



## Legislation Text

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**File #:** 0277-2016, **Version:** 2

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### **Council Variance Application: CV15-055**

**APPLICANT:** The WODA Group, Inc., c/o Joseph M. McCabe, 229 Huber Village Boulevard, Westerville, OH 43081.

**PROPOSED USE:** Senior housing and commercial development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is an assemblage of 12 parcels, which consist of several vacant lots and some buildings in various states of disrepair. The underlying zoning district of most of the parcels is the C-4, Commercial District, with two parcels being zoned L-P-1, Limited Parking District. The site is also located within the Urban Commercial Overlay (UCO). The requested Council variance will permit the site to be redeveloped with a 54-unit senior housing apartment building with an attached 1,200 square feet of commercial space for office, retail or restaurant use. The commercial area is also planned to have an outside seasonal patio and public art display. The variance is necessary because residential uses are only permitted above specified commercial uses in the C-4, Commercial District, and are prohibited in the L-P-1, Limited Parking District. Additional variances for building height, setbacks, landscaping and screening, and a reduction of 13 required parking spaces are included in the request. The *Near East Area Plan (2005)* recommends "Higher Density Residential/Mixed Use Developments" for East Main Street and encourages appropriate type and scale of commercial uses for neighborhood commercial development. The proposed development is consistent with the Plan's land use recommendations, and will contribute to the traditional and established development pattern along East Main Street as reflected in the attached site plan.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3371.01, P-1, private parking district; 3309.14, Height districts; 3312.21(D), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.07(A), Landscaping; 3356.11, C-4 district setback lines; 3370.07, Conditions and limitations; and 3372.604(A), Setback requirements, of the Columbus City Codes; for the property located at **1774 EAST MAIN STREET (43205)**, to allow a 54-unit senior housing apartment building and 1,200 square feet of commercial development with reduced development standards in the C-4, Commercial, and L-P-1, Limited Parking Districts **and to declare an emergency** (Council Variance # CV15-055). **(REPEALED BY ORD. 2030-2018; PASSED 7/30/2018)**

**WHEREAS**, by application No. CV15-055, the owner of property at **1774 EAST MAIN STREET (43205)**, is requesting a Council Variance to allow a 54-unit senior housing apartment building and 1,200 square feet of commercial development with reduced development standards in the C-4, Commercial, and L-P-1, Limited Parking Districts; and

**WHEREAS**, Section 3356.03, C-4, permitted uses, does not permit ground level residential use, while the applicant proposes a 54-unit senior housing apartment building, including ground floor residential uses; and

**WHEREAS**, Section 3371.01, P-1, private parking district, permits only a parking lot with or without an accessory attendants structure, while two parcels of the 12 parcels that make up the development site are zoned P-1, and the applicant proposes to develop a 54-unit senior housing apartment building, partially located on the P-1, Private Parking District parcels; and

**WHEREAS**, Section 3309.14(A), Height districts, limits height to 35 feet, as defined in an H-35 height district, while the applicant proposes the mid-point of the gable roof of the apartment building to be 37 feet; and

**WHEREAS**, Section 3312.21(D), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be five (5) feet high and 75% opaque, while the applicant proposes three (3) foot high 75% opaque parking lot screening; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 95 parking spaces for 54 apartment units, 1,200 square feet of commercial space (including retail, office or restaurant uses), and a 300 square feet seasonal patio, while applicant proposes to provide 82 parking spaces; and

**WHEREAS**, Section 3321.07(A), Landscaping, requires landscaping in the building setback area, while applicant proposes the use of pavement in the building setback on both East Main Street and Fairwood Avenue, as depicted on the Site Plan for a public gathering place and public art plaza, thereby providing no landscaping on either street frontage of the 1,200 square-foot one (1) story commercial space of the building within the area depicted on the Site Plan; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires a building setback line of fifty (50) feet based on the Columbus Thoroughfare Plan designation of East Main Street as a 4-2 arterial, while the applicant proposes a building setback line of twenty-four (24) feet for the apartment building; and

