

## Meeting Notes from Monday, November 2, 2015 meeting of the UAC Zoning Committee:

**6:00 PM** – Business/administrative session. We discussed briefly discussed the following topics:

- Review of agenda & tabled applicant cases: 343-345 W. 8<sup>th</sup> tabled until December meeting.
- Rory agreed to record motions and votes for this meeting.

PRESENT: Rory Krupp, Susan Keeny, Deb Supelak, Pasquale Grado, Dick Talbot, Craig Bouska, Seth Golding

EXCUSED/ABSENT: Tom Wildman, Joyce Hughes

VISITORS:

**6:30 PM** – Applicant(s):

1. **343-345 W. 8<sup>th</sup>** –request to add one (1) dwelling unit on the east side of an existing 2-unit building TABLED until December.
2. **1474-76 Worthington St.** – request for council variance to permit 1st floor residential in a C-4 zone. The building contains an existing laundromat on the 1<sup>st</sup> floor with existing residential units above. The owner, Jeff Tyndall, and his son, Alex Tyndall, presented.

### **Project Information/Applicant Presentation:**

- Project is located just south of the corner of 8<sup>th</sup> & Worthington.
- 2 existing buildings on 1 parcel
- Existing 4-bedroom single unit on 2<sup>nd</sup> floor, commercial laundromat on ground floor
- Laundry has experienced decline in business. Owner believes this type business has outlived its usefulness at this site.
- Next best opportunity would be to create a 4-bedroom unit on the 1<sup>st</sup> floor.
- Variances requested are:
  - **Section 3356.03, C4 Permitted Uses:** to permit ground floor residential in a commercial district. And, to permit a single-unit building & 2-unit building on same parcel.
  - **Section 3356.11, C4 district setback lines:** to reduce min. setback from 25 ft. to 13 ft. along W. 8<sup>th</sup>, & from 25 ft. to 2 ft. on Worthington St.
  - **Section 3312.49, Minimum numbers of parking spaces required:** to reduce the number of required parking spaces from 6 to 0.
- Submitted elevation shows upper floor remaining the same & ground floor window openings modified to promote privacy for proposed residential unit.

### **Discussion, Comments/Observations:**

- Question: Why not leave laundromat as is? Response: Most new rental properties have washers/dryers included on the premises-little reason to go to a laundromat. Has caused business to dwindle.
- Question: What is floor plan? Response: building footprint remains as is. Will remove glass on lower levels & have blank-off insulated panels installed inside existing window openings. Upper transom glass remains. Exterior finishes (masonry) remain.
- Question: What other retail options has owner tried? Response: coffee shop & small retail. Small corner store across street also experiencing decline in business. Eating/drinking establishments require more parking.
- Craig suggested 'bubble tea' business could be successful. Very popular with area residents and none in immediate area.
- Dick commented that convenience store owner across street *is* doing very well. Dick knows neighborhood. Would be perfect storefront for student carryout business – doesn't require a lot of parking. Zoning would support this. Housing is profitable, but small retail/carryout, etc. would be very feasible. He understands laundromat's decline as he typically adds laundry facilities in his rentals. Response: less foot traffic in this neighborhood. Weather (*in Columbus*) not as conducive to walkability of neighborhood.
- Comment that students *must* walk to class daily.
- Applicant refuted comment that corner store across street doing well. Struggling, as was pizza place before. All commercial energy gravitates toward High St. & south – better foot traffic.
- Applicant contacted UARB & Dan Ferdelman last year. Dan seemed positive.
- Question: Were Planning & UARB in support of proposed project? Response: were supportive last year. Have not contacted Dan recently. Planning defers to UARB for design guidelines. Stated that proposed project falls within University District Plan guidelines.
- Susan noted: University District Plan directs growth & density to High St. & Lane Ave. & away from residential neighborhoods. Want to promote residential scale of neighborhood. This project increases density & parking in residential neighborhood. Even a few more bedrooms add to density issues in neighborhood. University District Plan also strongly recommends against converting 1<sup>st</sup> floor commercial into residential.

