



Legislation Text

File #: 1658-2018, **Version:** 2

Council Variance Application: CV17-084

APPLICANT: Buckeye Real Estate; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second 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 is developed with two apartment buildings in the AR-O, Apartment Office District. The applicant is seeking to develop the High Street frontage of the site with a mixed-use building containing 2,900 square feet of ground level commercial uses and five apartment units above while retaining the two apartment buildings. A Council variance is necessary because the AR-O district only permits certain commercial uses. The site is within the Regional Commercial subarea of the University District Zoning Overlay, the University Impact District, and is subject to review by the University Impact District Review Board (UIDRB). In addition to the use variance to permit commercial uses, the applicant requests variances to minimum number of parking spaces required, landscaping, lot coverage, and perimeter yard. The site is within the planning area of the *University District Plan* (2015), which recommends "Regional Mixed Uses" at this location. The proposed development is designed to integrate well with the surrounding High Street corridor. Staff supports this request as it is consistent with the Plan's land use recommendations and guidelines, and will not add incompatible uses to the corridor.

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3312.49 Minimum numbers of parking spaces required; 3321.07(B), Landscaping; 3333.15(C), Basis of computing area; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1444 NORTH HIGH STREET (43201)**, to permit a mixed-use building containing 2,900 square feet of ground level commercial uses and five apartment units on a lot developed with two apartment buildings with reduced development standards in the AR-O, Apartment Office District (Council Variance # CV17-084). **(REPEALED BY ORD. 1885-2021; PASSED 7/19/2021)**

WHEREAS, by application #CV17-084, the owner of the property at **1444 NORTH HIGH STREET (43201)**, is requesting a Variance to permit a mixed-use building containing 2,900 square feet of ground level commercial uses and five apartment units with reduced development standards in the AR-O, Apartment Office District; and

WHEREAS, Sections 3333.04, Permitted uses in AR-O apartment office district, only permits office and other specified commercial uses, while the applicant proposes 2,900 square feet of ground floor retail, office, and/or restaurant commercial uses; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 20 parking spaces for 2,900 square feet of restaurant space and 5 parking spaces for 5 apartment units with 2 bedrooms each, calculated with the formula contained in Section 3325.381, Parking and Circulation, of the University District Zoning Overlay, while the applicant proposes a total of 0 spaces; and

WHEREAS, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of one tree for the five units, 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 maximum lot coverage of 71 percent for the mixed-use building and the existing apartment buildings; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 10 feet, while the applicant proposes a reduced perimeter yard of 0 feet along the north and south property lines for the new building, and 0, 5, and 2 feet for the north, south, and east perimeter yards, respectively, of the existing apartment buildings; and

WHEREAS, the University Area Commission recommends approval of said zoning change; and

WHEREAS, the University Impact District Review Board recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval because the requested Council variance, is consistent with the *University District Plan's* land use recommendations and guidelines, will not add incompatible uses to the corridor, and is designed to integrate well with the surrounding High Street corridor; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **1444 NORTH HIGH STREET (43201)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3333.04, AR-O apartment office district, 3312.49 Minimum numbers of parking spaces required, 3321.07(B), Landscaping, 3333.15(C), Basis of computing area, and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1444 NORTH HIGH STREET (43201)**, insofar as said sections prohibit retail and restaurant uses within the AR-O district, with a parking space reduction from 25 required spaces to 0 spaces, a reduction in required shade trees from one to zero, an increased maximum lot coverage from 50% to 71% of the lot area for the mixed-use building and the existing apartment buildings; and a reduced perimeter yard from 10 feet to 0 feet along the north and south property lines for the new building, and 0, 5, and 2 feet for the north, south, and east perimeter yards, respectively, of the existing apartment buildings; said property being more particularly described as follows:

1444 NORTH HIGH STREET (43201), being 0.32± acres located on the east side of North High Street, 100± feet south of East Eighth Avenue, and being more particularly described as follows:

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

Being the South one-half of forty (40) feet off of the North side of Lot Number Sixteen (16) in Phil D. Fisher's and Mrs. M.C. Miller's Subdivision of 5 acres, as the same is numbered and delineated upon the recorded plat thereof, of record in

Plat Book 3, page 69, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-036280

Being the twenty (20) feet off the north side of Lot Number Sixteen (16) of Phil D. Fisher's and Mrs. M.C. Miller's Subdivision of about five (5) acres of land, on the east side of North High Street, Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 69, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-004608

Being Lot Number Seventeen (17) of Philip D. Fisher and Mrs. M.C. Miller's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 69, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-018978

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 building containing 2,900 square feet of ground level retail, office, and/or restaurant uses with apartment units above, or those uses permitted in the underlying AR-O, Apartment Office 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**," dated May 1, 2018, all signed by David Perry, Agent for the Applicant, and Donald Plank, 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 plans shall be subject to review and approval by the Director of the Department 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.