

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 #: 217-038 Date Received: 8-30-17
Application Accepted By: TD +mm Fee: \$1,800
Assigned Planner: Shannon Pine; spine@columbus.gov; 614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1971 E. LIVINGSTON AVE Zip 43209

Is this application being annexed into the City of Columbus ☐ Yes ☒ No (select 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 010.096250.00

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

Current Zoning District(s) CPD Requested Zoning District(s) CA

Area Commission Area Commission or Civic Association: NEAR SOUTH

Proposed Use or reason for rezoning request: EXPAND ZONING FROM RESTAURANT ONLY CPD TO ORIGINAL UNDERLYING C.4

(continue on separate page if necessary)

Proposed Height District: H-35 Acreage .73

[Columbus City Code Section 3309.14]

APPLICANT:

Name JAMES D. GILBERT, ATTORNEY
Address 6005 FRANTZ RD City/State DUBLIN OH Zip 43017
Phone # 614 766 5423 Fax # _____ Email JAMESDGILBERT@SBCGLOBAL.NET

PROPERTY OWNER(S):

Name FRANCIS JOHN JR TRUST
Address 326 S. HIGH ST City/State COLUMBUS OH Zip 43215
Phone # 614 766 5423 Fax # _____ Email _____

☐ Check here if listing additional property owners on a separate page

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney

☐ Agent

Name JAMES D. GILBERT, ATTORNEY
Address 6005 FRANTZ RD City/State DUBLIN OH Zip 43017
Phone # 614 766 5423 Fax # _____ Email: JAMESDGILBERT@SBCGLOBAL.NET

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

APPLICANT SIGNATURE James D. Gilbert

* PROPERTY OWNER SIGNATURE Elmer J. Gilbert

ATTORNEY / AGENT SIGNATURE James D. Gilbert 614 766 5423

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 #: 217-038

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME JAMES D GILBERT
of (1) MAILING ADDRESS 6065 FRANTZ RD SUITE 105 DUBLIN OH 43017

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 _____

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) 8/30/17 8/30/17

(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) FRANCIS J. BOWEN TRUST
320 S. HIGH ST SUITE 100
COLUMBUS OH 43215

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

JAMES D. GILBERT
614 706-5423

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

(5) LIVINGSTON AVE AREA
TERRY ELLIOTT
924 BRUCELEY RD COLUMBUS, OH 43208

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

Sworn to before me and signed in my presence this 29th day of August, in the year 2017

SIGNATURE OF NOTARY PUBLIC

(8) Mark M. Murphy
Never

My Commission Expires:

Notary Seal Here

This Affidavit expires six (6) months after date of notarization.

MARK MURPHY
ATTORNEY AT LAW
NOTARY PUBLIC
STATE OF OHIO
My Comm. Has No
Expiration Date
Section 147.03 R.C.



JAMES D. GILBERT, ATTORNEY
6065 FRANTZ ROAD
DUBLIN OH 43017

FRANCIS JOHN JR TR
326 S HIGH ST #100
COLUMBUS, OH 43215

TERRY ELLIOT ZONING CHAIR
924 BERKELEY RD
COLUMBUS, OH 43206

WCOL LLC
23219 W 30TH ST
HASKELL OK 74436

FRANCHISE REALTY INTERSTATE
CORP
1020 ALUM CREEK DR
COLUMBUS, OH 43209

SA ALUM CREEK INC
1937 E LIVINGSTON AVE
COLUMBUS, OH 43209

SMITH THOMAS CHESTER
3262 DRAKE AVE
GROVEPORT, OH 43125

HYG ALUM LLC
222 E 11TH AVE
COLUMBUS, OH 43201

JAMES D. GILBERT, ATTORNEY
6065 FRANTZ ROAD
DUBLIN OH 43017

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COLUMBUS, OH 43215

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222 E 11TH AVE
COLUMBUS, OH 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 #: 217-038

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS) JAMES D GILBERT
6065 FRANTZ RD SUITE 105 DUBLIN OH 43017

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

| | |
|--|----|
| 1. <u>FRANCIS JOHN JR TRUST</u> <u>326 S. HIGH ST #100</u> <u>COLUMBUS, OH 43215</u> | 2. |
| 3. | 4. |

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 29 day of August, in the year 2017

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Never

This Project Disclosure Statement expires six months after date of notarization

Notary Seal Here



MARK MURPHY
ATTORNEY AT LAW
NOTARY PUBLIC
STATE OF OHIO
My Comm. Has No
Expiration Date
Section 147.03 R. C.

