



Legislation Text

File #: 1486-2017, **Version:** 1

Council Variance Amendment: CV16-017A

Ordinance # 1886-2016, passed July 25, 2016 (CV16-017), was approved in conjunction with Rezoning Ordinance # 1885-2016 (Z16-017), a request to the CPD, Commercial Planned Development District for mixed-use 78-unit apartment development. Ordinance # 1886-2016 granted a variance to specifically permit four ground-floor residential units within the proposed building. The applicant has revised the proposed building to contain two ground-floor residential units, a leasing office, and a fitness center. This ordinance will replace Ordinance # 1886-2016 to permit ground-floor residential or accessory residential uses, and requires approximately 1,969 square feet of commercial space on the ground floor in addition to the residential uses. No other provisions of Ordinance # 1886-2016 are changing. The applicant has also filed an amendment to Ordinance # 1885-2016 (Ordinance # 1485-2017; Z16-017A) to allow for increased building height, and to replace the CPD Plan and building elevation drawings. The proposal remains consistent with the land use recommendations of the *Near East Area Plan* (2005) and the *Olde Towne Quarter Economic Development Strategy* (2010), both of which recommend mixed commercial and residential uses for this location.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses; and 3361.02, Permitted uses, for the property located at **136 PARSONS AVENUE (43215)**, to permit ground-floor residential units and accessory residential uses in the CPD, Commercial Planned Development District, and to repeal Ordinance # 1886-2016, passed July 25, 2016 (Council Variance # CV16-017A).

WHEREAS, Ordinance # 1886-2016, passed July 25, 2016 (CV16-017), specifically permitted four ground-floor residential units in conjunction with Rezoning Ordinance # 1885-2016 (Z16-017) for a mixed-use 78-unit apartment development in the CPD, Commercial Planned Development District at **136 PARSONS AVENUE (43215)**; and

WHEREAS, this ordinance will replace Ordinance # 1886-2016, by permitting less than four residential units and allowing for accessory residential uses on the ground floor; and

WHEREAS, all other provisions contained in Ordinance # 1886-2016 are unchanged by this ordinance and are included for clarity below; and

WHEREAS, by Ordinance 1485-2017 (Rezoning Application Z16-017A), Section 3356.03, Permitted uses, is utilized to identify the specific uses permitted in the proposed CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, Permitted uses, does not permit ground-floor residential uses, while the applicant proposes to permit two (2) handicapped-accessible residential units and accessory residential uses on the first floor; and

WHEREAS, Section 3361.02, Permitted uses, specifies C-4 district uses, and does not permit ground-floor residential uses, which are Residential or Apartment Residential district uses, while the applicant proposes two (2) handicapped-accessible residential units and accessory residential uses on the first floor; and

WHEREAS, City Departments recommend approval because the request is consistent with the land use recommendations of the *Near East Area Plan* and the *Olde Towne Quarter Economic Development Strategy*; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **136 PARSONS AVENUE (43215)**, 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, Permitted uses and 3361.02, Permitted uses; is hereby granted for the property located at **136 PARSONS AVENUE (43215)**, insofar as said sections prohibit ground-floor residential units or accessory residential uses in the CPD district; said property being more particularly described as follows:

136 PARSONS AVENUE (43215), being 1.08± acres located at the southeast corner of Parsons Avenue and Gustavus Lane, and being more particularly described as follows:

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

Being Lots Numbers Forty-Nine (49), Fifty (50), Fifty-One (51), Fifty-Two (52), Fifty-Three (53), and Fifty-Four (54) in Benjamin Monett's Bryden Road Subdivision of part of Lot No. Two (2) of James Bruden and et al Subdivision of part of Half Section Twenty Four (24), Township 5, Range 22, Refugee Lands, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Pages 92 and 93, Recorder's Office, Franklin County, Ohio, and being all of Grantor's right, title and interest in and to that certain alley lying East of the East lines of the said Lots Numbers 51, 52, 53, and 54, and West of the west line of said Lot No. 50, and extending from the South line of Gustavus Lane in a Southerly direction to the North line of the first alley South of the Gustavus Lane. The alley described herein and conveyed hereby was vacated by Ordinance No. 776-50 of the City of Columbus, Ohio passed September 5, 1950.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground-floor residential units or accessory residential uses in a mixed-use building containing a minimum of 1,969± square feet of commercial space, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property (Ordinance # 1485-2017/Rezoning Application Z16-01A).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. That Ordinance # 1886-2016, passed July 25, 2016, be and is hereby repealed.