

## Meeting Notes from Monday, April 7, 2014 meeting of the UAC Zoning Committee:

6:00 PM – Executive session began at the Pride Center for members of the Zoning Committee. We first elected a chair. Susan Keeny was voted unanimously to remain as chair. We then discussed parceling out responsibilities on the committee – note taking, recording the vote, taking photos, and slide presentations for UAC meetings. Ethan agreed to record the votes in both the Zoning Committee and UAC meetings. Collin agreed to be responsible for handling the side presentation at UAC meetings. We then reviewed the agenda, and prepared to visit each of the applicant sites listed below. We also discussed the format for our discussions at zoning. It was agreed to make preliminary remarks that would set a tone of respect and civility, and then follow the procedures as preliminarily proposed by the Governance Committee that would revise our bylaws with regard to the zoning portion of UAC meetings – Introduction of Applicant, Applicant Presentation, Community Comment Period (2 min. ea.), Applicant Response, Commissioners Discussion/Debate w/ questions directed to chair, Committee Vote. Due to the inclement weather (pouring rain!) we agreed to meet the applicants at their sites but to keep our visit at each site very brief. After visiting all 3 sites, the rest of the discussion and vote would be conducted at the Pride Center.

PRESENT: Ethan Hansen, Colin Odden, Craig Bouska, Dick Talbot, Tom Wildman, Seth Golding, Susan Keeny

EXCUSED: Joyce Hughes

VISITORS: Chris Pflum, Candace Pflum, Ben Durfee, Kathy Durfey, David Murchie, Laura Kogan, John Christman, Laura Christman, Mark Brown, Wendy Benson, Carolyn

7:30 PM – Applicant(s):

1. **1379 High Street** – This is a request for Council Variance to permit an existing 34 dwelling unit apartment building in a C4 commercial zone. The applicant is Homeport, and the project scope involves the renovation of this Section 8 housing unit plus the addition of a new stairwell and an ADA accessible ramp and elevator. In order to secure financing for the project, the lender for the project is requiring the apartment building to be a permitted use. Applicant is Homeport; agent is Dave Perry.

**Section 3345.03 – C4 Permitted Uses:** (See <http://library.municode.com/index.aspx?clientId=16219>).

**Section 3312.49 – Minimum number of parking spaces required:** “Table 1. Parking requirements for residential uses: 4 or more dwelling units = 1.5 spaces per unit.” The request is for a parking reduction from **8 existing spaces to 3 parking spaces.**

Project Data:

- Current 3-story apartment building has residential on all floors, including the ground level and is a non-conforming use in a C4 commercial zone. It has been this way since 1950, when apartments were permitted in a C4 zone. The code was changed in 1959 and eliminated that use.
- Homeport is the developer of the project. They have previously appeared before the UAC to discuss this and 4 other projects that involve State Historic Preservation grants to renovate these residential structures and maintain them as their current Section 8 Housing type.
- There will be no increase in the number of units in the building (34 units).
- The only change to the building footprint will be the addition of an ADA accessible ramp and elevator and new stairwell.
- To construct the new ramp, elevator and stairwell, 5 existing parking spaces will have to be removed.
- The project owner also owns the lot across the alley, zoned P1 (Private Parking District). This lot will be utilized for additional parking. It will also be used to locate the dumpster at the north end for easy access by city trash trucks

Committee discussion, observations and comments:

- The project seeks to improve an existing property and provide safe, affordable housing to those who could not afford such housing otherwise
- The current zoning was enacted after this facility was built rendering the current apartment building use a non-conforming use
- There was unanimous committee support for this project that will improve the quality of Section 8 Housing in the neighborhood while correcting some of the conditions to bring them up to current zoning standards

**Motion to support the request for council variance for the parcel located 1379 High Street: Dick Talbot; Seconded: Tom Wildman. For – 7; Against – 0; Abstentions – 0. MOTION PASSED UNANIMOUSLY.**

2. **14-24 East Hudson Street** – This is a request for council variances to update and broaden the current list of permitted uses for the existing mixed use commercial/residential building that was zoned a CPD in 1994. Applicant is Jack Reynolds, attorney with Smith and Hale.

The project follows the applicable development standards as listed in *Chapter 3356 C-4 Commercial*. (See <http://library.municode.com/index.aspx?clientId=16219>). Other variances that are a part of the original CPD and already existing on site are:

**Section 3312.27(4)**, Parking Setback Line: *“In C-1, C-2, C-3, C-4 and C-5 Commercial Districts and for commercial uses located in M-Manufacturing Districts the parking setback line shall be established ten feet from the street right-of-way line without respect to the building line”*. Project shows existing reduced setback from 10 feet to 5 feet along Hudson St.

