



# City of Columbus

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

## Legislation Text

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**File #: 0473-2011, Version: 1**

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**Council Variance Application: CV10-005**

**APPLICANT:** Morso Holding Company; c/o David L. Hodge , Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** An Apartment Complex.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant requests a Council variance to allow a 400 unit apartment complex in the CPD, Commercial Planned Development District and a parking variance to provide one parking space per dwelling unit instead of 1.5 parking spaces per dwelling unit in order to develop residences on this undeveloped site. The site lies within *The Northeast Area Plan (2007)*, which proposes mixed use regional retail / office / light industrial uses for this site. The site is adjacent to another apartment complex and would provide dwellings within walking distance of Easton Town Center, taking advantage of the mixed use nature of the area. The Department of Public Service, Division of Planning and Operations supports this proposal and has supported similar parking variances in this area.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **4148 EASTON COMMONS (43035)**, to permit an apartment complex, with a decreased parking ratio in the CPD, Commercial Planned Development District (CV10-005). **(REPEALED BY ORD. 1042-2021; PASSED 5/10/2021)**

**WHEREAS**, by application No. CV10-005, the owner of property at **4148 EASTON COMMONS (43035)**, is requesting a Council variance to permit an apartment complex with a decreased parking ratio in the CPD, Commercial Planned Development District; and

**WHEREAS**, the CPD permits almost all C-4, Commercial uses, which include dwelling units located above certain ground-floor commercial uses while the applicant proposes to develop the site with the option of exclusively residential uses; and

**WHEREAS**, Section 3356.03 C-4 Permitted uses, only permits apartments above certain uses, while the applicant proposes an apartment complex with no commercial uses; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires one and a half (1.5) parking spaces per dwelling unit, while the applicant proposes a parking ratio of one (1) parking space per bedroom of each dwelling unit; and

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

**WHEREAS**, City Departments recommend approval because the proposal is consistent with the land use recommendations of *The Northeast Plan(2007)* and the mixed-use nature of the Easton Town Center; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 owner of the property located at **4148 EASTON COMMONS (43035)**, 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, 3356.05, C-4 District development limitations and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes; are hereby granted for the property located at **4148 EASTON COMMONS (43035)**, insofar as said sections prohibit a 400 unit apartment complex with a parking ratio of one (1) parking space for each dwelling unit, said property being more particularly described as follows:

**4148 EASTON COMMONS (43035)**, being located at the northeast and northwest corners of Easton Commons and Easton Square Place, and being more particularly described as follows:

**4.649 ACRES**

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being part of the tract conveyed as Parcel 6 to Morso Holding Co. by deeds of record in Official Records 30846G11 and 31131D10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Square Place, of record in Plat Book 93, Page 3;

Thence North 04° 04' 40" East, with the centerline of said Easton Square Place, a distance of 70.00 feet to a point;

Thence North 85° 55' 20" West, across the right-of-way of said Easton Square Place, a distance of 37.50 feet to an iron pin set at a point of curvature in the westerly right-of-way line thereof, the TRUE POINT OF BEGINNING;

Thence with the northerly right-of-way line of said Easton Commons, the following courses and distances:

With said curve to the right, having a central angle of 90° 00' 00", a radius of 30.00 feet, an arc length of 47.12 feet, and a chord which bears South 49° 04' 40" West, a chord distance of 42.43 feet to an iron pin set at a point of tangency;

North 85° 55' 20" West, a distance of 582.20 feet to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of 88° 13' 47", a radius of 30.00 feet, an arc length of 46.20 feet, and a chord which bears North 41° 48' 26" West, a chord distance of 41.77 feet, to an iron pin set at a point of tangency, being in the easterly right-of-way line of Easton Loop West, of record in Plat Book 93, Page 3;

Thence North 02° 18' 27" East, with said easterly right-of-way line, a distance of 274.93 feet to an iron pin set at the southwesterly corner of the 4.743 acre tract conveyed to Easton Communities II, LLC by deed of record in Instrument Number 200304290123727;

Thence with the southerly line of said 4.743 acre tract, the following courses and distances:

South 87° 41' 33" East, a distance of 198.41 feet to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of 68° 02' 34", a radius of 24.00 feet, an arc length of 28.50 feet, and a chord which bears South 53° 40' 16" East, a chord distance of 26.86 feet, to an iron pin set at a point of reverse curvature;

With said curve to the left, having a central angle of 151° 08' 15", a radius of 91.00 feet, an arc length of 240.04 feet, and a chord which bears North 84° 46' 54" East, a chord distance of 176.26 feet to an iron pin set at a point of reverse curvature;

With said curve to the right, having a central angle of  $68^{\circ} 02' 34''$ , a radius of 24.00 feet, an arc length of 28.50 feet, and a chord which bears North  $43^{\circ} 14' 03''$  East, a chord distance of 26.86 feet to an iron pin set at the southwesterly corner of the 3.461 acre tract conveyed to Easton Communities, LLC by deed of record in Instrument Number 200304290123732;

Thence North  $77^{\circ} 15' 20''$  East, with the southerly line of said 3.461 acre tract, a distance of 198.96 feet to an iron pin set on a curve in the westerly right-of-way line of said Easton Square Place;

Thence with the westerly right-of-way line, with said curve to the right, having a central angle of  $17^{\circ} 56' 59''$ , a radius of 992.50 feet, an arc length of 310.94 feet, and a chord which bears South  $04^{\circ} 53' 50''$  East, a chord distance of 309.66 feet, to an iron pin set at a point of tangency;

Thence South  $04^{\circ} 04' 40''$  West, with said westerly right-of-way line, a distance of 66.67 feet to the TRUE POINT OF BEGINNING, containing 4.649 acres, more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths ( $13/16$ ) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMINC.

