Legislation Details (With Text)

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File created:	4/10/2019	**In control:**	Zoning Committee
On agenda:	4/29/2019	**Final action:**	5/2/2019
Title:	To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.09, Aisle; 3312.13 (B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C); Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at 1450 BROADVIEW AVENUE (43212), to permit a multi-unit residential development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV19-011).		
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Date	Ver.	Action By	Action	Result
5/2/2019	1	CITY CLERK	Attest	
5/1/2019	1	ACTING MAYOR	Signed	
4/29/2019	1	COUNCIL PRESIDENT	Signed	
4/29/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
4/29/2019	1	Zoning Committee	Approved	Pass

Council Variance Application: CV19-011

APPLICANT: Avenue Partners; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the AR-3, Apartment Residential District (Ordinance #1063-2019; Z19-012) to allow a multi-unit residential development. The requested Council variance will permit the development of an apartment building containing up to 60 units. The request includes variances to increase building height, and to reduce aisle width and depth, driveway width, maneuvering, parking space size and stacking, required number of parking spaces (from 90 to 85), vision clearance, lot area, building lines, and rear yard. The site is located within the boundaries of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends "Medium Density Mixed Residential" land uses for this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) design guidelines. C2P2 design guidelines state that building height transitions should be used to create a scale and massing that is appropriate based on the surrounding uses, and that setbacks of higher stories from the front facade should be considered for taller buildings to lessen their visual impact.

Staff supports the variances as the proposal does not add incompatible uses to the neighborhood, and includes site design, a stepped-down building height, and structured parking which mitigates its impact on nearby residential properties. The request is consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.09, Aisle; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C); Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at **1450 BROADVIEW AVENUE (43212),** to permit a multi-unit residential development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV19-011).

WHEREAS, by application #CV19-011, the owner of property at **1450 BROADVIEW AVENUE (43212),** is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-3, Apartment Residential District; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of 35 feet at the setback line for this property, while the applicant proposes a maximum height of 62 feet for the eastern 100 feet of the building; and

WHEREAS, Section 3312.09, Aisle, requires certain aisle widths for parking spaces dependent upon parking space angle, while the applicant proposes to reduce the aisle and 60 degree parking space width and depth as shown on the site plan; and

WHEREAS, Section 3312.13(B), Driveway, requires a driveway width of 20 feet, while the applicant proposes the driveway width for one-way in and out driveways from the enclosed parking garage to be 12 feet; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to permit 15 stacked parking spaces with maneuvering reduced from 20 feet to 0 feet, with the interior spaces maneuvering through the adjacent parking space; and

WHEREAS, Section 3312.29, Parking space, requires a parking space size of 9 feet wide by 18 feet long for 90- and 60-degree parking spaces, and that stacked parking spaces may not be counted as required parking spaces, while the applicant proposes to reduce the length of two 90-degree parking spaces and seven 60-degree spaces from 18 to 16 feet, to reduce the width of eight parking spaces from 9 to 8 feet, and to permit 15 stacked parking spaces to be counted in the total number of provided parking spaces, with the interior spaces maneuvering through the outside parking spaces adjacent to the aisle; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 90 spaces total for 60 apartment units, while the applicant proposes 85 parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet on each of the perpendicular sides adjacent to a street intersection, while the applicant proposes a clear vision triangle measuring 23 feet at the intersection of Broadview Avenue and Ida Avenue; and

WHEREAS, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to increase the lot coverage to 78 percent; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 20 feet along Broadview Avenue and 10 feet along Ida Avenue, while the applicant proposes reduced building lines of 10 feet along Broadview Avenue and 5 feet for part of the building along Ida Avenue, as shown on the site plan;

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while

the applicant proposes a reduced rear yard of 5 percent of the total lot area; and

WHEREAS, Section 3333.26, Height district, permits a maximum building height of 35 feet, while the applicant proposes a building height of 62 feet on the eastern 100 feet of the building; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances are consistent with recent urban infill development projects that have been approved in this neighborhood, and achieve design principles recommended by the *Columbus Citywide Planning Policies* (C2P2) design guidelines; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **1450 BROADVIEW AVENUE (43212),** in using said property as desired, now therefore:

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

SECTION 1. That variances from the provisions of Sections 3309.14, Height districts; 3312.09, Aisle; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C); Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at **1450 BROADVIEW AVENUE (43212),** insofar as said sections prohibit an increased building height from 35 feet to 62 feet for the east 100 feet of the building; with reduced aisle and parking space width and depth as shown on the site plan; a reduced driveway width from 20 to 12 feet; reduced maneuvering from 20 to 0 feet for 15 stacked parking spaces, with the interior spaces maneuvering through the adjacent parking space; reduced length for two 90-degree parking spaces and seven 60-degree spaces from 18 to 16 feet; reduced width for eight parking spaces from 9 to 8 feet; 15 stacked parking spaces to be counted as provided parking spaces; a parking space reduction from 90 required to 85 provided spaces; a reduced clear vision triangle from 30 to 23 feet at the intersection of Broadview Avenue and Ida Avenue; an increased maximum lot coverage from 50 to 78 percent; reduced building lines along Broadview Avenue from 20 to 10 feet, and along Ida Avenue from 10 to 5 feet; and a reduced rear yard from 25 to 5 percent; said property being more particularly described as follows:

1450 BROADVIEW AVENUE (43212), being 0.9± acres located at the southeast corner of Broadview Avenue and Ida Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Being Lot No. 10 in Croughton and Denmeads Suburban Subdivision, known as Grandview, as the said lot is numbered and delineated upon the recorded plat thereof, of record in plat book No.4, page 318, Being the same premises conveyed to Glen A. Robbins by deed recorded in Deed Book 3445, page 845, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a point at the southwesterly corner of said Lot Number 10 and being on the easterly line of Broadview Avenue (60’);

Thence along the easterly line of said Broadview Avenue and the westerly line of said Lot Number 10, North 04°01'07”

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East, 207.82 feet to a point;

Thence along the southerly line of Ida Avenue (50') and the northerly line of said Lot Number 10, South 86°04'31" East, 180.00 feet to a point;

Thence along the easterly line of said Lot Number 10, South 04°01'07" West, 207.52 feet to a point;

Thence along the southerly line of said Lot Number 10, North 86°10'14" West, 180.00 feet to the POINT OF BEGINNING, containing 0.9 acres, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a multi-unit residential development, or those uses permitted in the AR-3, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**ZONING SITE PLAN - CV19-011,"** dated March 15, 2019, and signed by David B. Perry, Agent for the Applicant and Donald Plank, 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 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 is further conditioned on the following:

1. Interior stacked parking spaces shall be assigned to the same dwelling unit as the parking space in front of the stacked space. Parking spaces with reduced dimensions shall be posted "Compact Car Only" in the parking garage.

2. Due to the removal of existing street trees on Broadview Avenue, new street trees with a minimum 3 inch caliper shall be installed at approximately 30 feet on center along Broadview Avenue. Species to be determined at site compliance approval.

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

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