- A large residential development under construction a block away (160 King Ave.) will soon add to neighborhood density. Benefit could be that more foot traffic in neighborhood could support commercial business.
- Rory noted that he would feel more positive about project if owner had made multiple efforts to lease the commercial space. Suggested a gym or workout facility. Response: Columbus police records on this property indicate difficulty with panhandlers, homeless. Property located on a side street with not much visibility.

**Motion to approve the requested variances for 1474-76 Worthington Street: Craig Bouska; seconded: Deb Supelak. For –0; Against – 7; Abstentions –0. Motion is *disapproved*.**

3. **357 W. 7th Ave** – A request for reduced side yard to construct a new 4-car garage. Owner/occupant Charles Paros presented.

**Project Information/Applicant Presentation:**

- Property currently has concrete parking pad in rear with 4 parking spaces
- Existing residence is a 2-unit dwelling. Owner occupies one unit and rents out the other. Owner has lived in this house 28 years.
- Applicant wants to build 4-car garage to park 4 vehicles. Code requires 2 off-street parking spaces per dwelling unit.
- Width of proposed garage is 36 ft. Lot is 40 ft. wide.
- Applicant requests side yard setback variance as follows:
  - **Section 332.26(E), Minimum side yard permitted:** to permit the side yard setbacks to be reduced from 3 ft. to 2 ft.
- Existing 80 year old tree will be preserved and protected during construction.

**Discussion, Comments/Observations:**

- Pasquale asked why not 3-car garage with parking pad to the side? Response: This is a 2-family residence & good to provide a garage for everyone's car. There is also another 4-car garage down the alley from applicant's property & a zero lot line garage.
- Craig commented that difficult to imagine 4-car garage on a 40 ft. wide lot. Response: There are 4 existing parking spaces now.
- Applicant stated that zoning staff is in support of this project. Susan will confirm.
- Adjacent neighbor already has a garage.
- Committee recalled that they had previously approved a similar request for reduced side yard setbacks from 3 ft. to 2 ft. for a new garage on King Avenue.
- Dick noted that a typical 2-car garage door is 16 ft. wide. Should have enough room for 4 cars in 36 ft. garage.
- Question: Where will trash cans be placed? Response: Large 90 gal. containers placed across alley.
- Question: How will applicant take out trash? 2 ft. at side of garage seems very narrow. Response: Can fit by side of garage or take out trash through garage door.
- Committee still had some concern about size of garage and ability to fit 4 cars comfortably within. But in the end most were supportive of the project & variance requests.

**Motion to approve the request for variance for 357 W. 7<sup>th</sup> St.: Craig Bouska; seconded: Dick Talbot. For –5; Against –2; Abstentions – 0. Motion is approved.**

4. **114 E. 5<sup>th</sup> Avenue** – This was the 3<sup>rd</sup> meeting with Karrick Sherrill from Shremshock Architects on the proposed mixed-use building located on the NW corner of 5th & Summit, at the southern boundary of the University District. He presented revised plans and a revised variance request list. Please note: *At last month's meeting the committee and applicant agreed to delay any vote on the project until Traffic Management completes its review of this project.*

**Project Information/Applicant Presentation:**

- Applicant spoke with Dan Blechschmidt at Traffic Management. He was not in complete support of parking variance requested with previous plan. Not enough overflow parking on street with restaurant use. (77 required parking spaces – 46 parking spaces provided).
- Discussed with owner possibly eliminating restaurant use. Owner agreed.

