, et al; c/o Dave Perry, Agent; 411 East Town Street, 1st Floor; Columbus, OH 43201; and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on February 10, 2022.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.90± acre site consists of five parcels zoned in the CPD, Commercial Planned Development District and R-3, Residential District. The requested CPD, Commercial Planned Development District is comprised of three subareas: Subarea A is developed with the vacant and historic Avery Pontiac Building listed on the Columbus Register of Historic Properties; Subarea B is one undeveloped parcel; and Subarea C is part of three undeveloped parcels. The existing CPD district was approved as part of Ordinance #2124-2020 (Z20-019) passed October 5, 2020, and permits a mix of commercial uses with 52 parking spaces provided. This request will permit 11,730 square feet of eating and drinking establishment uses, 1,185 square feet of accessory outdoor dining, 2,155 square feet of retail use, and 13,010 square feet of office use in Subarea A, while Subareas B and C will be redeveloped into parking lots containing 34 spaces each, solely for the purpose of supporting those uses within Subarea A. The CPD text establishes appropriate use restrictions and supplemental development standards for each subarea, includes a commitment to develop the site in accordance with the submitted site plan, and contains code modifications that reflect the existing conditions on Subarea A and the proposed parking lots in Subarea B and C. Additionally, a parking reduction from 203 required to zero provided spaces in Subarea A, with a total of 68 parking spaces being provided within Subareas B and C, is included in the request. The increased parking reduction triggered a review of the existing parking study by the Department of Public Service, and resulted in continued support of the proposed parking reduction. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain a specific land use recommendation for this location, but does provide guidance on the development of new commercial uses within residential areas, specifically encouraging the preservation and renovation of historic structures rather than demolition. The Plan also states that parking needs should be balanced with the goal of preserving the character of the neighborhood, and that a pedestrian-friendly environment should be created. Staff supports the request because of the existing building's characteristics and urban setting. The proposal is consistent with the Plan's guidelines for historic preservation, the balancing of parking needs with the goal of preserving the character of the neighborhood, and creating a pedestrian-friendly environment.

To rezone **1199 FRANKLIN AVE. (43205)**, being 0.90± acres located primarily at the southwest corner of Franklin Avenue and Sherman Avenue, **From:** CPD, Commercial Planned Development District and R-3, Residential District, **To:** CPD, Commercial Planned Development District (Rezoning #Z21-077).

WHEREAS, application #Z21-077 is on file with the Department of Building and Zoning Services requesting rezoning of 0.90± acres from CPD, Commercial Planned Development District and R-3, Residential District, to CPD, Commercial

Planned Development 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 Historic Resources Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change noting that the proposed CPD, Commercial Planned Development District contains appropriate use restrictions and development standards that will preserve the historic Avery Pontiac Building, provide a balance between the development's parking requirements and a pedestrian friendly environment, while also preserving the character of the neighborhood; 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:

1199 FRANKLIN AVE. (43205), being 0.90± acres located primarily at the southwest corner of Franklin Avenue and Sherman Avenue, and being more particularly described as follows:

**Subarea A: 0.373 Acres
(PID: 010-001240)**

Situated in the State of Ohio, County of Franklin, City of Columbus, being lots 69-72 of Stewart & Jones Subdivision as recorded in Plat Book 2, Page 192, and being the tract of land conveyed to 1199 Franklin Investments, LLC as recorded in Instrument Number 201702270026984 (all references refer to records in the Franklin, County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at the intersection of the southerly right of way of Franklin Avenue (50' R/W) and the westerly right of way of Sherman Avenue (50' R/W) also being the northeasterly corner of lot 72 of said Stewart & Jones Subdivision being the Point of Beginning;

Thence South 3°41'59" West a distance of 125.00 feet, along the westerly right of way of said Sherman Avenue, to a point on the northerly line of a fifteen (15') alley and the southeasterly corner of said lot 72;

Thence North 86°47'23" West a distance of 130.00 feet, along the southerly line of said lots 69-72 and the northerly line of said alley, to a point at the southwesterly corner of said lot 69 and easterly line of a fourteen (14') alley;

Thence North 3°41'59" East a distance of 125.00 feet, along the westerly line of said lot 69 and easterly line of said fourteen (14') alley to a point on the southerly right of way of said Franklin Avenue and northwesterly corner of said lot 69;

Thence South 86°47'23" East a distance of 130.00 feet, along the southerly right of way of said Franklin Avenue and northerly lines of said lots 69-72, to the Point of beginning containing 0.373 acres more or less according to deeds and recorded plats of record compiled by Hockaden and Associates, Inc. in October of 2017.