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Please make all checks payable to the Columbus City Treasurer

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: 010096250

Zoning Number: 1971

Street Name: E LIVINGSTON AVE

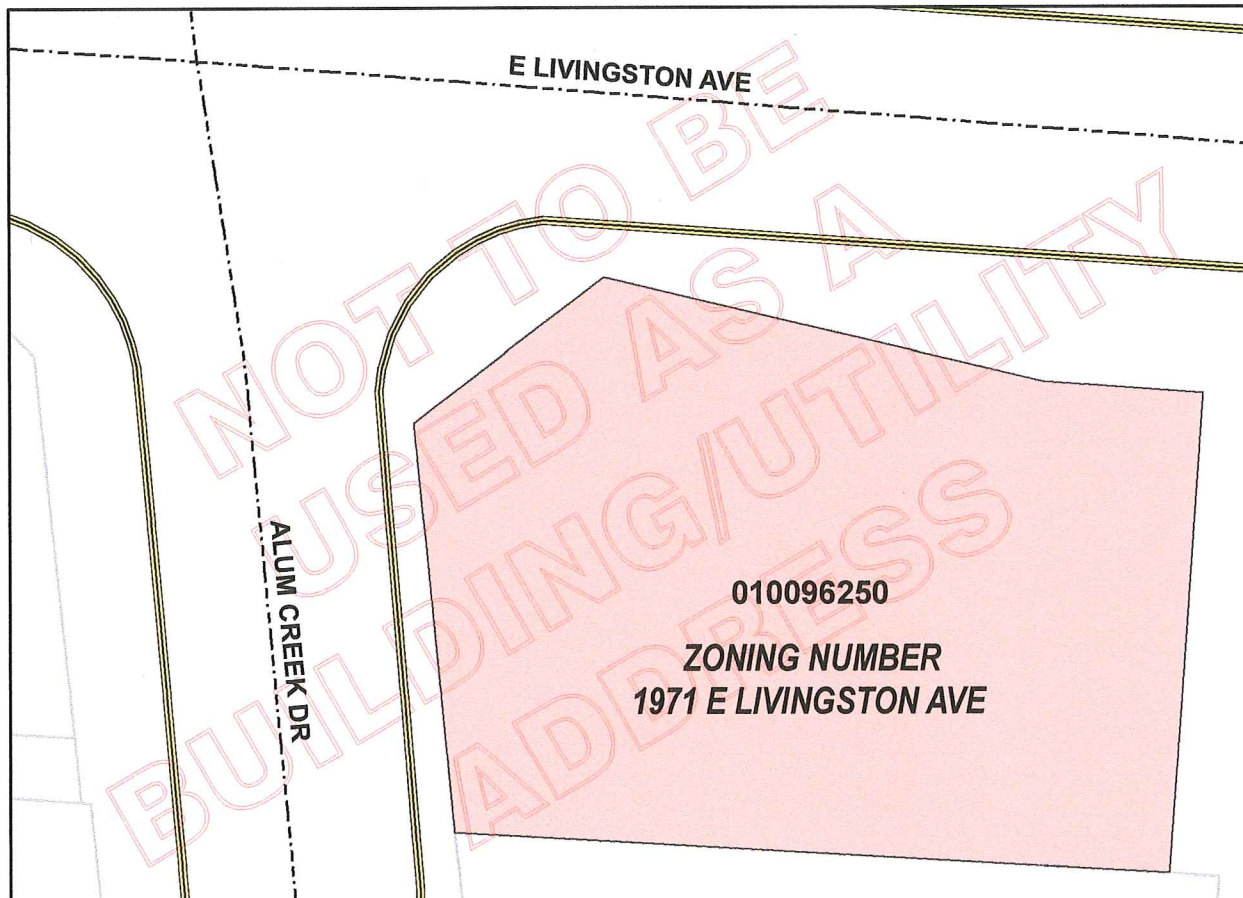
Lot Number: N/A

Subdivision: N/A

Requested By: ALCHEMY CONSULTING GROUP (JOHN INGWERSEN)

