



## Legislation Details (With Text)

**File #:** 1348-2013      **Version:** 2

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

**File created:** 5/28/2013      **In control:** Zoning Committee

**On agenda:** 6/17/2013      **Final action:** 6/19/2013

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.11, Drive-in stacking area; 3312.21(A), Landscaping and Screening; 3321.05(B)(2), Vision clearance; and 3356.11(A)(2), C-4 district setback lines, of the Columbus City Codes; for the property located at 1422 EAST LIVINGSTON AVENUE (43206), to permit an accessory parking lot with reduced interior landscaping in the R-3, Residential District, and reduced development standards for a public library in the C-4, Commercial District and to declare an emergency (Council Variance # CV13-023).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1348-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130617

Date	Ver.	Action By	Action	Result
6/19/2013	2	CITY CLERK	Attest	
6/18/2013	2	MAYOR	Signed	
6/17/2013	2	COUNCIL PRESIDENT	Signed	
6/17/2013	1	Zoning Committee	Approved as Amended	Pass
6/17/2013	1	Zoning Committee	Amended to Emergency	Pass
6/10/2013	1	Columbus City Council	Read for the First Time	

### Council Variance Application # CV13-023

**APPLICANT:** Columbus Metropolitan Library; c/o Christopher N. Slagle, Atty.; Bricker & Eckler; 100 South Third Street; Columbus, OH 43215.

**PROPOSED USE:** Public library and parking lot.

**LIVINGSTON AVENUE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow the site to be redeveloped with a 15,000 square-foot public library and an over-flow parking lot in the C-4, Commercial and R-3, Residential Districts, respectively. The R-3 District does not permit a parking lot as a primary use, and the C-4 District property that encompasses the library building site is included to vary stacking/by-pass lane requirements, interior parking lot landscaping, vision clearance, and building setbacks. Although the C-4 District property is within the Urban Commercial Overlay (UCO), institutional uses do not qualify for the UCO setbacks which are more consistent with the established development pattern along East Livingston Avenue. The new library will replace the currently outdated, undersized Driving Park Library located at 1566 East Livingston Avenue, with a modern, energy-efficient facility that will become a long-term community asset. *The Near Southside Plan* (2011) recommends mixed-use neighborhood commercial/medium density residential development for this location. The Plan generally discourages commercial developments from encroaching upon residential uses beyond the alley, but this scenario may be supported in limited

circumstances, provided that the project adequately addresses the following key considerations: compliance with the Urban Commercial Overlay, provision of buffering and landscaping for adjacent residential uses, minimizing impact on contributing neighborhood building stock, and avoidance of negative off-site impacts, such as noise, light, and odor. Support is also based on the proposal's consistency with other recommendations from the Plan, as well as site-specific considerations and compatibility of the proposed land use with adjacent properties. Staff has determined that this proposal complies with the Plan considerations, and is compatible with the surrounding residential development.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.11, Drive-in stacking area; 3312.21(A), Landscaping and Screening; 3321.05(B)(2), Vision clearance; and 3356.11(A)(2), C-4 district setback lines, of the Columbus City Codes; for the property located at **1422 EAST LIVINGSTON AVENUE (43206)**, to permit an accessory parking lot with reduced interior landscaping in the R-3, Residential District, and reduced development standards for a public library in the C-4, Commercial District **and to declare an emergency** (Council Variance # CV13-023).

**WHEREAS**, by application #CV13-023, the owner of property **1422 EAST LIVINGSTON AVENUE (43206)**, is requesting a Variance to permit an accessory parking lot with reduced interior landscaping in the R-3, Residential District, and reduced development standards for a public library in the C-4, Commercial District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, does not permit a parking lot as a principal use, while the applicant proposes to construct a parking lot across the alley from a new public library; and

**WHEREAS**, Section 3312.11, Drive-in stacking area, requires four (4) stacking spaces for the drive-up book drop with a minimum ten (10) foot wide by-pass lane, while the applicant proposes zero (0) stacking spaces and no by-pass lane; and

**WHEREAS**, Section 3312.21(A), Landscaping and Screening, requires the interior of any parking lot containing ten (10) or more parking spaces to provide one (1) deciduous tree per ten (10) spaces, or seven (7) trees total for sixty-seven (67) parking spaces, while the applicant proposes no trees within the parking lot interior, but instead will provide thirty (30) trees on the exterior boundaries of the parking lots as shown on the Site Plan; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a thirty (30) foot clear vision triangle shall be maintained on each lot adjacent to a street intersection, while the applicant proposes encroachment into the clear vision triangle at the intersection of East Livingston and Kelton Avenues as shown on the Site Plan; and

**WHEREAS**, Section 3356.11(A)(2), C-4 district setback lines, requires a building setback line that equals one-half of the right-of-way as denoted on the Columbus Thoroughfare Plan, or fifty (50) feet along East Livingston Avenue, and thirty (30) feet along Kelton Avenue, while applicant proposes zero (0) feet as shown on the Site Plan; and

**WHEREAS**, this variance will permit an accessory parking lot in the R-3, Residential District with reduced interior landscaping, and reduced development standards for a public library in the C-4, Commercial District; and