**Section 3312.49**, Minimum Number of Parking Spaces Required (Tables 1 & 2): Project reduces the number of required parking spaces from 31 to 20 (reduction of 11 spaces).

Project Data:

- New owner is S & Y Properties Inc.
- Financing difficulties halted proposed construction on existing building in about 1994.
- The current building’s exterior renovation is now complete
- 6 residential uses on 2<sup>nd</sup> floor and commercial uses on 1<sup>st</sup> floor.
- There are 20 existing parking spaces on site
- 7 parking spaces are to be reserved for building residents
- None of the new uses proposed would increase the parking requirements – mainly office and business use.
- There are no curb cuts on High Street
- No eat-in restaurants are proposed
- List of new uses includes the following business & services: Accounting & Bookkeeping; Advertising, Admin. & Gen’l Management., Consulting, Architectural, Drafting, Engineering Graphic & Landscape; Arts and Crafts Sales; **Carry Out**; Camera, Photo Finish, & Photo Supplies Store; CPA’s; Contractors; Coin & Stamp Dealers; Computer Disc, Music, Record & Video Sales; Florists; Food to Go (No seating); Game & Hobby Shop; Health Supplement & Personal Care Store; Interior Design; Lawyers & Legal; Locksmith; Luggage & Leather Goods Sales & Repair; Pizza Pickup; Real Estate Agents & Brokers; Recording Studio; Surveying & Mapping; Tax Prep; Title Abstract & Settlement; Tour Operators; Window Treatments.

Committee discussion, observations and comments:

- This was a building that had been in poor state of repair for a long time; commend new owner for renovations that improve the neighborhood
- Question – is list of existing prohibited uses (such as bars) also included in proposed CPD text? Applicant responded they were included
- Much discussion that a “Carryout” could include alcohol sales. Concern that this would be negative impact on nearby residential properties.
- Turkey Hill nearby on High St. has alcohol sales and has not been an issue for the neighborhood. However, it is located on High St. and not close to residences.
- Question – would applicant support eliminating “Carryout” from proposed list of expanded uses in this development? Applicant responded that applicant would probably be supportive of request
- Eliminating “Carryout” use proposed as a friendly amendment and discussed

**The friendly amendment to remove the use “carryout” from the list of permitted uses is Moved: Dick Talbot; Seconded: Colin Odden. For – 7; Against – 0; Abstentions – 0. Friendly amendment is accepted.**

**Motion to support the council variance for the property located at 14-24 East Hudson Street with the above listed friendly amendment: Moved: Dick Talbot; Seconded: Craig Bouska. For – 7; Against – 0; Abstentions – 0. MOTION PASSED.**

3. **160 King Avenue** – This is a request for council variance to allow a 48-unit housing development on 3 parcels currently owned by the Church of the Nazarene at 142 King Avenue. One parcel is zoned AR4, and two parcels are zoned R-4. The proposed apartment use in the R4 zones requires a council variance. The list of other variances requested are based on each of the two zoning districts and include:

**AR-4 Zone**

- **Section 3372.565, Building Lines** – “...requires a minimum setback of 25 feet from the street right of way.” Applicant proposes a minimum setback of 14 feet.
- **Section 3333.255, Perimeter Yard** – “A perimeter yard may substitute for required side and rear yards in an apartment complex or a multiple-dwelling development. Perimeter yard width is determined by computing ten percent of the average lot width. A perimeter yard must be a minimum of ten feet wide but is not required to exceed 25 feet in width. Perimeter yards must be landscaped in accordance with a landscape plan approved as part of the zoning clearance review process.” Applicant proposes a minimum perimeter yard of 5 feet.

**R-4 Zone**

- **Section 3372.544, Max. Floor Area** – “The maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 floor area ratio.” Applicant proposes an F.A.R. of 0.90.
- **Section 3372.542, Max. Lot Coverage** – “A building including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than 25 percent of the lot area.” Applicant proposes lot coverage of 31%.
- **Section 3373.543, Building Lines** – A minimum required setback is 25 feet from the street right of way. Applicant proposes a minimum setback of 10 feet.
- **Section 3332.25, Max. Side Yard Required** – “The sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot...” Applicant proposes a side yard setback of 10 feet.
- **Section 3321.05(B)(2), Vision Clearance** – “An owner shall maintain unobstructed vision clearance between the elevations of two and one-half to ten feet above the alley grade within “clear vision triangles”, which are two ten-foot, right-angle triangles formed by the intersection of an alley right-of-way line and street right-of-way line”. Applicant proposes a minimum clear vision triangle of 20 feet at the intersections of Highland & King Avenues, and Hunter & King Avenues.

