

REZONING APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

OFFICE USE ONLY

Application #: 216-076

Date Received: 11/1/16

Application Accepted By: MM Fee: \$3840

Comments: Assigned to Shamer Pire, spine @ Columbus.gov, 614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1086 North Fourth Street, Columbus, Ohio Zip 43201

Is this application being annexed into the City of Columbus Yes No (circle one)

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address 010-009127

Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s) M2- Manufacturing Requested Zoning District(s) CPD, Commercial Planned Dev.

Area Commission Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for rezoning request: Commercial redevelopment of site

(continue on separate page if necessary)

Proposed Height District: H-35 Acreage 2.04 +/-

[Columbus City Code Section 3309.14]

APPLICANT:

Name 1086 North Fourth St LS, LLC c/o Dave Perry (David Perry Company, Inc.)

Address 145 East Rich Street, 2nd Floor City/State Columbus, Ohio Zip 43215

Phone # 614-228-1727 Fax # 614-228-1790 Email dave@daveperryco.net

PROPERTY OWNER(S):

Name 1086 North Fourth St LS, LLC c/o Dave Perry (David Perry Company, Inc.)

Address 145 East Rich Street, 2nd Floor City/State Columbus, Ohio Zip 43215

Phone # 614-228-1727 Fax # 614-228-1790 Email dave@daveperryco.net

Check here if listing additional property owners on a separate page

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

Attorney Agent

Name Donald Plank, Plank Law Firm

Address 423 East Town Street, 2nd Floor City/State Columbus, Ohio Zip 43215

Phone # 614-947-8600 Fax # 614-228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE 1086 North Fourth St LS, LLC by David B. Perry, Agent

PROPERTY OWNER SIGNATURE 1086 North Fourth St LS, LLC by David B. Perry, Agent

ATTORNEY / AGENT SIGNATURE Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer

REZONING APPLICATION

Department of Building & Zoning Services
Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224-3218
Phone: 614-645-7433 www.columbus.gov

AFFIDAVIT

(See instruction sheet)

APPLICATION # 216-076

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Dave Perry, David Perry Company, Inc.

of (1) MAILING ADDRESS 145 East Rich Street, 3rd Floor, Columbus, Ohio 43215

deposed and states that (he/she) is the applicant (agent) or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) CERTIFIED ADDRESS FOR ZONING PURPOSES 1086 North Fourth Street, Columbus, Ohio 43201

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 11/1/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS
 Check here if listing additional property owners
on a separate page.

(4) 1086 North Fourth St LS, LLC
c/o Dave Perry (David Perry Company, Inc.)
145 E Rich Street, 3rd Floor
Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

1086 North Fourth St LS, LLC
c/o Dave Perry (614) 228-1727

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) Italian Village Commission
c/o Connie Torbeck (Historic Preservation Office)
50 W Gay Street, 4th FL, Columbus, OH 43215

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

SIGNATURE OF AFFIANT

(8)

Subscribed to me in my presence and before me this

1st day of November, in the year 2016

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:

Stacey L. Danza
11-5-2018

This Affidavit expires six months after date of notarization.

Notary Seal Here

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

EXHIBIT A, Public Notice
1086 North Fourth Street
Z16- 076
10/31/2016

APPLICANT

1086 North Fourth LS, LLC
c/o Dave Perry
David Perry Company, Inc.
145 E Rich Street, 3rd Floor
Columbus, Ohio 43215

PROPERTY OWNER

1086 North Fourth LS, LLC
c/o Dave Perry
David Perry Company, Inc.
145 E Rich Street, 3rd Floor
Columbus, Ohio 43215

ATTORNEY

Donald Plank, Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

COMMUNITY GROUP

Italian Village Commission
c/o Connie Torbeck
Historic Preservation Office
50 W Gay Street, 4th Floor
Columbus, Ohio 43215

PROPERTY OWNERS WITHIN 125 FEET

Damado 1, LLC
c/o Lykens Companies
1020 Dennison Ave., Suite 102
Columbus, Ohio 43201-3497

