



Legislation Text

File #: 1230-2016, **Version:** 2

Council Variance Application: CV16-006

APPLICANT: University Gateway North, LLC; c/o Michael T. Shannon, Attorney; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY AREA REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two adjacent parcels that are currently developed with a recently abandoned fuel-sales facility and a mixed-use commercial building in the C-4, Commercial District. The site is also located within the University Impact District and the Urban Commercial Overlay. The applicant proposes the construction of a five-story mixed-use commercial and residential building on the northern parcel ("Parcel A"; AKA the "Lane" Parcel) and a five-story building with residential units over a parking garage that is not attached to commercial uses on the southern parcel ("Parcel B"; AKA the "Pearl" Parcel). The existing mixed-commercial building along the frontage of Parcel B will remain. The Parcel A building will contain approximately 10,000 square feet of eating and drinking establishment space, the option for first-floor residential accessory uses, 41 dwelling units, and 41 parking spaces. The Parcel B building will contain 27 dwelling units and 109 parking spaces. In addition to the use variance for ground floor residential accessory uses, variances are also requested to allow building heights of 68 feet, to reduce the total minimum number of required parking spaces from an overall 243 to 150 (162 to 41 on Parcel A, with 28 parking spaces included on Parcel B, which requires 81 spaces but is providing 109), to permit bicycle parking in non-visible areas, to reduce parking and loading space sizes, to permit maneuvering over and through a parcel line and stacked spaces, and to permit residential units above garage parking spaces that do not adjoin to commercial uses. Parcel B is subject to Board of Zoning (BZA) Application Numbers 05310-00111 and 07310-00007 in 2005 and 2007, respectively, which permitted the existing mixed-commercial building with 40 parking spaces. Those 40 parking spaces are included in the 109-space parking garage. The *University District Plan* (2015) recommends regional mixed uses along North High Street, which includes denser residential development with taller buildings. This proposal will permit multi-story mixed-use development that is consistent with the Plan recommendations and with the recent development pattern along this corridor.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(A),(C), Minimum numbers of parking spaces required; 3312.51, Loading space; and 3356.05(F), C-4 district development limitations, of the Columbus City Codes; for the property located at **15 EAST LANE AVENUE (43201)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance # CV16-006) **and to declare an emergency.**

WHEREAS, by application No. CV16-006, the owner of property at **15 EAST LANE AVENUE (43201)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

WHEREAS, Sections 3356.03, C-4 permitted uses, permits residential uses only above certain commercial uses, while

the applicant proposes ground floor accessory residential uses as part of a mixed-use development with up to 10,000± square feet of eating and drinking establishment space and 41 apartment units on Parcel A, and 27 apartment units above garage parking spaces on Parcel B; and

WHEREAS, Sections 3309.14, Height districts, requires a maximum building height of 35 feet at the setback for this property, while the applicant proposes buildings with heights not to exceed 68 feet; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines and parking spaces; and

WHEREAS, Section 3312.29, Parking space, requires parking spaces to be at least 9 feet wide, with no stacking permitted, while the applicant proposes a width of 8 feet for residential parking spaces, with 17 pairs of stacked parking spaces counted as required parking spaces and assigned to individual units; and

WHEREAS, Section 3312.49(A), Minimum numbers of parking spaces required, requires bicycle parking spaces to be located in a highly visible area on the property for the uses to be served, while the applicant proposes to provide all required bicycle parking within the parking garage; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 spaces per apartment unit, and 1 space per 75 square feet of eating and drinking establishment space, and utilizing the UCO-permitted parking reduction for a mixed-use development containing 10,000 square feet of eating and drinking establishment space and 68 apartment units while adding the 40 BZA-required parking spaces on Parcel B equals a total requirement of 243 spaces, while the applicant proposes 150 parking spaces, a reduction from 162 spaces to 41 spaces on Parcel A, and a surplus of 28 spaces on Parcel B; and

WHEREAS, Section 3312.51, Loading space, requires loading spaces to be located on the same lot as the use they are intended to serve and that they shall have a width of 12 feet, and a length of 50 feet, whereas the applicant proposes one 12 feet wide by 18 feet long loading space to serve both Parcel A and Parcel B, and be divided by a parcel line; and

WHEREAS, Section 3356.05(F), C-4 district development limitations, requires that first-floor parking garages with dwelling units above must be connected/adjoined to commercial uses that occupy the entire length of at least one property frontage, while the applicant proposes no adjoining commercial uses for the parking garage/residential building on Parcel B, but recognizes that the intent of this section is met by the existing commercial building that occupies the High Street frontage immediately west of the proposed building; and

WHEREAS, The University Area Commission recommends approval; and

WHEREAS, The University Area Review Board recommends approval; and

WHEREAS, City Departments recommend approval because the site is located in the vicinity of several sites that received variances or rezoning actions to allow similar multi-story mixed-use projects. This proposal will permit a multi-story mixed-use development that is consistent with the land use recommendations of the *University District Plan*, and with the recent development pattern along this corridor; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 roads, 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 **15 EAST LANE AVENUE (43201)**, in using said property as desired and;

