



Legislation Text

File #: 0121-2020, **Version:** 1

Council Variance Application: CV19-066

APPLICANT: Attainable Luxury, LLC; c/o Brian Higgins; 1310 Dublin Road; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development and parking lot.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance # 0120-2020; Z19-048) to the AR-O, Apartment Office District to allow the development of an apartment building. The requested variance will permit an off-site parking lot, and reduces the required number of parking spaces from 101 to 84, with reductions to parking lot trees, parking setback, parking space size, and vision clearance requirements for the parking area. Additionally, variances to reduce lot coverage, building setback, and rear yard are needed to accommodate the new building. Staff supports the variances as they will allow flexibility in the site design on this urban lot. A site plan commitment is also included with a design that ensures that this proposed development, along a primary corridor, is compatible with surrounding development and the recommendations of the *Near East Area Plan* (2005).

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3312.21 (A), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **750 E. BROAD ST. (43205)**, to permit a parking lot and an apartment building with reduced development standards in the AR-O, Apartment Office District (Council Variance #CV19-066).

WHEREAS, by application #CV19-066, the owner of property at **750 E. BROAD ST. (43205)**, is requesting a Council variance to permit the development of a parking lot and an apartment building with reduced development standards in the AR-O, Apartment Office District; and

WHEREAS, Section 3333.04, Permitted uses in AR-O apartment office district, prohibits a parking lot as a principal use, while the applicant proposes to use an existing parking lot on a separate parcel to serve as required parking for the proposed apartment building; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, with 5 trees being required for 49 spaces, while the applicant proposes 4 trees to be located along the perimeter of the parking lot rather than within code compliant islands or peninsulas; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through 17 stacked parking spaces, as shown on the submitted site plan; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of no less than 25 feet from a street frontage, while the applicant proposes a reduced parking setback of 8.66 feet along North Garfield Avenue; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be a rectangular area of not less than 9 feet by 18 feet, and only allows stacked parking spaces to be counted as required spaces for single- and two-unit dwellings, while the applicant proposes parking spaces with reduced dimensions (ranging from 7.75 - 8.5 feet in width and 17.5 - 17.96 feet in length) and 17 stacked spaces, all to be counted toward the total number of required parking spaces, as shown on the submitted site plan; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or a minimum of 101 parking spaces for 67 units, while the applicant proposes a total of 84 parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet at street intersections, while the applicant proposes to reduce the 30-foot clear vision triangles at both East Broad Street intersections to 10 feet, as shown on the site plan; and

WHEREAS, Section 3333.15, 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 70 percent for the apartment building; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 60 feet along East Broad Street and 25 feet along Hamilton Park and North Garfield Avenue, while the applicant proposes building lines of 3 feet along East Broad Street and of 10 feet along Hamilton Park and North Garfield Avenue; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard of 9% for the apartment building; and

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

WHEREAS, the City Departments recommend approval of the variances as they will allow flexibility in the site design on the urban lot. A site plan commitment is also included with a design that ensures that this proposed development, along a primary corridor, is compatible with surrounding development; 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 **750 E. BROAD ST. (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 3333.04, Permitted uses in AR-O apartment office district; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines, and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **750 E. BROAD ST. (43205)**, insofar as said sections prohibit a parking lot as a principal use in the AR-O,

Apartment Office District; with 4 parking lot trees being located on the perimeter of the parking area rather than in islands or peninsulas where 5 are required; maneuvering over stacked parking spaces; a reduction in parking setback from 25 feet to 8.66 feet along North Garfield Avenue; parking spaces with reduced dimensions (ranging from 7.75 - 8.5 feet in width and 17.5 - 17.96 feet in length, as shown on the site plan) and 17 stacked spaces, all to be counted toward the total number of required parking spaces; a parking space reduction from 101 spaces to 84 spaces; a reduction in the required 30-foot clear vision triangle at both East Broad Street intersections to 10 feet; an increased lot coverage from 50 to 70 percent for the apartment building; reduced building lines from 60 feet to 3 feet along East Broad Street and from 25 feet to 10 feet along Hamilton Park and North Garfield Avenue; and a reduced rear yard from 25% to 9% for the apartment building; said property being more particularly described as follows:

750 E. BROAD ST. (43205), being 1.03± acres located at the northeast corner of East Broad Street and Hamilton Park, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus: Being all of Lots Numbers Nineteen (19), Twenty (20) and Twenty-One (21) and all except the east 5.00 feet of Lots Numbers Twenty-Two (22) and Thirty-Three (33) in East Park Place Addition, as shown of record in Plat Book 2, Pages 61 and 62, Recorder's Office, Franklin County, Ohio, said lots and parts of lots having been conveyed to Truman Comers Town & County Shoppers City, Inc., by deeds of record in Deed Book 2622, Page 206 (Lots Nos. 19, 20 and 21) and in Official Record 3994, Page E 04 (parts of Lots Nos. 22 and 33), Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

TRACT NO. 1 (Lots Nos. 19, 20 and 21):