Shirley Waller, et al.
236 East 4th Avenue
Columbus, Ohio 43201-3648

Patrick Walsh
Jennifer Lyle
242 E Fourth Avenue
Columbus, Ohio 43201-3648

Thelma Black
Jamal A. Grinston
1275 E 15th Avenue
Columbus, Ohio 43211-2898

Absolute Properties, LLP
PO Box 10474
Columbus, Ohio 43201-7474

Colleen McDanel
275 E Greenwood Avenue
Columbus, Ohio 43201-3641

New Victorians Inc
455 W Third Avenue
Columbus, Ohio 43201

Grace Allen, et al.
1267 Loretta Avenue
Columbus, Ohio 43211-1414

1086 North Fourth St LS, LLC
c/o Lykens Companies
1020 Dennison Avenue, Suite 102
Columbus, Ohio 43201-3497

Power Twins LLC
1101 N 4th Street
Columbus, Ohio 43201-3683

Columbia Gas of Ohio, Inc.
NiSource
PO Box 117
Columbus, Ohio 43216-0117

Heidi Koestner
c/o Revisions Remodeling, Ltd.
PO Box 16142
Columbus, Ohio 43216-6142

The New Victorian Inc.
455 W 3rd Avenue
Columbus, Ohio 43201-3363

Haze McGinnis
280 E 4th Avenue
Columbus, Ohio 43201-3680

1086 North Fourth Street
Z16- 076
Exhibit A, Public Notice
Page 1 of 2, 10/31/2016

Jeffrey M Jablonka
288 E 4th Avenue
Columbus, Ohio 43201

Robert McDermott, LLC
294 E 4th Avenue
Columbus, Ohio 43201-3680

John H Myers
c/o KMM Homes, LLC
61 Buckeye Drive
Powell, Ohio 43065-7345

James W Hill, II
822 Hamlet Street, Apt C
Columbus, Ohio 43215-1546

Slim Builds LLC
471 W 4th Avenue
Columbus, Ohio 43201-3176

John R Hill
c/o John Hill Properties
1405 S 5th Street
Columbus, Ohio 43207-1117

Michael R Young
c/o Corelogic
2500 Westfield Drive Suite 120
Elgin IL 60124-7836

Scott Andrew Macke
248 Detroit Avenue
Columbus, Ohio 43201-3639

ALSO NOTIFY:

Dave Perry
David Perry Company, Inc.
145 E Rich Street, 3rd Floor
Columbus, Ohio 43215

1086 North Fourth LS, LLC
c/o Kevin Lykens
1020 Dennison Ave, Suite 102
Columbus, Ohio 43201

REZONING APPLICATION

Department of Building & Zoning Services
Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224-3218
Phone: 614-645-7433 www.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # 210-074

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm) -----
of (COMPLETE ADDRESS) 423 East Town Street, 2nd Floor, Columbus, Ohio 43215 -----
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

<p>1. 1086 North Fourth St LS, LLC 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201 # of Columbus Based Employees: 0 Contact: Kevin Lykens 614-565-4209</p>	<p>2. _____</p>
<p>3. _____</p>	<p>4. _____</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 22nd day of September, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires:

11-5-2018

This Project Disclosure Statement expires six months after date of notarization.



PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applicant must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer
My Commission Expires 11-05-2018



