



Legislation Text

File #: 1519-2021, **Version:** 1

Council Variance Application: CV21-013

APPLICANT: Ascent Development Group, LLC; c/o Rebecca Mott, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

SOUTH LINDEN AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and a recommendation of disapproval from Development Commission for a concurrent rezoning request to the L-AR-1, Limited Apartment Residential District (Ordinance #1518-2021; Z20-100) for a multi-unit residential development with a maximum of 204 dwelling units. Variances are requested to permit 4,000 square feet of commercial retail and/or eating and drinking establishment space and an overall parking reduction from 350 total required spaces to 321 provided spaces and a reduced perimeter yard. Staff supports the proposed commercial use as it was factored into the support for the multi-unit residential proposal achieving a mixed-use development near the Cleveland Avenue transit corridor consistent with *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. Significant landscaping and screening is provided to offset the reduced perimeter yard, and the parking space reduction is not impactful given the site's location near a transit hub with residents of the proposed and adjacent residential developments likely to be the primary patrons of these businesses.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49(C), Minimum number of parking spaces required; and 3333.255, Perimeter yard; of the Columbus City Codes, for property located at **999 BONHAM AVE. (43211)**, to permit 4,000± square feet of commercial space and reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance #CV21-113).

WHEREAS, by application #CV21-013, the owner of property at **999 BONHAM AVE. (43211)**, is requesting a Council variance to permit 4,000± square feet of commercial space and reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits commercial uses, while the applicant proposes 4,000± square feet of retail and/or eating and drinking establishment space within an apartment complex; and

WHEREAS, Section 3312.49(C), Minimum number of parking spaces required, requires 1.5 parking spaces per apartment unit, 1 parking space per 75 square feet of eating and drinking establishment space, and 1 parking space per 250 square feet of retail space, a total requirement of 306 spaces for 204 apartment units, and 44 spaces assuming 3,000 square feet of eating and drinking establishment space, and 1,000 square feet of retail space; while the applicant proposes a minimum of 321 parking spaces as specified by Ordinance #1518-2021 (Z20-100), a reduction of 29 required spaces; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 7 feet along the south property line, and encroachment of a privacy fence not to exceed 8 feet in height along the site boundaries within the required perimeter yard; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

WHEREAS, the South Linden Area Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend approval of the requested variances because they achieve a mixed-use development near the Cleveland Avenue transit corridor consistent with C2P2 Design Guidelines; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **999 BONHAM AVE. (43211)**, in using said property as desired; and

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

SECTION 1. That a variance be hereby granted from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49(C), Minimum number of parking spaces required; and 3333.255, Perimeter yard; of the Columbus City Codes for property located at **999 BONHAM AVE. (43211)**, insofar as said sections prohibit retail and/or eating and drinking establishment uses; a reduction in the required number of parking spaces from 350 to 321; a reduced perimeter yard from 25 feet to 7 feet along the south property line; and encroachment of a privacy fence not to exceed 8 feet in height along the site boundaries within the required perimeter yard; said property being more particularly described as follows:

999 BONHAM AVE. (43211), being 10.86± acres located on the south side of Bonham Avenue at the terminus of St. Clair Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in the Fourth Quarter, Township 1, Range 18, U.S.M.L. and being Part of Lot 29 and all of lots 15 through 28 of the Bonham Subdivision as Recorded in P.B. 13 Pg. 21, All of Lots 78 through 89 and 5 through 8 of the Sink's and Hoover's St. Clair Avenue Addition as Recorded in P.B. 5 Pg. 464 and Part of Lots 13, 14 and 15 of the Shoemaker's Addition as Recorded in P.B. 3 Pg. 234 and all other parcels as conveyed to Phil-Ro Land Company, LLC Instrument No. 200503240054545, hereon referred to as Grantor, records stated herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

Commencing from a found monument box located at the centerline intersection of Cleveland Avenue (60' ROW) and Eleventh Avenue (50' ROW), THENCE South 39°29'25" West 190.64 feet to the centerline intersection of Cleveland Avenue (60' ROW) and Bonham Avenue (50' ROW), THENCE South 63°42'45" East 267.30 feet along centerline of Bonham Avenue (50' ROW) to which the Point of Beginning bears South 26°17'23" West at 25.00 feet. Said Point of Beginning being located on the southerly line of Bonham Avenue, in the North Line of Said Lot 29 and being the northwest corner of the subject tract of land.

