



Legislation Text

File #: 1736-2024, **Version:** 2

Council Variance Application: CV24-037

APPLICANT: Michael Panzica; c/o Brandon Kline, Agt.; 10020 Aurora Hudson Rd.; Streetsboro, Ohio 43215.

PROPOSED USE: Mixed-use development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of six parcels developed with commercial uses in the C-4, Commercial District and is subject to the NC, Neighborhood Commercial Subarea of the University District Zoning Overlay (UDZO). The applicant proposes a mixed-use development containing up to 186 apartment units (10% of dwelling units at 80% AMI and 10% of dwelling units at 100% AMI), 4,000 square feet of retail space, and both surface and structured parking. The requested Council Variance will allow residential uses on the ground floor of a building that are otherwise prohibited. Additional variances to reduce driveway width, parking space width, required parking, vision clearance, FAR standards, and building design standards, and to increase building height are included in this request. The site is located within the planning boundary of the *University District Plan* (2015), which recommends "Neighborhood Mixed Use," which is consistent with the proposed uses. Conceptual building elevations were reviewed for consistency with design standards by staff from the Planning Division. Staff finds the proposal to be supportable as it will allow mixed-use development that is consistent with similar infill projects in urban neighborhoods, and with citywide initiatives to provide more housing units in all areas of the city.

To grant a Variance from the provisions of 3356.03, C-4 permitted uses; 3356.05(F)(1)(2), C-4 district development limitations; 3312.09, Aisle; 3312.13, Driveway; 3312.29, Parking space; 3312.49, Required parking; 3321.05(A)(1), Vision clearance; 3325.213, FAR Standards; 3325.223, Building Height Standards; and 3325.241(D), Building Design Standards; of the Columbus City Codes; for the property located at **200 E. 5TH AVE. (43201)**, to allow multi-unit residential development with reduced development standards in the C-4, Commercial District.

WHEREAS, by application #CV24-037, the owner of property at **200 E. 5TH AVE. (43201)**, is requesting a Council variance to allow a multi-unit residential development with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, allows apartment uses above certain commercial uses, but does not allow first-floor residential uses, while the applicant proposes first-floor residential and accessory uses within a mixed-use development; and

WHEREAS, Section 3356.05(F)(1)(2), C-4 district development limitations, allows dwelling units above a parking garage if specified adjoining commercial uses occupy at least one frontage, while the applicant proposes that the Area B building has no commercial uses, and partial frontage for the Area A building **of 60 percent along E. 5th Avenue, and 40 percent along N. 4th Street**, as shown on the site plan; and

WHEREAS, Section 3312.9, Aisle, requires an aisle width of 20 feet for perpendicular (90 degree) parking spaces, while the applicant proposes reduced aisle widths of 18.5 feet at column locations within the structured parking on Area B, with

locations to be determined at site compliance review; and

WHEREAS, Section 3312.13, Driveway, requires a driveway width of 13 feet for one-way travel **on Area A for the driveway to E. 5th Avenue**, and 20 feet for two-way travel, while the applicant proposes reduced driveway widths of 12 feet for Area A and 18.5 feet for Area B **for separate two-way travel to ground floor and second floor parking decks**, with said driveway locations in Area B to be reflected on the site compliance plan; and

WHEREAS, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than nine feet wide by 18 feet deep, while the applicant proposes a reduced width of eight feet **and reduced length of 16 feet due to the placement of support columns** within the Area B parking structure; and

WHEREAS, Section 3312.49, Required parking, requires 0.5 parking spaces per bed, and 1 parking space per 500 square feet of retail uses per NC UDZO reductions, or 132 spaces for 186 apartment units with 247 beds and 4,000 square feet of retail space, while the applicant proposes reduced parking for Area A from 71 to 15 spaces, subject to resident use of parking in the parking structure on Area B of 119 spaces, a total of 134 parking spaces provided which meets the overall requirement for both Areas; and

WHEREAS, Section 3321.05(A)(1), Vision clearance, requires clear vision triangles of ten feet at the intersection of a parking lot entrance and the street right-of-way, while the applicant proposes a five foot clear vision triangles at the intersection of the parking lot driveway and East 5th Avenue (Area A) as shown on the site plan; and