City of Columbus Zoning Plat



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010009127

Zoning Number: 1086

Street Name: N 4TH ST

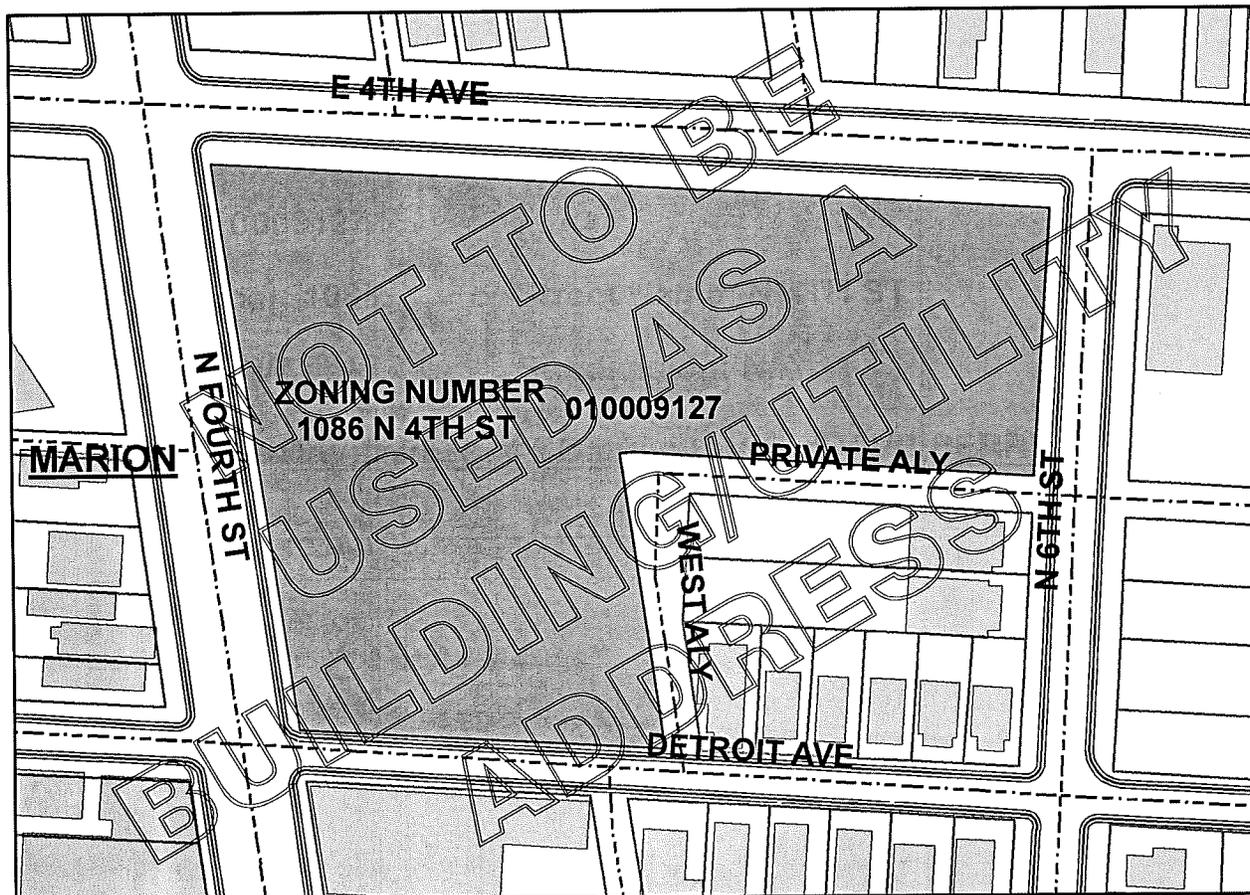
Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY, INC. (DAVE PERRY)

Issued By: *Adyana Wharian*

Date: 9/20/2016



FRANK D. WILLIAMS, ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 100 feet

GIS FILE NUMBER: 73396

210-070

1086 North Fourth Street, Columbus, Ohio 43201

Legal Description

Z16- 074

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Rickly and Graham's Addition as recorded in Plat Book 2, Page 158 and part of I.N. Price's Amended Subdivision as recorded in Plat Book 7, Page 215, being parcels of land, now or formerly in the name of The Bordon Company as recorded in Deed Book 1040, Page 637, and more fully described as follows:

Commencing for reference at a 1 ¾ inch pipe found at the intersection of the southerly right-of-way line of Fourth Avenue (60 feet wide) and the easterly right-of-way line of Fourth Street (60 feet wide), said 1 ¾ inch pipe being the TRUE PLACE OF BEGINNING of the parcel herein to be described:

Thence, South 88° 20' 34" east along the southerly right of way line of Fourth Avenue and the northerly lines of said I.N. Price's Amended Subdivision and Rickly and Graham's Addition, a distance of 436.20 feet (Formerly a record distance of 436.73 feet) to the westerly right of way line of Sixth Street (50 feet wide) (an iron pin was set South 88° 20' 34" East at 1.00 feet);

Thence, South 01° 37' 54" West along said westerly right of way line a record distance of 140.00 feet to a railroad spike set on the northerly line of a 20 foot alley;

Thence, North 88° 15' 20" west along the northerly line of said alley, a distance of 209.23 feet (formerly a record distance of 209.41 feet) to a railroad spike set at the southwesterly corner of Sublot 1 or aforesaid Rickly and Graham's Addition;

Thence, North 88° 49' 47" West continuing along the northerly line of said alley and the southerly line of Sublot 16 of aforesaid I.N. Price's Amended Subdivision a distance of 7.32 feet (no former record distance) to a railroad spike set;

