



## Legislation Details (With Text)

**File #:** 0217-2017      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/24/2017      **In control:** Zoning Committee

**On agenda:** 2/13/2017      **Final action:** 2/15/2017

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.21(B)(3) and (D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; Section 3321.05(B)(1) and (2), Vision clearance; 3332.05, Area district lot width requirements; 3332.18(D), Basis of computing area; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3372.604(B), Setback requirements; 3372.605(D) and (E)(3), Building design standards; and 3372.607(A), Landscaping and screening, of the Columbus City codes; for the property located at 780 MT. VERNON AVENUE (43203), to permit a community empowerment center with reduced development standards in the R-2F, Residential District (Council Variance # CV16-069).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0217-2017\_Attachments, 2. ORD0217-2017\_Labels

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 2/15/2017 | 1    | CITY CLERK            | Attest                  |        |
| 2/15/2017 | 1    | MAYOR                 | Signed                  |        |
| 2/13/2017 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 2/13/2017 | 1    | Zoning Committee      | Approved                | Pass   |
| 2/6/2017  | 1    | Columbus City Council | Read for the First Time |        |

**Council Variance Application: CV16-069**

**APPLICANT:** Diversified Development Group (on behalf of Columbus Urban League); c/o Chris Tumblin, Agent; The Daimler Group; 1533 Lake Shore Drive; Columbus, OH 43204.

**PROPOSED USE:** Community empowerment center including offices, training facilities, and a clothing bank.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant mixed-use two-story building zoned in the R-2F, Residential District. The site is also within the Mt. Vernon Urban Commercial Overlay (UCO). The requested variances will allow the construction of a new community empowerment center, featuring offices, flex training facilities, youth programs, and a clothing bank. The project also incorporates variances for parking lot screening, 8 required parking spaces (11 to 3), reduced vision clearance triangle, R-2F yard and area standards, and UCO window glass percentage requirements. The site is located within the planning area of the *Near East Plan* (2005), which contains a series of criteria that can be used to determine if proposed commercial uses should be supported within residential areas. Key factors include whether the structure has a history of commercial activity and parking considerations. This request can be supported because the proposal includes a reconstructed commercial building utilizing the existing façade, brings services to the area that will benefit the community, and is located in a pedestrian-oriented

neighborhood in the Urban Commercial Overlay. Maintaining the site's mixed commercial uses is consistent with the development pattern of the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.21(B)(3) and (D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; Section 3321.05(B)(1) and (2), Vision clearance; 3332.05, Area district lot width requirements; 3332.18(D), Basis of computing area; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3372.604(B), Setback requirements; 3372.605(D) and (E)(3), Building design standards; and 3372.607(A), Landscaping and screening, of the Columbus City codes; for the property located at **780 MT. VERNON AVENUE (43203)**, to permit a community empowerment center with reduced development standards in the R-2F, Residential District (Council Variance # CV16-069).

**WHEREAS**, by application #CV16-069, the owner of the property at **780 MT. VERNON AVENUE (43203)**, is requesting a Council variance to permit a community empowerment center, featuring offices, flex training facilities, youth programs, and a clothing bank, with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential district, prohibits commercial uses, while the applicant proposes to construct a new mixed-use building for a community empowerment center, featuring offices, flex training facilities, youth programs, and a clothing bank; and

**WHEREAS**, Section 3312.21(B)(3) and (D)(1), Landscaping and screening, requires that screening be provided for parking lots located within 80 feet of residentially zoned property, and that headlight screening is 4 feet in width, while the applicant proposes to eliminate the parking lot screening along the west property line, and to reduce the width of the headlight screening along St. Claire Avenue to 3 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires one parking space for every 450 square feet of general office space, and one parking space for every 250 square feet of retail space, and utilizing the UCO-permitted parking reductions for a mixed-use development containing 3,400± square feet of general office space, and 3,400± square feet of retail space, is a total requirement of 11 required spaces, while the applicant proposes 3 parking spaces; and

