



Legislation Text

File #: 2760-2015, **Version:** 1

Council Variance Application: CV15-015

APPLICANT: CA Ventures; c/o Jeffrey L. Brown and David Hodge, Attys.; Smith & Hale LLC; 37 West Broad Street, Suite 460; Columbus, Ohio 43215.

PROPOSED USE: Mixed-use development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Disapproval.

UNIVERSITY AREA REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a single-story mixed-use commercial strip center zoned C-4, Commercial District, and is located within the Urban Commercial Overlay (UCO). The requested Council variance will allow redevelopment of the site with a six-story mixed-use building with 156 apartment units on the upper stories. The proposal also includes 16,000 square feet of retail space with 4,885 square feet of accessory residential space (leasing office, lobby, etc.) and 32 enclosed parking spaces on the first floor, and 156 basement level parking spaces. The variance is necessary because the C-4 district prohibits first-floor residential uses. Variances for increased height, a reduction of 90 required parking spaces, no loading space, C-4 development limitations, and UCO building setback are also included in the request. The *University District Plan* (2015) recommends regional mixed uses along North High Street, which includes denser residential development with taller building heights. This proposal will permit a multi-story mixed-use development that is consistent with the Plan recommendations, and with the recent development pattern along this corridor.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3309.14, Height district; 3312.49(A), (B), (C), Minimum numbers of parking spaces required; 3312.53, Minimum number of loading spaces required; 3356.05 (F), C-4 district development limitations; and 3372.604(A), Setback requirements, of the Columbus City Codes; for the property located at **1398 NORTH HIGH STREET (43201)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (CV15-015).

WHEREAS, by application No. CV15-015, the owner of property at **1398 NORTH HIGH STREET (43201)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

WHEREAS, Sections 3356.03, C-4 permitted uses, permits residential uses only above certain commercial uses, while the applicant proposes 4,885 square feet of ground floor accessory residential uses as part of a mixed-use development with 16,000± square feet of retail space, and 156 apartment units; and

WHEREAS, Sections 3309.14, Height districts, requires a maximum building height of thirty-five (35) feet at the setback for this property, while the applicant proposes a multi-story building with a height not to exceed seventy-two (72) feet; and

WHEREAS, Section 3312.49(A), (B), Minimum numbers of parking spaces required, requires two (2) bicycle spaces and

an additional one (1) bicycle space per twenty (20) vehicle parking spaces located in a highly visible area on the property for the uses to be served, with a total of fourteen (14) bicycle spaces required. The applicant proposes zero (0) bicycle spaces on the property for the commercial uses, but is providing bicycle parking for commercial patrons in the public right-of-way as approved by the Department of Public Service. The applicant also proposes a minimum of twenty (20) residential bicycle parking spaces in a non-visible area within a bicycle room accessible from the parking garage and leasing office; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 spaces per apartment unit, and 1 space per 250 square feet of retail space, and utilizing the UCO-permitted parking reduction for a mixed-use development containing 16,000 square feet of retail space and 156 apartment units, is a maximum total requirement of 278 spaces, while the applicant proposes 188 parking spaces, of which 156 are reserved for residents; and

WHEREAS, Section 3312.53, Minimum number of loading spaces required, requires one (1) loading space to be provided, while the applicant proposes zero (0) loading spaces; 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, Section 3372.604(A), Setback requirements, requires a maximum building setback of no greater than ten (10) feet, while the applicant proposes a setback of sixteen (16) feet along Seventh Avenue as shown on the site plan; and

WHEREAS, The University Area Commission recommends disapproval; and

WHEREAS, The University Area Review Board recommends approval; and

WHEREAS, City Departments recommend approval because the site is located in the vicinity of several sites that received variances or rezoning actions to allow similar multi-story predominantly residential projects in commercial districts. This proposal will permit a multi-story mixed-use development that is consistent with the land use recommendations of the *University District Plan*, and with the recent development pattern along this corridor; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **1398 NORTH HIGH STREET (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 3356.03, C-4, Permitted uses; 3309.14, Height district; 3312.49(A),(B)(C), Minimum numbers of parking spaces required; 3312.53, Minimum number of loading spaces required; 3356.05(F), C-4 district development limitations; and 3372.604(A), Setback requirements, of the Columbus City Codes, is hereby granted for the property located at **1398 NORTH HIGH STREET (43201)**, insofar as said sections prohibit ground floor residential accessory uses; an increased building height from thirty-five (35) feet to up to

seventy-two (72) feet, a bicycle parking space reduction from fourteen (14) spaces to zero (0) spaces, a parking space reduction from 278 spaces to 188 spaces, no loading space; with garage parking adjoining commercial uses that occupy less than the entire length of the North High Street frontage, and an increased building setback line from ten (10) feet to sixteen (16) feet along Seventh Avenue; said property being more particularly described as follows:

1398 NORTH HIGH STREET (43201), being 1.15± acres located at the northeast corner of North High Street and East Seventh Avenue, and being more particularly described as follows:

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

Being Lot Numbers One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7) of JOHN MARZETTI'S NORTH HIGH STREET ADDITION to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book No. 3, page 308, Recorder's Office, Franklin County, Ohio, together with that part of Seventh Avenue vacated by the City of Columbus by Ordinance No. 1151-66.

Known as Franklin County Parcel Number: 010-064241
1398 North High Street (43201)

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 with ground floor accessory residential uses, 16,000± square feet of retail space, and 156 apartment units, 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, "**SITE PLAN & ZONING DATA**," drawn by Harthorne Planning and Architecture, dated September 23, 2015, and signed by David Hodge, 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 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.