Thence, South 09° 52' 45" east along the westerly line of said alley a distance of 157.04 feet (no former record distance) to an iron pin set on the northerly right of way line of Detroit Avenue (28 feet wide);

Thence, North 88° 20' 43" west along said northerly right of way line a distance of 190.54 feet (no former record distance) to a drill hole set on the westerly right of way line of Fourth Street (a ¾ inch rebar was found South 10° 00' 00" east at 447.54 feet on the easterly line of Fourth Street;

Thence, North 10° 00' 00" west along said easterly right of way line of Fourth Street a record distance of 299.80 feet to the place of beginning and containing 2.0273 acres (88,310 square feet) of land, more or less, as calculated by the above courses which were determined within the precision requirements of an Urban Class ATLA/ACSM Land Title Survey of 1992, by Robert A Dorner,

Registered Professional Survey Number S-6943, for and on behalf of Bock & Clark in May of 1997, under Project Number 9758, and is subject to all legal highways and easements of record.

Dimensions of this description are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to demote angles only. The Basis of Bearings

for this description is North 10° 00' 00" west as the westerly line of Fourth Street, as evidenced by monuments found, and is an assumed bearing.

Note: All iron pins referred to as being set in this description are 5/8 inch diameter x 30 inches in length rebar with a plastic cap being the name of the company that prepared this description.

10/31/2016

216-070

DEVELOPMENT TEXT

EXISTING DISTRICT: M-2, Manufacturing
PROPOSED DISTRICT: CPD, Commercial Planned Development
PROPERTY ADDRESS: 1086 N. Fourth Street, Columbus, OH
43201
OWNER: 1086 North Fourth St LS, LLC c/o Dave Perry,
David Perry Company, Inc., 423 E. Town
Street, Second Floor, Columbus, OH 43215
and Donald Plank, Plank Law Firm, 423 E.
Town Street, Second Floor, Columbus, OH
43215
APPLICANT: 1086 North Fourth St LS, LLC c/o Dave Perry,
David Perry Company, Inc., 423 E. Town
Street, Second Floor, Columbus, OH 43215
and Donald Plank, Plank Law Firm, 423 E.
Town Street, Second Floor, Columbus, OH
43215
DATE OF TEXT: October 31, 2016
APPLICATION NUMBER: Z16- 076

INTRODUCTION:

The subject property is 2.04 +/- acres located on the east side of North Fourth Street, between Detroit Avenue (28') and E. 4th Avenue (60'). The property is zoned M-2, Manufacturing and is developed with the Budd Dairy buildings. Applicant proposes to rezone the property to the CPD, Commercial Planned Development District to permit commercial reuse of the buildings/site with a change of use of the existing buildings. The plan titled "Zoning Site Plan, Budd Dairy, 1086 N. Fourth Street", hereafter "Site Plan", dated _____, 2016, and referenced in Section 2.H. of this text, depicts the proposed site development.

1.PERMITTED USES: All uses of Section 3355.03, C-3, Permitted Uses, and the following uses of Section 3356.03, C-4 Permitted Uses: appliance stores; automotive sales, leasing and rental, subject to no outside inventory, sales, display or car detailing; bars, cabarets and nightclubs; caterers; electronics stores; floor covering stores; furniture and home furnishings stores; general merchandise stores; home centers; lawn and garden equipment and supply stores; reupholster and furniture repair; sporting goods and outfitters; hotels; paint and wallpaper store; theaters, dance companies and dinner theater; subject to no use is permitted outside sales, or display in merchandise or inventory.

2.DEVELOPMENT STANDARDS: Except as specified herein, the applicable development standards of the C-3, Commercial District, Chapter 3312, Off-Street

Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply.

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

N/A

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

The Site Plan depicts 99 parking spaces, while 71 spaces are code required parking for the office and restaurant use itemized on the site plan. Square footage of the office and restaurant uses is an estimate and subject to change. There may also be retail, medical/dental office use and/or other uses(s), as permitted. Parking in excess of code required parking may be removed if changes to the site plan cause the loss of parking. If code required parking exceeds available parking, the Board of Zoning Adjustment may hear an application for a variance to code required parking.

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

N/A. See site plan,

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

N/A

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

N/A. See 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 the applicable sign requirements of the C-3, Commercial District shall be submitted to the Columbus Graphics Commission.