**Subarea B: 0.268 Acres
(PID: 010-023240)**

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:
Being Lot Numbers Eight-eight (88), Eighty-nine (89) and Ninety (90) of STEWART & JONES' SUBDIVISION, as the

said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 192, Recorder's Office, Franklin County, Ohio.

Subarea C: 0.258 Acres

(PID: part of 010-00991, part of 010-001773, part of 010-001774)

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 23, Township - 5, Range -22, Refugee Lands, and being 0.258 acres of land in part of (Lots No. 85, 86 and 87 of Stewart and Jones in Plat Book 2, Pg 192) 228 Sherman Investments, LLC of (PID 010-009941, 010-001773 and 010-001774) IN 201702270026985 (all references refer to records in the Franklin County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at a point at the northwest corner of said Lot No. 87 at the intersection of the easterly right of way of Sherman Avenue and southerly right of way of Gustavus Lane, being the Point of Beginning;

Thence South 90°00'00" East a distance of 125.00 feet, along the northerly line of said Lot No. 87 and southerly right of way of said Gustavus Lane, to a point;

Thence South 0°00'00" West a distance of 90.00 feet, through the property of said 228 Sherman Investments, LLC, to a point on the south line of said Lot 85 and the northerly right of way of East Chapel Street;

Thence North 90°00'00" West a distance of 125.00 feet to a point at the southwest corner of said Lot 85 in the easterly right of way of said Sherman Avenue;

Thence North 0°00'00" West a distance of 90.00 feet, along the easterly right of way of said Sherman Avenue, to the Point of Beginning containing 0.258 acres more or less.

Known as address: 1199 Franklin Ave., Columbus, OH 43205.

To Rezone From: CPD, Commercial Planned Development District and R-3, 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, "**AVERY MOTOR CAR BUILDING REHABILITATION - 1199 FRANKLIN AVENUE, ZONING EXHIBIT**" and text titled, "**DEVELOPMENT TEXT**," both dated June 27, 2022, 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: CPD, Commercial Planned Development and R-3, Residential District

PROPOSED ZONING: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 1199 Franklin Avenue, Columbus, OH 43205

APPLICANT: 1199 Franklin Investments, LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

OWNER: 1199 Franklin Investments, LLC, Steven Cox, Tr. and 228 Sherman Investments LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town

Street, FL 2, Columbus, OH 43215
DATE OF TEXT: June 27, 2022
APPLICATION NUMBER: Z21-077

INTRODUCTION: The total site area is 0.90 +/- acres located on the south side of Franklin Avenue (Avery Building, 1199 Franklin Avenue) and east and west sides of Sherman Avenue (off-site parking lots). The 0.90 +/- acres consists of 0.373 +/- acres (Subarea A), 0.268 +/- acres (Subarea B) and 0.26 +/- acres (Subarea C). Subarea A is developed with the “Avery Pontiac Building”, which is registered on national and local historic building registers. The building will be preserved. Subareas B and C, located to the south and southeast of Subarea A, are proposed to be developed with 34 space and 34 space parking lots, respectively, for the exclusive use of Subarea A. The site plan titled “Avery Motor Car Building Rehabilitation, 1199 Franklin Avenue, Zoning Exhibit” dated June 27, 2022, hereafter “Site Plan”, is submitted with this application as the site plan for Subareas A, B and C.

SUBAREA A, 0.373 +/- ACRES:

1. PERMITTED USE: All uses of Section 3355.03, C-3 Permitted Uses and the following uses of Section 3356.03, C-4 Permitted Uses: bar and/or microbrewery with a taproom.

