



## Legislation Details (With Text)

**File #:** 0458-2021      **Version:** 1

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

**File created:** 2/18/2021      **In control:** Zoning Committee

**On agenda:** 3/22/2021      **Final action:** 3/25/2021

**Title:** To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3356.03, C-4 Permitted uses; 3309.14, Height district; 3312.29, Parking space; 3321.07(B), Landscaping; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 23 W. 2nd AVE. (43201), to permit a mixed-use development with reduced development standards in the AR-O, Apartment Office District and C-4, Commercial District (Council Variance #CV17-036).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0458-2021.Attachments, 2. ORD0458-2021.Labels

Date	Ver.	Action By	Action	Result
3/25/2021	1	CITY CLERK	Attest	
3/24/2021	1	ACTING MAYOR	Signed	
3/22/2021	1	COUNCIL PRESIDENT	Signed	
3/22/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
3/22/2021	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV17-036**

**APPLICANT:** 23 West 2<sup>nd</sup> Holdings, LLC; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of six parcels developed with the former International Brotherhood of Electrical Workers office and parking lot zoned in the AR-O, Apartment Office, and C-4, Commercial districts. The requested Council variance would permit the development of a mixed-use building with 10,000± square feet of commercial space, 158 dwelling units, and 171 parking spaces. A Council variance is necessary to allow parking within the AR-O, Apartment Residential District to serve commercial uses within the C-4, Commercial District, and to allow ground floor residential units in the C-4, Commercial District. The request includes additional variances to increase building height and lot coverage, and to reduce parking space size, landscaping, building setback line, and rear yard. The site is located in the vicinity of several sites that received Council variances to allow similar multi-story mixed-use projects along the High Street corridor. There is no Council adopted plan for this area, but the proposal will permit a multi-story mixed-use development that is consistent with the development pattern and historic character of the surrounding neighborhood while preserving the existing historic building.

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3356.03, C-4 Permitted uses; 3309.14, Height district; 3312.29, Parking space; 3321.07(B), Landscaping; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **23 W. 2<sup>nd</sup> AVE. (43201)**, to permit a mixed-use development with reduced development standards in the AR-O, Apartment Office District and C-4, Commercial District (Council Variance #CV17-036).

**WHEREAS**, by application #CV17-036, the owner of property at **23 W. 2<sup>nd</sup> AVE. (43201)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the AR-O, Apartment Office, and C-4, Commercial districts; and

**WHEREAS**, Section 3333.04, Permitted uses in AR-O apartment office district, does not permit commercial parking on the site, while the applicant proposes parking in the apartment building garage that will serve the uses in the commercial building; and

**WHEREAS**, Section 3356.03, C-4 Permitted uses, does not permit residential uses on the first floor, while the applicant proposes residential uses on the first floor of the portion of the mixed-use building on Parcel #010025855; and

**WHEREAS**, Sections 3309.14, Height district, requires a maximum building height of 35 feet at the setback for the C-4, district portion of the site, while the applicant proposes a multi-story building with a height not to exceed 89 feet, noting that the AR-O district portion of the site is in the H-200 height district; and

**WHEREAS**, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces to be of reduced-size (8 feet wide by 16.5 feet deep) and count toward the minimum parking requirement; and

**WHEREAS**, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of 15 trees for 143 dwelling units located in the AR-O district portion of the site, while the applicant proposes zero trees; 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 an increased lot coverage of 90 percent for the AR-O district portion of the site; and

**WHEREAS**, Section 3333.18(F), Building lines, requires a building line of no less than the average of buildings on contiguous lots (6 feet), but in no case less than 10 feet, while the applicant proposes a zero foot building setback line along Price Avenue for the AR-O district portion of the site; and

**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 no rear yard in the AR-O district portion of the site; and

**WHEREAS**, The Victorian Village Commission 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 mixed use projects along the High Street corridor. There is no Council adopted plan for this area, but the proposal will permit a multi-story mixed-use development that is consistent with the development pattern and historic character of the surrounding neighborhood, while preserving an existing historic building; and

**WHEREAS**, said 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 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 **23 W. 2<sup>nd</sup> AVE. (43201)**, 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 3333.04, Permitted uses in AR-O apartment office district; 3356.03, C-4 Permitted uses; 3309.14, Height district; 3312.29, Parking space; 3321.07(B), Landscaping; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **23 W. 2<sup>nd</sup> AVE. (43201)**, insofar as said sections prohibit commercial parking within the AR-O, Apartment Office District and ground-floor residential uses in the C-4 district; with an increased building height from 35 feet to 89 feet in the C-4 district portion of the site; reduced parking spaces from 9 feet wide by 18 feet deep to 8 feet wide by 16.5 feet deep and counting toward the minimum parking requirement; a reduction in shade trees planted on the AR-O district portion of the site from 15 to zero; an increased lot coverage from 50% to 90% of the lot area in the AR-O district; reduced building line from 10 feet to zero feet along Price Avenue in the AR-O district; and no rear yard in the AR-O district; said property being more particularly described as follows:

**23 W. 2<sup>nd</sup> AVE. (43201)**, being 1.4± acres located on the south side of West 2<sup>nd</sup> Avenue, 180± feet west of North High Street, and being more particularly described as follows:

Parcel One:

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lot Nos. 11, 12, 13 and part of Lot 14 of "DAVID PRICES SUBDIVISION," as the plat of same is of record in Plat Book 2, Page 350, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at an iron pin at the intersection of the northerly right-of-way line of Price Avenue, (50.0 feet in width) with the westerly right-of-way line of an Alley, (12.0 feet in width) said iron pin also being the southeasterly corner of said Lot No 11;

thence along said northerly right-of-way line of Price Avenue, South 89° 54' 00" West; 128.00 feet to a point;

thence North 0° 08' 30" West, 149 00 feet to a point in the southerly right-of-way line of an Alley, (20 0 feet in width);

thence along said right-of-way line, North 89° 54' 00" East, 128.00 feet to a point at the northeasterly corner of Lot No. 11 and being the westerly right-of-way line of the 12.0 foot Alley;

thence along said westerly right-of-way line, South 0° 08' 30" East, 149.00 feet to the place of beginning, containing 0.438 acre, more or less.

Together with any and all interest the grantor(s) may have in that portion of right of way as vacated by the City of Columbus by Ordinance 2009-77.

Parcel Two:

Situated in the County of Franklin, State of Ohio, located in the City of Columbus, being part of a 0.438 acre tract of land conveyed to Price Properties, Inc. (Official Record 03591E-16) which contains part of Lot 14, all of Lot No. 15 and part of Lot No. 16 of David Price's Subdivision (as delineated and recorded in Plat Book 4 Page 111), and being more particularly described as follows:

Beginning, for reference, at an iron pipe found at the intersection of the north line of Price Avenue (50 feet in width) with the east line of a 20 foot alley, marking the southwest corner of said 0.438 acre tract;

thence North 89° 54' 00" East 57.00 feet, in the north line said Price Avenue and the south line of said 0.438 acre tract to an iron pin set and being the PRINCIPAL PLACE OF BEGINNING of the herein described tract;

thence North 00° 08' 30" West 149.00 feet across said Lot No. 16 and parallel to the west line of said 0.438 acre tract, to a railroad spike set in the south line of a 20 foot alley and north line of said 0.438 acre tracts;

thence North 89° 54' 00" East 71.40 feet in the north line of said 0.438 acre tract and the south line of said 20 foot wide alley to an iron pipe found marking the northeast corner of said 0.438 acre tract:

thence South to 00° 06' 30" East 149.00 left, across said Lot No. 14, to an iron pipe found in the north line of said Price Avenue marking the southeast corner of said 0.438 acre tract:

thence South 89° 54' 00" West 70.75 feet, in the north line of said Price Avenue, to the principal place of beginning, containing 0.243 acres, more or less.

Basis of bearings from Official Record 03591E16.

A survey of the above described tract was performed by R.T. Patridge & Associates in July 1989.

Together with any and all interest the grantor(s) may have in that portion of right of way as vacated by the City of Columbus by Ordinance 2009-77.

Parcel Three:

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

Being 100 feet and 6 inches off of the West end of Reserve "A" of John R. Hughes' Subdivision, as the same is designated and delineated upon the recorded plat thereof, of record in Plat Book 3 Page 345, Recorder's Office, Franklin County, Ohio.

Together with any and all interest the grantor(s) may have in that portion of right of way as vacated by the City of Columbus by Ordinance 2009-77.

Parcel Four:

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

Being part of Lot No. 2 of Joseph R. Starr's Administrators Subdivision as shown of record in Plat Book 1, page 229 and designated as "residence" on David Price's subdivision shown of record in Plat Book 4, page 111, Recorder's Office, Franklin County, Ohio, and being 79.5 feet off the west end of said "residence" lot as the same has been recently conveyed by deed to J. Foster Crumley, as shown of record in Deed Book 1237, page 649, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being at a point in the north line of Price Avenue at its intersection with the east line of a 12 foot alley shown on the plat of David Price's Subdivision as above mentioned, said point being also the southwest corner of the above mentioned "residence" lot; thence with the east line of the said alley and along the west line of said "residence" lot northerly 158.7 feet to a stake at the northwest corner of said lot, passing an iron pin on line at 110.1 feet; thence easterly with the north line of said "residence" lot, 79.5 feet to a stake; thence southerly, parallel with the west line of said "residence" lot, 158.7 feet to a point in the south line of said lot and in the north line of Price Avenue, said last mentioned point being witnessed

by a stake 0.5 feet easterly from said point; thence with the north line of Price Avenue and along the south line of said "residence" lot, westerly 79.5 feet to the place of beginning containing 0.29 acres. Together with any portions of any vacated alleys now abutting the above referenced premises.

Together with any and all interest the grantor(s) may have in that portion of right of way as vacated by the City of Columbus by Ordinance 2009-77.

**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 consisting of up to 10,000± square feet of commercial space, up to 158 dwelling units, and a minimum of 171 parking spaces (unless otherwise reduced by the Short North Special Parking Area pay in lieu process) in the AR-O, Apartment Office, and C-4, Commercial districts, as shown on the attached site plan, or those uses permitted in the underlying zoning districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**FINAL SITE COMPLIANCE PLAN FOR 23 W. 2ND AVE.**," dated February 17, 2021, and signed by Eric Zartman, 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 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 all individual tenant retail spaces in the commercial building being limited to a maximum of 2,500 square feet in area. Any increase in retail space size or any other use that requires additional parking is subject to the Short North Special Parking Area pay in lieu process.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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