G. Code Modifications.

1.3321.05(B)(1), Vision Clearance, to reduce the 10'x10' clear vision triangle at N Sixth Street and the unnamed alley to 0'x0' for the existing building.

2.3372.604(A)(B), Setback Requirements, to increase the permitted maximum building setback from ten (10) feet to thirty (30) feet on N. Fourth Street, to conform the setback of the existing building fronting on N. Fourth Street, and to permit the parking lot, as depicted on the Site Plan, to be located in advance of the principal building on N. Fourth Street and in front of the N. Fourth Street building on the E. 4th Avenue frontage, and to permit more than 50% of the

provided parking to be located on the north and south sides of the N. Fourth Street building.

3. 3372.605(B)(D), Building Design Standards, to permit the existing widths of the principal buildings on N. Fourth Street and E. 4th Avenue to 20% and 40% of the width of the lot rather than 60%; to permit less than 60 percent glass on the E. 4th Avenue primary and secondary building frontages of the E. 4th Avenue building.

H.Miscellaneous.

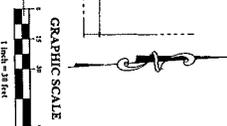
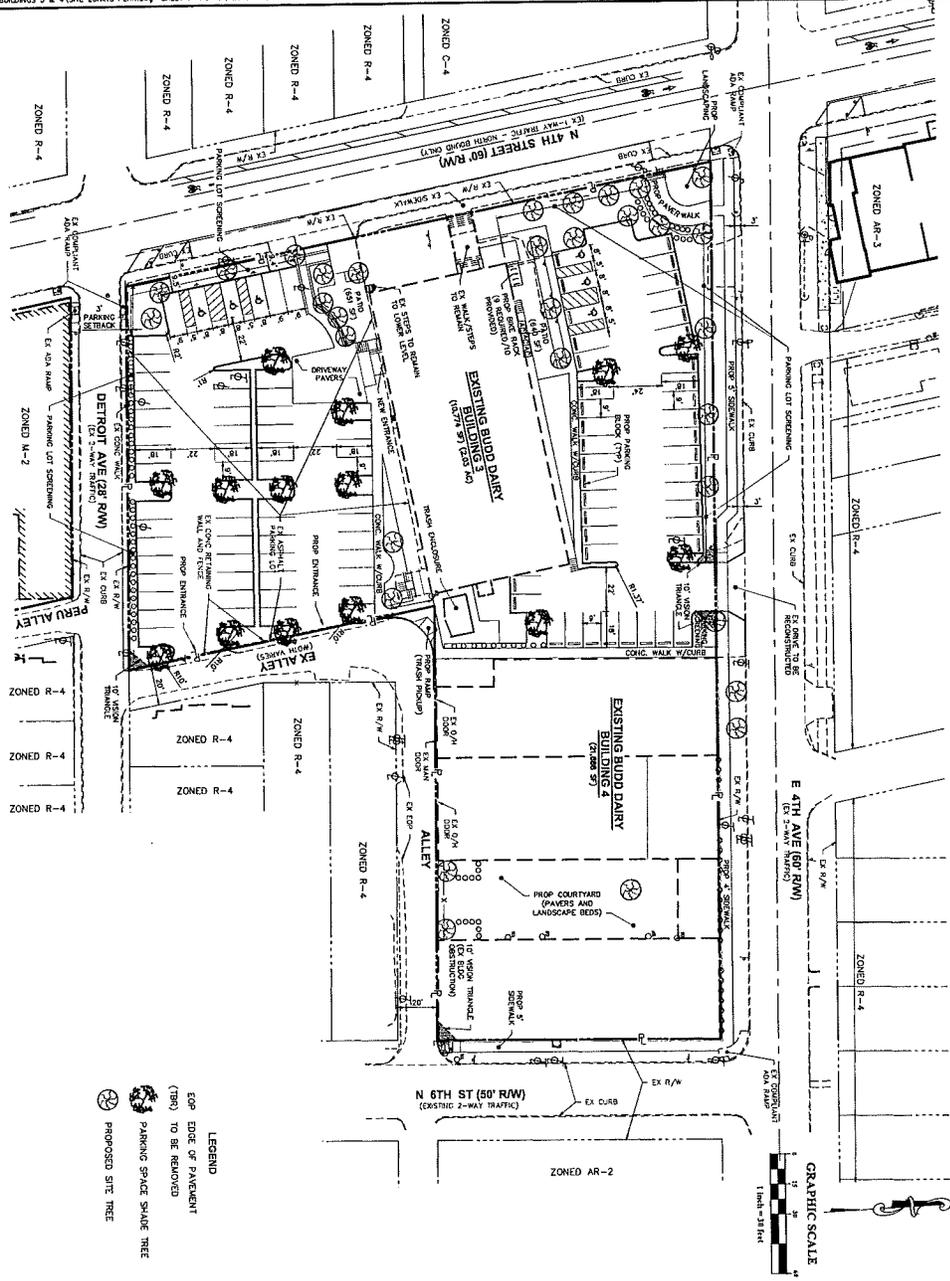
1.Applicant shall comply with applicable fees of Chapter 3318, Parkland Dedication, Columbus City Code.

