



## Legislation Details (With Text)

**File #:** 1972-2019      **Version:** 1

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

**File created:** 7/9/2019      **In control:** Zoning Committee

**On agenda:** 7/29/2019      **Final action:** 7/31/2019

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3309.14, Height districts; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at 731 W. RICH ST. (43222), to permit the development of a multi-unit residential development and fitness facility with reduced development standards in the C-4, Commercial District (Council Variance #CV19-059).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1972-2019.Attachments.pdf, 2. ORD1972-2019.Labels.pdf

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Zoning Committee	Approved	Pass
7/22/2019	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV19-059**

**APPLICANT:** Ohio Community Development Finance Fund; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Jeff Mohrman, Atty.; Ohio Community Development; 175 South Third Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development and fitness facility.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of four undeveloped parcels zoned in the C-4, Commercial District. The applicant requests a Council variance to permit the construction of a multi-unit residential development with ground floor residential uses and a commercial fitness facility. A Council variance is necessary to permit residential uses on the first floor, where they are currently only allowed within commercial districts when above certain commercial uses. Also included in the request are variances for increased building height, reduced parking space size, a reduction in the required number of parking spaces from 67 spaces to 42, and reduced building setbacks. The site is within the planning area of the *West Franklinton Plan* (2014), which recommends "Regional Mixed Use" at this location. Additionally, this site is subject to the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. Staff supports the proposal as the use and density are consistent with the Plan and the proposed height is compatible with surrounding properties and the general pattern of development in adjacent areas. Although staff generally

supports mixed-use proposals when consistent with area plan land use recommendations, it would be staff's preference that this property be zoned to an apartment residential district that reflects the predominant land use, with a concurrent Council variance for the ancillary commercial use and the necessary standards variances.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3309.14, Height districts; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **731 W. RICH ST. (43222)**, to permit the development of a multi-unit residential development and fitness facility with reduced development standards in the C-4, Commercial District (Council Variance #CV19-059).

**WHEREAS**, by application #CV19-059, the owner of property at **731 W. RICH ST. (43222)**, is requesting a Council variance to permit the development of a multi-unit residential development and fitness facility with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted uses, does not permit ground floor residential uses, while the applicant proposes residential uses on the first floor; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes an apartment building with an approximate height of 42 feet; and

**WHEREAS**, Section 3312.29, Parking space, requires a 90 degree parking space to be a minimum of 9 feet wide, while the applicant proposes parking spaces with a width of 8.5 feet; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit and 1 spaces per 250 sq ft of fitness facility, or a maximum total of 67 parking spaces for 42 units and 800 sq ft of fitness area, while the applicant proposes a total of 42 parking spaces for this development; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 20 feet from the S. Green St. and 25 feet from the W. Rich St. and SR 315 street right-of-ways, while the applicant proposes a 1± foot setback along each; and

**WHEREAS**, the Franklinton Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the variances, recognizing that the proposed use and density which are consistent with the recommendations of the *West Franklinton Plan* and compatible with adjacent zoning and development patterns; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates 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 **731 W. RICH ST. (43222)** 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 3356.03, C-4 Permitted uses; 3309.14, Height districts; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **731 W. RICH ST. (43222)**, insofar as said sections prohibit first floor residential uses in the C-4, Commercial District; with an increase in building height from 35 to 42 feet; reduced parking space width from 9 to 8.5 feet; a parking space reduction from 67 required spaces to 42 provided spaces; and reduced building setbacks from 20 feet along S. Green St., and 25 feet along W. Rich St. and SR 315, to a 1± foot setback along each; said property being more particularly described as follows:

**731 W. RICH ST. (43222)**, being 0.48± acres located at the southeast corner of West Rich Street and Green Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Virginia Military Survey Number 1393, and being all of that land described in a deed to Rich and Green, LLC, of record in Instrument Number 201808240114662 (hereafter referred to as “the Property”), on file at the Office of the Recorder for Franklin County, Ohio, and being further described as follows for zoning purposes only;

BEGINNING at the intersection of the south right-of-way line for West Rich Street (60 feet wide) and the east right-of-way line for South Green Street (50 feet wide), being the northwest corner of the Property;

Thence North 81 degrees 23 minutes 26 seconds East, along the south right-of-way line for said West Rich Street, along the north line of the Property, a distance of 132.00 feet to the west right-of-way line for State Route 315 (variable width), being the northeast corner of the Property;

Thence along the easterly lines of the Property and the west right-of-way line for said State Route 315, along the following three (3) described courses:

1. South 08 degrees 36 minutes 29 seconds East, a distance of 152.00 feet to a point;
2. North 76 degrees 34 minutes 00 seconds East, a distance of 14.55 feet to a point;
3. South 15 degrees 18 minutes 05 seconds East, a distance of 10.12 feet to the southwest corner of the Property, being on the north right-of-way line for Cherry Alley (25 feet wide);

Thence South 81 degrees 24 minutes 46 seconds West, along the north right-of-way line for said Cherry Alley, along the south line of the Property, a distance of 145.97 feet to the east right-of-way line for said South Green Street, being the southwest corner of the Property;

Thence North 09 degrees 12 minutes 57 seconds West, along the east right-of-way line for said South Green Street, along the west line of the Property, a distance of 160.78 feet to the POINT OF BEGINNING for this zoning description.

The above zoning description contains a total of 0.487 acres, plus or minus, of which:

- 0.102 acres is all of Franklin County Auditor’s Tax Parcel Number 010-062243,
- 0.271 acres is all of Franklin County Auditor’s Tax Parcel Number 010-062243,
- 0.084 acres is all of Franklin County Auditor’s Tax Parcel Number 010-062243 and,
- 0.030 acres is all of Franklin County Auditor’s Tax Parcel Number 010-062243.

**SECTION 2.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, “**ZONING VARIANCE SITE PLAN FOR 731 W RICH STREET**” dated, July 2, 2019 and signed by David B. Perry, Agent for the Applicant, and Jeffrey T. Mohrman, 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 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 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.