



Legislation Text

File #: 2166-2014, **Version:** 2

Council Variance Application # CV14-037

APPLICANT: Campus Partners for Community Urban Redevelopment; c/o John P. Kennedy and Michael T. Shannon, Attys.; Crabbe Brown & James, LLP; 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 applicant received a recommendation of approval from the Development Commission on September 11, 2014, for a concurrent rezoning (Ordinance No. 2165-2014, Z14-032) to the CPD, Commercial Planned Development District, which will allow mixed commercial and residential development with approximately 500 residential units. The CPD Text for Z14-032 proposes C-4, Commercial District uses, and the requested variance will allow residential uses that are otherwise prohibited by varying the C-4 District permitted uses. Approval of this request will allow mixed commercial and residential development that is consistent with the land use recommendations of the *University Neighborhoods Revitalization Plan* (1996), the *Plan for High Street* (2000), the *University /High Street Development & Design Guidelines* (2002), and the *Weinland Park Neighborhood Plan* (2006), and will continue redevelopment goals for this segment of North High Street.

To grant a variance from the provisions of Sections 3356.03 C-4 permitted uses; and 3356.05(C), C-4 District development limitations, of the Columbus City codes; for the property located at **1516 NORTH HIGH STREET (43201)**, to permit first floor residential and supporting residential uses, and residential uses above certain commercial uses that are otherwise prohibited in the CPD, Commercial Planned Development District **and to declare an emergency** (Council Variance # CV14-037).

WHEREAS, by application No. CV14-037, the owner of property at **1516 NORTH HIGH STREET (43201)**, is requesting a Council Variance to permit first floor residential and supporting residential uses, and residential uses above certain commercial uses that are otherwise prohibited in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits dwelling units as allowed under C.C. 3356.05, while the applicant proposes to develop first floor residential or residential supporting uses, residential or residential supporting uses above first floor residential or residential supporting uses, and residential uses above Bowling Centers, Performing Arts, Spectator Sports, and Related Industries, and Theaters, Dance Companies and Dinner Theaters; and

WHEREAS, Section 3356.05, C-4 District Development Limitations, permits dwelling units located above uses contained in the C-1, C-2, C-3, Commercial Districts and those uses specified in the C-4, Commercial District, while the applicant proposes residential uses above Bowling Centers, Performing Arts, Spectator Sports, and Related Industries, and Theaters, Dance Companies and Dinner Theaters; and

WHEREAS, the University Area Commission and the University Area Review Board recommend approval of said

zoning change; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will allow a mixed commercial and residential development that is consistent with applicable land use recommendations, and continues redevelopment goals for this segment of North High Street; and

WHEREAS, said 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 **1516 NORTH HIGH 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 3356.03 C-4 permitted uses; and 3356.05(C), C-4 District development limitations, of the Columbus City codes; is hereby granted for the property located at **1516 NORTH HIGH STREET (43201)**, insofar as said sections prohibit first floor residential or residential supporting uses, residential or residential supporting uses above first floor residential or residential supporting uses, and residential uses above Bowling Centers, Performing Arts, Spectator Sports, and Related Industries, and Theaters, Dance Companies and Dinner Theaters in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

1516 NORTH HIGH STREET (43201), being 7.34± acres located on the east side of North High Street between East Ninth and East Eighth Avenues, and on the south side of East Eighth Avenue between Pearl and Section Alleys (except therefrom parcels numbered 010-037288 and 010-003633), and being more particularly described as follows:

SUBAREA "A"

ZONING DESCRIPTION OF 1.54 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being all of the 0.629 acre tract conveyed to Redstone Realty Company LLC in Instrument Number 201208020111857, also being Lots 1, 2 and 3 of Fisher's North High Street Addition as is numbered and delineated on the recorded plat thereof, of record in Plat Book 2, Page 194, conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number 200112140292285 and Instrument Number 200201110011638 and also being Lot 4 and part of Lot 5 of said Fisher's North High Street Addition conveyed to Community Housing Network in Instrument Number 200009190188843, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 1, being the intersection of the south line of Eighth Avenue, 50 feet wide, with the east line of High Street, 66 feet wide;

Thence along the west line of said Lots 1 through 4 and part of the west line of said Lot 5 and along the east line of High Street, North 08 degrees 15 minutes 28 seconds West, 163.80 feet to the south corner of a 0.001 acre tract conveyed to City of Columbus, Ohio in Instrument Number 200308050246642;

