



Legislation Text

File #: 2030-2018, **Version:** 1

Council Variance Application: CV18-021

APPLICANT: The WODA Group, Inc., c/o Dave Perry, Agent; David Perry Company, Inc.; 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: Mixed-use development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance #2029-2018; Z18-021) to the AR-1, Apartment Residential District. The subject site is being developed with a senior housing and commercial development, as permitted by Ordinance #0277-2016 (CV15-055). This Council variance will conform the existing conditions of the development on the site as there will be new zoning district requirements after rezoning the property from the C-4 Commercial District and L-P-1, Limiting Parking District. Variances for building height, setbacks, landscaping and screening, vision clearance, and a reduction of 13 required parking spaces are also included in the request. Staff recognizes these variances to be negligible, as the *Near East Area Plan* (2005) encourages appropriate type and scale of commercial uses for neighborhood commercial development, and this development will contribute to the traditional and established development pattern along East Main Street as reflected in the attached site plan.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, apartment residential district use; 3309.14(A), Height districts; 3312.21(D), Landscaping and screening; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3321.07(A), Landscaping; 3333.18, Building lines; and 3372.604(A), Setback requirements; of the Columbus City Codes; for the property located at **1774 EAST MAIN STREET (43205)**, to permit a mixed-use development with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance # 0277-2016 (CV15-055) passed February 8, 2016 (Council Variance # CV18-021).

WHEREAS, by application # CV18-021, the owner of property at **1774 EAST MAIN STREET (43205)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits retail, office, or restaurant uses, while the applicant proposes to maintain the existing 1,200 square feet of commercial space and 300 square feet of patio space; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of 35 feet at the setback for this property, while the applicant proposes to maintain a building height of 37 feet in the H-35 height district; and

WHEREAS, Section 3312.21(D), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be 5 feet high and 75% opaque, while the applicant proposes 3 foot high 75% opaque parking lot screening; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 95 parking spaces for 54 apartment units, 1,200 square feet of commercial space (including retail, office or restaurant uses), and a 300 square feet seasonal patio, while applicant proposes 82 parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30-foot right angle clear vision triangle shall be maintained at the intersection of East Main Street and Fairwood Avenue, while the applicant proposes art displays that may exceed 2.5 feet in height in said clear vision triangle; and

WHEREAS, Section 3321.07(A), Landscaping, requires landscaping in the building setback area, while the applicant proposes the use of pavement within the building setback on both East Main Street and Fairwood Avenue for a public gathering place and public art plaza, thereby providing no landscaping on either street frontage of the adjacent to the commercial portion of the building as depicted on the Site Plan; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 50 feet along East Main Street and 25 feet along Fairwood Avenue, while the applicant proposes reduced building lines of 24 feet along East Main Street and 19 feet along Fairwood Avenue, and to reduce the building lines on both streets to 5 feet to permit the display of art, including art pieces exceeding 6 feet tall; and

WHEREAS, Section 3372.604(A), Setback requirements, requires a maximum building setback of no greater than 10 feet for the commercial portion of the building, while the applicant proposes to maintain a setback of 33 feet along East Main Street and 19 feet along Fairwood Avenue for this portion of the building; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variances as they conform a mixed-use development in the AR-1, Apartment Residential District. Staff recognizes these variances to be negligible, as the development provides appropriate type and scale of commercial uses for neighborhood commercial development, and contributes to the traditional and established development pattern along East Main Street as reflected in the attached site plan; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 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 **1774 EAST MAIN STREET (43205)**, 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 3333.02, AR-12, ARLD and AR-1, apartment residential district use; 3309.14(A), Height districts; 3312.21(D), Landscaping and screening; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3321.07(A), Landscaping; 3333.18, Building lines; and 3372.604(A), Setback requirements, of the Columbus City Codes, are hereby granted for the property located at **1774 EAST MAIN STREET (43205)**, insofar as said sections prohibit 1,200 square feet of retail, office, and/or restaurant space with a 300 square foot patio in the AR-1, Apartment Residential District; with increased building height from 35

