

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
JANUARY 14, 2010**

- 7. APPLICATION:** **Z09-033 (ACCELA # 09335-00000-00267)**
Location: **2228 TUTTLE PARK PLACE (43211)**, being 0.07± acres located on the east side of Tuttle Park Place, 7± feet north of West Lane Avenue (010-077365 and 010-010261; University Area Commission).
Existing Zoning: AR-4, Apartment Residential District.
Request: CPD, Commercial Planned Development District.
Proposed Use: Retail or office commercial uses.
Applicant(s): Jack Cohen Trustee, and Violet A. Cohen, Trustee; c/o Brent D. Rosenthal, Atty.; Carlile Patchen & Murphy LLP; 366 East Broad Street; Columbus, OH 43215.
Property Owner (s): Jack Cohen Trustee, and Violet A. Cohen, Trustee; 1204 Dobbins Drive; New Albany, OH 43054.
Planner: Shannon Pine; 645-2208; spine@columbus.gov.

BACKGROUND:

- The 0.07± acre site is developed with a small warehouse building and zoned in the AR-4, Apartment Residential District. The applicant requests the CPD, Commercial Planned Development District to allow the building to be used for retail or office uses.
- To the north is a single-family dwelling and to the east is an apartment building, both zoned in the AR-4, Apartment Residential District. To the south is a commercial garage zoned in the C-4, Commercial District. To the west across Tuttle Park Place is a parking lot and an office/apartment building both zoned in the C-4, Commercial District.
- This site is within the boundaries of the University Area Commission whose recommendation is for approval of the requested CPD District.
- The site is located within the planning area of the *University Neighborhoods Revitalization Plan* (1996), which recommends mixed uses for this location.
- The CPD text commits to a site plan and contains development standards that address permitted uses and a parking variance to maintain zero parking spaces.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

The requested CPD, Commercial Planned Development District will allow an existing warehouse building to be used for retail or office purposes. The CPD text commits to a site plan and contains development standards that address permitted uses and a parking variance to maintain zero parking spaces. The request is consistent with the land use recommendations of the *University Neighborhoods Revitalization Plan* and the zoning and development patterns of the area.