**WHEREAS**, the Livingston Avenue Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the request is consistent with *The Near Southside Plan* (2011) land-use recommendations and several considerations that support encroachment of commercial development beyond the alley. The proposed new library will replace the currently outdated, undersized Driving Park Library with a modern, energy-efficient facility that will become a long-term community asset that is compatible with the development pattern of the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **1422 EAST LIVINGSTON AVENUE (43206)**, in using said property as desired;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:**

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

**SECTION 1.** That a variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.11, Drive-in stacking area; 3312.21(A), Landscaping and Screening; 3321.05(B)(2), Vision clearance; and 3356.11(A)(2), C-4 district setback lines, of the Columbus City Codes; is hereby granted for the property located at **1422 EAST LIVINGSTON AVENUE (43206)**, insofar as said sections prohibit an accessory parking lot in the R-3, Residential District for a public library in the C-4, Commercial District, with no stacking spaces or a by-pass lane for the library book-drop, no interior parking lot trees where seven (7) are required, encroachment into the clear vision triangle at the intersection of East Livingston and Kelton Avenues, and zero (0) foot building setbacks where fifty (50) feet is required along East Livingston Avenue, and thirty (30) feet is required along Kelton Avenue; said property being more particularly described as follows:

**1422 EAST LIVINGSTON AVENUE (43206)**, being 1.56± acres located at the northwest corner of East Livingston and Kelton Avenues, and being more particularly described as follows:

**Tract 1- Library**

Situated in the State Of Ohio, County of Franklin, and in the City of Columbus:

Being all of Lots Numbered One Hundred Ten (110) and One Hundred Eleven (111), and part of One Hundred Twelve (112), Kent's Second Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 262, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a found iron pipe at the southwest corner of said Lot 110, and at the intersection of the northerly line of E. Livingston Avenue, (66 feet wide), with the easterly line of Caney Alley, (20 feet wide), thence northerly along the westerly line of said Lot 110 (easterly line of said Caney Alley), a distance of 210.20 feet to an iron pipe at the northwesterly corner of said Lot 110 and in the southerly line of an alley (25 feet wide); thence easterly along the northerly line of said Lots 110, 111 and 112, (the southerly line of said 25 foot alley, a distance of 112.0 feet to an iron pipe, said last described iron pipe being westerly, 116.82 feet from the intersection of the southerly line of said 25 foot wide alley with the westerly line of Kelton Avenue, (50 Feet); thence southerly across said Lot 111 a distance of 210.42 feet to a p.k. nail in the northerly line of said E. Livingston Avenue; thence westerly along the southerly line of said Lots 112, 111 and 110 (northerly line of said E. Livingston) a distance of 112.0 feet to the place of beginning, containing 0.541 acres.

and

Being Lots #113, 114 and 115 and part of Lot 112 of KENT'S SECOND ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 262, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at a set drill hole at the intersection of the north right-of-way of Livingston Ave., being 66' wide, and the west right-of-way line of Kelton Av., being 50' wide, thence, along the north right-of-way line of Livingston Ave., also being the south line of said Lots #112, 113, 114 and 115, North 89° 52' 03" West, 166.86 feet to a found P-K Nail;

Thence crossing said Lot #112 North 00° 00' 55" East, 210.36 feet to a found iron pipe in the north line of said of Lot #112 and the south right-of-way line of a 25' alley;

Thence along the south right-of-way line of said alley, also being the north line of said Lot #112, 113, 114 and 115, South 89° 58' 58" East, 166.80' to a found iron pipe in the west right-of-way line of said Kelton Ave.;

Thence along the west right-of-way line of said Kelton Ave., also being the east line of Lot #115, South 210.70' to the place of beginning, containing 0.8063 acre, more or less.

Parcel Number: 010-013755

Also known as: 1422 E. Livingston Avenue, Columbus, Ohio

### Tract 2- Parking Lot

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

Being 100 feet off the South End of Lot 107 and 108 of Kents 2nd Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 262, Recorder's Office, Franklin County, Ohio.

and

Being the South One Hundred (100) feet of Lot 109 of "W.R. and E.J. Kent's Second Addition" as the plat of same is shown of record in Plat Book 2, page 262, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin at the southwest corner of said Lot 109; thence along the westerly line of said Lot 109, Northerly, 100.00 feet to an iron pin; Thence across said Lot 109, (parallel to the south line of said Lot 109) easterly, 32.83 feet to an iron pin in the easterly line of said Lot 109; thence along the easterly line of said Lot 109, southerly, 100.00 feet to an iron pin at the southeast corner of said Lot 109; Thence along the southerly line of Lot 109, westerly, 32.83 feet to the place of beginning.

Parcel No. 010-008156

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a public library with an accessory parking lot.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the plans titled, "CML DRIVING PARK LIBRARY," and "BUILDING ELEVATIONS," dated May 24, 2013, and signed by Christopher N. Slagle, 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 adjustment to the plans shall be reviewed and may be approved 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 use.

**SECTION 5.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby**

**declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**