



## Legislation Details (With Text)

**File #:** 1687-2020      **Version:** 1

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

**File created:** 7/8/2020      **In control:** Zoning Committee

**On agenda:** 7/27/2020      **Final action:** 7/30/2020

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3309.14, Height districts; 3312.21, Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(A)(B), Vision clearance; 3356.05, C-4 district development limitations; and 3372.607, Landscaping and screening, of the Columbus City Codes; for the property located at 1325 W. BROAD ST. (43222), to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV20-027).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1687-2020.Attachments, 2. ORD#1687-2020.Labels

Date	Ver.	Action By	Action	Result
7/30/2020	1	CITY CLERK	Attest	
7/29/2020	1	MAYOR	Signed	
7/27/2020	1	COUNCIL PRESIDENT	Signed	
7/27/2020	1	Zoning Committee	Approved	Pass
7/20/2020	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-027**

**APPLICANT:** 1325 W. Broad Street Development, c/o Jeffrey L. Brown, Atty; 37 West Broad Street, Suite 460; Columbus, OH 43215.

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

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 0.92± acre site consists of five parcels, four undeveloped and one developed with an auto repair building, all zoned in the C-4, Commercial District and located within the West Broad Street / Franklinton Urban Commercial Overlay. The applicant requests a Council variance to permit the construction of a mixed use development including 50 residential units (54.4 du/acre), with ground floor commercial space and a parking garage. A Council Variance is necessary because residential uses are only allowed within commercial districts when located above certain commercial uses, and the applicant proposes 3 dwelling units on the ground floor of the proposed mixed-use building. Also included in the request are variances for increased building height, reduced vision clearance triangles, landscaping and screening requirements, and a reduction in the required number of parking spaces from 104 spaces to 54 spaces. The site is within the planning area of the *West Franklinton Plan* (2014), which recommends "Neighborhood Mixed Use" (16-45 du/acre) land uses at this location, and is subject to the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. While the proposed density exceeds the recommendations of the Plan, staff fully supports the proposed use and recognizes the project's intensification of the block and presence along a transit corridor as mitigating factors for supporting the density. The Planning Division has requested the incorporation of

public art on the West Broad Street elevation, consistent with C2P2 Design Guidelines which consider maintenance and durability.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3309.14, Height districts; 3312.21, Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(A)(B), Vision clearance; 3356.05, C-4 district development limitations; and 3372.607, Landscaping and screening, of the Columbus City Codes; for the property located at **1325 W. BROAD ST. (43222)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV20-027).

**WHEREAS**, by application #CV20-027, the owner of property at **1325 W. BROAD ST. (43222)**, is requesting a Council variance to permit a mixed use development with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted uses, does not permit residential uses on the first floor, while the applicant proposes a mixed-use building with commercial space, a parking garage, and three dwelling units on the first floor; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes a building with an approximate height of 60 feet; and

**WHEREAS**, Section 3312.21, Landscaping and screening, requires 3 interior parking lot trees be planted in landscaped islands or peninsulas containing a minimum soil area of 145 square feet with a minimum radius of 4 feet per tree, while the applicant proposes 2 interior trees meeting these requirements, and will provide 7 additional trees along the parking area abutting West Capital Street; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, 1 space per 250 square feet of retail space, and 1 space per 75 square feet of eating and drinking establishment area, for a total of 104 spaces reduced as permitted by Section 3372.709 for the mixed use development within an Urban Commercial Overlay, while applicant proposes 54 spaces; and

**WHEREAS**, Section 3321.05(A)(B), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a driveway and the street right-of-way, 10 feet at the intersection of Brehl Avenue and West Capital Street, and 10 feet at the intersection of Dana Avenue and West Capital Street, while the applicant proposes a clear vision triangle of 3.25 feet for the parking garage driveway intersection with West Capital Street, and 3.25 feet at the Brehl and Dana Avenue intersections at West Capital Street; and

**WHEREAS**, Section 3356.05, C-4 district development limitations, requires that first-floor parking garages with dwelling units above must be connected/adjoined to commercial uses that occupy the entire length of at least one property frontage, while the applicant proposes adjoining commercial uses to occupy less than the entire length of the West Broad Street frontage; and

**WHEREAS**, Section 3372.607, Landscaping and screening, requires parking lot screening consisting of a fence with a maximum height of 4 feet, while the applicant proposes a 6 foot tall fence; and

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

**WHEREAS**, the City Departments recommend approval of the requested variances, recognizing that the proposed mixed-use building is consistent with the recommendations of the *West Franklinton Plan* for a site along a transit corridor; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates 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 **1325 W. BROAD ST. (43222)** 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 3356.03, C-4 Permitted uses; 3309.14, Height districts; 3312.21, Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(A)(B), Vision clearance; 3356.05, C-4 district development limitations; and 3372.607, Landscaping and screening, of the Columbus City Codes, is hereby granted for the property located at **1325 W. BROAD ST. (43222)**, insofar as said sections prohibit ground floor residential uses in the C-4, Commercial District; with an increase in building height from 35 to 60 feet; reduced interior parking lot trees from 3 trees to 2 trees, with 7 trees installed along the parking area abutting West Capital Street; a parking space reduction from 104 required spaces, reduced as permitted by Section 3372.709, to 54 provided spaces; with a reduced clear vision triangle from 10 feet to 3.25 feet at the parking garage driveway intersection with West Capital Street, and from 10 feet to 3.25 feet at the intersections of Brehl Avenue and Dana Avenue with West Capital Street; with garage parking adjoining commercial uses that occupy less than the entire length of the West Broad Street frontage; and an increased fence height from 4 feet to 6 feet; said property being more particularly described as follows:

**1325 W. BROAD ST. (43222)**, being 0.92± acres located at the southwest corner of West Broad Street and Dana Avenue, and being more particularly described as follows:

**EXHIBIT A**

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

Being all of Lots Nos. 1, 2, 3, and 4 of West High School Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book No. 7, Pages 256 and 257, Recorder's Office, Franklin County, Ohio.

**EXHIBIT B**

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

Being Lots Numbers Nine (9) through Thirteen (13) inclusive of N.L. Doren's Central Avenue Subdivision to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, Page 82, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-010335

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an mixed-use building with up to 50 units and 4,730 square feet of commercial / eating and drinking establishment space (or comparable use requiring the same parking requirement), or those uses 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 plans titled, "**ZONING SITE PLAN**" and "**1325 WEST BROAD STREET ELEVATIONS**" both dated, June 29, 2020 and signed by Jeffrey L. Brown, 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 shall take effect and be in force from and after the earliest period allowed by law.