2. The plan titled "Zoning Site Plan, Budd Dairy, 1086 N. Fourth Street", hereafter "Site Plan", dated _____, 2016, and signed by David B. Perry, agent and Donald Plank, attorney, depicts the site development. The site plan may be slightly adjusted to reflect engineering, architectural, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to any of the drawings 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.

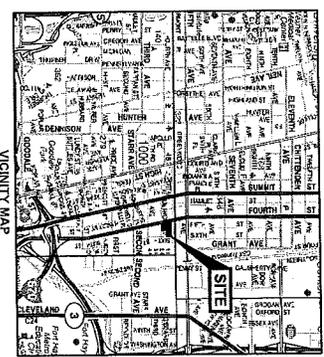
The undersigned, being the owner of the subject property together with the applicant in the subject application, or their authorized representatives, do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Codes, other than as itemized or depicted on the registered site plan.

Signature: _____ Date: _____
1086 North Fourth St LS, LLC, by David B. Perry, Agent

Signature: _____ Date: _____
1086 North Fourth St LS, LLC, by Donald Plank, Attorney



- LEGEND**
- EDGE OF PAVEMENT TO BE REMOVED
 - PROPOSED SITE TREE
 - PARKING SPACE SHADE TREE



SITE DATA TABLE:

ADDRESS: 1086 N. FOURTH STREET
 PID: 010-009127
 EXISTING ZONING: M-2
 PROPOSED ZONING: C-2 (COMMERCIAL PLANNED DISTRICT)
 ITALIAN VILLAGE & URBAN COMMERCIAL OVERLAY
 RESTAURANT/OFFICE
 PROPOSED USE:
 TOTAL SITE AREA: 2.03 ACRES
 NO. BUILDINGS: 2
 HEIGHT/DISTRICT: H-35

PARKING CALCULATIONS:

Proposed Use (1)	Units/Area	Parking Ratio/Spaces	Minimum Vehicle User	Code Required Parking
Office (General)	21,866 sq. ft.	1 space/450 sq. ft. 49 spaces	37 spaces	37 spaces
Commercial space (2)	3,585 sq. ft.	1 space/75 sq. ft. 48 spaces	25% reduction	27 spaces
Restaurant	1,201 sq. ft.	1 space/150 sq. ft. 8 spaces	25% reduction	7 spaces
TOTAL REQUIRED PARKING				71 spaces
PARKING PROVIDED				69 spaces (provided)
				99 Total

(1) OFFICE AND RESTAURANT PARKING SHOWN FOR EXAMPLE. ANY MIX OF COMMERCIAL USE, INCLUDING RETAIL USE, IS PERMITTED SUBJECT TO THE MINIMUM NUMBER OF PARKING SPACES SHOWN.
 (2) RETAIL PARKING NOT CALCULATED SINCE REQUIRED PARKING IS LESS THAN RESTAURANT PARKING REQUIRED.

BICYCLE PARKING REQUIRED: 2 SPACES MINIMUM PLUS:
 1 SPACE/250 VEHICLE SPACES
 1.50/200 = 7.5 = 8 BICYCLE SPACES PROVIDED
 (GRAY TYPE INDICATES PROVIDED)
PARKING SPACE SHADE TREES REQUIRED: 5 PERCENT SIGNIFICANT PARKING TREES PROVIDED: 14 TREES

