



Legislation Details (With Text)

File #: 1789-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/25/2021 **In control:** Zoning Committee

On agenda: 7/12/2021 **Final action:** 7/15/2021

Title: To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; and 3309.14 (A), Height districts, of the Columbus City Codes; for the property located at 3150 ALLEGHENY AVE. (43209), to permit a multi-unit residential development with increased building height in the M, Manufacturing District (Council Variance #CV21-056).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1789-2021_Attachments, 2. ORD1789-2021_Labels

Date	Ver.	Action By	Action	Result
7/15/2021	1	CITY CLERK	Attest	
7/13/2021	1	MAYOR	Signed	
7/12/2021	1	COUNCIL PRESIDENT	Signed	
7/12/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
7/12/2021	1	Zoning Committee	Approved	Pass

Council Variance Application: CV21-056

APPLICANT: WODA Cooper Companies, Inc.; c/o Dave Perry, Agent; David Perry Company; 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.

MIDEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped and zoned in the M, Manufacturing District. The requested Council variance will permit an affordable housing apartment complex with 84 units, and will allow the applicant to complete a financing application with the Ohio Housing Finance Association which requires certain land attributes including compliant zoning. A variance to increase the height of buildings from 35 feet to 40 feet is included in the request. The Council variance process is supported to assist in this state funding application process as Rezoning Application #Z21-052, a request for the AR-1, Apartment Residential District, has been filed and is in process. The site is within the planning boundaries of the *Port Columbus Joint Economic Development Strategy* (2008), which recommends office and light industrial land uses at this location. However, with the recent construction of a school and multi-unit residential development adjacent to this site, staff finds the proposed residential development appropriate. The Plan guidelines also stress the importance of new development incorporating sidewalks to improve pedestrian connectivity, street trees, and landscaping and screening, and the site plan included with the request addresses these details. Planning staff also finds the conceptual elevations for the proposed apartment buildings consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; and 3309.14(A), Height districts, of the Columbus City Codes; for the property located at **3150 ALLEGHENY AVE. (43209)**, to permit a multi-unit residential development with increased building height in the M, Manufacturing District (Council Variance #CV21-056).

WHEREAS, by application #CV21-056, the owner of the property at **3150 ALLEGHENY AVE. (43209)**, is requesting a Council variance to permit a multi-unit residential development with increased building height in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes such a development containing up to 84 units; and

WHEREAS, Section 3309.14(A), Height districts, prohibits the height of a building to exceed 35 feet at the building line in the H-35 Height District, while the applicant proposes apartment buildings that are 40 feet in height; and

WHEREAS, the Mideast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval as the proposed residential development is considered to be appropriate with the recent construction of a school and multi-unit residential development adjacent to this site. The *Port Columbus Joint Economic Development Strategy* guidelines also stress the importance of new development incorporating sidewalks to improve pedestrian connectivity, street trees, and landscaping and screening, and the site plan included with the request addresses these details. Planning staff also finds the conceptual elevations for the proposed apartment buildings consistent with C2P2 Design Guidelines. The Applicant is required to complete Rezoning Application #Z21-052 as a condition of this ordinance; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificates 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 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 **3150 ALLEGHENY AVE. (43209)**, in using said property as desired; and

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

SECTION 1. That a variance from the provisions of Sections 3363.01, M-manufacturing districts; and 3309.14(A), Height districts, of the Columbus City Codes, is hereby granted for the property located at **3150 ALLEGHENY AVE. (43209)**, insofar as said sections prohibit a multi-unit residential development in the M, Manufacturing District, with increased height of buildings from 35 feet to 40 feet; said property being more particularly described as follows:

3150 ALLEGHENY AVE. (43209), being 3.76± acres located on the north side of Allegheny Avenue, 970± feet west of Stelzer Road, and being more particularly described as follows:

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

Being part of certain 4.485 acre tract conveyed to Don A. Loftus, by deed of record in Deed Book 2284, Pages 545, 546, and 547, Recorder's Office County, Ohio, and being more particularly described as follows:

Beginning at an iron pin in the Northerly line of Allegheny Avenue and in the Marion Truro Township line.

Thence S. 85 degrees 58' E. with the Northerly line of Allegheny Avenue, a distance of 1043.24 feet to an iron pin; said iron pin being the Southwesterly corner of a 4.485 acre tract of record in Deed Book 2284, Pages 545, 546, and 547 of the aforementioned records.

Thence N. 4 degrees 02' E., with the Westerly line of said 4.485 acre tract, a distance of 175.00 feet to an iron pin, being the point of true beginning of the parcel hereinafter described.

Thence N. 4 degrees 02' E., 175.36' to an iron pin.

Thence N. 85 degrees 04' E, 362.9 feet to a point.

Thence N. 70 degrees 34' E, 144.04 feet to an iron pin.

Thence S. 4 degrees 02' W., with the Easterly line of said 4.485 acre tract, a distance of 447.64 feet to an iron pin at Northerly line of Allegheny Avenue.

Thence N. 85 degrees 58' W., 319 feet to an iron pin.

Thence N. 4 degrees 02' E., a distance of 175 feet to an iron pin.

Thence N. 85 degrees 58' W., with the Northerly line of said Allegheny Avenue, a distance of 180.00 feet to a point of the beginning and containing 3.762 acres, more or less.

Commonly known as: 3150 Allegheny Avenue, Columbus, Ohio 43209

Parcel Number: 010-087492-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development containing approximately 84 units, or those uses permitted in the M, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on general conformance with the site plan titled, "**ALLEGHENY AVENUE SITE**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated June 16, 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 adjustment to the plans shall be reviewed and may be approved 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 use.

SECTION 5. That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z21-052 through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA) or within two years of the effective date of this ordinance, whichever occurs first.

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