Mike Shannon began with condolences to Dick Talbot on the recent passing of Dick’s brother. He then explained that the requested variances are being handled through the council variance process rather than the BZA due to the requested change of use (apartments) proposed for the two R4 parcels. City zoning staff concurred with this procedure. Mike & Bhati (project architect) then gave a brief history of the project:

- 1<sup>st</sup> met with zoning committee in July of 2013.
- F.A.R. in original conceptual site plan was 1.04.
- Recommendation was to reduce project size and density – approx. 0.80 F.A.R.
- Initial scheme featured: 72 units, 174 bedrooms, 2-level parking in center of site
- Architect and developer met several times with neighbors from Dennison Place, Circles, Peach District & NECKO to review and understand neighborhood concerns and vision for the project.
- Scheme last presented to UARB in 2013 featured: long building along King Ave., shorter buildings along Hunter & Highland; 1-bedroom ‘*maisonette*’ units beginning 5 feet below sidewalk level and 2-bedroom townhouse units starting 5 feet above sidewalk level; gabled rooflines; front steps and doors facing King Ave.; 46 units; 136 bedrooms; 87 parking spaces; 0.85 F.A.R.
- Feedback from neighbors suggested more parking even if there is less green open space.
- 7 schemes were developed. The 7<sup>th</sup> and final scheme is the one on which variance application is based

**City Staff & Civic Group Recommendations:**

- UARB voted to support request for variances. Review boards deal mainly with design issues but do have authority to vote on variances; however the UAC is the main recommending body to City Council.
- City planning staff (in Permit Dept., Carolyn Ave.) is in support of project’s request for variances.
- Short North Civic Association does *not* support project

**Project Data:**

- Existing church building is considered a non-contributing structure & will be demolished.
- The current zoning (AR4 and R4) shall remain as is per the recommendations of the zoning committee which is why the requests for variances differ for each parcel
- F.A.R. for AR4 Zone is calculated to be **0.69**. F.A.R. for R4 Zone is **0.90**.
- Combined F.A.R. for the entire project site is calculated to be 0.86.
- **48 units, 150 beds, 104 parking spaces** (some of which are double stacked)
- Proposed: 23 2-bedroom units; 23 4-bedroom units (2-story townhouses); 2 6-bedroom units (3-

story townhouses)

- Target renters are graduate students
- Approx. \$10 million project cost – positive investment in neighborhood
- Hardship statement applies mainly to R4 zone due to practical difficulty of not finding 1 category for zoning compliance

Community comments and observations:

- Original plan not well-suited for this site
- New plan requires many variances
- Appreciation expressed for applicant's handling the parking on site, but still a shortage of 46 parking spaces (1 space per bedroom) ; neighborhood will experience more difficulty in finding parking spaces
- Vision clearance variance request is at intersection that has existing traffic and visibility difficulties. Proposed increased vehicular traffic makes this condition worse
- Concern that double-stacked parking will not be utilized as planned & more cars will park on streets
- Increased proposed F.A.R. will create too much density in neighborhood and devalue existing properties
- 4-bedroom and 6-bedroom units geared mostly to undergrads, not graduate students as originally targeted
- Concerns with lack of green space. Closest park is on 5<sup>th</sup> St. Not enough green space for pets & play space for children if want families to be attracted to neighborhood
- Well-kept single family homes not featured in 'context slides' – mainly non-contributing structures.
- Balance between number of students and number of permanent residents must be carefully considered
- Students are target renters, and experience shows that students do not maintain properties
- Need to have a balance of student, renter, & owner-occupied housing to have successful, vital, neighborhoods

Committee discussion, observations and comments:

- Concern over the target student rental group. Initial discussions with developer targeted more young professional renters, but number of 4-bedroom units shown in plan indicate that target renters are undergraduate students
- Parking concern: R4 Zone has lower parking requirement than AR4 – 'friendlier' to developer since less parking is required on site
- Admiration expressed for applicant's efforts taken to lower F.A.R. from original concept schemes
- Noted that F.A.R. for R4 is really 0.04, not 0.80 as written in Statement of Hardship. (Applicant has subsequently made this correction and resubmitted Statement of Hardship).
- Discussion about workable F.A.R. for this property:
  - Approx. 71% of site is zoned R4 – F.A.R. is 0.4 with no bonus
  - Approx. 29% of site is zoned AF4 – F.A.R. is 0.6 with 0.2 bonus for replacing a non-contributing structure.
  - With a slight bonus given to the R4 zone, the blended rate for the entire site is 0.71
  - Committee might concur with a maximum F.A.R. of 0.8
  - More committee concern with the proposed F.A.R. than with the lack of parking.
- Quick calculations indicate that 31% of proposed housing is 2-bedroom; 61% is 4-bedroom; 8% is 6-bedroom. 69% is 4-bedroom or larger.
- Question asked as to source used to determine type of renter who will live in the 4-bedroom units; applicant responded that no formal investigation performed, but decision was based on experience with developing numerous housing projects
- Question as to why not have stacked 2-bedroom units with internal stairways. Applicant responded that internal stairs not desirable & could create 'party porches' on front facades.
- Important to consider that friends that visit this housing development will also have cars, and this will increase the difficulty of securing parking spaces in the neighborhood.
- Noted that alley connected to Hunter is narrow & at capacity now and making this an entrance for cars and trash trucks might not work well. Also, alley configuration presents a very tight turning radius for trash trucks. Applicant responded that they took the entry off King Avenue for safety purposes. Also, the city required a 2<sup>nd</sup> way out of the parking lot. Lastly, vision clearance is a common issue in the neighborhood
- Townhouse concept was acknowledged as positive approach to site development
- Acknowledged that owner cannot dictate type of student who will rent at this development, but a mix of graduate and undergraduate students would be preferred.

Although the project had reduced in size since the last time it was presented, in the end, the committee felt that the

proposed F.A.R., the amount of larger 4-bedroom units, and the parking issues presented made it difficult to support the project in its present form.

**Motion to support the request for council variances for the proposed multi-unit housing development for the property with the new address of 160 King Avenue: Moved: Dick Talbot; Seconded: Seth Golding. For – 0; Against – 7; Abstentions – 0. MOTION FAILED.**

**VOTING RESULTS FOR ZONING COMMITTEE MEETING: APRIL 7, 2014**

MEMBER	Seth Golding	Ethan Hansen	Joyce Hughes	Susan Keeny	Colin Odden	Dick Talbot	Tom Wildman	Craig Bouska			
<b>Attendance</b>	Present	Present	Excused	Present	Present	Present	Present	Present			
<b>CASE/ VOTE</b>	Y-N-A*	Y-N-A*	Y-N-A*	Y-N-A*	Y-N-A*	Y-N-A*	Y-N-A*	Y-N-A*			
<b>1379 High Street</b>	Y	Y		Y	Y	Y	Y	Y			
<b>14-24 E. Hudson Street</b>	Y	N		A	N	Y	A	Y			
<b>160 King Ave. (Formerly 142 King Ave.)</b>	N	N		N	N	N	N	N			

\*Y – yes; N – no; A – abstain; R – recused

All applicants will present at the next University Area Commission (UAC) meeting which will take place (*unless otherwise notified*) on **Wednesday, April 16, 2014** at the Northwood & High Building, 2231 North High Street, one block north of Lane Avenue, Room 100. Zoning cases will be heard beginning approximately at 7:15 PM. Applicants are to bring 8 - 10 copies of their presentation that best present their specific case – the specific variances requested, plans, photos of existing properties, and a statement of hardship as to why the particular request should be granted. The vote taken by the UAC that evening will be communicated to either the Columbus Board of Zoning Appeals, or City Council, or Graphics Commission, which will make the final determination of all requested variances.

**PLEASE NOTE** the following parameters for all participants in Commission meetings with regard to zoning cases, per the University Area Commission’s Bylaws, Article IV – MEETINGS, Section 7:

The following time limits will be adhered to for all zoning cases heard before the Commission:

1. Applicant presents case - **5 min. max**
2. Zoning Committee report/recommendation - **2 min. max**
3. Public comment (max 3 people each pro/con) - **3 min each max**
4. Applicant rebuttal - **2 min. max**
5. Commission debate - **2 min max** per commissioner who wishes to speak. Each commissioner may speak only once.