



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0275-2019, **Version:** 1

Council Variance Application: CV18-097

APPLICANT: Woda Cooper Companies, Inc., c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a commercial building and is comprised of three parcels zoned in the M, Manufacturing District. The requested variance would permit redevelopment of the site with a 60-unit apartment building. A Council variance is necessary because the M district does not permit multi-unit residential development. The applicant also requests variances to building height, landscaping and screening, and minimum number of required parking spaces. The *South Side Plan* (2014) recommends "Mixed Use" land uses for this location with residential densities of between 16-28 units per acre. The proposed development is 23.7 units per acre and is therefore consistent with the Plan's land use recommendation. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (2018) Design Guidelines. The Planning Division concludes that the development will be consistent with the design guidelines in *Columbus Citywide Planning Policies*. Staff believes that multi-unit residential development of this density should be rezoned to an appropriate apartment residential zoning district and afforded the full review process applicable to rezoning applications, including a public hearing and review by the Development Commission. For that reason, this ordinance is conditioned on a follow-up rezoning to an appropriate zoning designation within one year of its effective date.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3309.14, Height districts; 3312.21(D), Landscaping and screening; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **27 WEST JENKINS AVENUE (43207)**, to permit multi-unit residential development with reduced development standards in the M, Manufacturing District (Council Variance #CV18-097).

WHEREAS, by application #CV18-097, the owner of property at **27 WEST JENKINS AVENUE (43207)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M-manufacturing districts, does not permit multi-unit residential development, while the applicant proposes a 60-unit apartment building; and

WHEREAS, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes an apartment building with an approximate height of 40 feet; and

WHEREAS, Section 3312.21(D), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be five feet in height, while the applicant proposes parking lot screening for the east 20 feet

along the south property line adjacent to South Wall Street to be three feet in height; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, for a total of 90 parking spaces, while the applicant proposes a total of 62 spaces; and

WHEREAS, the Columbus Southside Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances allow residential redevelopment that will replace a vacant industrial site in a mixed-use neighborhood, consistent with the land use recommendations of the *South Side Plan*; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **27 WEST JENKINS AVENUE (43207)**, 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 3363.01, M-manufacturing districts; 3309.14, Height districts; 3312.21(D), Landscaping and screening; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **27 WEST JENKINS AVENUE (43207)**, insofar as said sections prohibit multi-unit residential development in the M, Manufacturing district, with an increased building height from 35 feet to 40 feet; reduced landscaped screening height from 5 feet to 3 feet; and a reduction in the required number of parking spaces from 90 spaces to 62 spaces; said property being more particularly described as follows:

27 WEST JENKINS AVENUE (43207), being 2.53± acres consisting of three parcels located at the southwest corner of Jenkins Avenue and Wall Street alley, and being more particularly described as follows:

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

Parcel 1:

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

Being portions of Lots Numbers Four (4) and Five (5), of the Subdivision made by the heirs of Frederick Sturtzer, deceased, of several tracts of land situated in Half Section No. 42, Township No. 5, Range No. 22, Refugee Lands, as the same are numbered and designated on the recorded plat thereof, of record in Plat Book No. 3, page 438, in the Recorder's Office, Franklin County, Ohio, and bounded as follows:

Beginning at the intersection of the south line of said Lot No. 4 and the east line of the right of way of the T.&O.C.R.R., thence easterly with the south line of said Lot No. 4 to a point distant 166.30 feet from the west line of High Street; thence northerly on a line parallel with the west line of High Street and 166.30 feet distant therefrom to the south line of Jenkins Avenue (formerly Mechanics Avenue); thence westerly with the south line of Jenkins Avenue to the east line of the right of way of said T.&O.C.R.R.; thence southerly with the east line of

said right of way to the place of beginning, excepting therefrom that portion of Wall Street as dedicated by PBIO, PE 160.

Auditor's Parcel No. 010-21364.