feet to 37 feet to the mid-point of the gable roof; reduced required height of parking lot screening from 5 feet to 3 feet; a reduction in the required number of parking spaces from 95 to 82 spaces; the display of art exceeding 2.5 feet in height in the vision clearance triangle; no landscaping along the frontages of the commercial portion of the building; reduced building setback line from 50 feet to 24 feet along East Main Street and from 25 feet to 19 feet along Fairwood Avenue for the building, and to 5 feet along each frontage for art display; and an increased maximum building setback line for the commercial portion of the building from 10 feet to 33 feet along East Main Street and to 19 feet along Fairwood Avenue; said property being more particularly described as follows:

1774 EAST MAIN STREET (43205), being 2.17± acres located at the northeast corner of East Main Street and Fairwood Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Half Section 21, Section 14, Township 5, Range 22, Refugee Lands, being a part of Lot 1, all of Lots 2 through 5, and a part of Lot 6 of Martin & Stage's Subdivision, as recorded in Plat Book 2, Page 98 and in Plat Book 2, Page 128, said Lots described in deeds to Fairwood Commons Limited Partnership, of record in Instrument Number 201609300133611, Instrument Number 201609300133612, and Instrument Number 201609300133613, all record records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being more particularly bounded and described as follows:

BEGINNING at an iron pin set at the intersection of the existing north right-of-way line for East Main Street (80 feet wide) and the existing east right-of-way line for Fairwood Avenue (60 feet wide), both as shown on said Martin & Stages Subdivision Plats, and being the southwest corner of said Lot 1;

Thence North 03 degrees 51 minutes 09 seconds East, along the existing east right-of-way line for said Fairwood Avenue and along the west line of said Lot 1, a distance of 114.37 feet to an iron pin set at the southwest corner of that parcel of land described in a deed to Sanbeiro, LLC, of record in Instrument Number 201602110017315;

Thence South 88 degrees 13 minutes 05 seconds East, along the south line of said Sanbeiro parcel, across said Lot 1, a distance of 47.20 feet to an iron pin set at the southeast corner of said Sanbeiro parcel;

Thence North 03 degrees 51 minutes 09 seconds East, along the east line of said Sanbeiro parcel, continuing across said Lot 1, a distance of 70.00 feet to an iron pin set on the existing south right-of-way line for East Cherry Street (30 feet wide), as shown in said Plat Book 2, Page 128, being the northeast corner of said Sanbeiro parcel;

Thence South 88 degrees 13 minutes 05 seconds East, along the existing south right-of-way line for said East Cherry Street and along the north lines of said Lots 1 through 6, a distance of 484.80 feet to an iron pin set at the northwest corner of that parcel of land described in a deed to Samuel Edward Cabbell, of record in Official Record 5683 A09;

Thence South 03 degrees 51 minutes 09 seconds West, along the west line of said Cabbell parcel, across said Lot 6, a distance of 184.37 feet to an iron pin set on the existing north right-of-way line for said East Main Street, being on the south line of said Lot 6, and being at the southwest corner of said Cabbell parcel (reference a 5/8 inch iron pin found North 88 degrees 13 minutes 05 seconds West at a distance of 3.47 feet);

Thence North 88 degrees 13 minutes 05 seconds West, along the existing north right-of-way line for said East Main Street and along the south lines of said Lots 1 through 6, a distance of 532.00 feet to the POINT OF BEGINNING for this description.

Thence above description contains a total area of 2.714 acres, being all of Franklin County Auditor's parcel number 010-016635.

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 up to 1,200 square feet of commercial space that may be used for retail, office and/or restaurant uses and a maximum 300 square-foot seasonal patio in accordance with the submitted site plan, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**FAIRWOOD COMMONS - ZONING VARIANCE SITE PLAN**," dated June 20, 2018, 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 final 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.

SECTION 6. That Ordinance # 0277-2016, passed February 8, 2016, be and is hereby repealed.