**WHEREAS**, Section 3370.07, Conditions and limitations, requires any use on a lot subject to a limited overlay shall conform with each condition or limitation established in the limited overlay, one parcel (PID 010-024011) is zoned L-P-1, Limited Private Parking District and the limited overlay restricts the use of the parcel to private parking for an off-site church, while applicant proposes to develop a 54 dwelling unit apartment house and accessory parking which will be partially located on the L-P-1 parcel; and

**WHEREAS**, Section 3372.604(A), Setback requirements, sets a maximum building setback of ten (10) feet in a UCO area, while the applicant proposes a maximum setback of thirty-three (33) feet along East Main Street and nineteen (19) feet along Fairwood Avenue for the commercial component of the proposed building, noting that the residential component is not subject to the UCO setback requirements; and

**WHEREAS**, the church for which the L-P-1 lot was rezoned in 1990 no longer owns the L-P-1 parcel (Franklin County Parcel Nos. 010-029638 and 010-024011) and the parking lot was never built, so no required parking is being removed with this development proposal; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed development of a 54-unit senior housing apartment building with 1,200 square feet of commercial space is consistent with the land use recommendations of the *Near East Area Plan* (2005) for “Higher Density Residential/Mixed Use Developments,” and will provide neighborhood commercial uses of an appropriate type and scale for the area. The proposal will contribute to the traditional and established development pattern along East Main Street as reflected in the attached site plan; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed new 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 **1774 EAST MAIN STREET (43205)**, 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; 3371.01, P-1, private parking district; 3309.14, Height districts; 3312.21(D), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.07(A), Landscaping; 3356.11, C-4 district setback lines; 3370.07, Conditions and limitations; and 3372.604(A), Setback requirements, of the Columbus City Codes; is hereby granted for the property located at **1774 EAST MAIN STREET (43205)**, insofar as said sections prohibit a 54-unit senior housing apartment building in the C-4, Commercial, and L-P-1, Limited Private Parking Districts; with increased height from 35 feet to 37 feet to the mid-point of the gable roof; reduced required height of parking lot screening from five (5) feet to three (3) feet; reduced parking from 95 spaces to 82 spaces; no landscaping in the required setback of the commercial area; reduced building setback line for the residential portion of the building from fifty (50) feet to twenty-four (24) feet; and increased maximum building setback line for commercial portion of the building from ten (10) feet to thirty-three (33) feet along East Main Street and nineteen (19) feet along Fairwood Avenue; said property being more particularly described as follows:

**1774 E. MAIN STREET (43205)**, being 2.17± acres located at the northeast corner of East Main Street and Fairwood Avenue, and being more particularly described as follows:

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

**Tract 1:**

Being the East one-half of Lot Number One (1) of Martin and Stage's Subdivision of Lots 1 to 26 of their Fairwood Avenue Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 128, Recorder's Office, Franklin County, Ohio.  
Parcel No. 010-021428

**Tract 2:**

Being the East half of Lot No. Three (3) of Martin & Stage's Subdivision of Lots No. One (1) to Twenty-Six (26) of their Fairwood Addition to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 128, Recorder's Office, Franklin County, Ohio.  
Parcel No. 010-013326

**Tract 3:**

Being the West half of Lot No. Three (3) of Martin & Stage's Subdivision of Lots No. One (1) to Twenty-Six (26) of their Fairwood Addition to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 128, Recorder's Office, Franklin County, Ohio.  
Parcel No. 010-016099

**Tract 4:**

Being the West half of Lot Number Four (4) in Martin & Stage's Subdivision of Lots Numbered One (1) to Twenty-Six (26) inclusive, in Martin & Stage's Fairwood Addition, as the said Lot is numbered and delineated on the recorded plat of said Subdivision in Plat Book No. 2, Page 128, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-046053

**Tract 5:**

Being the West half of Lot Number One (1) in Martin and Stage's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 128, Recorder's Office, Franklin County, Ohio, excepting 70 ft. off the rear of the North end thereof.

