



Legislation Text

File #: 1785-2023, **Version:** 2

Council Variance Application: CV22-087

APPLICANT: American Campus Communities; c/o Jeffrey L. Brown Atty.; Smith and Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on March 9, 2023, for a concurrent rezoning (Ordinance #1784-2023, Z22-065) to the AR-3, Apartment Residential District. The requested variance will permit a ~~191-unit~~ **an** apartment building containing 599 **beds** and 2,600± square feet of commercial space, non-accessory parking for the building in the adjacent CPD, Commercial Planned Development District, an increased building height, a parking reduction from 300 spaces to 225 spaces, and no rear yard. Approval of this request will allow a mixed-use development that is consistent with other urban developments along the North High Street and Lane Avenue corridors. Staff is supportive of the proposed building elevations, which include placeholder areas for public art along Wall Street, and note the building frontage now includes a “U” shape footprint that reduces the building’s bulk along West Lane Avenue, and that a larger setback has been included to incorporate pedestrian amenities. Lastly, the request is also consistent with the land use recommendation of the *University District Plan* (2015), for “Regional Mixed Use” land uses at this location.

To grant a Variance from the provisions of Sections 3333.03, AR-3, apartment residential district use; 3325.281, Parking and Circulation; 3325.323, Building Height Standards; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **50 W. LANE AVE. (43201)**, to permit a mixed-use development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV22-087).

WHEREAS, by application #CV22-087, the owner of property at **50 W. LANE AVE. (43201)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3, apartment residential district use, prohibits commercial uses, while the applicant proposes a mixed-use building containing 2,600± square feet of commercial use and commercial parking spaces for the commercial uses on an adjacent CPD, Commercial Planned Development District within the proposed structured parking garage; and

WHEREAS, Section 3325.281, Parking and Circulation, requires 0.5 parking spaces per bed or 300 parking spaces for 599 beds, while the applicant requests a reduced parking ratio of 0.375 parking spaces per bed or 225 parking spaces for 599 beds; and

WHEREAS, Section 3325.323, Building Height Standards, permits a maximum building height of 72 feet within the Regional Commercial (RC) subarea, while the applicant proposes an increased building height of 100 feet; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard of 25% of lot area, while the applicant proposes no rear yard; and

WHEREAS, the University Area Commission recommends disapproval; and

WHEREAS, the City Departments recommend approval of the requested variance because the proposal will allow a mixed-use development that is consistent with both the *University District Plan* land use recommendation and similar urban developments along the North High Street and Lane Avenue corridors; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **50 W. LANE AVE. (43201)**, 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 3333.03, AR-3, apartment residential district use; 3325.281, Parking and Circulation; 3325.323, Building Height Standards; and 3333.24, Rear yard, are hereby granted for the property located at **50 W. LANE AVE. (43201)**, insofar as said sections prohibit 2,600± square feet of commercial space and parking for off-site uses in the AR-3, Apartment Residential District; a reduction in the required parking space ratio from 0.5 to 0.37 parking spaces per bed; an increased building height in the Regional Commercial (RC) subarea from 72 to 100 feet; and to provide no rear yard; said property being more particularly described as follows:

50 W. LANE AVE. (43201), being 1.4± acres located on the north side of West Lane Avenue, 165± feet west of North High Street, and being more particularly described as follows:

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

Being all of Lots Numbers Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11) in Benjamin Monett, Jr.'s North High Street Addition, as shown of record in Plat Book 4, Page 165, Recorder's Office, Franklin County, Ohio; all of Lots Numbers Nine (9), Ten (10), Eleven (11) and Twelve (12) and the east 15.00 feet of Lot Number Thirteen (13) in Charles M. Williams' Subdivision, as shown of record in Plat Book 4, Page 424, Recorder's Office, Franklin County, Ohio; all of the alley (20 feet wide) between West Lane Avenue and West Norwich Avenue vacated by City Ordinance No. 107-66, passed January 31, 1966; all of the east one-half of the alley (20 feet wide) dedicated off the west side of said Lot No. 13 and subsequently vacated by City Ordinance No. 223-68, passed March 4, 1968; all of the east 10.00 feet of the north one-half of the alley (20 feet wide) between West Lane Avenue and West Norwich Avenue vacated by City Ordinance No. 223-68, passed March 4, 1968; and all of the east 20.00 feet of the south one-half of the alley (20 feet wide) between West Lane Avenue and West Norwich Avenue vacated by City Ordinance No. 223-68, passed March 4, 1968, and bounded and described as follows:

Beginning at a P.K. Nail set in concrete at the intersection of the north line of West Lane Avenue (60 feet wide) with the west line of the alley (20 feet wide) west of North High Street and at the southeast corner of said Lot No. 6;

thence N 86 degrees 35' 30" W along the north line of West Lane Avenue and along the south lines of said Lots Nos. 6, 7,

