



## Legislation Details (With Text)

**File #:** 2128-2012      **Version:** 1

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

**File created:** 9/24/2012      **In control:** Zoning Committee

**On agenda:** 10/22/2012      **Final action:** 10/24/2012

**Title:** To grant a variance from the provisions of Sections 3363.01, M-manufacturing districts; 3371.01(c)(f) (1), P-1 private parking district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(B)(1), Vision clearance; 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3371.03, Building lines in commercial and manufacturing districts, of the Columbus City codes, for the property located at 697 NORTH FOURTH STREET (43215), to permit a 66-unit apartment building and a 2,250 square foot restaurant with reduced development standards in the M, Manufacturing and P-1, Private Parking Districts, and to repeal Ordinance # 0076-2012, passed January 30, 2012 (Council Variance # CV12-040).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD2128-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20121022

Date	Ver.	Action By	Action	Result
10/24/2012	1	CITY CLERK	Attest	
10/23/2012	1	MAYOR	Signed	
10/22/2012	1	COUNCIL PRESIDENT	Signed	
10/22/2012	1	Zoning Committee	Approved	Pass
10/15/2012	1	Columbus City Council	Read for the First Time	

### Council Variance Application # CV12-040

**APPLICANT:** Kevin Lykens; 1020 Dennison Avenue, Suite 102; Columbus, Ohio 43201.

**PROPOSED USE:** Mixed-use apartment building with a maximum of sixty-six units.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with the former Wonder Bread bakery and parking lot, and is zoned in the M, Manufacturing, and P-1, Private Parking Districts, respectively. The site is subject of Council variance Ord. # 0076-2012 (CV11-037) approved on January 30, 2012, which allowed the existing building to be converted to a maximum of fifty-six apartment units, a 2,230 square foot restaurant, and a reception venue. The requested variance will allow 10 additional apartment units, 20 additional square feet of restaurant space, and removes the reception venue aspect of the proposal, thereby reducing the number of parking spaces to be varied from 125 spaces to 51 spaces. The site is located within the Urban Commercial Overlay, and lies within the planning area of the *Italian Village East Redevelopment Plan* (2000), which encourages a mix of commercial, residential and office uses along the North Fourth Street corridor. The request also carries over variances for building setback, parking setback, a reduction in the minimum number of required parking spaces from 122 to 71, and an allowance for 10 stacked parking spaces. The applicant has arranged a parking space lease agreement for an additional 44 spaces in the parking lot located directly south of the site. The site is located in the vicinity of several sites which received Council variances to allow

mixed residential and commercial development in the M, Manufacturing District. The requested variance would permit a mixed-use development with reduced development standards that is consistent with the development pattern and historic character of the surrounding neighborhood.

To grant a variance from the provisions of Sections 3363.01, M-manufacturing districts; 3371.01(c)(f)(1), P-1 private parking district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(B)(1), Vision clearance; 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3371.03, Building lines in commercial and manufacturing districts, of the Columbus City codes, for the property located at **697 NORTH FOURTH STREET (43215)**, to permit a 66-unit apartment building and a 2,250 square foot restaurant with reduced development standards in the M, Manufacturing and P-1, Private Parking Districts, and to repeal Ordinance # 0076-2012, passed January 30, 2012 (Council Variance # CV12-040).

**WHEREAS**, by application No. CV12-040, the owner of property at **697 NORTH FOURTH STREET (43215)**, is requesting a Council Variance to permit a 66-unit apartment building and a 2,250 square foot restaurant with reduced development standards in the M, Manufacturing and P-1, Private Parking Districts; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes a mixed use building that includes multi-unit residential uses; and

**WHEREAS**, Section 3371.01(c), (f) (1), P-1 private parking district, only permits parking attendant structures, and requires a landscaped buffer strip containing a wall, fence, hedge and/or other plant material along the required parking lot setback, while the applicant proposes to maintain a non-conforming accessory utility equipment shed, and instead of the required landscaping, will maintain trees along Hamlet Street and plant new trees along Warren Street as shown on the Site Plan; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a minimum parking setback line of ten feet (10'), while the applicant proposes to maintain a parking setback line of one foot (1') along Warren Street and three feet nine inches (3'9") along Hamlet Street for the existing parking lot; and

**WHEREAS**, Section 3312.29, Parking space, allows stacked parking for only single-unit and two-unit dwellings, while the applicant proposes five stacked parking spaces behind five parking spaces as shown on the Site Plan; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, and 1 parking space per 75 square feet of restaurant space, or a maximum total of one hundred twenty-two (122) parking spaces for 66 apartment units and a 2,250 square foot restaurant, while the applicant proposes seventy-one (71) parking spaces, and has a lease agreement for an additional forty-four (44) parking spaces with the adjacent church property; and

**WHEREAS**, Section 3321.05(B) 1), Vision clearance, requires that a clear vision triangle shall be maintained at each street intersection, while the applicant proposes to maintain the encroachment of the existing building into the clear vision triangles at the intersections of North Fourth Street with Lincoln Street and Warren Street; and

**WHEREAS**, Section 3363.24, Building lines in an M-manufacturing district, provides for minimum building lines along public streets, while the applicant proposes to maintain zero foot (0') building lines along all applicable public streets for the existing building; and