- The following plan revisions are:
  - Eliminated 2188 SF of restaurant use; plan now has **3782.88 SF retail** commercial space.
  - Reduction in number of required parking spaces from 77 to **58 required parking spaces under current code.**
    - 8 spaces for retail
    - 50 spaces for residential
  - **7 additional trees** in parking area.
  - Commercial use does *not* require 30 ft. vision triangle at Summit & 5<sup>th</sup> corner.
- Plan elements that remain the same:
  - 2 buildings, back to back; frontage on 5<sup>th</sup> Ave. and alley to the north.
  - Each building - **3 stories** ht. Parking on 1<sup>st</sup> level; townhouse units above.
  - 1 - ADA Handicapped Accessible unit on 1<sup>st</sup> floor.
  - **33 units; 35 bedrooms**
  - **46 parking spaces**
    - 13 spaces for commercial
    - 33 spaces for residential
  - Vehicular access from alley to the west, Francis Place.
  - Francis Place currently one-way traffic (south). Propose to add northbound traffic lane. Traffic Engineering wants widened entrance drive at 5th & Francis Place.
  - No curb cuts along Summit
- Dan Ferdelman and Planning Staff have reviewed project & commented that parking exceeds 0.5 parking spaces/bed recommended in University District Plan for Neighborhood Mixed Use along Fifth Ave.
- Current Variances being requested are:
  1. Section 3356.03, C-4 Permitted uses: to permit residential uses on the 1st floor of buildings located in a C4 zoning district.
  2. Section 3309.14, Height districts: to permit maximum building height to be 45 ft. in a max. 35 ft. height district.
  3. Section 3312.21(A), Landscaping & screening: to permit the number of required shade trees to be reduced from 4 to 0 trees.
  4. Section 3312.21(A)(2), Landscaping & screening: to permit the min. required soil area in landscaped islands or peninsulas to be reduced from 145 SF to 0SF.
  5. Section 3312.49, Minimum numbers of parking spaces required: to permit the number of required parking spaces to be reduced from 58 to 46 parking spaces.
  6. Section 3356.11, C-4 district setback lines: to permit buildings with a residential use to be subject to the same minimum building setback requirements from the R.O.W. as apply to C4 permitted uses – this would be an 8 ft. setback from the Summit St. R.O.W.

#### Discussion, Comments/Observations:

- Question: Confirm that no restaurant use is planned? Response: Correct. Any future restaurant use would require a variance.
- Question: Is restaurant use planned for mixed use development to the south along Summit & if so, how many parking spaces? Response: Restaurant use planned into Italian Village mixed use development - 58 parking spaces reserved for restaurant use.
- Comment that this project proposed for the University District has less parking provided than that for project in Italian Village.
- Question: Why proposed setback along Summit corridor? Concern? Response: Proposed setback variance follows pattern of existing commercial buildings at intersection of Summit & 5<sup>th</sup> (Hookah Bar).
- Comment that likelihood of all retail at this location being successful – slim; having a successful bar/restaurant use at this location – **very likely**. Parking variance might not be granted for a future restaurant. Should program this use now.
- Opposing opinion that not much current existing neighborhood parking. Restaurant use would negatively impact adjacent neighborhoods
- Note that any residential permit parking district won't be implemented for at least 3-5 years.
- Question: Why not 'buy' parking spaces in current mixed use development project across 5<sup>th</sup> Ave? Response: Parking variances already determined for that project. Extra parking spaces not available.
- Deb commented that still feels there is too much building for the site.
- Rory likes the plan & supports increased density recommended in University District Plan. Craig concurs.
- Seth has concerns that we are ignoring parking issues in residential neighborhoods. Deb commented that people will drive & park in neighborhoods if no parking available in lots.

- Rory's neighborhood. Thinks neighbors are supportive of project. Rather see more density at this site. Neighbors would like to see a restaurant.
- Applicant stated that owner aware of appropriate use potential for this property. Restaurants are a draw, but other uses can be successful as well.
- Important for committee to have written comments from Traffic Management. Without this input, difficult for some committee members to support project in its current revised state. Response: Applicant had discussion with Dan Blechschmidt from Traffic Management late this afternoon about their potential support of this project *without* a restaurant use. Applicant worked quickly to revise documents accordingly, but has only verbal support.
- Committee requested that written comments from Traffic Management be submitted prior to UAC vote.

**Motion to approve the request for council variance for 114 E. 5<sup>th</sup> St.: Pasquale Grado; seconded: Craig Bouska. For -2; Against -5; Abstentions - 0. Motion is *disapproved*.**

5. **OSU Mixed Use, West Lane Avenue, 2212 Tuttle Park Place** – This is the 4<sup>th</sup> meeting to discuss variances for the mixed use project located at the NE corner of Lane Avenue & Tuttle Park Place. At last month's meeting, the Zoning Committee voted to disapprove the request for variances. The applicant tabled the appearance at last month's UAC meeting, and since that time, has worked on plan revisions. The 1<sup>st</sup> order of business was to have the applicants Lynn Wackerly and Jonathan Willette from 4 Points Development present revised plans. Afterwards, the committee will entertain a motion to reconsider their vote if it is determined that there is substantial change to the project, per our UAC bylaws.

