



Legislation Details (With Text)

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On agenda: 12/14/2015 **Final action:** 12/16/2015

Title: To grant a Variance from the provisions of Sections 3351.03, C-1 Permitted Uses; 3309.14, Height districts; 3312.21(A), Landscaping and screening; 3312.27(1), Parking setback line; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; and 3351.09, C-1 district setback lines, of the Columbus City Codes; for the property located at 827 EAST MAIN STREET (43205), to permit multi-unit residential development with reduced development standards in the C-1, Commercial District, and to repeal Ordinance No. 1168-2007, passed July 23, 2007 (Council Variance # CV15-049).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD3052-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20151214

Date	Ver.	Action By	Action	Result
12/16/2015	2	CITY CLERK	Attest	
12/15/2015	2	MAYOR	Signed	
12/14/2015	2	COUNCIL PRESIDENT	Approved	
12/14/2015	2	COUNCIL PRESIDENT	Signed	
12/14/2015	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/14/2015	1	Zoning Committee	Approved as Amended	Pass
12/7/2015	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV15-049

APPLICANT: Moody Nolan Inc., c/o Mark S. Larrimer; 300 Spruce Street, Suite 300; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of two undeveloped parcels zoned in the C-1, Commercial District, and is subject to Ordinance No. 1168-2007, passed July 23, 2007 (CV07-025), which permitted ground floor residential uses (up to 73 units) with a commitment to a site plan. The requested Council variance will permit a maximum of 95 apartment units with a new site plan. Additional variances for building height, parking and building setbacks, parking space size, a reduction of 13 required parking spaces, and landscaping and screening are included in the request. 1.25 acres located in the northeast portion of the site will be reserved for future commercial development, and no variances are being requested for that area. The site is located within the planning area of the *Near East Area Plan* (2005), which recommends higher density residential and mixed uses for the northern portion of the site. The Plan also includes a number of recommendations supportive of the requested variances, suggesting townhomes or apartments be developed in commercial corridors to achieve mixed-use development, building lines closer to sidewalks,

building heights reflective of historic building heights in the immediate area, and parking facilities hidden and screened. By leaving the existing C-1, Commercial District in place, the possibility of future commercial development to complement the residential uses and provide for a mixed-use development is maintained. Such a mixture of uses is appropriate at this location, and is consistent with the land use recommendations of the *Near East Area Plan*.

To grant a Variance from the provisions of Sections 3351.03, C-1 Permitted Uses; 3309.14, Height districts; 3312.21(A), Landscaping and screening; 3312.27(1), Parking setback line; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; and 3351.09, C-1 district setback lines, of the Columbus City Codes; for the property located at **827 EAST MAIN STREET (43205)**, to permit multi-unit residential development with reduced development standards in the C-1, Commercial District, and to repeal Ordinance No. 1168-2007, passed July 23, 2007 (Council Variance # CV15-049).

WHEREAS, by application No. CV15-049 the owner of property at **827 EAST MAIN STREET (43205)**, is requesting a Council Variance to permit multi-unit residential development in the C-1, Commercial District; and

WHEREAS, Section 3351.03, C-1 Permitted Uses, permits apartment uses only above commercial uses, while the applicant proposes to develop a 95-unit apartment building in the C-1, Commercial District; 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 a multi-story building with a height not to exceed 45 feet; and

WHEREAS, Section 3312.21(A), Landscaping and screening; requires the interior of any parking lot containing ten or more parking spaces to provide one deciduous tree per ten spaces, while the applicant proposes no trees within the ~~20-space~~ surface parking lots, but will instead plant those required trees within landscaped areas on the site in addition to any other required landscaping; and

WHEREAS, Section 3312.27(1), Parking setback line, requires a parking setback line of 10 feet along South Eighteenth Street, while the applicant proposes a parking setback line of 5 feet; and

WHEREAS, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces that are a minimum of 8 feet wide within the parking garage; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 spaces per apartment unit, a total requirement of 143 spaces for 95 apartment units, while the applicant proposes 130 parking spaces; and