Issued By: *Adyana Amarian*

Date: 8/23/2017



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 100609

217-038

RETURN TO:
FIDELITY LAND TITLE AGENCY
OF CINCINNATI, INC.
10723 MONTGOMERY ROAD
CINCINNATI OHIO 45242

LIMITED WARRANTY DEED

200704230069999
Pgs: 3 \$36.00 T20070026360
04/23/2007 10:40AM MEKASPARNET
Robert G. Montgomery
Franklin County Recorder

KNOW ALL MEN BY THESE PRESENTS, that **IB Property Holdings, LLC**, a Delaware Limited Liability Company for valuable consideration paid, grant(s) with limited warranty covenants to **John Francis, Jr.** Trustee of the **Livingston Avenue Realty Trust** dated April 13, 2007, whose tax mailing address is:
326 S. High Street Annex Suite 100 Columbus, OH 43215
the following described **REAL PROPERTY**:

Parcel 1:

Situated in the City of Columbus, County of Franklin and State of Ohio, and being a part of Half Section 33, Section 23, Township 5, Range 22, Refugee Lands and being a tract out of the Northeast corner of a 49.092 acre tract conveyed by Minnie J. Shinnich to Arthur L. Smith, by deed shown of record in Deed Book 1145, Page 187, Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

Beginning at a point at the intersection of the centerlines of Livingston Avenue and Alum Creek Drive, said point being the Northeast corner of the above mentioned 49.092 acre tract; thence S 00 deg 30' W along the centerline of Alum Creek Drive and the East line of said 49.092 acre tract 195 feet to a point in the corporation line of the City of Columbus; thence N 90 deg 24' W along the corporation line 180 feet to an iron pin passing an iron pin in the West line of Alum Creek Drive at 30 feet thence N 0 deg 30' E parallel with Alum Creek Drive, 195 feet to a point in the centerline of Livingston Avenue, passing an iron pin on the south line of Livingston Avenue at 162 feet; thence S 89 deg 24' E along the centerline of Livingston Avenue and the North line of said 49.092 acre tract 180 feet to the point of beginning, containing 0.806 acres more or less;

Parcel 2:

Being part of Half Section 33, Section 23, Township 5, Range 22, Refugee Lands, and being the same premises as described in the deed to Arthur L. and Lot L. Smith, Inc. of record in Deed Book 2541, Page 365, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point of reference at the centerline intersection Livingston Avenue and Alum Creek Drive, said point being the northeast corner of a certain 49.092 acres tract conveyed to Arthur L. Smith by deed shown of record in Deed Book 1145, Page 187, Recorder's Office, Franklin County, Ohio; thence N 89 24' W and along the centerline of Livingston Avenue, a distance of 180.00 feet to the true place of beginning, said point being the northwesterly corner of a certain 0.806 acres tract standing in the name of that Standard Oil Company; thence from said place of beginning S 00 deg 40' W and along the westerly line of the said 0.806 acres tract and passing the existing southerly right of way line of Livingston Avenue at 33.00 feet, a distance of 195.00 feet to an iron pin at the southwesterly corner of the said 0.806 acre tract; thence N 89 deg 24' W and with an interior angle of 90 deg 04' and parallel to the centerline of Livingston Avenue and along the northerly line of certain 2.444 acres tract a distance of 99.00 ft. to an iron pin at the southeasterly corner of a certain 0.493 acres tract described in a deed to the Standard Development Company, of record in Deed Book 1956, Page 236; thence N 00 deg 11' E and with an interior angle of 90 deg 25' and along the easterly line of the Standard Development Company 0.493 acre tract and passing an iron pin on line at 162.00 feet, a distance of 195.00 ft. to a point in the centerline of Livingston Avenue, 66 feet in width, said point also being the northeasterly corner of the above mentioned 0.493 acre tract; thence S 89 deg 24' E and with an northeasterly corner of the above mentioned 0.493 acre tract; thence S 89 deg 24' E and with an interior angle of 89 deg 35' and along the centerline of Livingston Avenue, a distance of 100.64 feet to the place of beginning, containing a total of 0.4468 acres,

