



Legislation Text

File #: 0236-2020, **Version:** 1

Council Variance Application: CV19-080

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.; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels, two undeveloped and one developed with a commercial building, all zoned in the L-C-4, Commercial District. The requested Council variance will permit the construction of a 45-unit apartment building. A Council variance is necessary to permit residential uses on the first floor, where they are only allowed within the C-4 district when above certain commercial uses. Also included in the request are variances to height district, a parking space reduction from 68 spaces to 45, and building setback requirements. The site is within the planning area of the *West Franklinton Plan* (2014), which recommends "Neighborhood Mixed Use" at this location, which includes high-density residential development. Additionally, this site is subject to the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). This proposed development will be subject to a competitive funding process by the U.S. Department of Housing and Urban Development which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process. Rezoning Application #Z20-002, a request for the AR-3, Apartment Residential District, has been filed and is in process

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3309.14(A), Height districts; 3312.49 (C), Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes, for the property located at **1040 W. BROAD ST. (43222)**, to permit a 45-unit apartment building with reduced development standards in the L-C-4, Limited Commercial District (Council Variance #CV19-080).

WHEREAS, by application #CV19-080, the owner of property at **1040 W. BROAD ST. (43222)**, is requesting a Council variance to permit multi-unit residential uses with reduced development standards in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted uses, does not permit a 45-unit apartment building, while the applicant proposes a 45-unit apartment building; and

WHEREAS, Section 3309.14(A), Height districts, limits building height in a 35 foot height district to 35 feet, with height defined in Section 3303.36, Height, and subject to the provisions of Section 3309.142, Height district exceptions, while the applicant proposes a maximum building height of 46 feet; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 68 spaces for 45 apartment units, while applicant proposes 45 spaces; and

WHEREAS, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 60 feet from West Broad

Street, while the applicant proposes a setback of 3 feet for the proposed apartment building; and

WHEREAS, the Franklinton Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance will help facilitate state funding requirements and the proposed 45-unit apartment building is consistent with the land use recommendations of the *West Franklinton Plan*. The Applicant is required to complete Rezoning Application #Z20-002 as a condition of this ordinance; 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 **1040 W. BROAD ST. (43222)**, 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, C-4 Permitted uses; 3309.14(A), Height districts; 3312.49(C), Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **1040 W. BROAD ST. (43222)**, insofar as said sections prohibit a 45-unit apartment building in the L-C-4, Limited Commercial District; with increased building height from 35 feet to 46 feet; a reduction in the required number of parking spaces from 68 to 45 spaces; and a reduced building setback from 60 feet to 3 feet along West Broad Street; said property being more particularly described as follows:

1040 W. BROAD ST. (43222), being 0.75± acres located on the north side of West Broad Street, 115± feet west of Rodgers Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey No. 1393, being a part of Lot 3 of William S. Sullivant's Estate, recorded Plat Book 17, Page 262, being a part of Lot 8 of Jacob S. Sullivant's Subdivision of Lot No. 3 of William S. Sullivant's Farm, recorded in Plat Book 3, Page 332, being all of Parcels 1 and 2 as described in a deed to Paul Cirola and Maria Cirola, of record in Official Record 22525, Page A20, and being all of the remainder of Lot 1 of Joel F. and Martha Skillens Subdivision of 5/6 of an acre of land at the southeast corner of Lot No. 3 of said William S. Sullivant's Farm, recorded in Plat Book 4, Page 32, as described in a deed to Clarence Jones and Mary J. Jones, of record in Official Record 29693, Page J14, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the southeast corner of said Lot 1, being the southeast corner of said Joel F. and Martha Skillens Subdivision, and being on the existing north right-of-way line for W. Broad Street;

Thence South 81 degrees 37 minutes 59 seconds West, along the existing north right-of-way line for W. Broad Street, along the south lines of said remainder of Lot 1, Parcels 1 and 2 and said Lot 8, a distance of 155.45 feet to the southwest corner of said Parcel 1;

Thence North 08 degrees 10 minutes 46 seconds West, along the west line of said Parcel 1, and across said Lot 8, a distance of 213.69 feet to the northwest corner of said Parcel 1, being on the existing south right-of-way line for

W. Gay Street, and being on the north line of said Lot 8;

Thence North 81 degrees 45 minutes 04 seconds East, along the existing south right-of-way line for W. Gay Street, along the north lines of said Parcels 1 and 2, said Lot 8 and said remainder of Lot 1, a distance of 145.20 feet to the northeast corner of said remainder of Lot 1;

Thence South 07 degrees 44 minutes 22 seconds East, along the existing west right-of-way line for W. Gay Street and along an east line of said remainder of Lot 1, a distance of 60.15 feet to a northeast corner of said remainder of Lot 1;

Thence North 82 degrees 01 minute 43 seconds East, along the existing south right-of-way line for W. Gay Street and along a north line of said remainder of Lot 1, a distance of 11.20 feet to a northeast corner of said remainder of Lot 1, being on the east line of said Joel F. and Martha Skillens Subdivision;

Thence South 07 degrees 59 minutes 52 seconds East, along an east line of said remainder of Lot 1 and along the east line of said Joel F. and Martha Skillens Subdivision, a distance of 153.17 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 0.748 acres, of which:

0.229 acres is located within Franklin County Auditor's parcel number 010-018124,

0.265 acres is located within Franklin County Auditor's parcel number 010-050821,

0.254 acres is located within Franklin County Auditor's parcel number 010-050821.

Bearings described herein are based on Grid North, NAD 83, per the Franklin County GIS.

This description is intended for zoning purposes only, was prepared from Franklin County GIS Data, and does not represent an actual field survey.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 45-unit apartment building, or those uses permitted in the L-C-4, Limited Commercial District as specified within Ordinance #0062-98 (Z97-091).

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**1040 W. BROAD STREET**," dated December 10, 2019 and signed by David B. 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 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 Applicant completing Rezoning Application #Z20-002 through City Council action within one year of the date of passage of this ordinance.

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