Beginning at a 3/4 inch I.D. iron pipe set at the intersection of the north line of East Broad Street - U.S. Route 40 (110 feet wide) with the east line of Hamilton Park (70 feet wide) and at the southwest corner of said Lot No. 19;

thence N 8° 25' 09" W along the east line of Hamilton Park and along the west line of said Lot No. 19 a distance of 170.55 feet to a 3/4 Inch I.D. iron pipe found at the intersection of the east line of Hamilton Park with the south line Avon Place (25 feet wide) and at the northwest corner of said Lot No. 19;

thence N 81° 3' 8' 24" E along the south line of Avon Place and along the north lines of said Lots Nos. 19, 20 and 21 a distance of 185.46 feet to a drill hole set in a concrete wall at the intersection of the south line of Avon Place with the west line of North Garfield Avenue (45 feet wide) and at the northeast corner of said Lot No. 21;

thence S 3° 33' 50" W along the west line of North Garfield Avenue and along the east line of said Lot No. 21 a distance of 173 .27 feet to a drill hole set in a concrete walk at the intersection of the west line of North Garfield Avenue with the north line of East Broad Street and at the southeast corner of said Lot No. 21;

thence S 81° 15' 00" W along the north line of East Broad Street and along the south lines of said Lots Nos. 21, 20 and 19 a distance of 149.49 feet to the place of beginning; containing 0.6535 acres of land more or less and being subject to all easements and restrictions of record.

TRACT NO. 2 (Parts of Lots Nos. 22 and 33):

Beginning at a 1-1 inch I.D. iron pipe found at the intersection of the east line of Hamilton Park (70 feet wide) with the north line of Avon Place (25 feet wide) and at the southwest corner of said Lot No. 22, said iron pipe also being the point of curvature of a reverse curve widening Hamilton Park from 70 feet to 180 feet;

Thence northeasterly along a curved east line of Hamilton Park, along the curved west line of said Lot No. 22 and with a curve to the right, data of which is: radius = 58.25 feet and delta = 58° 10' 34", a chord distance of 56.64 feet bearing N 20° 37' 47" E to a 3/4 inch I.D. iron pipe set at the point of reverse curvature, at the northwest corner of said Lot No. 22 and at the southwest corner of said Lot No. 33;

thence northeasterly along a curved east line of Hamilton Park, along the curved west line of said Lot No. 33 and with a curve to the left, data of which is: radius = 58.25 feet and delta = $58^{\circ} 10' 34''$, a chord distance of 56.64 feet bearing N $20^{\circ} 37' 47''$ E to a 3/4 inch I.D. iron pipe found at the point of tangency of said reverse curve in Hamilton Park (180 feet wide), at the northwest corner of said Lot No. 33 and at the southwest corner of Lot Number Thirty-Four (34) in said East Park Place Addition;

thence N $81^{\circ} 3' 24''$ E along a portion of the north line of said Lot No. 33 and along a portion of the south line of said Lot No. 34 a distance of 151.68 feet to a 3/4 inch I.D. iron pipe set in the west line of North Garfield Avenue (50 feet wide);

thence S $3^{\circ} 33' 50''$ W along the west line of North Garfield Avenue and parallel with and 5.00 feet westerly by perpendicular measurement from the east lines of said Lots Nos. 33 and 22 a distance of 101.27 feet to drill hole set in a concrete walk at the intersection of the west line of North Garfield Avenue with the north line of Avon Place and in the south line of said Lot No. 22;

thence S $81^{\circ} 3' 24''$ W along the north line of Avon Place and along a portion of the south line of said Lot No. 22 a distance of 185.65 feet to the place of beginning;

containing 0.3836 acres of land more or less and being subject to all easements and restrictions of record.

EXCEPTING THEREFROM THE FOLLOWING DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus: Being a triangular trace of land out of the northeast corner of Lot Number Twenty-One (21) in East Park Place Addition, as shown of record in Plat Book 2, Pages 61 and 62, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a drill hole set in a concrete walk at the intersection of the south line of Avon Place (25 feet wide) with the west line of North Garfield Avenue (45 feet wide) and at the northeast corner of said Lot No. 21;

thence S $3^{\circ} 33' 50''$ W along the west line of North Garfield Avenue and along a portion of the east line of said Lot No. 21 a distance of 15.00 feet to a point;

thence N $47^{\circ} 23' 53''$ W crossing said Lot No. 21 a distance of 18.90 feet to a point in the south line of Avon Place and in the north line of said Lot No. 21;

thence N $81^{\circ} 38' 24''$ E along the south line of Avon Place and along a portion of the north line of said Lot No. 21 a distance of 15.00 feet to the place of beginning;

containing 110 square feet of land more or less and being subject to all easements and restrictions of record.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development as permitted by the 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, **"750 EAST BROAD STREET: SITE PLAN"** dated, 1/7/2020 and signed by Brian Higgins, Applicant. The plans 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 use.

SECTION 5. That this ordinance is conditioned on the 17 pairs of stacked parking spaces being assigned to individual units.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.