Parcel No. 010-020853

**Tract 6:**

Being the East half of Subdivision No. 2 of Martin and Stage's Subdivision of Lots 1 to 26 of their Fairwood Addition, to the City of Columbus, as numbered and delineated on the recorded plat thereof, of record in Plat Book No. 2, page 128, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-030935

**Tract 7:**

Being the west one-half (1/2) of Lot Number Two (2) of Martin and Stage's Subdivision of Lots Nos. 1 to 26, of their Fairwood Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, page 128, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-048862

**Tract 8:**

Being thirty-five (35) feet off the East side of Lot Number Five (5), in Martin and Stage's Subdivision of Lots Numbers One (1) to Twenty-Six (26), inclusive, of their Fairwood Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 128, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-024011

**Tract 9:**

Being a part of Lot Number Five (5) of Martin and Stage's Subdivision of Lots Numbers One (1) to Twenty-Six (26), inclusive, of their Fairwood Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 128, Recorder's Office, Franklin County, Ohio;

Commencing at a point in the South line of said Lot No. 5, thirty-five (35) feet West of the Southeast corner of said Lot No. 5, and running thence North parallel with the East line of said lot to the alley, the North line of said lot;

thence West along the South line of said alley, 35.60 feet;

thence South, parallel with the East line of said Lot No. 5 to the South line of said lot;  
thence East along the South line of said Lot No. 5, 35.60 feet to the place of beginning.

Parcel Number: 010-029638

**Tract 10:**

Being sixty (60) feet off the West side of Lot Number Six (6), in Martin & Stage's Subdivision of Lots Number 1 to 26, of their Fairwood Addition to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat book 2, Page, 128, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-054431

**Tract 11:**

Being parts of Lots Nos. 4 and 5 of Martin & Stage's Subdivision of Lots Nos. 1 to 26 inclusive of their Fairwood Addition to said City of Columbus, as said Lots Nos. 4 and 5, are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 128, Recorder's Office, Franklin County, Ohio and more particularly described as follows:

Commencing at a point 23.80 ft. East of the Southwest corner of said Lot No. 5, thence North parallel with the East line of said Lot No. 5 to the alley, the North line of said Lot No. 5; thence West along the South line of said alley 36 feet; thence South parallel with the East line of said Lot 4 to the South line of said Lot 4; thence East along the South lines of said Lots 4 and 5, 36 feet to the place of beginning.

Parcel Number: 010-019212

**Tract 12:**

Being Thirty-five (35) feet off the West Side of the East Half of Lot Number Four (4) of Martin and Stages Subdivision of Lots Nos. 1-26, inclusive of their Fairwood Addition of the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat of said subdivision of said part of Lot Four (4), hereby conveyed being more particularly described as follows;

Beginning in the center of and South line of said lot, thence East on the said South line of said Lot being the North line of Main Street, thirty-five (35) feet to a point; thence north-wardly on the line parallel with the east and west lines of said Lot to the North line of said Lot; thence west on the North line of said Lot Thirty-five (35) feet to center of said North line; thence South on a line parallel with the east and west line of said Lot to the place of beginning.

Parcel Number: 010-016635

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential and commercial development consisting of a 54 senior housing apartment units, 1,200 square feet of commercial space that may be used for retail, office and/or restaurant uses and a maximum 300 square-foot seasonal patio in accordance with the submitted site plan, or those uses permitted in the underlying C-4, Commercial, and L-P-1, Limited Parking Districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**FAIRWOOD COMMONS - SITE PLAN**," drawn by PCI Design Group, dated January 20, 2016, and signed by Joseph M. McCabe, Vice President of Development, The WODA Group, Inc. for the applicant. The Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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 new uses.

**SECTION 5.** That this ordinance is further conditioned on applicant submitting a rezoning application to rezone the property to an appropriate zoning district to reflect the senior housing land use within 18 months of the effective date of this ordinance.

**SECTION 6.** ~~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.**