WHEREAS, Section 3325.213, FAR Standards, requires that the maximum calculated floor area permitted on a vacant lot in the Neighborhood Commercial (NC) Subarea be no greater than 1.4, while the applicant proposes an increased FAR of 4.02 and 4.18 for Area A and B, respectively; and

WHEREAS, Section 3325.223, Building Height Standards, requires that within the NC Subarea, the maximum building height shall be 45 feet, and that a rear setback of 20 feet shall apply for any portion of the structure exceeding 35 feet in height, while the applicant proposes building heights of 85 feet for both buildings (**Area A and Area B**), and a reduced rear setback of 10 feet for the building in Area B; and

WHEREAS, Section 3325.241(D), Building Design Standards, requires that at least 60 percent of the area between the height of two feet and 10 feet above the nearest sidewalk or shared-use path grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four feet, while the applicant proposes a **reduced** transparency of ~~20~~ **56 percent along E. 5th Avenue and 43 percent along N. 4th Street** above the sidewalk grade (Area A); ~~to reduce the secondary frontage glass from ten feet to zero feet (Area A);~~ **a reduced transparency of 30 percent along N. 4th Street** and to **allow permit** the building on Area B to not have a primary entrance door on the N. 4th Street frontage; and

WHEREAS, the University Area Commission recommends disapproval, and

WHEREAS, the City Departments recommend approval because the requested variances will permit mixed-use development that is consistent with infill developments in urban neighborhoods, and citywide initiatives to provide more housing units in all areas of the city; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **200 E. 5TH AVE. (43201)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of 3356.03, C-4 permitted uses; 3356.05(F)(1)(2), C-4 district development limitations; 3312.09, Aisle; 3312.13, Driveway; 3312.29, Parking space; and 3312.49, Required parking; 3321.05(A)(1), Vision clearance; 3325.213, FAR Standards; 3325.223, Building Height Standards; and 3325.241(D), Building Design Standards; of the Columbus City Codes; be hereby granted for the property located at **200 E. 5TH AVE. (43201)**, insofar as said sections prohibit ground floor residential uses as part of a mixed-use development in the C-4, Commercial District; with reduced **commercial** frontage requirements of **60 percent along E. 5th Avenue and 40 percent along N. 4th Street for Area A, and zero percent along N. 4th Street for Area B**; reduced aisle width from 20 feet to 18.5 feet in Area B; reduced driveway width from 13 feet to 12 feet (**Area A**), and from 20 feet to 18.5 feet (**Area B**); reduced parking space width from nine feet to eight feet; **reduced parking space length from 18 feet to 16 feet (Area B) for compact spaces**; a reduction in the required number of parking spaces from 71 to 15 spaces **on Area A**, subject to resident use of parking in the parking structure on Area B of 119 spaces for a total of 134 provided parking spaces; reduced vision clearance from ten to five feet for the driveway at E. 5th Avenue; increased FAR from 1.4 to 4.02 and 4.18 for Area A and Area B, respectively, net of right-of-way dedication; increased building height from 45 feet to 85 feet for Areas A and B, and reduced rear building setback from 20 to ten feet in Area B; ~~and~~ reduced primary frontage glass **transparency** from 60 to ~~20~~ **56 percent along E. 5th Avenue and to 43 percent along N. 4th Street** above the sidewalk grade (Area A), ~~reduced secondary frontage glass from ten feet to zero feet (Area A),~~ **and to 30 percent for Area B along the N. 4th Street frontage**, and to allow the building on Area B to not have a primary entrance door on the ~~N. 4th Street street~~ frontage; said property being more particularly described as follows:

200 E. 5TH AVE. (43201), being 1.33± acres located at the northwest corner of East 5th Avenue and North 4th Street, and being more particularly described as follows:

Area A

Located in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

Tract 1:

Being 27.7 feet off the west side of Lot 9 of E. and A.E. Domoney's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 88, Recorder's Office, Franklin County, Ohio.

Tract 2:

Beginning in the north line of Fifth Avenue, at a point thirty-five (35) feet west of the southwest corner of Lot No. 9, of E. and A.E. Domoney's Subdivision of Lot Number Twenty-four (24), and the north part of Lot Number Twenty-three (23), John Hyer's Amended Subdivision of Lot Number Six (6), in Stevenson's Heirs Subdivision of the 1/4 Qr., First Township 18, Range U.S. Military Lands; thence northerly and parallel with the west line of said Lot Number Nine (9), 150 1/2 feet; thence easterly along the south line of the alley running parallel with Fifth Avenue thirty-five and no/100 (35.00) feet; thence southerly of the west line of said Lot Number (9), 150 1/2 feet to the north line of Fifth Avenue; thence westerly 35 feet to the place of beginning.