RETURN RECORDED DOCS TO:
KASPARNET, LLC
3613 RESERVE COMMONS DR.
MEDINA, OH 44256

217-038

Being a tract of land in Half Section 33, Township 5, Range 22, Refugee Lands and also being a part of an Original 49.092 acre tract of land conveyed by deed from Minnie J. Shinnich to Arthur L. Smith, as shown of record in Deed Book 1145, Page 187, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a point at the intersection of the centerline of Livingston Avenue and Alum Creek Drive, said point being the northeast corner of the above mentioned 49.092 acre tract; thence N 86 deg 10' 37" W with the centerline of Livingston Avenue and the north line of said 49.092 acre tract, a distance of 180 feet to the true point of beginning and the grantor's northeast corner of property; thence S 3 deg 51' 43" W with the grantor's east property line, a distance of 45 feet to a point; thence S 50 deg 11' 14" W a distance of 65.93 feet to a point; thence S 5 deg 50' 32" E, a distance of 106.33 feet to a point in the grantor's south property line; thence N 86 deg 10' 37" W with the said south property line a distance of 69.17 feet to the southwest corner of said property; thence N 3 deg 51' 43" E with the grantor's west property line, a distance of 195.00 feet to the northwest corner of property in the centerline of Livingston Avenue; thence S 86 deg 10' 37" E with the centerline of Livingston Avenue and the grantor's north property line, a distance of 100.00 feet to the true point of beginning, containing 0.327 acres, more or less.

Less and except any land appropriated or conveyed in fee for highway purposes. Subject to all legal highways.

Excepting and reserving all that property conveyed from Larry Gunsorek to City of Columbus, Ohio as more particularly set forth in Instrument #199707290056572 filed 07-29-97 containing 0.043 acres more or less.

Parcel No. 29WD

Situated in the City of Columbus, County of Franklin, State of Ohio, and in Township 5, Range 22, and being part of the lands described in the deed: 27279114.

Beginning for reference at a spike set at a deflection point in the centerline of Livingston Ave. at Station 26+00.00 as shown on the widening and resurfacing plans of Livingston Ave. dated September 1995;

Thence N 86° 56' 58" W with the centerline of Livingston Ave. a distance of 1043.00 feet to a point, said point being at Station 15+57.00;

Thence S 03° 03' 02" W and perpendicular to the centerline of Livingston Ave. a distance of 45.00 feet to a point 45.00 feet right of Station 15+57.00, said point being the grantor's northwesterly property corner and a point on the southerly right-of-way line of Livingston Avenue and the true point of beginning for the parcel herein described;

Thence S 86° 56' 58" E with the said right-of-way line a distance of 151.86 feet to point 45.00 feet right of Station 17+08.86;

Thence S 41° 53' 58" E a distance of 11.30 feet to a point, said point being 53.00 feet right of Station 17+16.85, and a point on the grantors easterly property line;

Thence S 03° 09' 00" W along said easterly property line a distance of 10.56 feet to a point on the grantor's property line, said point being 63.50 feet right of Station 17+16.83;

Thence N 86° 56' 58" W a distance of 42.14 feet to a point, said point being 63.50 feet right of Station 16+74.69;

Thence N 78° 55' 39" W a distance of 119.05 feet to the true point of beginning, containing

217-038

Parcel Number: 010-096250

Property Address: 1971 East Livingston Avenue, Columbus, OH 43209
File No.: 06-3984-R

Prior Instrument Reference: Inst. No. 200612190250971 of the Deed Records of Franklin County, Ohio.

This conveyance is made subject to all legal highways and easements, all restrictions, conditions, declarations and covenants of record, all zoning restrictions and all taxes and assessments not yet payable.

Executed this 17th day of April, 2007.

IB Property Holdings, LLC, a Delaware
Limited Liability Company

BY: _____

Kathleen M. Sovic
First Vice President

STATE OF FLORIDA)

) SS:

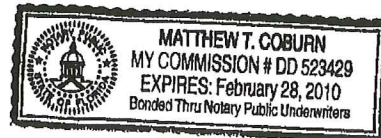
COUNTY OF DADE)

This instrument was acknowledged before me this 17th day of April, 2007, by
KATHLEEN M. SOVIC, **FIRST** Vice President of IB Property Holdings, LLC, a Delaware Limited
Liability Company.

