



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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On agenda: 7/25/2005 **Final action:** 7/27/2005

Title: To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing districts, 3342.28, Minimum number of parking spaces required; and 3372.611, Design standards; of the Columbus City Codes for the property located at 803 NORTH FOURTH STREET (43215), to permit a maximum of forty-six apartment units with reduced development standards in the M, Manufacturing District (Council Variance # CV03-039).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0772-2005Hardship&Maps.pdf, 2. ORD0772-2005Labels.pdf, 3. ORD0772-2005DataSheet.pdf

Date	Ver.	Action By	Action	Result
7/27/2005	1	MAYOR	Signed	
7/27/2005	1	CITY CLERK	Attest	
7/25/2005	1	Zoning Committee	Approved	Pass
7/25/2005	1	COUNCIL PRESIDENT	Signed	
7/18/2005	1	Columbus City Council	Read for the First Time	
6/2/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
5/20/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
5/20/2005	1	Dev Zoning Drafter	Sent for Approval	
5/20/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
5/19/2005	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application: CV03-039

APPLICANT: Connie J. Klema, Atty.; P.O. Box 991; Pataskala, Ohio 43062.

PROPOSED USE: A four-story mixed-use apartment building with a maximum of forty-six units.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant proposes a four-story mixed-use commercial and residential building comprised of a maximum of forty-six (46) apartment units, approximately 4,900 square feet of commercial space, and enclosed parking in the M, Manufacturing District. A Council variance is necessary because apartment residential development is prohibited in the M, Manufacturing District. Variances for minimum number of required parking spaces and for window and fencing requirements in the Urban Commercial Overlay are also requested. 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 site is located west across North Fourth Street from the site known as Jeffrey Place, which received two 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 patterns and historic character of the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing districts, 3342.28, Minimum number of parking spaces required; and 3372.611, Design standards; of the Columbus City Codes for the property located at **803 NORTH FOURTH STREET (43215)**, to permit a maximum of forty-six apartment units with reduced development standards in the M, Manufacturing District (Council Variance # CV03-039).

WHEREAS, by application #CV03-039, the owner of property at **803 NORTH FOURTH STREET (43215)**, is requesting a Variance to permit a maximum of forty-six(46) apartment units and limited commercial uses with reduced development standards in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M, Manufacturing District, prohibits apartment residential development, while the applicant proposes a maximum of forty-six (46) apartment units and limited commercial uses with reduced development standards; and

WHEREAS, Section 3372.611(C), (F), Design standards, requires that for each primary building frontage, at least sixty (60) percent of the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four (4) feet, and that fences may not exceed a height of four (4) feet, while the applicant proposes no windows for the covered parking area and fencing six (6) feet in height as shown on the site plan; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per residential unit, one (1) parking space for every 300 square feet of general office space, one (1) parking space for every 250 square feet of retail and medical office space, and one (1) parking space for every 75 square feet of restaurant space, while the applicant proposes sixty-six (66) parking spaces total for a maximum of forty-six (46) apartment units, approximately 4,400 square feet of commercial retail or office development, and approximately 500 square feet of restaurant space; and

WHEREAS, this variance will permit a maximum of forty-six (46) apartment units and limited commercial uses with reduced development standards in the M, Manufacturing District; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because the requested variance would allow a mixed-use development that is consistent with the established development pattern of the area, and reflects the historic character and surrounding land uses within the neighborhood; 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 **803 NORTH FOURTH STREET (43215)**, in using said property as desired and; 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 District; 3342.28, Minimum number of parking spaces required; and 3372.611 (C), (F), Design standards; of the Columbus City Codes for the property located at **803 NORTH FOURTH STREET (43215)**, insofar as said sections prohibit a mixed-use development with a maximum of forty-six (46) apartment units, with no windows for the covered parking area, fencing six (6) feet in height, and a parking space reduction from a potential of 117 spaces to 66 spaces; said property being more particularly described as follows:

803 NORTH FOURTH STREET (43215), being 1.0± acre located on the west side of North Fourth Street, 410± feet south of First Avenue, and being more particularly described as follows:

LEGAL DESCRIPTIONS FOR KRAMER PROPERTY

Situated in the County of Franklin, State of Ohio, and City of Columbus, being Lot Numbers Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27) and Twenty-eight (28) of William A. Neil's Trustees First Subdivision to said city, as the same are numbered and delineated upon the recorded plat thereof, of recorded in Plat Book No. 7, Page 2, Recorder's office, Franklin County, Ohio, and containing tax parcel numbers 010-040590, 010-041525, 010-041333, 010-041527, 010-056110, and 010-021092.

Situated in the County of Franklin, State of Ohio, and City of Columbus, being Lot Numbers Eight (8), Nine (9), Ten (10), and Eleven (11) of Charles W. Rice's Subdivision of Lot Nos. Fifty-three (53) and Fifty-four (54) of William Phelan's Mt. Pleasant Addition to said city as the same are numbered and delineated upon the recorded plat thereof, of recorded in Plat Book No. 1, Page 393, Recorder's office, Franklin County, Ohio, and containing tax parcel numbers 010-013163, 010-021456, 010-001133, and 010-008906.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of forty-six (46) apartment residential units, or those uses permitted in the M, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**A PROPOSED RESIDENTIAL COMMUNITY AT 803 NORTH FOURTH STREET**," drawn by F. A. Goodman Architects, LLC, dated June 1, 2005, and signed by Connie J. Klema, Attorney for the Applicant. The Site 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 Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the combination of tax parcel numbers 010-040590, 010-041525, 010-041333, 010-041527, 010-056110, 010-021092, 010-013163, 010-021456, 010-001133, and 010-008906 to form one (1) tax parcel number prior to the issuance of Zoning Clearance.

SECTION 5. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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