



## Legislation Text

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**File #:** 1819-2013, **Version:** 4

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**Council Variance Application: CV12-060**

**APPLICANT:** Jeffrey New Day LLC, c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor, Columbus, OH 43215.

**PROPOSED USE:** To permit residential uses, public and/or private parkland and open space, and public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District.

**ITALIAN VILLAGE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. Ordinances 0284-01, passed February 26, 2001 (CV00-058) and 1023-02, passed July 8, 2002 (CV02-035) permit a mixture of residential and commercial uses, public and/or private parkland and open space, and public and/or private school(s). Applicant proposes this new variance to permit an increase in the maximum number of dwelling units permitted by the two (2) previous Council variances from 1,050 to 1,500 and to modify certain development standards established in the two current ordinances. The current development concept for the site is oriented more toward residential development than commercial, thus the requested increase in dwelling units. The standards changes are minor and consistent with the concept for redevelopment of the site approved with the 2001 and 2002 ordinances.

To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing District; 3363.24, Building Lines; 3309.14(A), Height Districts, 3312.03(D), Administrative Requirements, 3312.09, Aisle, 3312.13, Driveway, 3312.21, Landscaping and Screening, 3312.23, Maneuvering, 3312.27, Parking Setback line, 3312.29, Parking Space, 3312.39, Striping and Marking, 3321.43, Surface, 3312.49, Minimum Number of Parking Spaces Required, 3312.51, Minimum Number of Loading Spaces Required, 3321.01, Dumpster, 3321.03, Lighting, 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation; for the property located at **732 NORTH FOURTH STREET (43201)**, to permit residential uses, public and/or private parkland and open space, public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District and to repeal Ordinances 0284-01 and 1023-02, passed February 26, 2001 and July 8, 2002, respectively **and to declare an emergency.** (REPEALED BY ORD. 3355-2016; PASSED 7/22/2013)

**WHEREAS**, by application No. CV12-060, the owner of property at **732 NORTH FOURTH STREET (43201)**, is requesting a Council Variance to permit residential uses, public and/or private parkland and open space, and public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District; and

**WHEREAS**, the site plan titled, "Jeffrey Park Concept Plan," hereafter, "Concept Plan," dated July 2, 2013, drawn by Architectural Alliance, depicts the site, street system, and development areas of the site, and is referenced in Section 4 as the concept plan for the site; and,

**WHEREAS**, Section 3363.01, M, Manufacturing District, permits only limited residential uses, while the applicant proposes a maximum of 1,500 dwelling units in the Jeffrey Place development, which dwelling units may consist of various styles and forms, including detached and attached single-, two-, three-, and four-unit dwellings, multi-

family, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, which will include residential uses on the ground level, dwelling units above commercial uses and exclusive residential uses, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel, and to permit public and/or private parkland/open space and public and/or private school(s), and;

**WHEREAS**, the Italian Village Urban Commercial Overlay (UCO) applies to the North Fourth Street frontage and east to North Sixth Street, so standards of the UCO shall be applied within the applicable area, unless the Italian Village Commission (IVC) approves or requires a different standard than that required by the UCO, then the IVC approved standard shall apply; and

**WHEREAS**, the site area that is east of North Sixth Street is outside the applicability of the Italian Village Urban Commercial Overlay (UCO), while the applicant also desires reduced building setbacks for the site area east of North Sixth Street; and

**WHEREAS**, Section 3363.24, Building Lines in the M, Manufacturing District, requires various building setback lines that are inconsistent with the proposed mixed use residential/commercial development, the Urban Commercial Overlay (UCO) that is applicable to only part of the site, and the desired streetscape, **and the UCO is only applicable to retail, restaurant, office or medical office uses**, while the applicant proposes to reduce the required building setback line for all property east of North 6<sup>th</sup> to a minimum of five (5) feet for residential uses, and zero (0) building setback for commercial and/or mixed uses; **for residential uses within the UCO, which is applicable to the site area between North 4<sup>th</sup> Street and North 6<sup>th</sup> Street, to a minimum of five (5) feet, and also to permit a zero (0) setback for all commercial and mixed uses on all property east of North 6<sup>th</sup> Street and a minimum of five (5) feet for residential uses, except that a single family dwelling, within or outside of the UCO area, shall be permitted a two (2') foot building setback along the non-fronting street, as defined in Section 7.a., Residential Yard and Area Requirements of "Conditions - ORD 1819-2013 (CV12-060)", as referenced in Section 3, for a detached single family dwelling on a lot**, and;

