



# City of Columbus

## Legislation Report

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

**File Number: 0011-2020**

### 30-Day

**File ID:** 0011-2020

**Type:** Ordinance

**Status:** Second Reading

**Version:** 1

**\*Committee:** Zoning Committee

**File Name:** Council Variance #CV19-085, 3440 OLENTANGY RIVER RD. (43202)

**File Created:** 12/20/2019

#### Final Action:

#### Auditor Cert #:

**Auditor:** When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

**Contact Name/No.:** Shannon Pine, 614-645-2208

### Floor Action (Clerk's Office Only)

#### Mayor's Action

#### Council Action

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Passed/ Adopted

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Veto

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 33309.14, Height districts; 3312.21(A)(D), Landscaping and screening; 3312.27(4), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at 3440 OLENTANGY RIVER RD. (43202), to permit ground floor residential uses in an existing apartment/office building with reduced development standards in the C-4, Commercial District (Council Variance #CV19-085).

#### Sponsors:

**Attachments:** ORD011-2020\_Labels, Legislation Report

## History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Zoning Committee	01/13/2020					

**ODI:** Following the review and approval, when required, the Office of Diversity and Inclusion certifies compliance with Title 39 as of date listed.

**City Attorney:** Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

### Explanation

#### Council Variance Application: CV19-085

**APPLICANT:** Plaza Properties; c/o Jackson B. Reynolds III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Conform existing apartment/office building.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a multi-story apartment/office building zoned C-4, Commercial District. The requested variance addresses existing conditions to preserve reconstruction rights mainly due to recent right-of-way acquisitions for Healthy Community Way and Ohio Health Parkway. Variances for ground-floor residential use, increased building height, reduced parking lot landscaping and screening, reduced parking and building setbacks, and a parking space reduction from 285 required to 266 provided spaces are included in the request. The site is within the boundaries of the *Olentangy West Area Plan* (2013), which recommends "Regional Mixed Use" at this location, which is consistent with the existing development. The site will also be augmented with street trees, dumpster screening, and additional bicycle parking as recommended by the Plan.

### Title

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 33309.14, Height districts; 3312.21(A)(D), Landscaping and screening; 3312.27(4), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **3440 OLENTANGY RIVER RD. (43202)**, to permit ground floor residential uses in an existing apartment/office building with reduced development standards in the C-4, Commercial District (Council Variance #CV19-085).

### Body

**WHEREAS**, by application #CV19-085, the owner of the property at **3440 OLENTANGY RIVER RD. (43202)**, is requesting a Variance to permit ground floor residential uses in an existing apartment/office building with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit ground floor residential uses, while the

applicant proposes residential uses on the first floor; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes to maintain an apartment/office building with a height of 200 feet; and

**WHEREAS**, Section 3312.21(A)(D), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces, or 27 trees for a parking lot containing 266 spaces; and that headlight screening be provided along public streets within a landscaped area at least 4 feet in width, while the applicant proposes to maintain 7 trees in the parking lot; and to provide no headlight screening along Healthy Community Way which is a condition created by a new public street being constructed adjacent to the site; and

**WHEREAS**, Section 3312.27(4), Parking setback line, requires a parking setback of 10 feet from the street right-of-way line, while the applicant proposes to maintain a parking setback line of 1 foot; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 273 spaces for 182 apartment units, plus 1 parking space per 450 square feet of office space, or 12 spaces for 5,400 square feet, for a grand total of 285 spaces for this mixed use development, while applicant proposes 266 spaces; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 25 feet from the Healthy Community Way, Ohio Health Parkway, and SR 315 rights-of-ways, while the applicant proposes to maintain a zero foot setback along each for existing garage buildings; and

