



## Legislation Details (With Text)

**File #:** 0699-2021      **Version:** 1

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

**File created:** 3/11/2021      **In control:** Zoning Committee

**On agenda:** 3/29/2021      **Final action:** 4/1/2021

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3321.05(B)(1), Vision clearance; and 3356.05(F), C-4 district development limitations, of the Columbus City Codes; for the property located at 1475 N. HIGH ST. (43201), to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV20-110).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#0699-2021\_Attachments, 2. ORD#0699-2021\_Labels

Date	Ver.	Action By	Action	Result
4/1/2021	1	CITY CLERK	Attest	
3/31/2021	1	MAYOR	Signed	
3/29/2021	1	COUNCIL PRESIDENT	Signed	
3/29/2021	1	Zoning Committee	Approved	Pass
3/22/2021	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-110**

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

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

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of four parcels developed with a multi-unit residential development, a commercial building, and an eating and drinking establishment in the C-4, Commercial District. The requested Council variance will permit redevelopment of the site with a 72-foot, 6-story mixed-use building consisting of 1,350 square feet of commercial space, 1,000 square feet of accessory leasing office space, 146 dwelling units above, and a parking garage. A Council Variance is necessary because the leasing office is an accessory residential use, and because the proposed commercial space does not occupy the entire floor length of the North High Street frontage. The request also includes a variance to reduce the required vision clearance triangle at the intersection of West 8<sup>th</sup> Avenue and North Wall Street. The site is within the Regional Commercial subarea of the University District Zoning Overlay. The *University District Plan* (2015) recommends this area for "Regional Mixed Use," which supports mixed use corridors with the most dense development and building height up to 72 feet. The Plan also states that the design of the new construction should be compatible with nearby contributing buildings and the surrounding streetscapes. The proposal

is consistent with the Plan's recommendations, incorporates high quality design elements, and will not add an incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3321.05(B)(1), Vision clearance; and 3356.05(F), C-4 district development limitations, of the Columbus City Codes; for the property located at **1475 N. HIGH ST. (43201)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV20-110).

**WHEREAS**, by application #CV20-110, the owner of property at **1475 N. HIGH ST. (43201)**, 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, permits residential uses only above certain commercial uses, while the applicant proposes 1,000 square feet of ground floor accessory residential uses as part of a mixed-use development with 1,350 square feet of commercial space, a parking garage, and 146 apartment units; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a 10 foot clearance triangle at the intersection of West 8<sup>th</sup> Avenue and North Wall Street, while the applicant proposes a reduced clear vision triangle of 6 feet, as shown on the site plan; and

**WHEREAS**, Section 3356.05(F), 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 North High Street frontage; and

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

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

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will allow a mixed use development that is consistent with the *University District Plan's* land use recommendations, and continues the redevelopment pattern for this segment of North High Street; 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 **1475 N. HIGH ST. (43201)**, in using said property as desired;

**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; 3321.05(B)(1), Vision clearance; and 3356.05(F), C-4 district development limitations, is hereby granted for the property located at **1475 N. HIGH ST. (43201)**, insofar as said sections prohibit first floor accessory residential uses in the C-4, Commercial district; with a reduced clear vision triangle at the intersection of West 8<sup>th</sup> Avenue and North Wall Street; and garage parking

adjoining commercial uses that occupy less than the entire length of the North High Street frontage; said property being more particularly described as follows:

**1475 N. HIGH ST. (43201)**, being 0.75± acres located at the northwest corner of North High Street and West 8<sup>th</sup> Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being comprised of all of those tracts of land conveyed to Vic-Abby LLC by deed of record in Instrument Number 201009010112852, all of those tracts of land conveyed to 14-22 W 8<sup>th</sup> Ave, LLC by deed of record in Instrument Number 201703060030621, and all of that tract of land conveyed to 1453 North High Street, LLC by deed of record in Instrument Number 201508210117122 (all references, refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly right of way line of West 8<sup>th</sup> Avenue and the westerly right of way line of North High Street;

Thence North 86° 48' 53" West, with said northerly right of way line, a distance of 208.67 feet to a point in the easterly right of way line of North Wall Street;

Thence North 03° 09' 34" East, with said easterly right of way line, a distance of 170.05 feet to the southwesterly corner of that tract conveyed to Mollica Family, LLC by deed of record in Instrument Number 201212210197577;

Thence South 86° 48' 53" East, with southerly line of said Mollica tract, a distance of 173.82 feet to a point in the westerly right of way line of said North High Street;

Thence South 08° 25' 11" East, with said westerly right of way line, a distance of 173.60 feet to the POINT OF BEGINNING, containing 0.747 acre of land, 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 mixed-use development as permitted by this ordinance, 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 site plan titled, "**ZONING PLAN FOR 1475 N. HIGH ST.**" signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated February 22, 2021. 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 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.