**WHEREAS**, Section 3309.14(A), Height Districts, limits height in a sixty (60) foot height district to sixty (60) feet, with height as defined in Section 3303.36, Height, and subject to the provisions of Section 3309.142, Height District Exceptions, while applicant proposes a height restriction of ninety (90) feet with additional allowable height calculated in accordance with Section 3309.142, and;

**WHEREAS**, Section 3312.03 (D), Administrative Requirements, requires parking spaces to be provided on the same lot as the use they are intended to serve, while applicant will be building parking structures for accessory and non-accessory parking at various locations on the site and both accessory and non-accessory parking for uses may be provided off-site of a use; and

**WHEREAS**, Section 3312.09, Aisle, requires dimensional standards for aisles that must be met for each property, while the applicant proposes aisles across property lines, subject to the aisle meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

**WHEREAS**, Section 3312.13, Driveway, requires dimensional standards for driveways that must be met for each property, while the applicant proposes driveways across property lines, subject to the driveways meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

**WHEREAS**, Section 3312.23, Maneuvering, requires dimensional standards for maneuvering areas related to parking and loading spaces that require all maneuvering area for parking and loading spaces to be located on the same lot or parcel, while the applicant proposes driveways, aisles, and loading spaces across property lines, thereby allowing cross access maneuvering, and;

**WHEREAS**, Section 3312.27, Parking Setback Line, requires a minimum five (5) foot parking setback from

public streets, as permitted by the Italian Village Urban Commercial Overlay (UCO), while the area of the site east of North 6<sup>th</sup> Street is not regulated by the UCO and the applicant proposes the same minimum five (5) foot parking setback for all uses as permitted by the UCO for all street frontages east of North Sixth Street; and

**WHEREAS**, Section 3312.29, Parking Space, requires dimensional standards for a parking space, while the applicant proposes parking spaces that may be divided by property lines, subject to any parking spaces divided by property lines meeting total minimum code required dimensions; and,

**WHEREAS**, Section 3312.49, Minimum Number of Parking Spaces Required, requires off-street parking at various ratios depending on use, while the applicant proposes to reduce code required parking for all dwelling units from 2.0 or 1.5 spaces/DU, as applicable based on use, to a minimum of 1.0 parking space/DU for all dwelling units and a 50% reduction in code required off-street parking for all uses other than dwelling units, and;

**WHEREAS**, Section 3312.51, Minimum Number of Loading Spaces Required, requires loading space(s) based upon specified gross floor area, while the applicant proposes to eliminate the requirements for, and development standards of loading spaces subject to a proposed future loading area, if any, being approved by the Division of Planning and Operations/Public Service Department; and,

**WHEREAS**, as applicable, easements shall be provided between parcels where shared aisles, driveway(s), maneuvering, parking space(s) and/or loading space(s) are utilized, to insure ongoing function of the shared aisle, driveway(s), maneuvering parking space(s) and/or loading areas; and,

**WHEREAS**, applicant intends to develop a temporary accessory parking lot, as depicted on the Concept Plan, for a maximum of three (3) years from the date of approval of the Site Compliance Plan for the temporary accessory parking lot, and temporarily requires variances from the following development standards:

- 1) 3312.21, Landscaping and Screening, to temporarily not provide code required interior parking lot landscaping and to temporarily not provide headlight screening along Waldron Street for a temporary parking lot for a maximum of three (3) years; and,
- 2) 3312.39, Striping and Marking, to temporarily not provide pavement striping and marking in a temporary parking lot for a maximum of three (3) years; and
- 3) 3312.43, Surface, to temporarily not provide an asphalt or concrete surface for a temporary parking lot (gravel) for a maximum of three (3) years; and
- 4) 3312.49, Minimum Numbers of Parking Spaces Required, to permit part of code required parking for an apartment complex to be built on the west side of Waldron Street (PID 010-283393) in a temporary parking lot on the east side of Waldron Street (PID 010-210573); and
- 5) 3321.03, Lighting, to temporarily not provide parking lot lighting for a temporary parking lot for a maximum of three (3) years; and,

