



Legislation Details (With Text)

File #: 3080-2015 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 11/30/2015 **In control:** Zoning Committee

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

Title: To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3309.14, Height district; and 3312.49(B) and(C), Minimum numbers of parking spaces required; of the Columbus City Codes; for the property located at 1525 NORTH HIGH STREET (43201), to permit a mixed-use development with reduced development standards in the C-4, Commercial District and to declare an emergency(CV15-054).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 3080-2015 Attachments_Amended, 2. ORD.3080-2015.Attachments, 3. Notice Of Public Hearing - Council Mtg20151214

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-----------------------------------|--------|
| 12/16/2015 | 3 | CITY CLERK | Attest | |
| 12/15/2015 | 3 | MAYOR | Signed | |
| 12/14/2015 | 3 | COUNCIL PRESIDENT | Approved | |
| 12/14/2015 | 3 | COUNCIL PRESIDENT | Signed | |
| 12/14/2015 | 1 | Zoning Committee | Amended as submitted to the Clerk | Pass |
| 12/14/2015 | 1 | Zoning Committee | Amended to Emergency | 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: CV15-054

APPLICANT: Bellhigh, LLC; c/o Michael T. Shannon, Atty.; 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 site is zoned in the C-4, Commercial District and is developed with a restaurant. The requested Council variance will allow the construction of a mixed-use development with 7,150± square feet of office, retail, and restaurant space, and 95 apartment units. The request includes variances to permit approximately 1,000± square feet of ground floor residential accessory uses and an increased building height of seventy-two (72) feet, exclusive of decorative cornices and rooftop-mounted mechanical equipment. The site is located in the vicinity of several sites that received Council variances to allow similar multi-story predominantly residential projects in the C-4, Commercial District. This proposal will permit a multi-story mixed-use development that is consistent with the

land use recommendations of the *University Area Plan* and the development pattern and historic character of the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3309.14, Height district; and 3312.49 (B) and (C), Minimum numbers of parking spaces required; of the Columbus City Codes; for the property located at **1525 NORTH HIGH STREET (43201)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District **and to declare an emergency**(CV15-054).

WHEREAS, by application # CV15-054, the owner of property at **1525 NORTH HIGH STREET (43201)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

WHEREAS, Sections 3356.03, C-4 permitted uses, permits residential uses only above certain commercial uses, while the applicant proposes approximately 1,000± square feet of ground floor accessory residential uses as part of a mixed-use development with 7,150± square feet of commercial space, and 95 apartment units; and

WHEREAS, Sections 3309.14, Height districts, requires a maximum building height of thirty-five (35) feet at the setback for this property, while the applicant proposes a multi-story building with a height not to exceed seventy-two (72) feet, exclusive of decorative cornices and rooftop-mounted mechanical equipment, as reflected on the attached site plan; and

WHEREAS, Section 3312.49(B), Minimum numbers of parking spaces required, requires two (2) bicycle spaces and an additional one (1) space per twenty (20) vehicle parking spaces, for a total of fourteen (14) bicycle spaces required, while the applicant proposes zero (0) public bicycle spaces, but is providing a minimum of fourteen (14) bicycle spaces for the residents within the building; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 spaces per apartment unit, 1 space per 450 square feet of general office space, 1 space per 250 square feet of retail space, and 1 parking space for every 75 square feet of restaurant space. Assuming the entire commercial floor area was devoted to restaurant space, the most intense use, there would be a maximum total requirement of 215 spaces, while the applicant proposes 116 parking spaces; and

WHEREAS, The University Area Commission recommends approval; and

WHEREAS, The University Area Review Board recommends approval; and

WHEREAS, City Departments recommend approval because the site is located in the vicinity of several sites that received Council variances to allow similar multi-story predominantly residential projects in the C-4, Commercial District. This proposal will permit a mixed-use development that is consistent with the land use recommendations of the *University Area Plan* and the development standards and historic character of the surrounding neighborhood; 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 roads, 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 **1525 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; 3309.14, Height district; and 3312.49(B)(C), Minimum numbers of parking spaces required; of the Columbus City Codes, is hereby granted for the property located at **1525 NORTH HIGH STREET (43201)**, insofar as said sections prohibit ground floor residential accessory uses; an increased building height of up to seventy-two (72) feet, exclusive of decorative cornices and rooftop-mounted mechanical equipment; a bicycle parking space reduction from fourteen (14) spaces for the commercial uses to zero (0) spaces; and a parking space reduction from 215 spaces to 116 spaces, said property being more particularly described as follows:

1525 NORTH HIGH STREET (43201), being 0.61± acres on the west side of North High Street, 105± feet north of West Ninth Avenue, and being more particularly described as follows:

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

Situated in the State of Ohio, County of Franklin, City of Columbus, also being Lots 2, 3 and 4 of a Converse's North High Street addition, as recorded in P.B. 3, Pg 401 and Lot 19 and a strip of land off the South side of Lot Number 18 having a frontage on North High Street of 13.37 feet of Burdell and Linden's Addition, as recorded in P.B. 4, PG. 124, Franklin County Recorder's records.

Beginning at the Southeast corner of Lot 2 and a found 3/4" iron pin:

Thence West a distance of 173.91 feet to a set 3/4" iron pin;

Thence due North a distance of 169.28 feet to a 3/4" iron pin set;

Thence due East a distance of 139.96 feet to a 3/4" iron pin set;

Thence South 11° 20' 26" East a distance of 172.65 feet to a found 3/4" iron pin and the True Place of Beginning, containing 26.566 square feet.

This description was based on an actual field survey by the Jerry A. Malott Surveying Co. In January, 1994.

Permanent Parcel Numbers: 010-030184-00 AND 010-063229-00

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 approximately 1,000± square feet of ground floor accessory residential uses, 7,150± square feet of commercial space, and 95 apartment units in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE COMPLIANCE PLAN**," dated November 23, 2015, and signed by Michael T. Shannon, Attorney for the Applicant. The plans 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 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 uses.

SECTION 5. ~~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.