



Legislation Text

File #: 1475-2015, **Version:** 1

Council Variance Application: CV15-030

APPLICANT: Cap-View Commons LLC; c/o Thomas Shelby, Agent; 1592 Granville Street; Columbus, OH 43202.

PROPOSED USE: Mixed-use building.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a 6,100± square-foot mixed-use building in the R-2F, Residential District, and is subject to Ordinance No. 1398-2005 (CV05-029) to allow a specified range of commercial uses and to conform existing conditions. The requested Council Variance will add barber shop and beauty salon to the list of permitted uses approved in 2005. The site was rezoned from the C-4, Commercial District to the R-2F, Residential District as part of the 1973 Model Cities rezoning. A variance is necessary because the R-2F District prohibits commercial uses. The site is located within the planning area of the *Near East Area Plan* (2005), which recommends higher-density residential and mixed-use development for this location. The site also lies within the planning area of the *King-Lincoln District Plan* (2002), which encourages an Arts and Entertainment Center and shared parking district along Long Street west of Monroe Avenue. The site is included within the Long Street Neighborhood Commercial Revitalization area, and is within the Urban Commercial Overlay. The addition of the two proposed commercial uses within the existing mixed-use building is consistent with both area plans' land use recommendations, and with established development pattern along East Long Street. Approval of this request will not add new or incompatible uses to the area. The western part of this site is developed with a separate commercial building addressed as 695 East Long Street that is subject to Ordinance No.1400-2005 (CV05-031) which allowed a similar range of uses and conformed existing conditions. Both buildings are now situated on one lot as the parcels were combined after the 2005 Council variances were passed.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; 3332.26, Minimum side yard permitted; 3332.28, Side or rear yard obstruction; 3372.605(D), Building design standards; and 3372.607(D), Landscaping and screening, of the Columbus City codes; for the property located at **701-705 EAST LONG STREET (43203)**, to permit a mixed-use building with reduced development standards in the R-2F, Residential District, and to repeal Ordinance No. 1398-2005, passed on October 3, 2005 (Council Variance # CV15-030).

WHEREAS, by application #CV15-030, the owner of the property at **701-705 EAST LONG STREET (43203)**, is requesting a Council variance to add to the permitted range of commercial uses within a mixed-use building with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, prohibits commercial uses, while the applicant proposes to add barber shop and beauty salon to the list of permitted commercial uses as approved by Ordinance No. 1398-2005 (CV05-029) within a mixed-use building with reduced development standards; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per residential unit, one (1) parking space for every 450 square feet of general office space, one (1) parking space for every 250 square

feet of retail space, and one (1) parking space for every 75 square feet of restaurant space, or a maximum requirement of forty-six (46) spaces, while the applicant proposes eleven (11) parking spaces; and

WHEREAS, Section 3321.05(B)(1), Vision clearance, requires clear vision triangles of ten (10) feet at the intersections of streets and alleys, while the applicant proposes to maintain encroachment of the existing building into the clear vision triangle at the intersection of East Long Street and the alley along the eastern property line; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain a minimum side yard of zero (0) feet along the east property line for the existing building; and

WHEREAS, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes pavement for parking and maneuvering, and a dumpster enclosure in those areas; and

WHEREAS, Section 3372.605(D), Building 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, that twenty-five (25) percent of the second and third floor frontages must be window glass, and that fences may not exceed a height of four (4) feet, while the applicant proposes to maintain fifty-two (52) percent window glass for the primary frontage, and less than twenty-five (25) percent window glass for the second and third floor frontages for the existing building; and

WHEREAS, Section 3372.607(D), Landscaping and screening, requires parking lot screening comprised of a solid masonry or stone fence that does not exceed a height of four (4) feet, or a mixture of a four (4) foot high metal fence and a three (3) foot wide landscaped area, while the applicant proposes to maintain a wood privacy fence that is six (6) feet in height on the east side of the parking lot; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the addition of the two proposed commercial uses within the existing mixed-use building is consistent with the *Near East Area Plan* and *King-Lincoln District Plan* land use recommendations, and with the established development pattern along East Long Street. Approval of this request will not add new or incompatible uses to 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 **701-705 EAST LONG STREET (43203)**, 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 3332.037, R-2F, Residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; 3332.26, Minimum side yard permitted; 3332.28,

Side or rear yard obstruction; 3372.605(D), Building design standards; and 3372.607(D), Landscaping and screening, of the Columbus City codes, is hereby granted for the property located at **701-705 EAST LONG STREET (43203)**, insofar as said sections prohibit a mixed-use commercial building in the R-2F, Residential District; with a parking space reduction from a potential forty-six (46) spaces to eleven (11) spaces; encroachment of the building into the clear vision triangle at the intersection of East Long Street and the alley along the eastern property line; a reduced minimum side yard from five (5) feet to zero (0) feet along the east property line; obstruction of the required side and rear yards by pavement for parking and maneuvering, and a dumpster enclosure; reduced window glass of fifty-two (52) percent along the primary frontage of the building; less than twenty-five (25) percent window glass for the second and third floor frontages of the building; and fencing six (6) feet in height; said property being more particularly described as follows:

701-705 EAST LONG STREET (43203), being 0.2± acres located on the south side of East Long Street, 150± feet west of Hamilton Park, and being more particularly described as follows:

PARCEL NO: 010-025218

Situated in the County of Franklin, in the state of Ohio in the City of Columbus:

Being Lot Numbers One Hundred Four (104) and One Hundred Five (105) of East Park Place Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 61, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a mixed-use building, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**COMMERCIAL BLDG & APARTMENTS - 701-705 EAST LONG STREET**," drawn and signed by Fredrick J. Sambor, P.E., and dated May 5, 2015. 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 following permitted uses that can be established in the building:

First Floor Uses: Baked Goods Stores; Barber Shops; Beauty Salons; Cafes; Delicatessens and Restaurants; Florists; Gift, Novelty and Souvenir Stores; Specialty Food Stores; Radio and Television Broadcasting Stations and Studios; Recording Studios; Art Dealers and Galleries; Arts and Crafts Stores; Compact Disc, Music, Record and Video Stores (includes rental); and Jewelry Stores.

Second Floor Uses: Accounting and Bookkeeping Services; Advertising Services; Architectural, Drafting, Engineering, Graphic and Landscape Design Services; Certified Public Accountants; Display Advertising Offices; Interior Design Services; Lawyers and Legal Services; Management, Companies and Enterprises and Consulting Services; Public Relations Agencies; Art Studios (no retail sales); and Dwelling Units.

Third Floor Uses: Dwelling Units

SECTION 5. That this ordinance is further conditioned upon the applicant obtaining all applicable permits Certificates of Occupancy for the proposed uses.

SECTION 6. That this ordinance is further conditioned upon compliance with Urban Commercial overlay requirements if the existing building is replaced with a new building, except for the variance to fencing requirements that is included in

this request.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 8. That Ordinance No. 1398-2005, passed on October 3, 2005, be and is hereby repealed.