**Project Information/Applicant Presentation:**

- Applicant began with a review of project revisions and goals.
  - Want project to fit into neighborhood
  - Walkability @ grade
  - Stepped back rear elevation 20 ft. above 3rd floor
  - Removed tower structure
  - Reduced building height to **6 floors**.
  - Considered other amenities: outdoor gardens, workout rooms, meeting rooms
  - Provided 3<sup>rd</sup> floor outdoor lounge
  - Provided screening on ground level openings to parking garage.
  - Reduced bedrooms from 94 to **89 bedrooms**.
  - Reduced units from 54 to **46 units**.
  - 2 levels of parking: grade & 1 level below grade – **52 parking spaces** provided
  - Entrance only to parking garage off Tuttle Park Pl.
  - Exit only from parking garage onto alley to the north.
  - Required parking per current code = 78 total spaces:
    - 1900 SF retail space / 250 x 50% = 4 spaces
    - 3000 SF office / 450 x 75% = 5 spaces
    - 46 units x 1.5 = 69 spaces
  - Entrance only to parking garage off Tuttle Park Pl.
  - Exit only from parking garage onto alley to the north.
- Variances being requested are:
  - **Section 3309.14, Height Districts:** to permit a building height of **72 ft.** in a district that limits the height of buildings to 35 ft.
  - **Section 3312.49, Min. Number of parking Spaces Required:** to reduce the number of required parking spaces from **83** to **52 spaces**.
  - **Section 3321.05, Vision Clearance:** to remove the requirement for clear vision triangles at the entrance to the parking garage off Tuttle Park Place, and at the NE rear corner of the building at the intersection of Tuttle Park Place and the alley.
  - **Section 3372.604, Setback Requirements:**
    - **(A):** to increase the permitted max. setback from Lane Ave. from 10 ft. to **15 ft.**
    - **(B):** to permit 6 parking spaces along the side of the building (along Jay Alley) rather than being located behind the principal building with a min. setback of 5 ft.

**Discussion, Comments/Observations:**

- Question: Pasquale had concerns with 2-story height rooms at rear of building, facing alley. Why not 1 ½ story space? These double height spaces seem too tall. Concern that could add another floor within this double-story space. Response: More rent possible for 20 ft. high space. More appealing amenity.

- Comment that plan seems overly ambitious, too dense for site, parking count too low. Leads to negative impact on neighborhood.
- Committee noted that recent Wendy's project made it work on their site without variances: building steps back from High St. and has 2 lower levels of parking. Response: Wendy's site is wider and has more retail space.
- Craig offered that apartments with 20 ft. ceilings could rent for \$1200/bed. Apartments with 10 ft. ceilings could rent for \$1000/bed. Won't capture significantly higher rents with extremely tall ceilings.
- Deb reminded that committee is engaging in discussion without having voted on "motion to reconsider".

**Motion to reconsider the zoning committee vote on the requested variances for the mixed use development at 2212 Tuttle Park Place: Deb Supelak; seconded: Dick Talbot. For – 4; Against – 1; Abstentions – 2. Motion to reconsider is approved.**

- *It should be noted that there was a reluctance to second the above motion. Commissioner Supelak correctly pointed out that the committee had wrongly engaged the applicants in discussion without the courtesy of a vote to reconsider. The chair herein offers thanks to Commissioner Supelak for pointing out our error and apologies to the applicants for this lack of professional courtesy.*