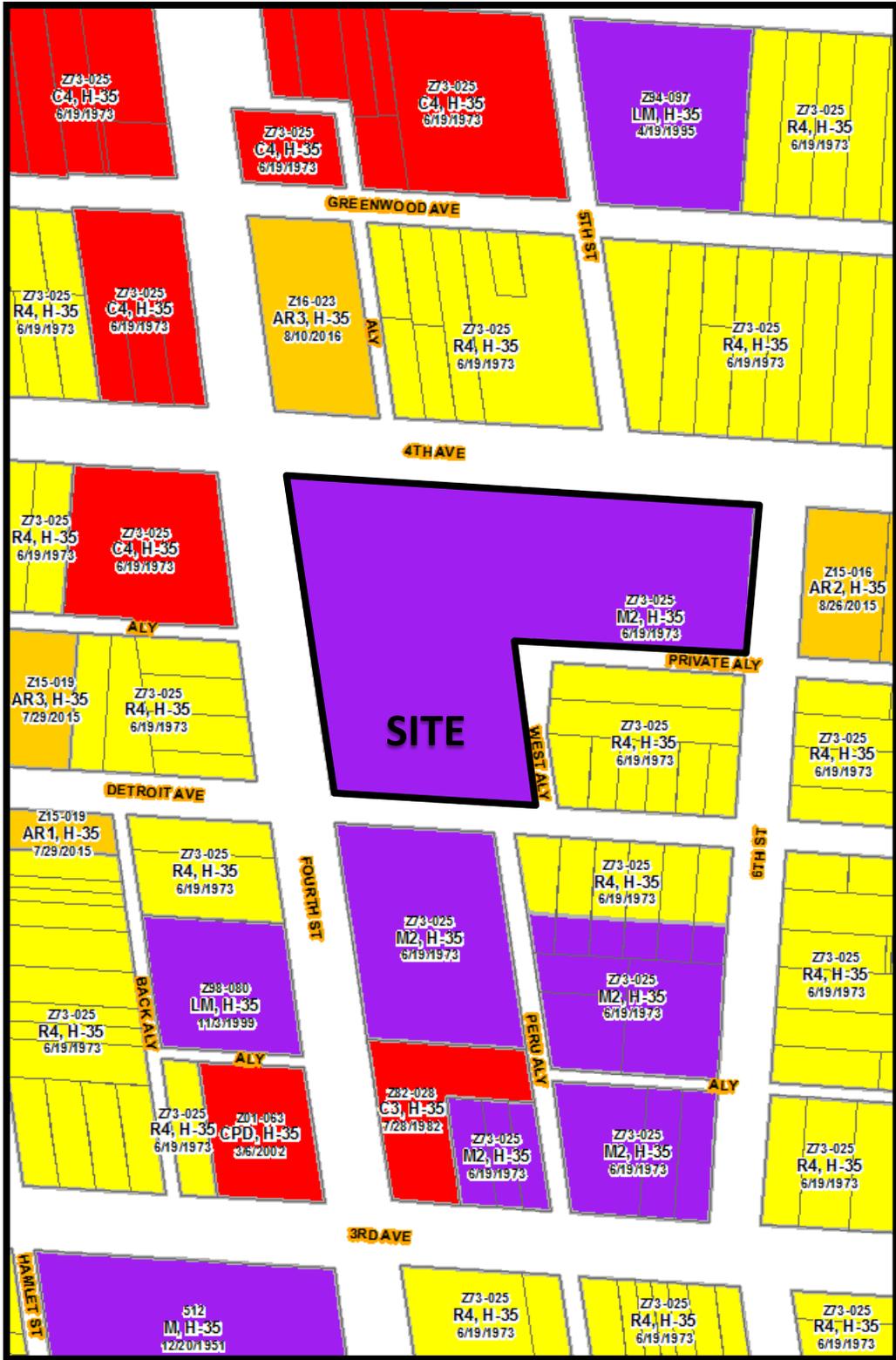
PARCELS (TOTAL SITE AREA)

AREA (97)	86,425	2.03
AREA (40)		