2. 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, Commercial District, of the Columbus City Code.

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

Subarea A shall have the following minimum building setbacks: north (Franklin Avenue), 9 feet; east (Sherman Avenue) 0 feet; south (Gustavus Lane), 0 feet; west (alley) 0 feet.

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

1. There shall be no vehicular access inside the building on Subarea A. Existing or new overhead doors on the east, south and west sides of the building may be used for delivery purposes from the existing right of ways.

2. No parking shall be provided on Subarea A. Off-street parking for Subarea A is located on Subarea B and Subarea C.

3. Parking is reduced to zero (0) for Subarea A (see Section H) subject to 34 spaces provided on Subarea B and 34 spaces provided on Subarea C.

4. A new sidewalk shall be provided along the west side of the Sherman Avenue right of way where adjacent to the east side of Subarea A, unless otherwise approved by the Department of Public Service.

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

Street trees at 40' +/- on-center shall be provided along Franklin Avenue, if not presently existing, in the Franklin Avenue right of way, subject to permission of the City Forester.

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

N/A

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

N/A.

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, and as approved by the Historic Resources Commission. 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 on the south side of Franklin Avenue, at the southwest corner of Franklin Avenue and Sherman Avenue.
2. Existing Land Use: The site is developed with the “Avery Pontiac Building”, which is registered on national and local historic building registers. The building will be preserved.
3. Circulation: There shall be no on-site vehicular access to Subarea A.
4. Visual Form of the Environment: The proposed uses are appropriate for reuse of this large historic commercial building, the construction of which pre-dates zoning in Columbus Ohio.
5. Visibility: The site is visible from Franklin Avenue and Sherman Avenue.
6. Proposed Development: Change of use of existing building for commercial uses as permitted by this text and as depicted on the referenced Site Plan.
7. Behavior Patterns: No vehicular access onto the site.
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 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 203 to zero (0) spaces on Subarea A, calculated based on ground level use of 11,730 SF of restaurant, 1,185 SF of seasonal restaurant patio, 2,155 SF of retail/fitness uses and 13,010 SF of office use, with 34 spaces provided on Subarea B and 34 spaces provided on Subarea C. Any permitted use or combination of permitted uses with calculated parking not exceeding 203 spaces shall be permitted.
2. Section 3312.53, Minimum Number of Loading Spaces Required, to reduce loading spaces from one (1) to zero (0).
3. Section 3321.05(B)(1), Vision Clearance, to reduce vision clearance triangles for Subarea A from 10’x10’ to 0’x0’ at the corner of Sherman Avenue and Gustavus Lane (15’) to reflect existing conditions with the existing building at zero (0) setback.
4. Section 3355.09, C-3 District Setback Lines, to permit existing building setbacks on Franklin Avenue and Sherman Avenue of nine (9) feet and zero (0) feet, respectively.

I. Miscellaneous Commitments.

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 “Avery Motor Car Building Rehabilitation, 1199 Franklin Avenue, Zoning Exhibit” dated and signed June 27, 2022 by David B. Perry, Agent for Applicant, and

Donald Plank, 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.

SUBAREA B, 0.268 +/- ACRES:

1. PERMITTED USE: Uses of Section 3355.03, C-3 Permitted Uses, subject to the only permitted use of Subarea B being a 34 space parking lot with dumpster(s). Subarea B parking is for the exclusive use of Subarea A.

2. 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, Commercial District, of the Columbus City Code.

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

1. Subarea B shall have the following minimum building setback from Sherman Avenue, as applicable to the refuse facilities (dumpster): 7 feet. There shall be no buildings on Subarea B.

2. Subarea B shall have the following minimum parking setback from Sherman Avenue: 4 feet.

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

Vehicular access for Subarea B shall be from Gustavus Lane (15', alley), an unnamed alley on the west side of Subarea B and Sherman Avenue.

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

1. One (1) street tree shall be provided along Sherman Avenue, in the Sherman Avenue right of way, subject to permission of the City Forester, or in the Sherman Avenue parking setback, and one (1) street tree shall be provided on-site.