Thence across said Lot 5, along the east line of said 0.001 acre tract, North 05 degrees 52 minutes 33 seconds West, 39.22

feet to the north line of said Lot 5, the northeast corner of said 0.001 acre tract, the southwest corner of said 0.629 acre tract and the southeast corner of a 0.026 acre tract conveyed to City of Columbus, Ohio in Instrument Number 200309260308574;

Thence along part of the west line of said 0.629 acre tract and part of the east line of said 0.026 acre tract, North 06 degrees 37 minutes 16 seconds West, 140.92 feet;

Thence continuing along part of the west line of said 0.629 acre tract and part of the east line of said 0.026 acre tract, North 35 degrees 01 minute 53 seconds East, 38.69 feet to the northwest corner of said 0.629 acre tract, the northeast corner of said 0.026 acre tract and the south line of Ninth Avenue, 60 feet wide;

Thence along the north line of said 0.629 acre tract and the south line of Ninth Avenue, South 86 degrees 46 minutes 19 seconds East, 151.16 feet to the northeast corner of said 0.629 acre tract, at the intersection of the south line of Ninth Avenue with the west line of Pearl Street, 20 feet wide;

Thence along the east lines of said 0.629 acre tract and of said Lots 1 through 5 and along the west line of Pearl Street, South 08 degrees 15 minutes 28 seconds East, 378.55 feet to the southeast corner of said Lot 1 and the intersection of the west line of Pearl Avenue with the north line of Eighth Avenue;

Thence along the south line of said Lot 1 and the north line of Eighth Avenue, North 86 degrees 46 minutes 19 seconds West, 184.00 feet to the **POINT OF BEGINNING, CONTAINING 1.54 ACRES.**

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Ninth Avenue.

This description is based on records only. This description is to be used for zoning purposes only and is not intended to be used for property transfer.

SUBAREA "B1"

ZONING DESCRIPTION OF 1.11 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 27, 31 and 32 and part of Lot 26 of Fisher's North High Street Addition as is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 194, conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number 200101040003411, Instrument Number 200602100026780, Instrument Number 200901130004580, Instrument Number 201008310112103 and Instrument Number 201012300178309 and Lots 28, 29 and 30 of said Fisher'S North High Street Addition conveyed to Redstone Realty Company LLC in Instrument Number 201308020130949, Tracts I and II, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 32 and at the intersection of the south line of Ninth Avenue, 60 feet wide, with the east line of Pearl Street, 20 feet wide;

Thence along the north lines of said Lots 27 through 32, along part of the north line of said Lot 26 and along the south line of Ninth Street, South 86 degrees 46 minutes 19 seconds East, 293.69 feet to a point, said point being 20 feet east of the northwest corner of said Lot 26;

Thence across said Lot 26, South 03 degrees 20 minutes 41 seconds West, 175.00 feet to the south line of said Lot 26 and the north line of an alley, 22 feet wide, said point being 20 feet east of the southwest corner of said Lot 26;

Thence along part of the south line of said Lot 26, along the south lines of said Lots 27 through 32 and along the north line of said alley, North 86 degrees 46 minutes 19 seconds West, 257.77 feet to the southwest corner of said Lot 32, being the intersection of the north line of said alley with the east line of Pearl Street;

Thence along the west line of said Lot 32 and the east line of said Pearl Street, North 08 degrees 15 minutes 28 seconds West, 178.58 feet to the **POINT OF BEGINNING, CONTAINING 1.11 ACRES.**

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Ninth Avenue.

This description is based on records only. This description is to be used for zoning purposes only and is not intended to be used for property transfer.

SUBAREA "B2"

ZONING DESCRIPTION OF 1.21 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 21, 22, 23 and 25 and part of Lots 24 and 26 of Fisher's North High Street Addition, as is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 194, conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number

200012190255357, Instrument Number 200404090080303, Instrument Number 200404090080304 and Instrument Number 200805300082744 and Lots 19 and 20 and part of Lot 24 of said Fisher's North High Street Addition conveyed to Redstone Realty Company LLC in Instrument Number 200404120080849, Instrument Number 200405170112470 and Instrument Number 200405270122233, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the northeast corner of said Lot 19, also being the intersection of the south line of Ninth Avenue, 60 feet wide, with the west line of an alley, 18 feet wide;

Thence along the east line of said Lot 19 and the west line of said alley, South 03 degrees 20 minutes 41 seconds West, 175.00 feet to the southeast corner of said Lot 19, also being the intersection of the west line of an alley, 19 feet wide, with the north line of an alley, 22 feet wide;