WHEREAS, an emergency exists to allow construction to begin as soon as possible as this is necessary to accommodate the planned needs of the occupant; 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; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(A),(C), Minimum numbers of parking spaces required; 3312.51, Loading space; and 3356.05(F), C-4 district development limitations, of the Columbus City Codes, is hereby granted for the property located at **15 EAST LANE AVENUE (43201)**, insofar as said sections prohibit ground floor residential accessory uses; an increased building height from 35 feet to 68 feet; maneuvering over a property line and/or stacked parking spaces; reduced parking space width from 9 feet to 8 feet for residential parking spaces; 17 pairs of stacked parking spaces assigned to individual residential units to be counted as required parking spaces; bicycle parking within the parking garage; a parking space reduction from 243 required spaces to 150 spaces, (162 spaces to 41 spaces on Parcel A, and a surplus of 28 spaces on Parcel B); a reduced-size loading space from 12 feet by 50 feet to 12 feet by 18 feet divided by a parcel line; and a building containing residential units with garage parking that does not adjoin to commercial uses along the North Pearl Street frontage; said property being more particularly described as follows:

15 EAST LANE AVENUE (43201), being 1.02± acres located at the southeast corner of East Lane Avenue and North High Street, and being more particularly described as follows:

Parcel A

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being all of Lots One (1) and Two (2) of T.R. Head's WALDECK AVENUE SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 398, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM THE FOLLOWING:

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 Lot 1 of T.R. Head's Waldeck Avenue Subdivision, of record in Plat Book 3, page 398, said Lot 1 being described in deeds to Marcia S. Clark and Rickard Z. Vesper, of record in ORV 2615, page H20, and ORV 2782, page 102, 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 42-WD being more particularly described as follows:

Beginning for reference at the centerline intersection of North High Street and East Lane Avenue, being at Centerline Station 89+43.41 (North High Street Centerline Station 300+00.00);

Thence South 7° 27' 27" East, along the centerline of North High Street, a distance of 62.00 feet to a point, being at North High Street Centerline Station 299+38.00;

Thence North 82° 32' 53" East. A distance of 35, 85 feet to a point on the easterly line of North High Street, on the westerly line of said Lot 1, being 35.85 feet right of Station 299+38.00, and being the True Place of Beginning:

Thence North 8° 16' 08" West, along the easterly line of North High Street, the westerly line of said Lot 1, a distance of 34.58 feet to a point at the northwest corner of said Lot 1, on the southerly line of East Lane Avenue, being 23.43 feet right of Station 89+82.02:

Thence South 86° 17' 18" East, along the southerly line of East Lane Avenue, the northerly line of said Lot 1, a distance of 184.10 feet to a point at the northeast corner of said Lot 1, on the westerly line of a 20 foot wide alley, being 25.55 feet right of Station 91+67.68;

Thence South 8° 16' 08" East, along the easterly line of said Lot 1, the westerly line of said 20 foot wide alley, a distance of 30.10 feet to a point, being 55.00 feet right of Station 91+73.90;

Thence passing through said Lot 1 the following 6 courses:

- 1 North 40° 03' 12" West, 34.59 feet to a point, being 30.00 feet right of Station 91+50.00;
- 2 North 86° 20' 10" West, 105.93 feet to a point, being 30.00 feet right of Station 90+44.07;
- 3 North 87° 03' 29" West, 23.31 feet to a point, being 30.00 feet right of Station 90+20.00;
- 4 South 83° 55' 25" West, 14.65 feet to a point, being 32.00 feet right of Station 90+05.00;
- 5 South 21° 25' 46" West, 13.86 feet to a point, being 45.00 feet right of Station 90+00.00;
- 6 South 44° 15' 43" West, 17.46 feet to the True Place of Beginning, and containing 0.034 acre of land.

The bearings for this description are based on a bearing of North 68° 52' 08" East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone.

This description was prepared by MS Consultants, Inc. from an actual field survey (1995-1999) and existing records.

Known as Franklin County Parcel Number: 010-069995
15 East Lane Avenue (43201)

Parcel B

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lots Numbered Three (3), Four (4), Five (5) and Six (6) of T.R. Heads Waldeck Avenue Addition to the City of Columbus, Ohio as the same are numbered and delineated upon the recorded plat of said Addition, in the office of the record of Franklin County, Ohio, in Plat book 3, Page 398.

Known as Franklin County Parcel Number: 010-007581
2016-2024 North High Street (43201)

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 building with ground floor accessory residential uses, 10,000± square feet of eating and drinking establishment space, and 41 apartment units on Parcel A, and a parking garage/apartment building with 27 units on Parcel B, or those uses in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "SITE PLAN," drawn by Shremshock Architects, Inc., dated March 30, 2016, and signed by Michael T. Shannon, Attorney for the Applicant. 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance is further conditioned on the following:

1. The Applicant agrees to modifications to Pearl Alley to provide a minimum pavement width of 20 feet along the frontage of the subject site.
2. Pairs of stacked parking spaces shall be assigned to individual units.

SECTION 6. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for 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 ten days after passage if the Mayor neither approves nor vetoes the same.