2228 Tuttle Park Place
Approximately 0.07 acres
AR-4 to CPD

Z09-033

2228 Tuttle Park Place
Approximately 0.07 acres
AR-4 to CPD

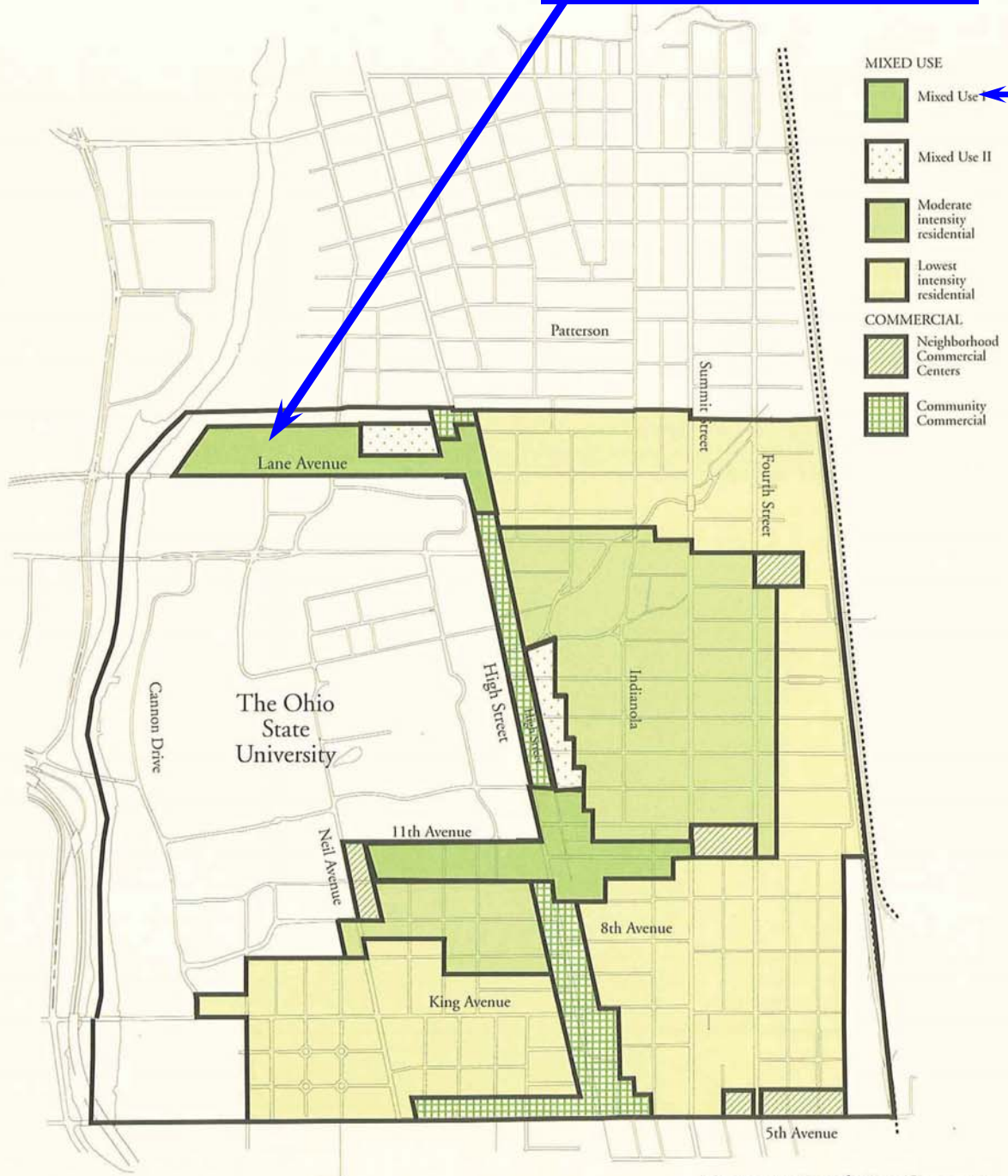


Figure 5: Land Use Concept

Z09-033

DEVELOPMENT TEXT
CPD, COMMERCIAL PLANNED DEVELOPMENT
0.06648 +/- ACRES

EXISTING ZONING: AR-4, Apartment Residential
PROPOSED ZONING: CPD, Commercial Planned Development
PROPERTY ADDRESS: 2228 Tuttle Park Place and 261 West Norwich, Columbus, OH, 43201
OWNER: Jack Cohen, Trustee and Violet A. Cohen, Trustee, c/o Brent D. Rosenthal, Attorney, Carlile, Patchen & Murphy, LLP, 366 East Broad Street, Columbus, OH 43215.
APPLICANT: Brent D. Rosenthal, Attorney, Carlile, Patchen & Murphy, LLP, 366 East Broad Street, Columbus, OH 43215.
DATE OF TEXT: 12/2/2009
APPLICATION NUMBER: Z09-033

1. INTRODUCTION: This site contains approximately 0.06648 acres situated on the east side of Tuttle Park Place, north of Lane Avenue. The site is developed with a single story brick building, approximately 2,731 square feet, used since its acquisition by the current owners in 1982 as storage for the owners' retail sales business, Conrad's College Gifts, Inc., 316 W. Lane Ave. The building, believed to have been built around 1930, has previously been used for light manufacturing and storage purposes. This rezoning is sought to reconcile the current and recent historical uses with appropriate zoning, as well as the zoning reflected in the adjacent uses (see G. 2 below).

