



Legislation Text

File #: 0589-2023, **Version:** 1

Council Variance Application: CV22-063

APPLICANT: Havery Run LLC; c/o Laura MacGregor Comek, Atty.; 17 South High Street, Suite 700; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #0588-2023; Z22-051) to the CPD, Commercial Planned Development District, which will permit a mixed-use development. The requested Council variance will permit ground-floor residential units and accessory residential uses. While commercial districts permit apartment units above ground-floor commercial uses, a Council variance is necessary to permit residential uses on the first floor. The request is comparable to recent mixed-use development projects in regional commercial areas, and is consistent with the "Community Commercial" and "Neighborhood Center" land use recommendations of the *Interim Hayden Run Corridor Plan* (2004).

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; for the property located at **5191 RIGGINS RD. (43016)**, to permit ground-floor residential uses as part of a mixed-use residential development in the CPD, Commercial Planned Development District (Council Variance #CV22-063).

WHEREAS, by application #CV22-063, the owner of property at **5191 RIGGINS RD. (43016)**, is requesting a Council variance to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District; and

WHEREAS, by Ordinance #0588-2023 (Rezoning Application #Z22-051), Section 3356.03, C-4 Permitted uses, is utilized to identify the specific uses permitted in the proposed CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit ground floor residential uses, while the applicant proposes to permit such uses; and

WHEREAS, Section 3361.02, Permitted uses, specifies limited C-4 district uses, and does not permit ground-floor residential uses, which are Residential or Apartment Residential district uses, while the applicant proposes to permit said uses; and

WHEREAS, the City Departments recommend approval because this request will permit mixed-use development comparable to recent mixed-use development projects in regional commercial areas, and consistent with the land use recommendations of the *Interim Hayden Run Corridor Plan*; and

WHEREAS, said 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 owner of the property located at **5191 RIGGINS RD. (43016)**, in using said property as desired; and

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; and 3361.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **5191 RIGGINS RD. (43016)**, insofar as said sections prohibit ground floor residential units and accessory residential uses in the proposed CPD, Commercial Planned Development District; said property being more particularly described as follows:

5191 RIGGINS RD. (43016), being 16.47± acres generally located at the southeast corner of Riggins Road and Avery Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military District 3012, also being part of the remainder of a 24.492 acre tract as conveyed to Havery Run, LLC in Instrument Number 201809190127000 and being more particularly described as follows;

Commencing at Franklin County Geodetic Survey Monument 8855 found at an angle point in the original centerline of Avery Road (R/W Varies), the northwest corner of dedication for a portion of Avery Road as recorded in the Avery Road and Riggins Road Dedication in Plat Book 120, Page 82, and also being in the east line of Virginia Military Survey District 3453 and the west line of Virginia Military Survey District 3012;

Thence S 05°27'36" E, with the centerline of said Avery Road, being the west line of Virginia Military Survey District 3012 and the east line of Virginia Military Survey District 3453, 241.95 feet ±;

Thence N 84°32'24" E, across the right-of-way of said Avery Road, with the southerly right-of-way line of said Riggins Road, 97.84 feet ± to the northwest corner of the remainder of said 24.492 acre tract, the intersection of the easterly right-of-way line of said Avery Road and the southerly right-of-way line of said Riggins Road;

Thence with the west line of the remainder of said 24.492 acre tract and the easterly right-of-way line of said Avery Road, the following three (3) courses and distances:

1. S 01°57'36" E, 98.85 feet ±;
2. With a curve to the left, a central angle of 03°30'01", a radius of 971.00 feet, an arc length of 59.32 feet, and a chord bearing and distance of S 03°42'36" E, 59.31 feet ±;
3. S 05°27'36" E, 100.55 feet ± to the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence N 84°32'19" E, across the remainder of said 24.492 acre tract, with the south line of a 2.815 acre tract as conveyed to United Dairy Farmers, Inc. in Instrument Number 202106030097672, 574.94 feet ±;

Thence with the south line of said 2.815 acre tract, with a curve to the right, a central angle of 32°10'22", a radius of 242.50 feet, an arc length of 136.17 feet, and a chord bearing and distance of S 79°22'30" E, 134.39 feet ±;

Thence S 63°17'19" E, with the south line of said 2.815 acre tract, across the remainder of said 24.492 acre tract, 543.01 feet ±;

Thence with a curve to the left, a central angle of $03^{\circ}51'41''$, a radius of 1294.50 feet, an arc length of 87.24 feet, and a chord bearing and distance of $S\ 65^{\circ}13'09''\ E$, 87.22 feet \pm on the east line of the remainder of said 24.492 acre tract, the west line of a 2.637 acre tract of land as conveyed to Havery Run, LLC in Instrument Number 201612020164882;

Thence the west line of said 2.637 acre tract, with a curve to the left, a central angle of $24^{\circ}20'23''$, a radius of 249.68 feet, an arc length of 106.07 feet \pm , and a chord bearing and distance of $S\ 03^{\circ}50'05''\ E$, 105.27 feet \pm ;

Thence $S\ 15^{\circ}58'51''\ E$, with the east line of the remainder of said 24.492 acre tract, the west line of said 2.637 acre tract, 77.87 feet \pm to the southeast corner of the remainder of said 24.492 acre tract, the southwest corner of said 2.637 acre tract, and being in the north line of a 19.076 acre tract of land as conveyed to Riggins Run Apartments I LLC in Instrument Number 201612020164883;

Thence $S\ 74^{\circ}01'09''\ W$, with the south line of the remainder of said 24.492 acre tract, the north line of said 19.076 acre tract, the north line of the remainder of a 17.961 acre tract of land as conveyed to Havery Run, LLC in Instrument Number 201612020164882 1271.66 feet \pm on the southwest corner of the remainder of said 24.492 acre tract, the northwest corner of the remainder of said 17.961 acre tract and the easterly right-of-way line of said Avery Road;

Thence $N\ 05^{\circ}27'36''\ W$, with the west line of the remainder of said 24.492 acre tract and the easterly right-of-way line of said Avery Road, 784.26 feet \pm to the TRUE POINT OF BEGINNING, containing 16.47 acres \pm ;

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with actual field survey work. A drawing of the above description is attached hereto and made a part thereof.

All references used in this description can be found at the 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 units and accessory uses in a mixed-use building, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property as permitted by Ordinance #0588-2023 (#Z22-051) or subsequent CPD, Commercial Planned Development districts.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.