2. Perimeter parking lot landscaped setbacks shall be provided as depicted on the Site Plan.

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

N/A

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

1. The maximum height of parking lot lighting shall be 16 feet.

2. A dumpster for Subareas A, B and C shall be provided on Subarea B, as depicted on the Site Plan.

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 ground sign shall be monument-style. 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 on the west side of Sherman Avenue, south of Franklin Avenue.

2. Existing Land Use: The site is undeveloped.

3. Circulation: Vehicular access to Subarea B shall be from Gustavus Lane (15', alley), an unnamed alley on the west side of Subarea B and Sherman Avenue.

4. Visual Form of the Environment: The proposed use will provide accessory parking for the adjacent historic Avery Pontiac Building (Subarea A). Off-site parking occurs frequently with urban development.

5. Visibility: The site is visible from Franklin Avenue and Sherman Avenue.

6. Proposed Development: Accessory parking lot for Subarea A.

7. Behavior Patterns: Vehicular access and on-site circulation shall be as depicted on the Site Plan.

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)(3),(D)(1), Landscaping and Screening, to permit placement of the four (4) required parking lot trees along the south property line of the Subarea B parking lot versus dispersed throughout the Subarea B parking lot, and to reduce the height of screening along the west property line from five (5) feet to three (3) feet.

2. Section 3312.27(4), Parking Setback Line, to reduce the Sherman Avenue parking setback line from ten (10) feet to four (4) feet.

3. Section 3355.09, C-3 District Setback Lines, to permit a dumpster located at a seven (7) foot setback from Sherman Avenue.

I. Miscellaneous Commitments.

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 "Avery Motor Car Building Rehabilitation, 1199 Franklin Avenue, Zoning Exhibit" dated and signed June 27, 2022 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. by David B. Perry, Agent for Applicant, and Donald Plank, 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.

SUBAREA C, 0.26 +/- ACRES:

1. PERMITTED USE: Uses of Section 3355.03, C-3 Permitted Uses, subject to the only permitted use of Subarea C being a 34 space parking lot. Subarea C parking is for the exclusive use of Subarea A.

2. 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, Commercial District, of the Columbus City Code.

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

1. There shall be no buildings or dumpster(s) on Subarea C.
2. The Sherman Avenue parking setback shall be 5 feet.

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

Vehicular access for Subarea C shall be from the adjacent alleys on the north and south sides of Subarea C. There shall be no direct vehicular access from Sherman Avenue.

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

1. Two (2) street trees shall be provided along Sherman Avenue, in the Sherman Avenue right of way, subject to permission of the City Forester, or in the Sherman Avenue parking setback.
2. Perimeter parking lot landscaped setbacks shall be provided as depicted on the Site Plan.

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

N/A

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

The maximum height of parking lot lighting shall be 16 feet. .

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 ground sign shall be monument-style. 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 on the east side of Sherman Avenue, south of Franklin Avenue.
2. Existing Land Use: The site is undeveloped.
3. Circulation: Vehicular access to Subarea C shall be from the adjacent alleys on the north and south sides of Subarea C. There shall be no direct vehicular access from Sherman Avenue.
4. Visual Form of the Environment: The proposed use will provide accessory parking for the adjacent historic Avery Pontiac Building (Subarea A). Off-site parking occurs frequently with urban development.
5. Visibility: The site is visible from Franklin Avenue and Sherman Avenue.
6. Proposed Development: Accessory parking lot for Subarea A.
7. Behavior Patterns: Vehicular access and on-site circulation shall be as depicted on the Site Plan.
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.

Section 3312.27(4), Parking Setback Line, to reduce the Sherman Avenue parking setback line from ten (10) feet to five

(5) feet.

I. Miscellaneous Commitments.

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 “Avery Motor Car Building Rehabilitation, 1199 Franklin Avenue, Zoning Exhibit” dated and signed June 27, 2022, by David B. Perry, Agent for Applicant, and Donald Plank, 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.