The property is developed with a single story brick building currently used as storage for the owners' retail sales business, Conrad's College Gifts, Inc., 316 West Lane Avenue. The building occupies virtually all of the property, with the walls sitting almost on the property's boundary lines. The building does not have a basement. Adjacent uses to the north and east are apartment residential, zoned AR-4. Adjacent uses to the south and west are commercial, including retail sales, restaurant, bars, a parking lot, and a light manufacturing use, primarily zoned C-4.

The proposed rezoning is sought in order to conform the zoning to the current and long-time commercial uses of the existing building. All use of the building will be conducted within the building. No redevelopment of or physical changes to the site are planned.

2. PERMITTED USES: Retail and office uses.

3. USE LIMITATIONS: All uses shall be conducted within the building.

4. DEVELOPMENT STANDARDS: Unless otherwise indicated in the written text, including without limitation those variances set forth below, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Regional Scale Commercial District, of the Columbus City Code.

A.) Density, Height, Lot and/or Setback commitments.

Not applicable

B.) Access, Loading, Parking and/or other Traffic related commitments.

Not applicable

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

Not applicable

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

Not Applicable.

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure compatibility.
3. Pole mounted lighting, if any, shall not exceed eighteen (18) feet in height.

F.) Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G.) Other CPD Requirements.

1. Natural Environment: The building footprint occupies substantially all of the property, with minimal blacktop along the western boundary. There is no greenspace or landscaping.
2. Existing Land Use: The property is developed with a single story brick building currently used as storage for the owners' retail sales business, Conrad's College Gifts, Inc., 316 West Lane Avenue. The building does not have a basement. Adjacent uses to the north and east are apartment residential, zoned AR-4. Adjacent uses to the south and west are commercial, including retail sales, restaurant, bars, a parking lot, and a light manufacturing use, primarily zoned C-4.
3. Circulation: Access to and from the site is via Tuttle Park Place to the west.
4. Visual Form of the Environment: The site is located in an area of intense urban development with many housing and commercial uses. Most uses predated current zoning so many lots are noncompliant with respect to setbacks, lot coverage, parking and other requirements.
5. Visibility: The site is located on Tuttle Park Place, north of Lane Avenue.
6. Proposed Development: No redevelopment of or physical changes to the site are planned. The proposed rezoning is sought in order to conform zoning to commercial use of existing building that predates AR-4 zoning.
7. Behavior Patterns: Vehicular access is available from Tuttle Park Place, abutting the site to the west.
8. Emissions: There will be no objectionable emissions of light, sound, dust, or other particulates.

H.) Modification of Code Standards.

1. Code Section 3342.28, Minimum Number of Parking Spaces Required - Applicant seeks a variance/modification from Section 3342.28(B)(15), which requires 15 parking spaces for the general retail use, calculated at a rate of 1 space per 250 square feet of gross area. Applicant proposes to provide zero parking spaces.
2. Code Section 3356.11, C-4 District Setback Lines - Applicant seeks a variance/modification from Section 3356.11(A), which requires a minimum setback line of 25 feet. The setback of the building is zero (0) feet.

I.) Miscellaneous commitments.

1. The subject Site shall be developed in accordance with the submitted Site Plan. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the

director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

The undersigned, being attorney for 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, alter or modify any more restrictive provision of the Columbus City Codes, except as permitted by the Development Text and drawings referenced herein.

Signature: _____
Brent D. Rosenthal, Attorney at Law

Date: _____



-----Original Message-----

From: Ronald Hupman [mailto:hupman1@att.net]

Sent: Wednesday, January 06, 2010 9:17 PM

To: Pine, Shannon L.

Subject: Re: UAC Recommendation for Z09-033, 2228 Tuttle Park Place

Shannon,

Happy New year to you. Our holidays were quite nice. The UAC's recommendation is for approval with the condition that uses be limited to office or retail. Sorry you hadn't received this information. I was on vacation at the time of our Nov. meeting and thought this had been forwarded to you by someone else.

Ron