Parcel 2:

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

Being part of Lot Number Three (3) of a subdivision made by the heirs of Frederick Sturtzer, deceased, of several tracts of land in Half Section No. 42, Township 5, Range No. 22, Refugee Lands, as the same is numbered and delineated on the recorded plat thereof, of record in Plat book No. 3, page 438, Recorder's Office, Franklin County, Ohio, the same being transferred by Simon P. Long, Administrator, to Charles W. Bachman, August 21, 1899, and recorded August 26, 1899, in Franklin County Recorder of Deeds, Vol. 317, page 240, etc., the parcel herein described is bounded as follows:

Beginning at a point on the north line of said Lot No. 3, where the east line of the C.H.V.&T.R.R. right of way intersects said north line of said lot and running thence east Ninety (90) feet, thence south parallel with Wall Street to the south line of said Lot No. 3, 84 feet more or less; thence west to the C.H.V.&T.R.R. right of way; thence north to starting point or place of beginning.

Auditor's Parcel No. 010-64951.

Parcel 3:

Situated in the City of Columbus, in the County of Franklin, and in the State of Ohio, being in Half Section 42, Township 5 North, Range 22 West, Refugee Lands and being parts of Lots 1, 2, and 3 of Frederick Stuertzer's Heirs' Subdivision of record in Plat Book 3, Page 438 and part of Lot 1 of Nathaniel Merion's Subdivision of record in Plat Book 1, Page 194, both of record in the Recorder's Office, Franklin County, Ohio, and together forming a parcel of a land more particularly described as follows:

Commencing at a point marked by an iron pin in the west line of Wall Street, (20 feet wide) where the northerly line of said Lot No. 3 intersects the same, said point also being in the northeasterly corner of a tract of land, now or formerly owned by Oakland Realty, Inc., of record in Deed Book 1385, Page 538, Recorder's Office, Franklin County, Ohio; thence North 87 degrees 02' 50" West, along the northerly line of said Lot No. 3 and Oakland Realty, Inc., tract, the prolongation of said northerly line also being the northerly line of the Parcel Two, now or formerly owned by Allen P. Johnson, Jr. of record in Deed Book 2631, Page 477, Recorder's Office, Franklin County, Ohio, (passing an iron pin at 126.53 feet) a distance of 216.77 feet to the principal place of beginning:

COURSE 1:

Thence South 2 degrees 42' 19" East, crossing said Lots 3, 2, and 1 of Frederick Stuertzer's Heirs' Subdivision and Lot 1 of Nathaniel Merion's Subdivision (passing an iron pin at a distance of 82.74 feet and 464.34 feet), a distance of 489.46 feet to a point in the centerline of Markinson Avenue (50 feet wide);

COURSE 2:

Thence North 87 degrees 00' 00" West, along the prolongation of the centerline of Markinson Avenue, a distance of 54.49 feet to a point in a line parallel with and 50 feet easterly measured at right angles from the centerline of the northbound main tract, as now located, of the so-called Corning Branch of the New York Central Railroad Company;

COURSE 3:

Thence 10 degrees 29' 10" West, along said parallel line (passing an iron pin at 25.71 feet) a distance of 500.74 feet to a point in said northerly line of Lot 3, marked by an iron pin;

COURSE 4:

Thence South 87 degrees 02' 50" East, along said northerly line of Lot 3, a distance of 122.61 feet to the principal place of beginning and containing 0.990 of an acre, more or less, according to survey made October 5, 1965, by H.G. Dill Co., Consulting Engineers.

Auditor's Parcel Number 010-66447.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential development as shown on the submitted Site Plan, which consists of a 60-unit apartment building, or those uses permitted in the M, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**27 W. JENKINS AVE.,**" dated January 10, 2019, and signed by Dave 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 adjustment to the plan 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 combination of Franklin County parcels 010-021364, 010-0064951, and 010-066447 into one parcel prior to site compliance review.

SECTION 6. That this ordinance is further conditioned on the establishment of a pedestrian access route between the site and the sidewalk along the north side of West Jenkins Avenue east of South Wall Street subject to the approval of the Department of Public Service to provide pedestrian connectivity between the site and South High Street.

SECTION 7. That this ordinance is further conditioned upon the applicant filing a rezoning application upon issuance of an approved Site Compliance Plan or within one year from the date of Columbus City Council passage of this ordinance, whichever occurs first.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.