8, 9, 10 and 11 a distance of 236.68 feet to a 3/4 inch I.D. iron pipe set at the southwest corner of said Lot No. 11 and at the southeast corner of Lot Number Twelve (12) in said Benjamin Monett, Jr.'s North High Street Addition;

thence N 3 degrees 26' 30" E along the west line of said Lot No. 11 and said west line extended northerly and along the east line of said Lot No. 12 and said east line extended northerly a distance of 198.24 feet to a point in the centerline of said vacated alley between West Lane Avenue and West Norwich Avenue (passing a point in the south line of said vacated alley between West Lane Avenue and West Norwich Avenue, at the northwest corner of said Lot No. 11 and at the northeast corner of said Lot No. 12 at 188.24 feet);

thence S 86 degrees 35' 30" E along the centerline of said vacated alley between West Lane Avenue and West Norwich Avenue a distance of 10.00 feet to a point in the centerline extended southerly of said vacated alley in said Lot No. 13;

thence N 3 degrees 26' 30" E along the, centerline extended southerly and along the centerline of said vacated alley in said Lot No. 13 a distance of 130.00 feet to a P.K. Nail set in the south line of West Norwich Avenue (50 feet wide) and in the north line of said vacated alley in said Lot No. 13 (passing a point in the north line of said vacated alley between West Lane Avenue and West Norwich Avenue at 10.00 feet);

thence S 86 degrees 35' 30" E along the south line of West Norwich Avenue, along the east one-half of the north line of said vacated alley in said Lot No. 13, along a portion of the north line of said Lot No. 13, and along the north lines of said Lots Nos. 12, 11, 10 and 9 a distance of 157.06 feet to a 3/4 inch I.D. iron pipe found at the intersection of the south line of West Norwich Avenue with the west line of the alley west of North High Street and at the northeast corner of said Lot No. 9;

thence S 8 degrees 32' 05" E along the west line of the alley west of North High Street, along the east line of said Lot No. 9, along the east end of said vacated alley between West Lane Avenue and West Norwich Avenue and along the east line of said Lot No. 6 a distance of 335.50 feet to the place of beginning; containing 1.491 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual field survey performed in February, 1993.

Basis of bearings is the north line of West Lane Avenue assumed to be N 86 degrees 35' 30" W and all other bearings based upon this meridian.

EXCEPTING THE FOLLOWING 0.032 ACRE PARCEL:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being part of Lots 6 through 11, inclusive, of Benjamin Monett Junior's North High Street Addition of record in Plat Book 4, Page 165, said Lots 6 through 11 also being described in deeds to The University Baptist Church of Columbus, Ohio, of record in Deed Book 2663, Page 35, Deed Book 2664, Pages 653 and 655, Deed Book 2667, Page 120, and Deed Book 2674, Pages 183, 185 and 187, all records are on file in the Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by ms consultants, inc. for the City of Columbus, said Parcel 29-WD being more particularly described as follows:

Beginning for Reference at the centerline intersection of Neil Avenue and West Lane Avenue, being at Centerline Station 75+17.83;

Thence South 86°17'42" East, along the centerline of West Lane Avenue, a distance of 983.65 feet to a point, being at Centerline Station 85+01.48;

Thence North 3°42'18" East, a distance of 34.77 feet to a point at the southwest corner of said Lot 11, at the southeast corner of Lot 12 of said Benjamin Monett Junior's North High Street Addition, on the northerly line of West Lane Avenue,

being 34.77 feet left of Station 85+01.48 (witness an iron pin found 34.84' left of sta. 85+01.63), and being the True Place of Beginning;

Thence North 3°42'42" East, along the westerly line of said Lot 11, the easterly line of said Lot 12, a distance of 5.23 feet to a point being 40.00 feet left of Station 85+01.48;

Thence passing through said Lots 6 through 11 the following 3 courses:

1. South 86°17'42" East, 178.05 feet to a point, being 40.00 feet left of Station 86+79.53;

2. South 87°30'33" East, 38.77 feet to a point, being 40.00 feet left of Station 87+20.00;

3. North 47°21'24" East, 21.82 feet to a point on the easterly line of said Lot 6, on the westerly line of a 20 foot wide alley, being 55.00 feet left of Station 87+36.68;

Thence South 8°16'08" East, along the easterly line of said Lot 6, the westerly line of said 20 foot wide alley, a distance of 22.36 feet to a P.K. nail found at the southeast corner of said Lot 6, on the northerly line of West Lane Avenue, being 32.89 feet left of Station 87+40.12;

Thence North 86°17'18" West, along the southerly lines of said Lots 6 through 11, the northerly line of West Lane Avenue, a distance of 236.51 feet to the True Place of Beginning, and containing 0.032 acres of land.

