



Legislation Text

File #: 0192-2021, **Version:** 1

Council Variance Application: CV19-072

APPLICANT: Collegiate Development Group; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Mixed-use development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Disapproval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of five parcels developed with commercial uses in the C-4, Commercial District. The requested Council variance will permit a mixed-use building consisting of 9,062 square feet of retail development and 174 dwelling units (397 bedrooms), with some residential uses on the ground floor. Variances to minimum numbers of parking spaces required, vision clearance, and building height standards are included in this request. The site is within the Regional Commercial subarea of the University District Zoning Overlay. The *University District Plan* (2015) recommends this area for "Regional Mixed Use," which supports mixed use corridors with the most dense development and building height up to 72 feet. The Plan also states that the design of the new construction should be compatible with nearby contributing buildings and the surrounding streetscapes, and that existing buildings that contribute to the district's diverse character be preserved. The proposal is consistent with the Plan's recommendations to preserve existing buildings and contribute to the streetscape and neighborhood character. Additionally, while the proposed height is 85 feet, preservation of streetscape, setbacks from High Street and the high quality of design mitigate impacts of the proposed additional height.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.49(A)(1), Minimum numbers of parking spaces required; 3321.05(A)(1), Vision clearance; 3325.323, Building Height Standards; and 3325.381, Parking and Circulation, of the Columbus City Codes; for the property located at **1331 N. HIGH ST. (43201)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV19-072).

WHEREAS, by application #CV19-072, the owner of property at **1331 N. HIGH ST. (43201)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits apartment uses above certain commercial uses, it does not permit ground floor residential uses, while the applicant proposes first floor residential and accessory residential uses; and

WHEREAS, Section 3312.49(A)(1), Minimum numbers of parking spaces required, requires that bicycle parking shall be located in highly visible areas near the intended use, while the applicant proposes the bicycle parking to be located in a publicly accessible area which is not visible from North High Street, as depicted on the Site Plan; and

WHEREAS, Section 3321.05(A)(1), Vision clearance, requires a 10 foot clearance triangle at the intersection of North High Street and the parking garage, while the applicant proposes a reduced clear vision triangle, as shown on the site plan; and

WHEREAS, Section 3325.323, Building Height Standards, permits a maximum building height of 72 feet within the Regional Commercial subarea, while the applicant proposes a building height of 85 feet; and

WHEREAS, Section 3325.381, Parking and Circulation, requires that 0.5 parking spaces per bedroom, or 199 spaces for 397 bedrooms, plus 1 parking space per 500 square feet of retail space, or 19 spaces for 9,062 square feet, for a grand total of 218 spaces for this mixed use development, while applicant proposes 184 spaces; and

WHEREAS, the University Area Commission recommends disapproval; and

WHEREAS, the University Impact District Review Board recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will allow a mixed use development that is consistent with the *University District Plan's* land use recommendations, and continues the redevelopment pattern for this segment of North High Street; and

WHEREAS, this 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 **1331 N. HIGH ST. (43201)**, in using said property as desired;

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; 3312.49(A)(1), Minimum numbers of parking spaces required; 3321.05(A)(1), Vision clearance; 3325.323, Building Height Standards; and 3325.381, Parking and Circulation, is hereby granted for the property located at **1331 N. HIGH ST. (43201)**, insofar as said sections prohibit first floor residential and accessory residential uses in the C-4, Commercial district; with bicycle parking located in a publicly accessible area which is not visible from North High Street; a reduced clear vision triangle at the intersection of North High Street and the parking garage; an increased building height from 72 feet to 85 feet; and a reduction in the required number of parking spaces from 218 to 184 spaces; said property being more particularly described as follows:

1331 N. HIGH ST. (43201), being 1.05± acres located on the west side of North High Street, 200± feet south of King Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Section 3, Township 1, Range 18, United States Military Lands, being all of Lots 64, 65, 66, 67, and part of Lot 63 of Dennison Place Addition to the City of Columbus, recorded in Plat Book 3, Page 13, as described in deeds to Daryl Gillette, of record in Instrument Number 200212060314292, NWP I, LLC, of record in Instrument Number 201405080057230, Ohio Extermination Co. Inc., of record in Deed Book 2698, Page 121 and Deed Book 1630, Page 422, and 1331 N High Street, LLC, of record in Instrument Number 200509270202007, 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 intersection of existing west right-of-way line for N. High Street and the existing south right-of-way

line for King Avenue, being the northeast corner of said Lot 67;

Thence South 08 degrees 32 minutes 05 seconds East, along the existing west right-of-way line for N. High Street, and along the east lines of said Lots 67, 66, 65, 64, and 63, a distance of 247.15 feet to a point;

Thence South 85 degrees 02 minutes 20 seconds West, across said Lot 63, a distance of 175.47 feet to a point on the existing east right-of-way line for N. Wall Street, being on the west line of said Lot 63;

Thence North 08 degrees 30 minutes 06 seconds West, along the existing east right-of-way line for N. Wall Street, and along the west lines of said Lots 63, 64, 65, 66, and 67, a distance of 271.92 feet to the intersection of the existing east right-of-way line for N. Wall Street and the existing south right-of-way line for King Avenue, being the northwest corner of said Lot 67;

Thence South 86 degrees 59 minutes 59 seconds East, along the existing south right-of-way line for King Avenue, and along the north line of said Lot 67, a distance of 178.58 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 1.043 acres, of which:

0.120 acres is located within Franklin County Auditor's parcel number 010-055858,

0.131 acres is located within Franklin County Auditor's parcel number 010-013170,

0.161 acres is located within Franklin County Auditor's parcel number 010-049379,

0.221 acres is located within Franklin County Auditor's parcel number 010-011228,

0.410 acres is located within Franklin County Auditor's parcel number 010-013510.

Bearings described herein are based on North 08 degrees 32 minutes 05 seconds West for the centerline of US 23 (N. High Street), measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a mixed-use development as permitted by this ordinance, or those uses in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**ZONING PLAN FOR 1347 N. HIGH ST.**" dated January 14, 2021, and signed by Michael Shannon, 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 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.