



## Legislation Details (With Text)

**File #:** 3071-2018      **Version:** 1

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

**File created:** 10/31/2018      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/21/2018

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3325.231(A)(B), Setback Requirements; 3325.281, Parking and Circulation; and 3372.604(B), Setback requirements, of the Columbus City Codes; for the property located at 2725 NORTH HIGH STREET (43202), to permit a mixed-use development with ground floor residential uses and reduced development standards in the C-4, Commercial District (Council Variance #CV18-052).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3071-2018\_Attachments, 2. ORD3071-2018\_Labels

Date	Ver.	Action By	Action	Result
11/21/2018	1	ACTING CITY CLERK	Attest	
11/20/2018	1	MAYOR	Signed	
11/19/2018	1	COUNCIL PRESIDENT	Signed	
11/19/2018	1	Zoning Committee	Waive the 2nd Reading	Pass
11/19/2018	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV18-052**

**APPLICANT:** BPGE Partners, LLC; c/o Sean Mentel, Attorney; 100 South Fourth Street, Suite 100; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two undeveloped parcels in the C-4, Commercial District. The northern third of the site is subject to the North High Street Urban Commercial Overlay, while the southern two-thirds of the site are within the Neighborhood Commercial subarea of the University District Zoning Overlay. The requested Council variance will allow a mixed-use development containing up to 7,210 square feet of commercial uses and 56 dwelling-units. A parking space reduction from 66 required to 60 provided spaces and setback variances are included in the request. A Council variance is necessary because the C-4 district only permits residential uses above specified commercial uses. The site is within the boundaries of both the *Clintonville Neighborhood Plan* (2009), and the *University District Plan* (2015), both of which recommend mixed-use land uses at this location. The proposed development is consistent with both Plans' land use recommendations and is compatible with the historic

development pattern along the North High Street corridor. While the site is located within the University District Zoning Overlay, and therefore afforded an additional reduction in the number of required parking spaces, the requested parking variance is supportable with adherence to the Department of Public Service's conditions contained within this Ordinance.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3325.231(A)(B), Setback Requirements; 3325.281, Parking and Circulation; and 3372.604(B), Setback requirements, of the Columbus City Codes; for the property located at **2725 NORTH HIGH STREET (43202)**, to permit a mixed-use development with ground floor residential uses and reduced development standards in the C-4, Commercial District (Council Variance #CV18-052).

**WHEREAS**, by application #CV18-052, the owner of the property at **2725 NORTH HIGH STREET (43202)**, is requesting a Variance to permit a mixed-use development with ground floor residential uses and reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits residential uses only above certain commercial uses, while the applicant proposes ground floor accessory residential uses as part of a mixed-use development with up to 7,210 square feet of commercial uses and 56 dwelling-units; and

**WHEREAS**, Section 3325.231(A)(B), Setback Requirements, requires the area between a principle building and the street right-of-way line be maintained as landscaped areas or improved areas for the use of walkways, plazas, patios, bike racks, and similar purposes, and requires parking lots be located behind the principle building, while the applicant proposes a 24 foot wide driveway between the building line and street right-of-way and a parking lot to the north side of the building as shown on the submitted site plan; and

**WHEREAS**, Section 3325.281, Parking and Circulation, requires 66 parking spaces for the proposed development using the University District Zoning Overlay reductions, while the applicant proposes 60 total parking spaces, for a reduction of 6 parking spaces; and

**WHEREAS**, Section 3372.604(B), Setback requirements, requires parking lots be located behind the principle building, while the applicant proposes a parking lot to the north side of the building as shown on the submitted site plan; and

**WHEREAS**, the Clintonville Area Commission recommends approval; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, the University Impact District Review Board recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed development is consistent with the mixed-use land use recommendations of both the *Clintonville Neighborhood Plan* and the *University District Plan*, and is compatible with the established development pattern along the North High Street corridor. Furthermore, the parking reduction variance is supportable given the applicant's adherence to the requested conditions from the Department of Public Service contained within this Ordinance; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed uses; 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 **2725 NORTH HIGH STREET (43202)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3356.03, C-4 permitted uses; 3325.231 (A)(B), Setback Requirements; 3325.281, Parking and Circulation; and 3372.604(B), Setback requirements, of the Columbus City Codes; for the property located at **2725 NORTH HIGH STREET (43202)**, insofar as said sections prohibit ground floor accessory residential uses in the C-4, Commercial District; with a 24 foot wide driveway between the building line and street right-of-way line; a parking lot located to the north side of the principle building; and a parking space reduction from 66 required to 60 provided spaces; said property being more particularly described as follows:

**2725 NORTH HIGH STREET (43202)**, being 1.12± acres located at the northwest corner of North High Street and North Street, and being more particularly described as follows:

Parcel 1 (010-066595-00):

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being a part of Quarter Township Number Three (3), Township Number One (1), Range Eighteen (18), United States Military Lands, being all of Tract Six (6) set forth in Executrix's Quit Claim Deed, Evelyn Neer Medick, Executrix of the Estate of Charles W. Medick, Sr., deceased, to Evelyn Neer Medick of record in Deed Volume 2798, Pages 25 and 26 (said Tract 6 is on Page 26), Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at the Northwest corner of North High Street and North Street; thence North along the West side of High Street One Hundred (100') feet to a point; thence Westwardly parallel to the North line of North Street One Hundred Thirty-seven and Sixty-four Hundredths (137.64) feet to a point; thence Southwardly parallel to High Street One Hundred (100') feet to the North side of North Street; thence Eastwardly along said North line of North Street One Hundred Thirty-seven and Sixty-four Hundredths (137.64) feet to the place of beginning, containing .306 acres of land, more or less, subject however to all highways and easements of public record and of record in respective utility offices. (A survey of this property was made by Albert O. Myers, Jr., Registered Surveyor, #3352 Oct. 26, 1967)

Prior Deed Reference: OR Vol. 31110, Page F20, Franklin County, Ohio records

Parcel 2 (010-206061-00):

DESCRIPTION of 35,312.81 square feet or 0.8107 acre of land situated within the city of Columbus, county of Franklin, state of Ohio....being a portion of a certain Parcel / ONE as described in EXHIBIT "A" of TRUSTEE'S DEED / 64554 found of record in 0 4 5 3 1 D 14 which appears in the name of OLENTANGY VILLAGE ASSOCIATES whose tax mailing address c/o John Kesler Company at 100 East Broad Street, Columbus, Ohio.....said 0.8107 acre herein described is located at 2725 North High Street and is portions of Auditor's Tax Parcels 010-37918; 010-37916; 010-37915 and is bounded and more particularly described as follows:

Commence as a starting reference with a spike set at the northerly line of North Street.....and the westerly line of North High Street....then with the westerly line of North High Street....N 03 deg 35 min 00 sec E 100.000 feet to a 1/2 inch diameter iron pipe set at the southeasterly corner of the herein described 0.8107 acre parcel and said spike being the true point of beginning:

Thence:N 72 deg 31 min 00 sec W (passing a 3/4 inch pipe at 100.000 feet) a total distance of 133.921 feet to a point not set;

Thence: Parallel with North High Street on a line remaining 130.000 feet westerly of the westerly right of way to said North High Street, N 03 deg 35 min 00 sec E a total distance of 255.551 feet to a point not set;

Thence: S 86 deg 25 min 00 sec E 130.000 feet to a point not set but on the westerly right of way line of North High Street;

Thence: Following aforesaid right of way line and along the easterly frontage of the herein described parcel of land....S 03 deg 35 min 00 sec W a distance of 287.723 feet to the true point of beginning.

This description is of a certain calculated area modified to leave 100.000 feet between the Big Bear property which exists at 2801 North High Street.

Known as Address: 2725 North High Street, Columbus, OH 43202

Parcel Numbers: 010-066595 & 010-206061

**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 up to 7,210 square feet of commercial uses and 56 dwelling-units, as reflected on the attached site plan, or those uses permitted 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 PLAN**," dated October 22, 2018 and signed by Sean Mentel, Attorney for the 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 adjustments to the plans shall be subject to review and approval by the Director of the Department 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 and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the following per the Department of Public Service:

- 1.) Signage shall be posted indicating that at least one dedicated parking space per dwelling unit is limited to only residents between 4:00pm - 8:00am.
- 2.) Signage shall be posted indicating that all parking spaces are shared between residential, retail, and restaurant uses between 8:00am - 4:00pm.
- 3.) No tenants, property owners, employees, or guests of this development shall be eligible for residential parking permits if a residential parking permit area would be created in the vicinity of this development.

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