



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 2756-2020, **Version:** 1

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### **Council Variance Application: CV20-074**

**APPLICANT:** Thrive Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Joseph M. Reidy, Atty.; Thrive Companies; 842 North Fourth Street, Suite 200; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the C-4, Commercial District and is within the Neighborhood Commercial (NC) subarea of the University District Zoning Overlay. The requested Council variance will permit ground floor residential uses within a mixed-use development. The variance is necessary because residential uses are only permitted above certain commercial uses in the C-4 district. The proposed development includes a mixed-use building with 15,000 square feet of eating and drinking establishment (or other commercial) space, 1,200 square feet of patio space, and up to 315 apartment units along with parking garage containing 566 parking spaces. Variances for increased building height, a reduction of the required loading space, and to permit the required parking to potentially be on a separate parcel are included in the request. The site is within the planning boundaries of the *University District Plan* (2015), which recommends neighborhood mixed-use development at this location. The site is assigned a 60-foot height district and the NC subarea further limits building height to 45 feet which is consistent with the Plan recommendation. However, the applicant proposes a building height of 74 feet. Although the proposal exceeds the recommended height in the Plan, staff notes that this project is generally consistent with existing and proposed projects along the Fifth Avenue corridor in this vicinity.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3309.14(B), Height districts; 3312.49, Minimum numbers of parking spaces required, 3312.53, Minimum number of loading spaces required; 3325.213, FAR Standards; 3325.223, Building Height Standard; and 3325.241(D), Building Design Standards, of the Columbus City Codes; for the property located at **1206 N. 4TH ST. (43201)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV20-074).

**WHEREAS**, by application #CV20-074, the owner of the property at **1206 N. 4TH ST. (43201)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Sections 3356.03, C-4 permitted uses, permits residential uses only above certain commercial uses, while the applicant proposes ground floor residential uses as part of a mixed-use development with 15,000 square feet of eating and drinking establishment (or other commercial) space, 1,200 square feet of patio space, and 315 apartment units; and

**WHEREAS**, Section 3309.14(B), Height districts, requires that within a 60 foot height district, no building or structure shall be erected to a height in excess of 60 feet, while the applicant proposes a building height of 74 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires certain minimum and maximum numbers of parking spaces to be provided on the same lot as the use that they serve, while the applicant proposes zero

parking spaces on the mixed-use building parcel in the event that the proposed 566-space parking garage is on its own parcel, subject to the code-required parking for the mixed-use building being provided in the garage, and to exceed the maximum parking permitted with the proposed 566 parking spaces if the parking structure is not on a separate parcel from on-site uses; and

**WHEREAS**, Section 3312.53, Minimum number of loading spaces required, requires one loading space to be provided, while the applicant proposes zero loading spaces; and

**WHEREAS**, Section 3325.213, FAR Standards, requires that the maximum calculated floor area permitted on a vacant lot in the Neighborhood Commercial (NC) subarea be no greater than 1.4, while the applicant proposes an increased FAR of 1.8; and

**WHEREAS**, Section 3325.223, Building Height Standard, requires that within the NC subarea, the maximum building height shall be 45 feet, while the applicant proposes a building height of 74 feet; and

**WHEREAS**, Section 3325.241(D), Building Design Standards, requires that at least 60 percent of the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk or shared-use path grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four (4) feet, while the applicant proposes 45 percent along the south elevation, 32 percent along the west elevation, 41 percent along the north elevation, and 37 percent along the east elevation; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal is consistent with the *University District Plan's* land use recommendation, will not introduce incompatible uses to the area, and notes that although the proposed building height is greater than the Neighborhood Commercial subarea requirement, this project is compatible with existing and proposed projects along the Fifth Avenue corridor in this vicinity; 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 **1206 N. 4TH ST. (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 3356.03, C-4 permitted uses; 3309.14(B), Height districts; 3312.49, Minimum numbers of parking spaces required, 3312.53, Minimum number of loading spaces required; 3325.213, FAR Standards; 3325.223, Building Height Standard; and 3325.241(D), Building Design Standards, of the Columbus City Codes; for the property located at **1206 N. 4TH ST. (43201)**, insofar as said sections prohibit ground floor residential uses in the C-4, Commercial District; with an increased building height of 74 feet; zero parking spaces provided on the mixed-use building parcel should the proposed parking garage be provided on its own parcel, subject to the code-required parking for the mixed-use building being provided in the garage, and to exceed the maximum parking permitted with the proposed 566 parking spaces if the parking structure is not on a separate parcel from on-site uses; no loading space; an increased FAR from 1.4 to 1.8; and reduced window glass percentages from 60 percent to 45

percent along the south elevation, 32 percent along the west elevation, 41 percent along the north elevation, and 37 percent along the east elevation; said property being more particularly described as follows:

**1206 N. 4TH ST. (43201)**, being 3.5± acres located at the northeast corner of North Fourth Street and East Fifth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Quarter Township 4, Township 1, Range 18, United States Military Lands, being all of Lots 131-159, inclusive, of New Indianola Addition, as dedicated in Plat Book 12 Page 35, and all of the alleys vacated per City of Columbus Ordinance Numbers 37750, 216-45, 1000-50 and 580-73, as conveyed to 1206 N 4th LLC of record in Instrument Number 201103230039810 and Instrument Number 201712290183045, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at the northwesterly corner of said Lot 131, being the southeasterly corner of Fourth Street (70') and Sixth Avenue (50');

Thence along the southerly line of said Sixth Avenue, being the northerly line of said Lot 131, the northerly line of the alley vacated per City of Columbus Ordinance Number 37750, and the northerly line of said Lot 159, South 86°38'21" East, 277.82 feet to the northeasterly corner of said Lot 159 and the southwesterly corner of said Sixth Avenue and Fifth Street (50').

Thence along the westerly line of said Fifth Street, being the easterly lines of said Lots 159-149, inclusive, the easterly line of the alley vacated in City of Columbus Ordinance 216-45, and the easterly line of said Lot 148, South 03°13'00 West, 552.08 feet, to the southeasterly corner of said Lot 148, being the northwesterly corner of said Fifth Street and Fifth Avenue (60');

Thence along the northerly line of said Fifth Avenue, being the southerly lines of said Lots 141-148, inclusive, North 86°38'21" West, 275.79 feet, to the southwesterly corner of said Lot 141, being the northeasterly corner of said Fifth Avenue and said Fourth Street;

Thence along the easterly line of Fourth Street, being the westerly line of said Lot 141, the westerly line of the alley vacated in City of Columbus Ordinance 580-73, and the westerly lines of said Lots 131-140, inclusive, North 03°00'22" East, 552.09 feet, to the POINT OF BEGINNING, containing 3.5 acres, more or less.

This description is based on a field survey by E.P. Ferris and Associates on September 25, 2019, and written by E.P. Ferris & Associates in 2020 and is intended to be used for zoning purposes only.

**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 as depicted on the attached site plan, or those uses in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan drawing titled, "**ZONING SITE PLAN**," signed by Dave Perry, Agent for the Applicant, and Joseph M. Reidy, Attorney for the Applicant, dated November 12, 2020. 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 upon 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.