Tract 3:

Beginning in the north line of Fifth Avenue, at a point thirty-five (35) feet west of the southwest corner of Lot No. 9, of E. and A.E. Domoney's Subdivision of Lot Number Twenty-four (24), and the north part of Lot Number Twenty-three (23) in John Hyer's Amended Subdivision of Lot Number Six (6) in Stevenson's Heirs Subdivision of the 1/4 Qr., First Township 18th Range, U.S. Military Lands; thence northerly and parallel with the west line of said Lot Number Nine (9),

150 1/2 feet; thence westerly along the south line of the alley running parallel with Fifth Avenue thirty-five and 60/100 (35.60) feet; thence southerly by a line parallel with the west line of said Lot Number (9), 150 1/2 feet to the north line of Fifth Avenue; thence easterly 35.60 feet to the place of beginning.

Tract 4:

Being Lot Number Seven (7), excepting a strip off the East side thereof, six and nine-tenths (6.9) feet wide on the south side and six and nine-tenths (6.9) feet wide on the north side of said lot, and east half of Lot Number Eight (8), both of said lots being in E. and A.E. Domoney's Subdivision of land in the City of Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 88, Recorder's Office, Franklin County, Ohio.

Tract 5:

All of the west half of Lot Number Eight (8) and all of Lot Number Nine (9) of E. and A.E. Domoney's Subdivision of Lot Number Twenty-four (24) and the north part of Lot Number Twenty-three (23) in John Hyer's Amended Subdivision, as the same is shown of record in Plat Book 3, Page 88, Recorder's Office, Franklin County, Ohio, except as follows:

Being 27.7 feet off the west side of Lot Number Nine (9) of E. and A.E. Domoney's Subdivision of Lot Number Twenty-four (24) and the north part of Lot Number Twenty-three (23) in John Hyer's Amended Subdivision, as the same is shown of record in Plat Book 3, Page 88, Recorder's Office, Franklin County, Ohio.

PID: 010-019917-00

Area B

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Five (5) and Lot Number Six (6) of Edwin and Albert E. Domoney's Subdivision of Lots No. Twenty-four (24) and the north part of Twenty-three (23) in John Hyer's Amended Subdivision of Lot No. Six (6) of Stevenson's Heirs' Subdivision, of the 4th Quarter, 1st Township, 18th Range, United States Military Lands, as the said lot is numbered and delineated upon the recorded plat of said subdivision, in the Recorder's Office, Franklin County, Ohio, Plat Book 3, Page 88, EXCEPTING therefrom that part dedicated to the City of Columbus, Ohio, for the purpose of widening North Fourth Street, in said city.

PID: 010-040863-00, 010-041127-00

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Two (2), Lot Number Three (3) and Lot Number Four (4) of E. and A.E. Domoney's Subdivision of Lot Number Twenty-Four (24) and the north part of Lot Number Twenty-Three (23) in John Hyers Amended Subdivision of Lot Number Six (6) in Stevenson's Heirs Subdivision of Quarter Township No. 4, Township 1, Range 18, United States Military Lands as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 88, Recorder's Office, Franklin County, Ohio, excepting therefrom that part dedicated to the City of Columbus, Ohio, for the purpose of widening North Fourth Street, in said city.

PID: 010-030509-00, 010-023259-00, 010-040862

Property Address: 200 East 5th Street, Columbus, Ohio 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 development with up to 4,000 square feet of retail space and up to 186 apartment units in the C-4, Commercial District, as reflected on the site plan.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with

the plan titled, "**PROPOSED SITE PLAN**," dated ~~May~~**June** 4, 2024, and signed by Michael Panzica, 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 adjustment to the plan shall be reviewed and may be approved 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 in that the development will comply with the "Ready for Opportunity" designation for affordable housing of the Weinland Park Community Reinvestment Area (CRA) by providing a minimum of 10% of dwelling units at 80% AMI and 10% of dwelling units at 100% AMI.

SECTION 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed development.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.