**WHEREAS**, Section 3371.03, Building lines in commercial and manufacturing districts, requires that the building lines be set back twenty-five feet (25') from all public streets, while the applicant proposes to maintain a building setback of three feet nine inches (3'9") along Hamlet Street for the existing shed; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal would permit a mixed-use development that is consistent with the development patterns and historic character of the surrounding neighborhood, and with the land use recommendations of the *Italian Village East Redevelopment Plan*; and

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

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

**WHEREAS**, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise 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 owners of the property located at **697 NORTH FOURTH STREET (43215)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3371.01(c)(f)(1), P-1 private parking district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(B)(1), Vision clearance; 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3371.03, Building lines in commercial and manufacturing districts, of the Columbus City codes, is hereby granted for the property located at **697 NORTH FOURTH STREET (43215)**, in so far as said sections prohibit residential uses in the M, Manufacturing District, and storage of utility equipment in the P-1, Private Parking District, with a reduction in the required parking lot landscaping, reduced parking setback lines of one foot (1') along Warren Street and of three feet nine inches (3'9") along Hamlet Street, ten stacked parking spaces, a parking space reduction of fifty-one (51) required spaces, encroachment of the existing building into the clear vision triangle at the intersections of North Fourth Street with Lincoln Street and Warren Street, zero foot building lines along all public streets, and a reduced building line in the P-1 Private Parking District of three feet nine inches (3'9") along Hamlet Street, said property being more particularly described as follows:

**697 NORTH FOURTH STREET (43215)**, being 1.88± acres located at the northwest corner of North Fourth Street and East Lincoln Street, and being more particularly described as follows:

**Tract 1**

Situated in the City of Columbus, County of Franklin, State of Ohio, described as follows:

Beginning at the Northwest corner of Lincoln Street and Fourth Street (formerly Lazelle Avenue)

thence westerly along the North line of Lincoln Street One Hundred Nine and eighty hundredths

(109.80) feet to the East line of a fifteen (15) feet alley;

Thence northwardly along the East line of said alley Three Hundred Fifty-two and two hundredths (352.02) feet to a point in the South line of Warren Street distant One Hundred Nine and Eighty hundredths (109.80) feet West of the West line of Fourth Street;

Thence eastwardly along the South line of Warren Street One Hundred Nine and Eighty hundredths (109.80) feet to the West line of Fourth Street;

Thence southerly along the West line of Fourth Street Three Hundred Fifty-two and Twenty-five hundredths (352.25) feet, more or less to the place of beginning.

Said premises being further described as follows: Lots numbers One (1) Two (2) Three (3) Four

(4) Five (5) Six (6) Seven (7) Eight (8) Nine (9) Ten (10) and Eleven (11) of William A. Neil's

Trustees' First Subdivision to the City of Columbus, Ohio, as said lots are numbered and delineated on the Recorded Plat of said subdivision of record in Plat Book Number 7, Pages 2 and

3, in the Recorder's Office of said County.

### **Tract 2**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being Lot Numbers Fifty-Nine (59), Sixty (60), Sixty-one (61), Sixty-two (62), and Sixty-three (63) of W. A. Neil's Third Summit Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 258, Recorder's Office, Franklin County, Ohio. (Said Subdivision being sometimes called by Wm. A. Neil and his Executors "W. A. Neil's Third Summit Addition", etc.). Being the same property described in Deed Volume 1932, Page 564 of Franklin County Records.

### **Tract 3**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being Lot No. 29 of W. A. Neil's Trustee's First Subdivision as said lot is numbered and delineated upon the recorded Plat of said Subdivision, of record in Plat Book 7, Pages 2 and 3, Recorder's Office, Franklin County, Ohio.

### **Tract 4**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being all of the right, title and interest of the Grantor herein in the vacated portion of Cedar Alley adjacent to and East of premises owned by the Grantor in W. A. Neil's Trustee's First Subdivision as shown of record in Plat Book 7, Pages 2 and 3, Recorder's Office, Franklin County, Ohio, said portion of Cedar Alley having been vacated by operation of Ordinance No. 1123-59 passed by the Council of the City of Columbus, Ohio, on July 27, 1959.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a maximum of 66 dwelling units and a 2,250 square foot restaurant.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**697 NORTH FOURTH STREET**," dated September 25, 2012, and drawn and signed by Juliet Bullock, Architect. The plan 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 plan shall be subject to review and approval by the Director of the Department of 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 uses.

**SECTION 5.** That this ordinance is further conditioned upon the following:

Signage will be installed within the parking lot on the subject site to indicate that the spaces are reserved for the residents of the property.

Signage will be installed on the parking lot at the southwest corner of East Lincoln Avenue and North Fourth Street at the entry of this 44 space parking lot indicating that the lot is reserved for patrons of the restaurant. The signage will also direct patrons to the subsequent 66 space lot should this lot be full. Signage will also be installed within the lot to indicate that the lot is reserved and subject to towing. The signage will also indicate 24/7 availability. Further west on the parking lot at the southwest corner of East Lincoln Avenue and Hamlet Street, signage will be installed at the entry to this 66 space parking lot indicating that parking is available to patrons of the restaurant on the subject site. The signage will indicate no parking times of Sunday from 9:00 AM to 12:30 PM and during special events.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 7.** That Ordinance # 0076-2012, passed January 30, 2012, be and is hereby repealed.