**WHEREAS**, Section 3321.05(B)(1) and (2), Vision clearance, requires clear vision triangles of 10 feet at the intersections of streets and alleys, and 30 feet at the intersection of two streets, while the applicant proposes a parking space within the vision clearance triangle at the intersection of St. Clair Avenue and the alley along the north property line, and encroachment of the building into the vision clearance triangle at the intersection of Mt. Vernon Avenue and St. Clair Avenue in order to preserve the front wall of the existing building; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing lot width of 44 feet; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, requires that a building shall occupy alone or together with any other building no greater than 50 percent of the lot area, while the applicant proposes 65± percent lot coverage; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain a minimum side yard of zero feet along the west property line in order to preserve the existing front wall of the building; and

**WHEREAS**, Section 3332.27, Rear yard, requires that each principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes no rear yard for the proposed building and parking lot; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes pavement for parking and maneuvering in the rear yard; and

**WHEREAS**, Section 3372.604(B), Setback requirements, requires a parking setback of no less than five feet in the Urban Commercial Overlay, while the applicant proposes a setback of three feet along St. Clair Avenue; and

**WHEREAS**, Section 3372.605(D) and (E)(3), Building design standards, requires that for each primary building frontage, at least 60 percent of the area between the height of 2 feet and 10 feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of 4 feet, and that 25 percent of the second and third floor frontages must be window glass, while the applicant proposes 35± percent window glass for the secondary frontage along St. Clair Avenue, and 5 percent window glass on the second floor along both building frontages; and

**WHEREAS**, Section 3372.607(A), Landscaping and screening, requires parking lot screening comprised of a four-foot high solid masonry or stone wall, or a four-foot high metal tube or solid metal bar fence located at the street right-of-way line (property line), with or without masonry pier supports, with a minimum three-foot wide landscaped area along either side of the fence, while the applicant proposes no wall or fence, but will provide headlight screening along St. Clair Avenue in a landscaped area three feet in width; and

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

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposal includes a reconstructed commercial building utilizing the existing façade, brings services to the area that will benefit the community, and is located in a pedestrian-oriented neighborhood in the Urban Commercial Overlay. Maintaining the site's mixed commercial uses is consistent with the development pattern of the area; 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 **780 MT. VERNON AVENUE (43203)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.21(B)(3) and (D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; Section 3321.05(B)(1) and (2), Vision clearance; 3332.05, Area district lot width requirements; 3332.18(D), Basis of computing area; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3372.604(B), Setback requirements; 3372.605(D) and (E)(3), Building design standards; and 3372.607(A), Landscaping and screening, of the Columbus City codes, is hereby granted for the property located at **780 MT. VERNON AVENUE (43203)**, insofar as said sections prohibit a community empowerment center, featuring offices, flex training facilities, youth programs, and a clothing bank, in the R-2F, Residential District; with no parking lot screening along the west property line; reduced headlight screening width along St. Claire Avenue from 4 to 3 feet; a parking space reduction from 11 to 3 spaces; encroachment of a parking space into the clear vision triangle at the intersection of St. Clair Avenue and the alley along the north property line; encroachment of the building into the clear vision triangle at the intersection of Mt. Vernon Avenue and St. Clair Avenue; reduced lot width from 50 to 44 feet; increased lot coverage from 50 to 65± percent;

reduced minimum side yard from 5 to 0 feet along the west property line; reduced rear yard from 25 to 0 percent; obstruction of the rear yard by pavement for parking and maneuvering; reduced window glass from 60 to 35± percent along the secondary (St. Clair Avenue) frontage of the building, and from 25 to 5± percent for the second floor frontages of the building; and no wall or fence to screen the parking lot frontage along St. Clair Avenue; said property being more particularly described as follows:

**780 MT. VERNON AVENUE (43203)**, being 0.14± acres located at the northwest corner of Mt. Vernon Avenue and St. Clair Avenue, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING ALL OF LOT NUMBER ONE (1) IN THE JOHN SHORT'S SUBDIVISION OF OUTLOT NUMBER NINE (9) OF ROBERT NEIL'S ADDITION OF INLOTS AND OUTLOTS TO THE CITY OF COLUMBUS, OHIO, AS LOTS ARE DESIGNATED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 1, PAGE 246, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT NUMBER ONE (1) OF SAID JOHN SHORT'S SUBDIVISION AND ALSO KNOWN AS BEING THE INTERSECT OF THE WESTERLY LINE OF ST. CLAIR AVENUE (49.75' RIGHT-OF-WAY) AND THE NORTHERLY LINE OF MT. VERNON STREET (62' RIGHT-OF-WAY) WHERE A DRILL HOLE WAS SET IN CONCRETE AT THE POINT OF BEGINNING;

THENCE SOUTH 77° 48' 57" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT NUMBER ONE (1) AND THE NORTHERLY LINE OF SAID MT. VERNON STREET, A DISTANCE OF 44.00 FEET TO A 5/8" IRON PIN FOUND AT THE SOUTHWESTERLY CORNER OF SAID LOT NUMBER ONE (1);

THENCE NORTH 02° 42' 41" EAST, ALONG WESTERLY LINE OF SAID LOT NUMBER ONE (1), A DISTANCE OF 140.00 FEET TO A 5/8" IRON PIN SET WITH CAP "GHG LLC" AT THE NORTHWESTERLY CORNER OF SAID LOT NUMBER ONE (1) AND ALSO BEING A POINT IN THE SOUTHERLY LINE OF EDWARDS STREET (25' RIGHT-OF-WAY);

THENCE NORTH 77° 48' 57" EAST, ALONG THE NORTHERLY LINE OF SAID LOT NUMBER ONE (1) AND THE SOUTHERLY LINE OF SAID EDWARDS STREET, A DISTANCE OF 38.00 FEET TO A 5/8" IRON PIN SET WITH CAP "GHG LLC" AT THE NORTHWESTERLY CORNER OF SAID LAND CONVEYED TO THE CITY OF COLUMBUS AS RECORDED IN INSTRUMENT NO. 201103080032518 FRANKLIN COUNTY RECORDER'S OFFICE;

THENCE SOUTH 49° 13' 52" EAST, ALONG THE WESTERLY LINE OF SAID CITY OF COLUMBUS LAND, A DISTANCE OF 7.23 FEET TO A DRILL HOLE SET IN CONCRETE AT THE SOUTHEASTERLY CORNER OF SAID CITY OF COLUMBUS LAND, ALSO A POINT ON THE WESTERLY LINE OF SAID ST. CLAIR AVENUE AND A POINT ON THE EASTERLY LINE OF SAID LOT NUMBER ONE (1);

THENCE SOUTH 03° 42' 41" WEST, ALONG THE EASTERLY LINE OF SAID LOT NUMBER ONE (1) AND THE WESTERLY LINE OF SAID ST. CLAIR AVENUE, A DISTANCE OF 134.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.136 ACRES OF LAND AND SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY.

ALL IRON PINS SET ARE 5/8 INCH X 30 INCH REBAR WITH CAP STAMPED "GHG LLC".

ALL BEARINGS, COORDINATES AND DISTANCES ARE EXPRESSED ON OHIO STATE PLANE SOUTH

PARCEL NO: 010-003272

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a mixed-use building for a community empowerment center for community outreach purposes, featuring but not limited to offices, flex training facilities, youth programs, and a clothing bank, in accordance with the submitted site plan and

elevation drawings, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE PLAN Z1.1**," signed by Mark Larrimer, Professional Engineer, and dated January 9, 2017, and elevation drawings titled, "**EXTERIOR ELEVATIONS A301 & A302**," signed by Chris Tumblin, Agent for the Applicant, and dated January 24, 2017. 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 plans 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 upon the applicant obtaining all applicable permits 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.