THENCE along the northerly line of subject tract the following six (6) courses and distances;

1. South 63°42'45" East 180.59 feet along the southerly line of Bonham Avenue (50' ROW) to a found iron pin with 2-inch solid cap,
2. South 86°26'29" East 406.51 feet continuing along the southerly line of Bonham Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of southerly line of Bonham Avenue (50' ROW) and the westerly line

- of Saint Clair Avenue (50' ROW),
3. South $04^{\circ}15'31''$ West 138.07 feet along the westerly line of Saint Clair Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of the westerly line and the southerly line of Saint Clair Avenue (50' ROW),
 4. South $85^{\circ}44'29''$ East 50.53 feet along the southerly line of Saint Clair Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of the southerly line and the easterly line of Saint Clair Avenue (50' ROW),
 5. North $04^{\circ}02'14''$ East 138.56 feet along the easterly line of Saint Clair Avenue (50' ROW) to a found iron pin, said iron pin being the intersection of the south line of Bonham Avenue (50' ROW) and the easterly line of Saint Clair Avenue (50' ROW),
 6. South $86^{\circ}26'29''$ East 536.04 feet to a found iron pin along the southerly line of Bonham Avenue (50' ROW) said point being the Northeast corner of subject tract of land and being the Northeast corner of said Lot 78.

THENCE along the easterly line of subject tract of land in the following five (5) courses and distances;

1. South $03^{\circ}33'31''$ West 228.96 feet to a found iron pin,
2. North $86^{\circ}26'41''$ West 174.50 feet,
3. South $04^{\circ}02'04''$ West 55.00 feet,
4. South $86^{\circ}26'41''$ East 124.82 feet,
5. South $04^{\circ}02'04''$ West 69.12 feet to the Southeast corner of the subject tract of land.

THENCE along the southerly line of the subject tract of land in the following three (3) courses and distances;

1. North $86^{\circ}49'31''$ West 515.00' to a found PK nail, said PK nail also being located on the projected centerline of Saint Clair Avenue (50' ROW).
2. North $85^{\circ}38'28''$ West 406.30 feet to a found iron pin,
3. North $85^{\circ}27'40''$ West 751.26 feet to a found iron pin, said iron pin also being the southwest corner of subject tract of land,

THENCE along the westerly line of subject tract of land the following eight (8) courses and distances;

1. North $03^{\circ}42'51''$ East 29.06 feet to a point along the southeasterly line of Cleveland Avenue (60' ROW),
2. North $39^{\circ}28'13''$ East 43.04 feet along the southeasterly line of Cleveland Avenue (60' ROW) to a point, said point also being the southwest corner of neighboring tract of land as conveyed to Famous Realty of Cleveland Inc. in Inst. No. 20059160193001,

The following four (4) courses and distances being along the east line of said Famous Realty of Cleveland,

3. South $89^{\circ}58'40''$ East 252.24 feet to a point, said point being the most southerly southeast corner of neighboring tract of land,
4. North $39^{\circ}33'23''$ East 184.10 feet,
5. South $86^{\circ}26'08''$ East 20.08 feet,
6. South $39^{\circ}32'50''$ West 42.40 feet,
7. South $65^{\circ}40'46''$ East 78.48 feet to a found iron pin,
8. North $28^{\circ}04'05''$ East 265.54 feet, to the TRUE POINT OF BEGINNING and containing **10.858 Acres**;

Subject to all easements, rights-of-way or restrictions of record.

This description was prepared by Ackison Surveying, LLC (under direct supervision of Anthony W. Williams Registered Surveyor No. PS-7726) from an actual field survey of the premises in November of 2020. A Plat of survey is attached hereto and made a part hereof.

Basis of Bearing is the Centerline of Cleveland Avenue as being $S39^{\circ}29'25''W$ and was determined through G.P.S. Observation utilizing the O.D.O.T. V.R.S. Network and should be used to denote angles only.

All Iron Pins set are $5/8''$ X $30''$ rebar with a yellow plastic cap reading Ackison Surveying.

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 containing $4,000\pm$ square feet of commercial space, or those uses permitted in the L-AR-1,

Limited Apartment Residential District as specified by Ordinance #1518-2021 (Z20-100). Commercial uses are limited to general retail and/or eating and drinking establishments with no drive-thru or pick-up window.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate 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.