**WHEREAS**, all temporary parking lots shall be brought fully into compliance with parking lot development standards within three (3) years from the date of approval of a Site Compliance Plan through compliance with applicable standards for surface parking or the start of construction of a parking structure; and

**WHEREAS**, Section 3321.01, Dumpster, treats a dumpster as a structure and applicant may locate dumpsters on or across property lines and property lines shall be disregarded for purposes of locating a dumpster box(s); and

**WHEREAS**, Sections 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation are all

Sections of the Italian Village Urban Commercial Overlay and are applicable to the area of the site between North Fourth Street and North Sixth Street, Section 3372.607, Landscaping and Screening defers compliance to an architectural review commission and applicant proposes deferral to the Italian Village Commission (IVC) for standards compliance with all Sections listed; and,

**WHEREAS**, Ordinances 0284-01, passed February 26, 2001 (CV00-058) and 1023-02, passed July 8, 2002 (CV02-035) permit residential, public and/or private parkland and open space, and public and/or private school(s). Applicant proposes this new variance to permit an increase in the maximum number of dwelling units permitted by the two (2) previous ordinances from 1,050 to 1,500 and to modify certain development standards established in the two current ordinances. The current development concept for the site is oriented more toward residential development than commercial, thus the requested increase in dwelling units. The standards changes are minor and consistent with the concept for redevelopment of the site approved with the 2001 and 2002 ordinances; and,

**WHEREAS**, the Italian Village Area Commission recommends approval, and;

**WHEREAS**, City Departments recommend approval; and;

**WHEREAS**, a hardship exists in that there is no mechanism other than a variance to permit the proposed residential uses in the M, Manufacturing District; and,

**WHEREAS**, this ordinance is conditioned upon the applicant obtaining all required zoning clearances and building permits and a Certificate of Occupancy for each building, 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 **732 NORTH FOURTH STREET (43201)** in using said property as desired; and

**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 3363.01, M, Manufacturing Districts; 3363.24, Building Lines in an M, Manufacturing District; 3309.14(A), Height Districts; 3312.03 (D), Administrative Requirements; 3312.09, Aisle; 3312.13, Driveway; 3312.23, Maneuvering; 3312.27, Parking Setback line; 3312.29, Parking Space; 3312.49, Minimum Number of Parking Spaces Required; 3312.51, Minimum Number of Loading Spaces Required; 3321.01, Dumpster Area; and variances to the following sections applicable to temporary parking only: 3312.21, Landscaping and Screening; 3312.39 Striping and Marking; 3312.43, Surface; and 3321.03, Lighting; and variances to the Urban Commercial Overlay Sections 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation; inclusive, only when site plan and/or architectural approval of the Italian Village Commission conflicts with these standards of the UCO, of the Columbus City Codes are hereby granted for the property located at **732 NORTH FOURTH STREET (43201)**, to:

- a) permit various styles and forms of residential use, including detached and attached single-, two-, three-, and four-unit dwellings, multi-unit, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, all of which may include residential uses on the ground level, above commercial uses and exclusive residential use, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel, subject to a maximum of 1,500 dwelling units.
- b) permit public and/or private parkland/open space;
- c) permit public and/or private school(s);
- d) ~~reduce the required building setback line, on all existing and future streets, located at and east of the east line of North Sixth Street to a minimum of five (5) feet for residential uses and zero (0) feet for commercial or mixed use (commercial and residential) buildings, for residential uses within the UCO area, which is applicable to the site area between North 4<sup>th</sup> Street and North 6<sup>th</sup> Street, to a minimum of five (5) feet, and also permit a zero (0) setback for all commercial and mixed use (commercial and residential) buildings and a minimum of five (5) feet for residential uses on all property east of North 6<sup>th</sup> Street, except that a single family dwelling, within or outside of the UCO area, shall be permitted a two (2') foot building setback along the non-fronting street, as defined in Section 7.a., Residential Yard and Area Requirements of "Conditions - ORD 1819-2013 (CV12-060)", as referenced in Section 3, for a detached single family dwelling on a lot, and;~~  
**reduce the required building setback line, on all existing and future streets, located at and east of the east line of North Sixth Street to a minimum of five (5) feet for residential uses and zero (0) feet for commercial or mixed use (commercial and residential) buildings, for residential uses within the UCO area, which is applicable to the site area between North 4<sup>th</sup> Street and North 6<sup>th</sup> Street, to a minimum of five (5) feet, and also permit a zero (0) setback for all commercial and mixed use (commercial and residential) buildings and a minimum of five (5) feet for residential uses on all property east of North 6<sup>th</sup> Street, except that a single family dwelling, within or outside of the UCO area, shall be permitted a two (2') foot building setback along the non-fronting street, as defined in Section 7.a., Residential Yard and Area Requirements of "Conditions - ORD 1819-2013 (CV12-060)", as referenced in Section 3, for a detached single family dwelling on a lot, and;**
- e) permit a height of ninety (90) feet, with additional height calculated in accordance with Section 3309.142;
- f) reduce code required parking for uses on Site A (PID: 010-280391, 010-280392), as noted on the Concept Plan, from 115 spaces to 65 spaces;
- g) reduce code required parking for all dwelling units from 2.0 and 1.5 spaces/DU depending on use to 1.0 spaces/DU;
- h) permit code required parking for dwelling units located on Site B (PID: 010-280393), as noted on the Concept Plan, to be located off-site, subject to off-site parking being located within the area designated as Off-site Parking on the Concept Plan;
- i) reduce code required parking for all uses, other than as specified in (f) and (g) above by 50%;
- j) reduce the required parking setback and vision clearance from public streets to five (5) feet on all public street frontages for all property east of North Sixth Street, which is not presently regulated by the Italian Village Urban Commercial Overlay;
- k) permit property lines to divide aisles, driveways, parking spaces, maneuvering areas and loading areas, thereby permitting aisles, driveways, parking spaces, maneuvering and loading spaces to be located across and divided by property lines;
- l) eliminate the requirements for and development standards of loading spaces subject to any proposed on-site future loading spaces being reviewed and approved by the Division of Planning and Operations/Public Service Department;
- m) permit the off-site parking lot depicted on the Concept Plan to not have an improved surface, not have stripping, not have headlight screening and/or interior landscaping and without lighting for a maximum of three (3) years from the date of approval of a Site compliance Plan for the off-site parking lot;

- n) permit placement of dumpster boxes on or across shared property lines of private property parcels and to permit access/maneuvering area for a dumpster box(s) to occur in a public street right of way, subject to location, design and access approval of the Public Service Department;
- o) require for that portion of the site that is within the Italian Village Urban Commercial Overlay (UCO) compliance with the UCO except if the Italian Village Commission (IVC) approves a project not in compliance with the UCO, Sections 3372.604, **Setback Requirements** - 3372.609, Parking and Circulation, inclusive, then the IVC approval shall apply and no variance (BZA) shall be required.

said property being 33.8 ± acres located on the east side of North Fourth Street and the south side of East First Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio, and known as being Reserves A, B, C, D, E, F, G, H, I, J, K, L, M and Lots 1 - 32, all inclusive in Jeffrey Place, Section 1, as the same is numbered and delineated upon the recorded plat of said Section 1, of record in Plat Book 109, Pages 3 and 4, in the Recorder's Office of Franklin County, Ohio,

**AND THE FOLLOWING:**

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Waterford Limited Partnership by deed of record in Instrument Number 200011020222452 and part of that tract of land conveyed to Pennsylvania Railroad Holding Company by deed of record in Official Record 33954D19 (all references being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northwesterly corner of that tract conveyed to the City of Columbus, Ohio by deed of record in Deed Book 2256, Page 474 in the southerly right-of-way line of East First Avenue;

thence South 08°14' 59" East, with the easterly right-of-way line of North Fourth Street, a distance of 558.84 feet to the True Point of Beginning for this description;

thence crossing said Pennsylvania Railroad Holding Company and said Waterford Limited Partnership tracts, the following courses and distances:

South 86°17' 08" East, a distance of 271.12 feet to a point;

South 08°19' 52" East, a distance of 113.87 feet to a point;

South 86°17' 08" East, a distance of 465.89 feet to a point;

South 03°28' 09" West, a distance of 40.00 feet to a point;

South 86°17' 08" East, a distance of 140.09 feet to a point;

North 03°25' 49" East, a distance of 151.37 feet to a point; and

South 86°17' 08" East, a distance of 428.08 feet to a point in the westerly line of that tract conveyed to Consolidated Rail Corporation by deed of record in Deed Book 3714, Page 1;

thence, with said westerly line, and with the arc of a curve to the right, (Delta = 22°28' 04, Radius = 1390.00 feet) a chord bearing and distance of South 04°06' 57" West, 541.58 feet to a point;;

thence South 19°04' 52" West, with said westerly line, a distance of 29.87 feet to a point in the northerly right-of-way line of I-670;

thence with said northerly right-of-way line the following courses and distances:

South 57°05' 47" West, a distance of 162.07 feet to a point;

South 54°57' 08" West, a distance of 155.00 feet to a point;

South 62°04' 39" West, a distance of 161.25 feet to a point;

South 24°16' 43" West, a distance of 9.37 feet to a point;

South 74°27' 12" West, a distance of 132.73 feet to a point;

South 80°13' 39" West, a distance of 127.71 feet to a point;

South 87°23' 14" West, a distance of 125.10 feet to a point;

North 74°13' 31" West, a distance of 157.09 feet to a point;

South 77°16' 27" West, a distance of 34.91 feet to a point;

North 48°28' 27" West, a distance of 34.45 feet to a point;

North 28°07' 31" East, a distance of 33.32 feet to a point;

North 54°07' 01" West, a distance of 54.60 feet to a point;

North 26°22' 45" West, a distance of 238.61 feet to a point;

North 10°01' 02" West, a distance of 110.69 feet to a point;

North 03°53' 03" West, a distance of 107.89 feet to a point; and

North 86°30' 37" West, a distance of 8.00 feet to a point in the easterly right-of-way line of Fourth Street;

thence North 03°34' 09" East, with said easterly right-of-way line, a distance of 217.55 feet to a point;

thence North 08°14' 59" West, with said easterly right-of-way line, a distance of 251.52 feet to the True Point of Beginning, containing 23.3 acres of land, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a residential development and/or mixed use residential and commercial development or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned upon the following:  
**See Attachment 1 "Conditions - ORD 1819-2013 (CV12-060)."**

**Section 4.** That this ordinance is further conditioned on the plan titled, "**Jeffrey Park Concept Plan,**" drawn by

Architectural Alliance, dated and signed July 2, 2013 by Donald Plank, Attorney, which plan depicts the site, street system, and development areas of the site. Any slight adjustment to the drawing shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or a designee upon submission of the appropriate data regarding the proposed adjustment.

**Section 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for each building.

**Section 6.** That this ordinance is further conditioned in that the Columbus Board of Zoning Adjustment shall be the body to hear any variance(s) to any standard(s) contained herein, including any area variance.

**Section 7.** That this ordinance is further conditioned in that the 33.8  $\pm$  acres described herein are included in this ordinance solely for the purpose of establishing the uses, use restrictions and development standards contained herein on contiguous property anticipated for development by applicant. The 33.8 +/- acres includes parcels separated by public streets and additional subdivision of the property with the dedication of public rights of way, platting of lots, lot splits and other subdivision of the property that will cause parcels to be created that are a part of the area described herein may occur. Applications for rezoning or variance may be made for any parcel or portion of the property described herein at all times in the future without restriction by this ordinance.

**Section 8.** That this ordinance is further conditioned upon applicant completing through action by Columbus City Council the pending rezoning application Z00-117.

**Section 9.** That Ordinance 0284-01, passed February 26, 2001, be and is hereby repealed.

**Section 10.** That Ordinance 1023-2002, passed July 8, 2002, be and is hereby repealed.

~~SECTION 11. 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.**