**Discussion, Comments/Observations, continued:**

- Craig noted that site is landlocked by OSU and can't have parking along Lane Ave. Nearby development on Norwich uses a 0.9 parking ratio. This parcel is neighborhood-specific where parking becomes an issue if not adequately provided for.
- Comment that Transportation Management appears to favor 1 parking space per unit. Need to have input from city staff on this project.
- Applicant shared letter from Campus Parc saying that students can purchase parking spaces in their garages. Response: Committee's understanding is that parking spaces cannot be reserved for 2212 Tuttle Park Place residents. Spaces are 1<sup>st</sup> come 1<sup>st</sup> serve and cannot count toward fulfilling parking requirement. Need to have a signed long-term lease agreement for secured parking spaces for this specific development.
- Applicants stated they have been in conversation with Dan Blechschmidt in Traffic Management and Dan Ferdelman in Planning. Committee would like to have email or written record of comments from Traffic Management and Planning.
- Question: How did bedroom count change: Response: started with 1-2 bedroom units. Found that renters prefer 3-4 bedroom units. Committee responded that its experience indicates that 1-2 bedroom units are preferable.
- Applicant noted that their project conforms to all requirements of the University District Plan (UDP).
- Committee noted that **UDP is not city code**. It is a guideline only and is currently being vetted against real-life projects. In particular, the 0.375 parking spaces per bed is one guideline that has come under intense scrutiny and may not translate easily into code. This has yet to be determined. Response: applicant thinks district is over-parked and that most students do not have cars on campus.
- Comment that older students to have jobs that are not necessarily in walking distance. Cars are needed & will need parking spaces.
- Question about need for 2<sup>nd</sup> floor office space. Response: This space already leased out.
- Committee would need conformation and record of city staff's opinion on the requested variances before being able to support the project.

**Motion to approve the request for Council Variance: Dick Talbot; seconded: Craig Bouska. For –0; Against –7; Abstentions – 0. Motion is *disapproved*.**

- Following the negative votes, applicant asked for guidance on where to go from here. The committee will give this more thought & respond. In the meantime, 3 brief observations that were offered were: (a) Building is too big for the site, (b) There is not enough parking, (c) Density of project is too high.

**VOTING RESULTS FOR ZONING COMMITTEE MEETING: October 5, 2015**

MEMBER	Craig Bouska	Seth Golding	Joyce Hughes	Susan Keeny	Rory Krupp	Deb Supelak	Dick Talbot	Tom Wildman	Pasquale Grado
<b>Attendance</b>	Present	Present	Excused	Present	Present	Present	Present	Absent	Present
<b>CASE/ VOTE</b>	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*
<b>343-345 W. 8<sup>th</sup> Ave. - TABLED</b>									
<b>1474-76 Worthington St.</b>	N	N		N	N	N	N		N
<b>357 W. 7th</b>	Y	Y		Y	N	Y	Y		N
<b>114 E. 5<sup>th</sup> Avenue</b>	Y	N		N	Y	N	N		N
<b>OSU Mixed Use-2212 Tuttle Park Pl.- motion to reconsider</b>	Y	A		Y	Y	Y	A		N
<b>OSU Mixed Use, West Lane Ave</b>	N	N		N	N	N	N		N

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

The following link is to the on-line zoning code, for your use and information:

[https://www.municode.com/library/oh/columbus/codes/code\\_of\\_ordinances?nodet=TIT33ZOCO](https://www.municode.com/library/oh/columbus/codes/code_of_ordinances?nodet=TIT33ZOCO)

**For Commission Presentations:**

**Commissioners may speak twice, up to 3 minutes each time per Bylaws Article IV, Section 1(b).**

**For All Zoning Presentations:**

Applicants will present at the next University Area Commission (UAC) meeting which will take place (*unless otherwise notified*) on **Wednesday, November 18, 2015** 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 copies of their presentation that best presents their specific case – the specific variances requested, any plans, photos of existing properties, and a statement of hardship as to why the particular request should be granted. There is also an available overhead screen and projector for applicant power point presentations. 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 our REVISED bylaws, Article IV – MEETINGS, Section 7:

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

1. Zoning Committee presents the facts of the case - **5 min. max**
2. Applicant Presentation - **7 min. max**
3. Zoning Committee report – **5 min. max**
4. Public comment (max 3 people each pro/con) - **2 min each (max)**. Only those who complete speaker slips prior to the case being heard will be considered for speaking based on the order the slips were received
5. Commissioner discussion: Commissioner who wishes may speak once per round for **1 min (max) for 2 rounds**. A Commissioner cannot save time for their second round or transfer their remaining time to someone else
6. Applicant response - **3 min (max)**
7. Commission vote
8. A motion to extend the max time limits can be made at the beginning of the case stating which portion(s) should be extended and by how long. The motion must pass by two-thirds (2/3) majority with no debate on this motion.