



## Legislation Details (With Text)

**File #:** 0552-2023      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 2/10/2023      **In control:** Zoning Committee

**On agenda:** 3/6/2023      **Final action:** 3/8/2023

**Title:** To grant a Variance from the provisions of Section 3361.02, Permitted uses; 3356.05(F)(1), C-4 district development limitations; and Section 3361.03, Development plan, for the property located at 3755-3799 RIDGE MILL DR. (43026), to permit ground floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV22-100).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0552-2023\_Attachments.Amended, 2. ORD#0552-2023\_Attachments, 3. ORD#0552-2023\_Labels

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|--|--------|
| 3/8/2023  | 2    | CITY CLERK            | Attest   |        |
| 3/7/2023  | 2    | MAYOR                 | Signed   |        |
| 3/6/2023  | 2    | COUNCIL PRESIDENT     | Signed   |        |
| 3/6/2023  | 1    | Zoning Committee      | Accept entire staff report into evidence as an exhibit | Pass   |
| 3/6/2023  | 1    | Zoning Committee      | Amended as submitted to the Clerk                      | Pass   |
| 3/6/2023  | 1    | Zoning Committee      | Approved as Amended                                    | Pass   |
| 3/6/2023  | 1    | Zoning Committee      | Adopt the findings of staff as the findings of Council | Pass   |
| 2/27/2023 | 1    | Columbus City Council | Read for the First Time                                |        |

### Council Variance Application CV22-100

**APPLICANT:** Steven Hicks, MGM Properties; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Ground floor residential uses within a mixed-use development.

**WEST SCIOTO AREA COMMISSION RECOMMENDATION:** ~~Disapproval~~ Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one 5.20± acre parcel developed with a 58,501± square foot commercial shopping center zoned in the CPD, Commercial Planned Development District. The requested Council variance will permit the site to be redeveloped with a mixed-use development containing 235 apartment units, including ground floor residential units, and 1,829 square feet of commercial space. A Council variance is necessary because ground floor residential uses are not permitted in the CPD district. The site is located within the boundaries of the *Trabue/Roberts Area Plan* (2011), which recommends “Mixed-use (Community)” land uses at this location, and includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The West Scioto Area Commission conditioned support on prohibiting northwest bound right turns at the intersection to the

west of the proposed Building B. The Department of Public Service is not supportive of establishing a regulatory sign that would prohibit right turns at this intersection where such a prohibition does not address a safety issue, therefore that condition has not been met. The requested variance will allow a mixed use development that is not considered to be an introduction of an incompatible use, and is consistent with the Plan's land use recommendation.

To grant a Variance from the provisions of Section 3361.02, Permitted uses; 3356.05(F)(1), C-4 district development limitations; and Section 3361.03, Development plan, for the property located at **3755-3799 RIDGE MILL DR. (43026)**, to permit ground floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV22-100).

**WHEREAS**, by application #CV22-100, the owner of property at **3755-3799 RIDGE MILL DR. (43026)**, is requesting a Council variance to permit a mixed-use development containing 235 apartment units, including ground floor residential units, and 1,829 square feet of commercial space in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3361.02, Permitted uses, prohibits ground floor residential units, while the applicant proposes to redevelop the site with a mixed-use development containing ground floor residential units; and

**WHEREAS**, Section 3356.05(F)(1), C-4 district development limitations, requires that first-floor parking garages with dwelling units above must be connected/adjoined to commercial uses that occupy the entire length of at least one property frontage, while the applicant proposes adjoining commercial uses to occupy less than the entire length of the building's Ridge Mill Drive frontage; and

**WHEREAS**, Section 3361.03, Development plan, reports the overall concept of a proposed development, which for this property specifically permits all uses permitted in the C-1, C-2, C-3, C-4, and C-5, Commercial districts, none of which permit ground floor residential units, while the applicant proposes to redevelop the site with a mixed-use development containing ground floor residential units; and

**WHEREAS**, the West Scioto Area Commission recommends ~~disapproval~~ **approval**; and

**WHEREAS**, City Departments Recommend approval because the requested variance will allow a mixed-use development containing ground floor residential units that is not considered to be an introduction of an incompatible use, nor is it inconsistent with the "Mixed-use (Community)" land use recommendation of the *Trabue/Roberts Area Plan*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **3755-3799 RIDGE MILL DR. (43026)**, 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 Section 3361.02, Permitted uses; 3356.05(F)(1), C-4 district development limitations; and Section 3361.03, Development plan, is hereby granted for the property located at **3755-3799 RIDGE MILL DR. (43026)**, insofar as said sections prohibit ground floor residential units in the CPD, Commercial

Planned Development District; and apartments above garage parking adjoining commercial uses that do not occupy the entire length of the building's Ridge Mill Drive frontage; said property being more particularly described as follows:

**3755-3799 RIDGE MILL DR. (43026)**, being 5.20± acres located on the west side of Ridge Mill Drive, 700± feet east of Fishinger Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being known as Unit "B" in THE MARKET AT MILL RUN COMMERCIAL CONDOMINIUM, as described in the Declaration of Condominium Ownership and Bylaws for The Market at Mill Run Commercial Condominium, recorded in Instrument 201412310173000, and the Drawings thereof recorded in Condominium Plat Book 242, Page 66; together with an undivided percentage interest in the common Areas and Facilities as described in said Declaration, as amended of record, of the county records.

Property Address: 3755-3799 Ridge Mill Road

Parcel Number: 560-294238-00

**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 containing ground floor residential uses, or those uses permitted in the CPD, Commercial Planned Development District in accordance with Ordinance #0752-90 (Z90-009).

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan, landscape plan, and elevations titled, "**THE GARDENS OF MILL RUN MIXED USE DEVELOPMENT**," "**GARDENS OF MILL RUN LANDSCAPE AND AMENITY PLANS**," "**BUILDING-A ELEVATION SHEETS A-5.1 - A-5.4**," "**BUILDING-B ELEVATION SHEETS A-5.5 - A-5.6**," and "**BUILDING-C ELEVATION SHEETS A-5.7 - A-5.8**," all dated December 13, 2022, and signed by Eric Zartman, Attorney for the Applicant. The plans 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 plans shall be subject to review and approval by the Director of the Department 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 development.

**SECTION 5.** That this ordinance is further conditioned on the following commitment: that the proposed development excludes extended stay hotels as a permitted use.

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