Bearings are based on the centerline of Morse Crossing being South  $02^{\circ} 18' 27''$  West as shown on the plat entitled "Morse Crossing Dedication and Easements" of record in Plat Book 86, Page 56, Recorder's Office, Franklin County, Ohio.

### **5.028 ACRES**

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being part of the tract conveyed as Parcel 6 to Morso Holding Co. by deeds of record in Official Records 30846G11 and 31131D10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Square Place, of record in Plat Book 93, Page 3;

Thence North  $04^{\circ} 04' 40''$  East, with the centerline of said Easton Square Place, a distance of 70.00 feet to a point;

Thence South  $85^{\circ} 55' 20''$  East, across the right-of-way of said Easton Square Place, a distance of 37.50 feet to an iron pin set at a point of curvature in the easterly right-of-way line thereof, the TRUE POINT OF BEGINNING;

Thence North  $04^{\circ} 04' 40''$  East, with said easterly right-of-way line, a distance of 66.67 feet to an iron pin set at a point of curvature;

Thence with said westerly right-of-way line, with said curve to the left, having a central angle of  $17^{\circ} 52' 14''$ , a radius of 1067.50 feet, an arc length of 332.95 feet and a chord which bears North  $04^{\circ} 51' 27''$  West, a chord distance of 331.61 feet to an iron pin set at the southwesterly corner of the 3.105 acre tract conveyed to Easton Communities, LLC by deed of record in Instrument Number 200304290123730;

Thence with the southerly line of said 3.105 acre tract, the following courses and distances:

North  $77^{\circ} 15' 20''$  East, a distance of 153.21 feet to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of  $48^{\circ} 53' 55''$ , a radius of 24.00 feet, an arc length of 20.48 feet and a chord which bears South  $78^{\circ} 17' 41''$  East, a chord distance of 19.87 feet to an iron pin set at a point of reverse curvature;

With said curve to the left, having a central angle of  $07^{\circ} 48' 56''$ , a radius of 50.00 feet, an arc length of 6.82 feet and a chord which bears South  $57^{\circ} 45' 12''$  East, a chord distance of 6.82 feet to an iron pin set at a point of compound curvature;

With said curve to the left, having a central angle of  $67^{\circ} 06' 53''$ , a radius of 128.00 feet, an arc length of 149.94 feet and a chord which bears North  $84^{\circ} 46' 54''$  East, a chord distance of 141.51 feet to an iron pin set at a point of compound curvature;

With said curve to the left, having a central angle of  $07^{\circ} 48' 56''$ , a radius of 50.00 feet, an arc length of 6.82 feet and a chord

which bears North 47° 19' 00" East, a chord distance of 6.82 feet to an iron pin set at a point of reverse curvature;

With said curve to the right, having a central angle of 48° 53' 55", a radius of 24.00 feet, an arc length of 20.48 feet and a chord bearing North 67° 51' 30" East, a chord distance of 19.87 feet to an iron pin set at the southwesterly corner of the 2.644 acre tract conveyed to Easton Communities II, LLC by deed of record in Instrument Number 200304290123724;

Thence South 87° 41' 33" East, with the southerly line of said 2.644 acre tract, a distance of 157.47 feet to an iron pin set in the westerly right-of-way line of Chagrin Drive, of record in Plat Book 93, Page 3;

Thence South 02° 18' 27" West, with said westerly right-of-way line, a distance of 473.50 feet to an iron pin set at a point of curvature;

Thence with said westerly right-of-way line, with said curve to the right, having a central angle of 91° 46' 13", a radius of 30.00 feet, an arc length of 48.05 feet and a chord which bears South 48° 11' 34" West, a chord distance of 43.08 feet to an iron pin set in the northerly right-of-way line of said Easton Commons;

Thence North 85° 55' 20" West, with said northerly right-of-way line, a distance of 395.02 feet to an iron pin set at a point of curvature;

Thence with said northerly right-of-way line, with said curve to the right, having a central angle of 90° 00' 00", a radius of 30.00 feet, an arc length of 47.12 feet and a chord bearing North 40° 55' 20" West, a chord distance of 42.43 feet to the TRUE POINT OF BEGINNING, containing 5.028 acres, more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the centerline of Morse Crossing being South 02° 18' 27" West as shown on the plat entitled "Morse Crossing Dedication and Easements" of record in Plat Book 86, Page 56, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use, and/or those uses permitted in the CPD, Commercial Planned Development District.

**SECTION 3.** That this ordinance is further conditioned upon no more than 400 dwelling units being constructed.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned upon a ratio of 1.5 spaces per dwelling unit will be maintained for the proposed residential development. The ratio of 1.5 parking spaces per dwelling unit may be met by counting: (1) parking spaces on the site of the development, (2) public parking spaces on the public streets of Easton Loop West, Easton Square Place and Chagrin Drive, and (3) any recorded parking agreement to permit parking in an off-site location as approved by the Department of Public Service, Division of Planning and Operations.

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