



## Legislation Details (With Text)

**File #:** 3401-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/21/2023      **In control:** Zoning Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To grant a Variance from the provisions of Sections 3332.03, AR-3 residential district; 3312.21(A) and (D)(1), Landscaping and screening; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; and 3333.18(F), Building lines, of the Columbus City Codes; for the property located at 1599 OAK ST. (43205), to allow mixed-use development with reduced development standards in the AR-3, Residential District, and to repeal Ordinance #1970-2019 (CV18-104), passed July 29, 2019 (Council Variance #CV23-058).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3401-2023\_Attachments, 2. ORD3401-2023\_Labels

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
12/11/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/11/2023	1	Zoning Committee	Approved	Pass
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV23-058**

**APPLICANT:** 1659 Franklin, LLC; c/o Sean Mentel, Atty. and Jon Stevenson, Atty.; 250 East Town Street, Suite 200; Columbus, Ohio 43215.

**PROPOSED USE:** Mixed-use development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of an undeveloped parcel in the AR-3, Apartment Residential District. The site is subject to Ordinance #1970-2019 (CV18-104), which allowed a 102-unit apartment building with an approved site plan. The requested Council Variance will also allow a 102-unit apartment building with a commercial fitness facility and an updated site plan that includes parking on the western side of the property along Oak Street and Kelton Avenue. Variances for parking setback, parking lot landscaping and screening, vision clearance, lot coverage, building lines, and a parking reduction from 162 to 102 parking spaces are included in the request. The site is located 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 state that new residential development should be consistent

with the existing housing types and densities of the area. Staff continues to support the proposed mixed-use development at this location as it contains the same number of dwelling units as previously approved, includes a commitment to building elevations, and does not introduce an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.03, AR-3 residential district; 3312.21(A) and (D)(1), Landscaping and screening; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; and 3333.18(F), Building lines, of the Columbus City Codes; for the property located at **1599 OAK ST. (43205)**, to allow mixed-use development with reduced development standards in the AR-3, Residential District, and to repeal Ordinance #1970-2019 (CV18-104), passed July 29, 2019 (Council Variance #CV23-058).

**WHEREAS**, by application #CV23-058, the owner of property at **1599 OAK ST. (43205)**, is requesting a Council variance to allow mixed-use development with reduced development standards in the AR-3, Residential District; and

**WHEREAS**, Section 3333.03, AR-3 apartment residential district use, prohibits commercial uses, while the applicant proposes 2,015 square feet of commercial fitness facility space on the ground floor of the proposed building; and

**WHEREAS**, Section 3312.21(A) and (D)(1), Landscaping and screening, requires 10 parking lot trees for the proposed surface parking lot, with a minimum 4 foot soil radius and 145 square feet of soil area per tree, while the applicant proposes no trees in the parking lot, except for what is depicted on the site plan.

**WHEREAS**, Section 3312.21(D)(1), Landscaping and screening, requires parking lot screening from residentially zoned property be five feet in height, while the applicant proposes no parking lot screening along Kelton Avenue and Oak Street and the eastern side of the property, except for what is depicted on the site plan; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a parking setback line of 25 feet along Kelton Avenue and Oak Avenue, while the applicant proposes a reduced parking setback line of 5 feet from Oak Street and 6 feet from Kelton Avenue, as shown on the site plan; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires that a residential development with four or more dwelling units provide 1.5 parking spaces per unit, or 153 spaces for a 102-unit apartment, and 9 spaces for a 2,015 square foot commercial fitness facility, for a total of 162 spaces, while the applicant proposes 102 spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet by 30 feet at all intersections of the property, while the applicant proposes a reduced vision clearance triangle of 10 feet by 10 feet at Oak Street and Kelton Avenue; and

**WHEREAS**, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to increase the lot coverage to 55 percent; and

**WHEREAS**, Section 3333.18(F), Building lines, requires a building line of no less than the average of buildings on contiguous lots, in this case 25 feet, while the applicant proposes a reduced building line of five feet along Oak Street; and

**WHEREAS**, the Near East Area Commission recommends disapproval; and

**WHEREAS**, the City Departments recommend approval because the proposed variance will permit a mixed-use development that is consistent with the previously approved project, and will not add an incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed development; and

**WHEREAS**, said variances will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variances will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **1599 OAK ST. (43205)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the variances from the provisions of Sections 3332.03, AR-3 residential district; 3312.21(A) and (D) (1), Landscaping and screening; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; and 3333.18(F), Building lines, of the Columbus City Codes; for the property located at **1599 OAK ST. (43205)**, insofar as said sections prohibit a commercial fitness facility in the AR-3, Residential District; with reduced parking lot trees from 10 to zero, except for what is depicted on the site plan; no parking lot screening, except for what is depicted on the site plan; reduced parking setback line from 25 feet to 5 feet along Oak Street and 6 feet along Kelton Avenue; reduced parking from 162 required to 102 provided parking spaces; reduced vision clearance from 30 feet to 10 feet at the intersection of Oak Street and Kelton Avenue; increased lot coverage from 50 to 55 percent; and reduced building setback line from 25 feet to 5 feet along Oak Street; said property being more particularly described as follows:

**1599 OAK ST. (43205)**, being 1.47± acres located at the southeast corner of Oak Street and Kelton Avenue, and being more particularly described as follows:

Situated in State of Ohio, County of Franklin and City of Columbus and more fully described as:

Being all of Lot 16, part of Lot 13 of THOMAS MILLER'S HEIRS, a subdivision of record in Plat Book 4, Page 72, Recorder's Office, Franklin County, Ohio and being part of a 20 feet-wide vacated alley (Ord. No. 934-63) between Lots 16 and 13 and being bounded and more particularly described as follows:

Beginning at an iron pin set at the intersection of the south right-of-way line of Oak Street (50 feet in width) and the east right-of-way line of Kelton Avenue (60 feet in width), said point being the northwest corner of said Lot 16;

Thence South 88°57'47" East, a distance of 428.60 feet, along the south line of said Oak Street and the north line of said Lots 16 and 13 and said vacated alley, to an iron pin found in the west line of a 20 feet-wide alley (running north and south);

Thence South 03°11'49" West, a distance of 153.00 feet, passing an iron pin found at a distant of 148.04, across said Lot 13 and along the west line of said 20 feet-wide alley, to a railroad spike set in the south line of said Lot 13 and the north line of a 20 feet-wide alley (running east and west);

Thence North 88°57'47" West, a distance of 428.29 feet, along the south line of said Lots 13 and 16 and said vacated alley and the north line of said 20 feet-wide alley, to an iron pin set in the east line of said Kelton Avenue at the southwest corner of said Lot 16;

Thence North 03°13'56" East, a distance of 153.00 feet, along the line common to said Kelton Avenue and Lot 16, to the Point of Beginning, containing 1.505 acres, more or less and being subject to all easements, restrictions and rights-of-way of record.

The bearings in foe above description are assumed and used to denote angles only.

All iron pins set are  $\frac{3}{4}$  inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

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**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment building containing up to 102 units with 2,500 square feet of commercial fitness facility space, or those uses permitted in the AR-3, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING SITE PLAN,**" and "**EXTERIOR ELEVATIONS SHEETS A01 & A02,**" all dated November 21, 2023, and signed by Sean Mentel, Attorney for the Applicant. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed development.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6.** That Ordinance #1970-2019 (CV18-104), passed July 29, 2019, be and is hereby repealed.