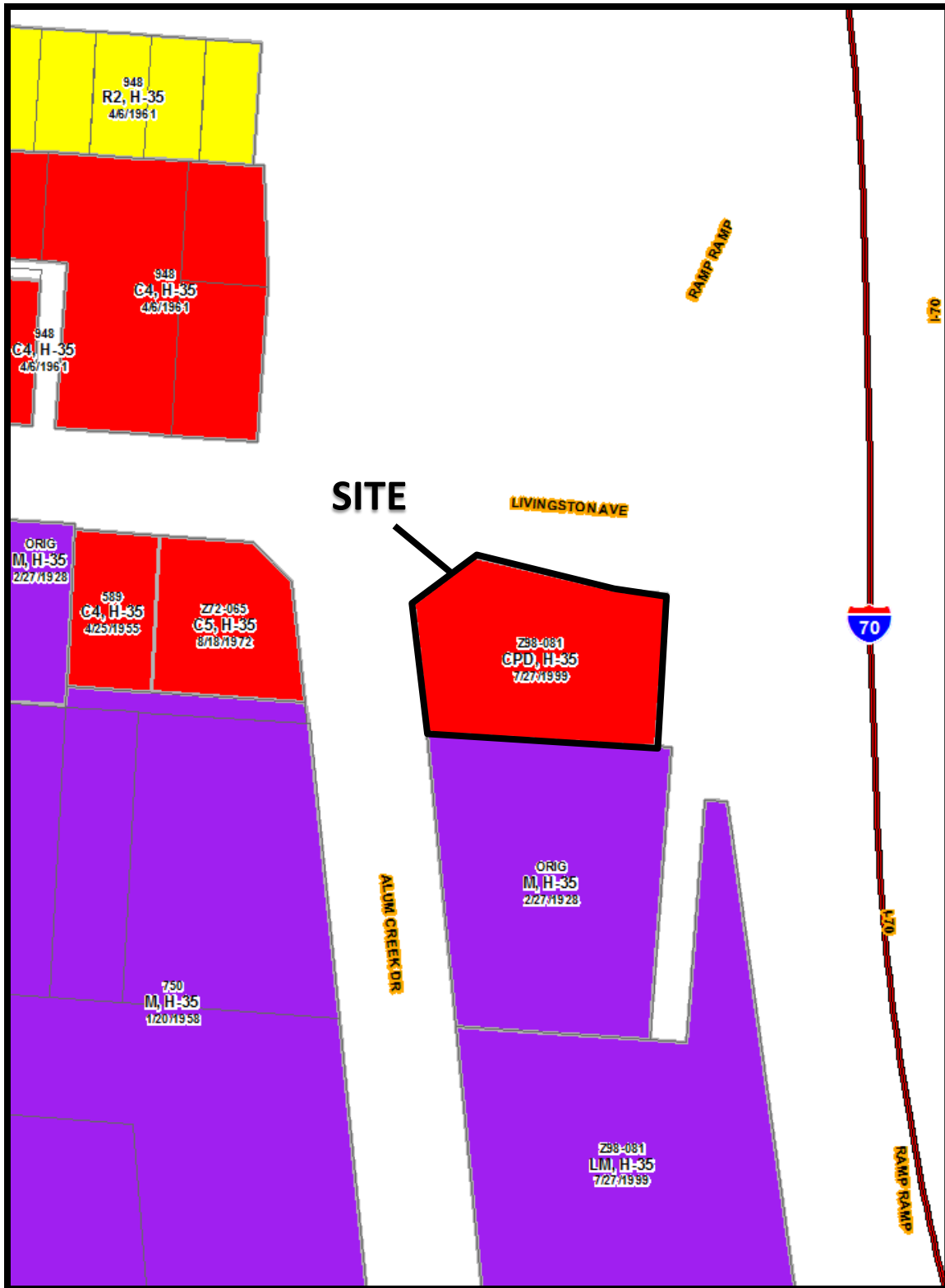
Notary Public

This Instrument prepared
by the Grantor

File No. 06-3984-R

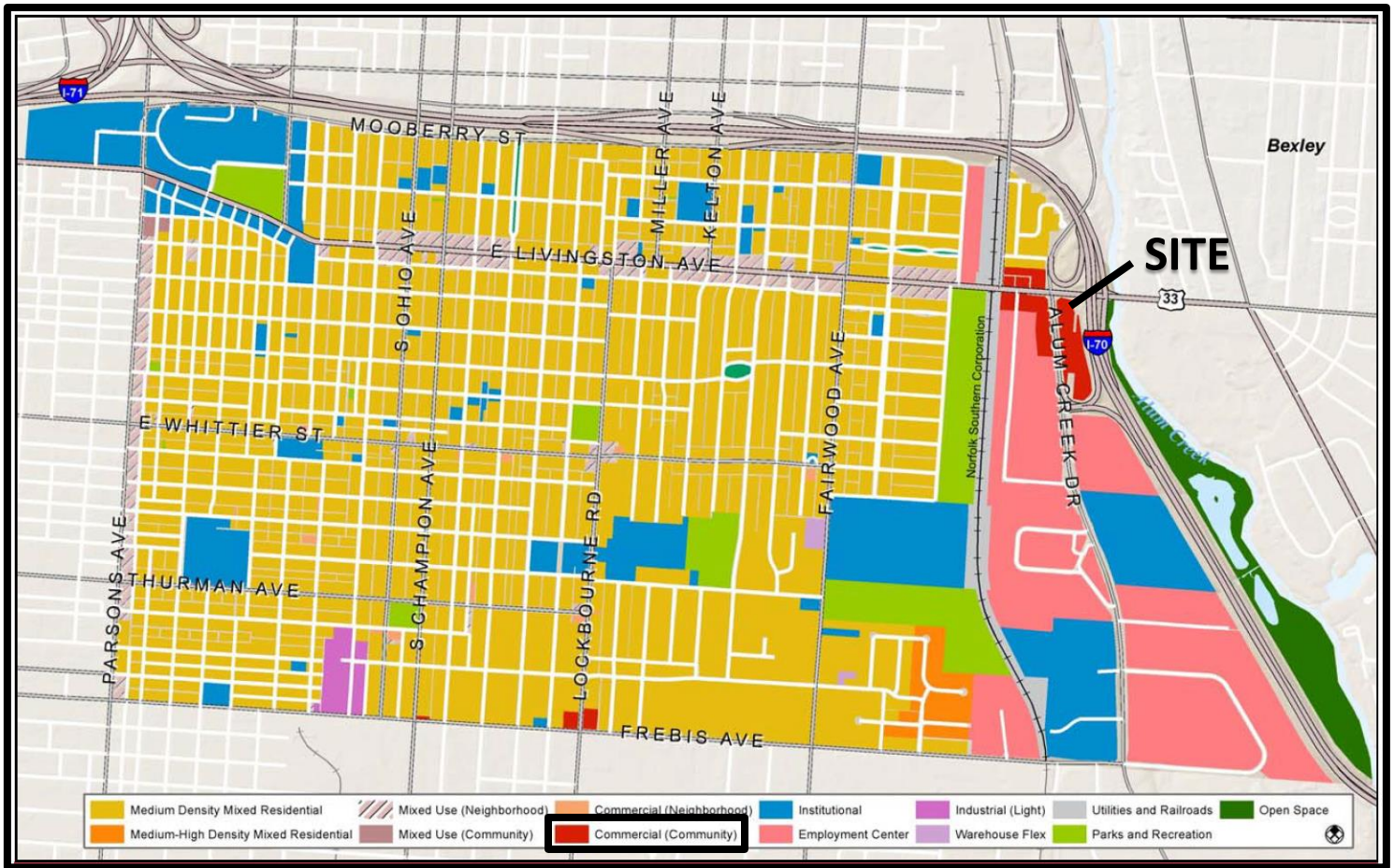


217-038



Z17-038
1971 East Livingston Avenue
Approximately 0.73 acres
CPD to C-4

Near Southside Area Plan (2011)



Z17-038
 1971 East Livingston Avenue
 Approximately 0.73 acres
 CPD to C-4



Z17-038
1971 East Livingston Avenue
Approximately 0.73 acres
CPD to C-4