**WHEREAS**, City Departments recommend approval of the requested variances which will maintain a mixed-use development that is consistent with the land use recommendations of the *Olentangy West Area Plan*. The site will also be augmented with street trees, dumpster screening, and additional bicycle parking as recommended by the 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 owners of the property located at **3440 OLENTANGY RIVER RD. (43202)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3356.03, C-4 permitted

uses; 33309.14, Height districts; 3312.21(A)(D), Landscaping and screening; 3312.27(4), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **3440 OLENTANGY RIVER RD. (43202)**, insofar as said sections prohibit ground floor residential uses in the C-4, Commercial District; with increased building height of 200 feet from 35 feet; reduced parking lot trees from 27 to 7, and no headlight screening along Healthy Community Way; a parking setback reduction from 10 feet to 1 foot; a reduction in the required number of parking spaces from 285 to 266 spaces; and reduced front setback from 25 feet to 0 feet for the existing garage buildings along Healthy Community Way, Ohio Health Parkway, and SR 315 rights-of-ways; and said property being more particularly described as follows:

**3440 OLENTANGY RIVER RD. (43202)**, being 4.39± acres located at the southeast corner of Olentangy River Road and West North Broadway, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 2, Township 1, Range 18, United States Military Lands, being all of Parcel No. 1 conveyed to Bernard R. Ruben by deed of record in Deed Book 3515, Page 915, Recorder's Office, Franklin County, Ohio (all references to recorded documents are on file in said Recorder's Office unless otherwise noted), and being more particularly described as follows:

Beginning at a found iron pipe at the northeast corner of said Parcel No. 1, northwest corner of the City of Columbus 0.928 Acre tract now known as "Canterbury Service Road" (Official Records Volume 14797 C-02) and in the southerly line of a tract of land originally conveyed to Riverside Methodist Hospital by deed of record in Deed Book 3435, Page 672;

Thence, along the easterly line of said Parcel No. 1 and the west line of said Canterbury Service Road, South 04 degrees 36 minutes 00 seconds West, 312.00 feet to a found iron pipe at the southeast corner of said Parcel No. 1;

Thence, along the southerly line of said Parcel No. 1 and the northerly line of said Canterbury Service Road, North 85 degrees 24 minutes 00 seconds West, 56.00 feet to a found iron pipe at an angle point in said line;

Thence, continuing along said line, North 86 degrees 03 minutes 23 seconds West, 390.60 feet to a found drillhole in a concrete sidewalk at an angle point in said line;

Thence, continuing along said line, South 74 degrees 53 minutes 45 seconds West, 121.03 feet to a found iron pipe at the southwest corner of said Parcel No. 1, and the southeast corner of the State of Ohio 1.614 acre tract (Deed Book 3403, Page 878, Parcel No. 81-WL);

Thence, along the westerly line of said Parcel No. 1 and the easterly limited access right-of-way line of said 1.614 acre tract (see Ohio Department of Transportation right-of-way plans, FRA-315-4.77, Limited Access, sheet 10 of 16), the following six (6) courses:

1. North 31 degrees 42 minutes 12 seconds West, 200.00 feet to a found iron pipe;
2. North 53 degrees 22 minutes 48 seconds East, 208.61 feet to a set iron pipe;
3. North 05 degrees 17 minutes 07 seconds East, 37.74 feet to a set iron pipe;

4. North 50 degrees 06 minutes 48 seconds East, 26.46 feet to a set iron pipe;
5. South 84 degrees 42 minutes 53 seconds East, 44.38 feet to a set iron pipe;
6. North 53 degrees 28 minutes 44 seconds East, 4.40 feet to a set iron pipe at the northwest corner of said Parcel No. 1;

Thence, along the northerly line of said Parcel No. 1 and part of the southerly line of said Riverside Methodist Hospital tract, South 85 degrees 24 minutes 00 seconds East, 455.00 feet to the place of beginning CONTAINING 4.385 ACRES subject however, to all legal highways, easements, leases and restrictions of record, and of records in the respective utility offices.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in December 1992. Iron pipes set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. 6579", unless otherwise noted. Basis of bearings is the easterly line of said Parcel No. 1 held as South 04 degrees 36 minutes 00 seconds West.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment/office building, or those uses permitted in the C-4, Commercial District so long as the required number of parking spaces does not exceed 285 spaces.

**SECTION 3.** That this ordinance is further conditioned upon the following:

1. Five street trees shall be planted along the Olentangy River Road frontage. Location to be determined during site compliance review.
2. Dumpster screening as required by Section 3321.01 shall be installed.
3. A minimum of 19 additional bicycle parking spaces shall be provided.

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