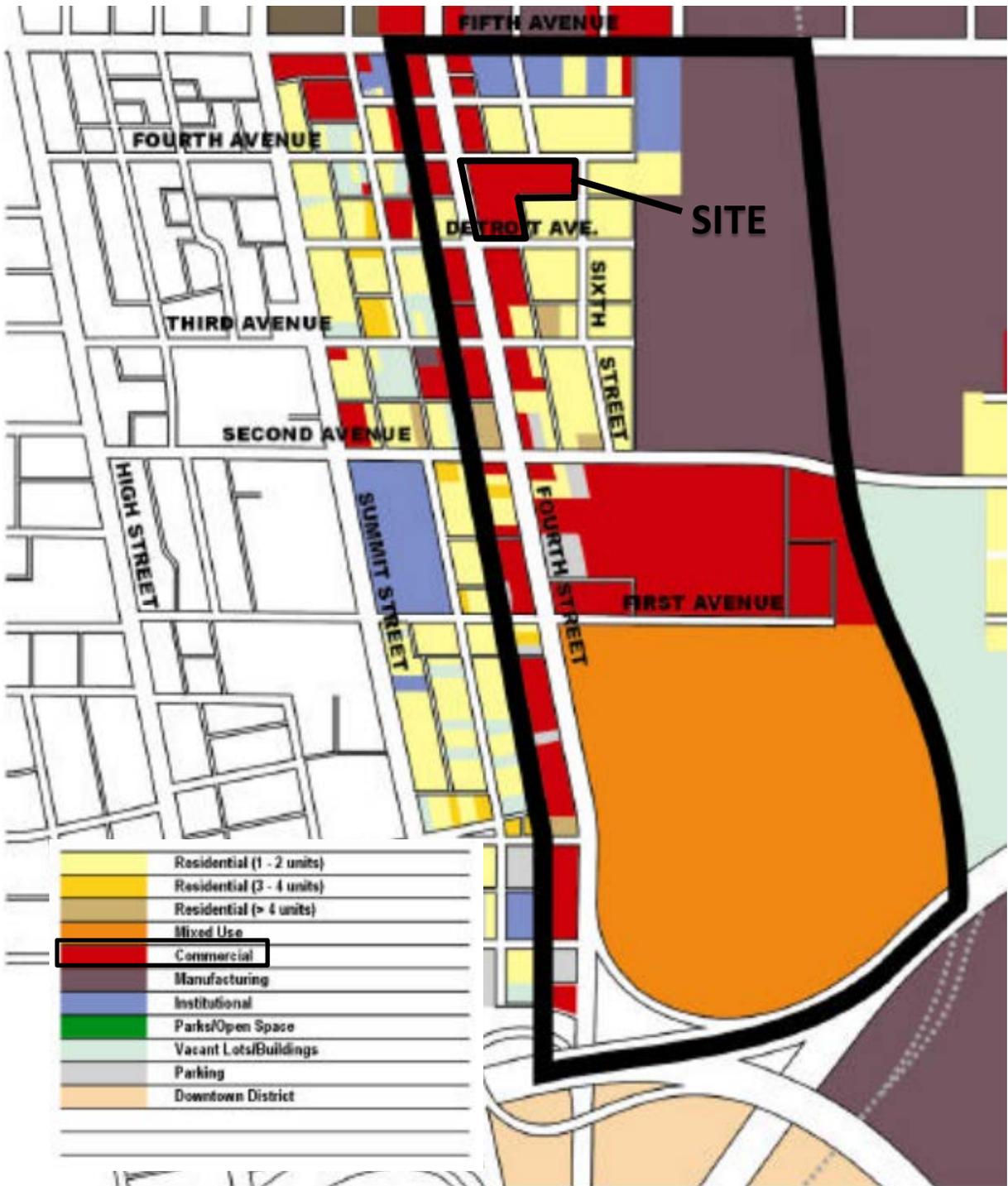
PD-010-00127-00

Z16-0716

<p>DATE: 11/1/2016 SCALE: 1" = 30' DRAWN BY: CHASED BY: SHY: DMT PROJECT NUMBER: 16-0001-725 DRAWING NUMBER: 1/1</p>	<p>CITY OF COLUMBUS, OHIO ZONING SITE PLAN BUDD DAIRY FOR LYKENS COMPANIES 1086 N. FOURTH STREET</p>	<p>PLAN PREPARED FOR: PLAN PREPARED BY: 422 Breech Road Columbus, Ohio 43230 ph 614.428.7700 fax 614.428.7705 U.S. PATENT & TRADEMARK OFFICE</p>
---	--	--



Z16-076
 1086 North Fourth Street
 Approximately 2.04 acres
 M2 to CPD



Z16-076
 1086 North Fourth Street
 Approximately 2.04 acres
 M2 to CPD



Z16-076
1086 North Fourth Street
Approximately 2.04 acres
M2 to CPD