WHEREAS, Section 3351.09, C-1 district setback lines, requires buildings to have a setback of twenty-five (25) feet from the right-of-way, while the applicant proposes building lines of zero (0) feet along East Main Street, South Seventeenth Street and East Mound Street; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested Council variance for a 95-unit apartment residential development because the *Near East Area Plan* includes a number of recommendations supportive of the requested variances for this mixed-use development. By leaving the existing C-1, Commercial District in place, the possibility of future commercial development to complement the residential uses and provide for a mixed-use development is maintained. Such a mixture of uses is appropriate at this location, and is consistent with the land use recommendations of the *Near East Area Plan*; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 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 **827 EAST MAIN STREET (43205)**, 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 Sections 3351.03, C-1 Permitted Uses; 3309.14, Height districts; 3312.21(A), Landscaping and screening; 3312.27(1), Parking setback line; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; and 3351.09, C-1 district setback lines of the Columbus City Codes, is hereby granted for the property located at **827 EAST MAIN STREET (43205)**, insofar as said sections prohibit a 95-unit apartment building, with an increased building height from 35 feet to 45 feet; no interior parking lot trees in the surface parking lots; a reduced parking setback line of 5 feet along South Eighteenth Avenue; a reduced parking space width of 8 feet in the parking garage; a parking space reduction from 143 spaces to 130 spaces; and reduced building lines from 25 feet to 0 feet along East Main Street, South Seventeenth Street, and East Mound Street, said property being more particularly described as follows:

827 EAST MAIN STREET (43205) being 3.62± acres located at the southeast corner of East Main and South Seventeenth Streets, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 24, Section 13, Township 5, Range 22, United States Military Lands, being all of Lots 87 and 88 of "Crosby's Addition", a subdivision of record in Plat Book II, Page 263, conveyed as Parcel 3, Tracts A, B, C, D and E to The Lula Douglas Foundation, Inc. by deed of record in Official Record 16626 B10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of East Main Street (80 feet wide) with the easterly right-of-way line of Seventeenth Street (33 feet wide), being the northwesterly corner of said Lot 87 and Parcel 3, Tract C;

Thence North 90° 00' 00" East, a distance of 381.00 feet, with the northerly lines of said Lots 87 and 88, the northerly lines of said Parcel 3, Tracts C, A, B and D, and said southerly right-of-way line, to an iron pin set at the intersection of said southerly right-of-way line with the westerly right-of-way line of Eighteenth Street (60 feet wide), being the northeasterly corner of said Lot 87 and Parcel 3, Tract D;

Thence South 01° 11' 13" West, a distance of 418.89 feet, with the easterly line of said Lot 88 and Parcel 3, Tract D and said westerly right-of-way line, to an iron pin set at the intersection of said westerly right-of-way line with the northerly right-of-way line of East Mound Street (60 feet wide), being the southeasterly corner of said Lot 87 and Parcel 3, Tract D;

Thence North 89° 57' 38" West, a distance of 372.32 feet, with the southerly lines of said Lots 88 and 87, the southerly lines of said Parcel 3, Tracts D, B, A and E, and said northerly right-of-way line, to an iron pin set at the intersection of said northerly right-of-way line with said easterly right-of-way line, being the southwesterly corner of said Lot 88 and Parcel 3, Tract E;

Thence North 00° 00' 00" West, a distance of 418.54 feet, with the westerly line of said Lot 87, the westerly line of said Parcel 3, Tracts E and C, and said easterly right-of-way line, to the POINT OF BEGINNING, containing 3.620 acres, more or less, and being all of Auditor Parcel Number 010-066971 and Auditor

Parcel Number 010-093457.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the assumed bearing of North 90° 00' 00" East for the centerline of East Main Street.

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 development with a maximum of 95 units as reflected on the attached site plan, or those uses permitted in the C-1, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in accordance with the plan titled, "**SITE PLAN - Z1.1**," signed by Mark S. Larrimer, Applicant, and dated November 18, 2015. The Subject Site shall be developed in accordance with the site plan. 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned on ~~two~~ **any required parking lot** trees being planted in landscaped areas to offset the interior parking lot tree requirement in addition to the trees required by Section 3321.07(B).

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

SECTION 7. That Ordinance No. 1168-2007, passed July 23, 2007, be and is hereby repealed.