Thence along the south lines of said Lots 19 through 25, part of the south line of said Lot 26 and along part of the north line of said 22 foot wide alley, North 86 degrees 46 minutes 19 seconds West, 300.00 feet to a point, said point being 20 feet west of the southeast corner of said Lot 26;

Thence across said Lot 26, North 03 degrees 20 minutes 41 seconds East, 175.00 feet to the north line of said Lot 26 and the south line of Ninth Avenue, said point being 20 feet west of the northeast corner of said Lot 26;

Thence along the north lines of said Lots 19 through 25, part of the north line of said Lot 26 and along the south line of Ninth Avenue, South 86 degrees 46 minutes 19 seconds East, 300.00 feet to the **POINT OF BEGINNING**,

CONTAINING 1.21 ACRES.

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Ninth Avenue.

This description is based on records only. This description is to be used for zoning purposes only and is not intended to be used for property transfer.

SUBAREA "CI"

ZONING DESCRIPTION OF 0.84 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 6 and 7 of Fisher's North High Street Addition as is numbered and delineated on the recorded plat thereof, of record in Plat Book 2, Page 194 conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number 200404300098265, Instrument Number 200805160075719 and Instrument Number 200805160075720, Lot 8 and part of Lot 9 of said Fisher's North High Street Addition conveyed to Redstone Realty Company LLC in Instrument Number 201308020130949, Tracts III and IV and Lot 10 and Part of Lot 9 of said Fisher's North High Street Addition conveyed to Redstone Realty Company LLC in Instrument Number 201408200108846, all records being of the Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 6, being the intersection of the north line of Eighth Avenue, 50 feet wide, with the east line of Pearl Street, 20 feet wide;

Thence along the west line of said Lot 6 and the east line of Pearl Street, North 08 degrees 15 minutes 28 seconds West, 178.58 feet to the northwest corner of said Lot 6, being the intersection of the east line of Pearl Street with the south line of an alley, 22 feet wide;

Thence along the north line of said Lots 6, 7, 8, 9 and 10 and along the south line of said alley, South 86 degrees 46 minutes 19 seconds East, 225.91 feet to the northeast corner of said Lot 10 and the northwest corner of Lot 11 of said Fisher's North High Street Addition;

Thence along the east line of said Lot 10 and the west line of said Lot 11, South 03 degrees 20 minutes 41 seconds West, 175.00 feet to the southeast corner of said Lot 10, the southwest corner of said Lot 11 and the north line of Eighth Avenue;

Thence along the south line of said Lots 6, 7, 8, 9 and 10 and along the north line of Eighth Avenue, North 86 degrees 46 minutes 19 seconds West, 190.00 feet to the **POINT OF BEGINNING, CONTAINING 0.84 ACRES.**

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Eighth Avenue.

This description is based on records only. This description is to be used for zoning purposes only and is not intended to be used for property transfer.

SUBAREA "C2"

ZONING DESCRIPTION OF 1.06 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 11, 12, 13 and 15 of Fisher's North High Street Addition as numbered and delineated on the recorded plat thereof, of record in Plat Book 2, Page 194 conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number 200406020125973, Instrument Number 200406020125975, Instrument Number 200508020154131 and Instrument Number 200712310221389 and Lots 14 and 16 and part of Lots 17 and 18 of said Fisher's North High Street Addition conveyed to Redstone Realty Company LLC in Instrument Number 200406170139557 Parcels 1 and 3, Instrument Number 200406170139558 Parcels 1 and 3 and Instrument Number 200405140111382, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 11 and the southeast corner of Lot 10 of said Fisher's North High Street Addition and in the north line of Eighth Avenue, 50 feet wide;

Thence along the west line of said Lot 11 and the east line of said Lot 10, North 03 degrees 20 minutes 41 seconds East, 175.00 feet to the northwest corner of said Lot 11, the northeast corner of said Lot 10 and in the south line of an alley, 22 feet wide;

Thence along the north line of said Lots 11 through 16 and along the south line of said alley, South 86 degrees 46 minutes 19 seconds East, 240.00 feet to the northeast corner of said Lot 16 and the northwest corner of said Lot 17;

Thence along part of the east line of said Lot 16 and part of the west line of said Lot 17, South 03 degrees 20 minutes 41 seconds West, 70.28 feet;

Thence across said Lot 17 and part of said Lot 18, South 86 degrees 27 minutes 28 seconds East, 40.09 feet;

Thence continuing across part of said Lot 18, South 03 degrees 08 minutes 11 seconds West, 104.50 feet to the south line of said Lot 18 and the north line of Eighth Avenue;

Thence along part of the south line of said Lot 18, along the south line of said Lots 11 through 17 and along the north line of Eighth Avenue, North 86 degrees 46 minutes 19 seconds West, 280.47 feet to the **POINT OF BEGINNING,**

CONTAINING 1.06 ACRES.