1.489 Acre Tract

Situated in the City of Columbus, County of Franklin, and State of Ohio, also being all of Lots Numbers Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13) of C.M. Williams' Subdivision of Outlots Numbers Seven (7), Twelve (12), and Thirteen (13) of Chaffee's Subdivision of a part of the Third Quarter, Township Number One (1), Range Eighteen (18), United States Military Lands, as recorded in Plat Book 4, Page 424, also being part of Lots Numbers Six (6), Seven (7), Eight (8), Nine (9), Ten (10), and Eleven (11) of Benj. Monett Jr's North High Street Addition as recorded in Plat Book 4, Page 165, also being all of that alley between Lane Avenue and Norwich Avenue vacated by City Ordinance No. 107-66, passed January 31, 1966, also being all of the alley dedicated off the west side of said Lot Thirteen (13) and subsequently vacated by City Ordinance No. 223-68, passed March 4, 1968, also being all of the east twenty feet of the alley between Lane Avenue and Norwich Avenue vacated by City Ordinance No. 223-68, passed March 4, 1968, being more particularly described as follows:

Beginning at a 1" iron pipe found at the northeasterly corner of said Lot Nine (9) of C.M. Williams' Subdivision, said point being on the southerly right-of-way line of Norwich Avenue (50' right-of-way), said point also being on the westerly right-of-way line of a 20' public alley as shown in C.M. Williams' Subdivision and in Benj. Monett Jr's North High Street Addition, said point being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along the easterly line of said Lot Nine (9) of C.M. Williams' Subdivision, then along the easterly terminus of said alley vacated by City Ordinance 107-66, then along the easterly line of said Lot Six (6) of Benj. Monett Jr's North High Street Addition, also being along the westerly right-of-way line of said 20' public alley, South 08° 13' 41" East for a distance of 313.14' to an iron pin set, said point being on a transition line between the northerly right-of-way line of Lane Avenue (right-of-way varies) and the westerly right-of-way line of said 20' public alley, said point also being a northerly corner of a 0.032 acre tract of land conveyed to City of Columbus, Ohio as described in Instrument Number 200112260300417; thence,

Along a transition line between the northerly right-of-way line of Lane Avenue and the westerly right-of-way line of said 20' public alley, being through said Lot Six (6), also being along a northerly line of said 0.032 acre tract, South 47° 21' 27" West for a distance of 21.82' to an iron pin set, said point being a northerly corner of said 0.032

acre tract; thence,

Along the northerly right-of-way line of Lane Avenue, also being along a northerly line of said 0.032 acre tract, through said Lot Six (6), North 87° 30' 30" West for a distance of 38.77' to an iron pin set, said point being a northerly corner of said 0.032 acre tract; thence,

Along the northerly right-of-way line of Lane Avenue, also being along a northerly line of said 0.032 acre tract, being through said Lot Six (6), Lot Seven (7), Lot Eight (8), Lot Nine (9), Lot Ten (10), and Lot Eleven (11) of Benj. Monett Jr's North High Street Addition, North 86° 17' 39" West for a distance of 178.21' to an iron pin set, said point being on the common line of said Lot Eleven (11) and Lot Twelve (12) of Benj. Monett Jr's North High Street Addition, said point also being the northwesterly corner of said 0.032 acre tract, said point also being the northeasterly corner of a 0.019 acre tract of land conveyed to City of Columbus Ohio as described in Instrument Number 200107160160871; thence,

Along the westerly line of said Lot Eleven (11) and along the easterly line of said Lot Twelve (12), then through said alley vacated by City Ordinance No. 223-68, then along the westerly line of said Lot Thirteen (13) and along the easterly line of Lot Fourteen (14) of C.M. Williams' Subdivision, also being along a westerly line of said alley vacated by City Ordinance No. 223-68, North 03° 44' 45" East for a distance of 323.00' to a mag nail set, said point being on the southerly right-of-way line of Norwich Avenue, said point also being the northwesterly corner of said Lot Thirteen (13), and the northeasterly corner of said Lot Fourteen (14), said point also being a northwesterly corner of said alley vacated by City Ordinance No. 223-68; thence,

Along the southerly right-of-way line of Norwich Avenue, also being along the northerly terminus of said alley vacated by City Ordinance No. 223-68, also being along the northerly lines of said Lot Thirteen (13), Lot Twelve (12), Lot Eleven (11), Lot Ten (10), and Lot Nine (9) of C.M. Williams' Subdivision, South 86° 17' 15" East for a distance of 167.06' to the point of beginning, containing 1.489 acres of land more or less, of which 1.392 acres are located within Parcel 010-001019 and 0.097 acres are within Parcel 010-010667, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in March and April, 2022.

Property Address: 50 W. Lane Ave., Columbus, OH 43201

Parcels: 010-001019 & 010-010667

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development containing 2,600± of commercial uses, ~~191 apartment units~~ **an apartment building** with up to 599 beds, and parking for adjacent uses within the CPD district subject to ORD #1784-2023 (Z22-065), 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, "ACC OP - LANE AVENUE," and building elevations being titled "EXTERIOR ELEVATIONS SHEETS 1 & 2," dated May 31, 2023, and signed by Jeffrey L. Brown, 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 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed development.

SECTION 5. That this ordinance is further conditioned on the applicant providing a minimum of 13 trees along the western property line.

SECTION 56. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.