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Eighth Avenue.

SUBAREA "D1"

ZONING DESCRIPTION OF 0.85 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 20, 21, 23, 24, 25 and 26 of Phil D. Fisher and Mrs. M.C. Miller's Subdivision as is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 69 conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number 200406300152102, Instrument Number 200805220079025, Instrument Number 200807310116770 and Instrument Number 201201100004037 and Lot 22 of said Phil D. Fisher and Mrs. M.C. Miller's Subdivision conveyed to Redstone Realty Company LLC in Instrument Number 200406150137818, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 20, being the intersection of the south line of Eighth Avenue, 50 feet wide, with the east line of Pearl Street, 20 feet wide;

Thence along the north line of said Lots 20 through 26 and the south line of Eighth Avenue, South 86 degrees 46 minutes 19 seconds East, 273.50 feet to the northeast corner of said Lot 26 and the northwest corner of Lot 27 of said Phil D.

Fisher and Mrs. M.C. Miller's Subdivision;

Thence along the east line of said Lot 26 and the west line of said Lot 27, South 03 degrees 20 minutes 41 seconds West, 140.00 feet to the southeast corner of said Lot 26, the southwest corner of said Lot 27 and in the north line of an alley, 17 feet wide;

Thence along the south line of said Lots 20 through 26 and the north line of said alley, North 86 degrees 46 minutes 19 seconds West, 254.50 feet to the southwest corner of said Lot 20, being the intersection of the north line of said alley with the east line of Pearl Street;

Thence along the west line of said Lot 20 and the east line of Pearl Street, North 04 degrees 23 minutes 10 seconds West, 141.25 feet to the **POINT OF BEGINNING, CONTAINING 0.85 ACRES.**

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Eighth Avenue.

This description is based on records only. This description is to be used for zoning purposes only and is not intended to be used for property transfer.

SUBAREA "D2"

ZONING DESCRIPTION OF 0.73 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 28 and 32 of Phil D. Fisher and Mrs. M.C. Miller's Subdivision as is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 69 conveyed to Campus Partners For Community Urban Redevelopment in Instrument Number 200406300152102, and Instrument Number 200506230122466 and Lots 29, 30, 31 and 33 of said Phil D. Fisher and Mrs. M.C. Miller's Subdivision conveyed to Redstone Realty Company LLC in Instrument Number 200406170139557, Parcel 2, Instrument Number 200406170139558, Parcel 2 and Instrument Number 200406010124693, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 28, the northeast corner of Lot 27 of said Phil D. Fisher and Mrs. M.C. Miller's Subdivision and in the south line of Eighth Avenue, 50 feet wide;
Thence along the north line of said Lots 28 through 33 and the south line of Eighth Avenue, South 86 degrees 46 minutes 19 seconds East, 228.00 feet to the northeast corner of said Lot 33, being the intersection of the south line of Eighth Avenue with the west line of an alley, 20 feet wide;
Thence along the east line of said Lot 33 and the west line of said alley, South 03 degrees 20 minutes 41 seconds West, 140.00 feet to the southeast corner of said Lot 33, being the intersection of said alley with an alley, 17 feet wide;
Thence along the south line of said Lots 28 through 33 and the north line of said 17 foot wide alley, North 86 degrees 46 minutes 19 seconds West, 228.00 feet to the southwest corner of said Lot 28 and the southeast corner of said Lot 27;
Thence along the west line of said Lot 28 and the east line of said Lot 27, North 03 degrees 20 minutes 41 seconds East, 140.00 feet to the **POINT OF BEGINNING, CONTAINING 0.73 ACRES.**

The basis of bearings for this description is assumed to be South 86 degrees 46 minutes 19 seconds East on the south line of Eighth Avenue.

This description is based on records only. This description is to be used for zoning purposes only and is not intended to be used for property transfer.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with residential uses as permitted by this ordinance, or those uses in the CPD, Commercial Planned Development District as specified by Ordinance No. 2165-2014 (Z14-032).

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

~~SECTION 4. 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.