



## Legislation Details (With Text)

**File #:** 0029-2020      **Version:** 1

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

**File created:** 12/26/2019      **In control:** Zoning Committee

**On agenda:** 1/13/2020      **Final action:** 1/15/2020

**Title:** To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; and 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at 2012 LOCKBOURNE RD. (43207), to permit senior housing multi-unit residential development in the R-2, Residential District and C-4 Commercial District (Council Variance #CV19-110).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0029-2020\_Attachments, 2. ORD0029-2020\_Lables

Date	Ver.	Action By	Action	Result
1/15/2020	1	CITY CLERK	Attest	
1/14/2020	1	MAYOR	Signed	
1/13/2020	1	COUNCIL PRESIDENT	Signed	
1/13/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
1/13/2020	1	Zoning Committee	Approved	Pass

### Council Variance Application: CV19-110

**APPLICANT:** Homeport; c/o Laura MacGregor Comek, Atty.; 501 South High Street; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site, comprised of one parcel zoned in the C-4, Commercial, R-2, Residential and ARLD, Apartment Residential districts, is partially developed with a discount retail store. The requested Council variance will allow a 40-unit senior housing development to be constructed on the undeveloped part of the parcel. A variance is necessary because the C-4 and R-2 districts do not permit senior housing developments. The site is within the planning area of the *South Side Plan* (2014), which recommends “Community Commercial” uses for this location, including retail, office, hotel, or institutional uses. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018), which state that connectivity between developments via public streets is encouraged, and where public streets are not feasible, pedestrian connections should be considered. This proposed development will be subject to a competitive funding process by the U.S. Department of Housing and Urban Development which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process; however, this ordinance includes a condition that a Certificate of Zoning Clearance will not be issued until a follow-up rezoning to an appropriate zoning district has been completed. The Planning and Traffic Management Divisions do not object to this limited Council variance request, but have requested the following from the applicant when the follow-up rezoning application is filed: greater pedestrian connectivity, building elevations, and increased on-site landscaping and/or street trees; and that

Ellsworth Avenue will need to be constructed as a public street with sidewalks between the site and East Innis Avenue.

To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; and 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **2012 LOCKBOURNE RD. (43207)**, to permit senior housing multi-unit residential development in the R-2, Residential District and C-4 Commercial District (Council Variance #CV19-110).

**WHEREAS**, by application #CV19-110, the owner of property at **2012 LOCKBOURNE RD. (43207)**, is requesting a Council variance to permit senior housing multi-unit residential development in the R-2, Residential District and C-4 Commercial District; and

**WHEREAS**, Section 3332.033, R-2 residential district, lists single-unit dwellings as the only permitted residential use, while the applicant proposes senior housing multi-unit residential development; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits apartment uses above certain commercial uses, but does not permit ground floor residential uses, while the applicant proposes senior housing multi-unit residential development; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements. However, the Applicant will not be issued a Certificate of Zoning Clearance for the proposed development until a follow-up rezoning to an appropriate apartment residential zoning district is completed; 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 **2012 LOCKBOURNE RD. (43207)**, 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 3332.033, R-2 residential district; and 3356.03, C-4 permitted uses, of the Columbus City Codes, is hereby granted for the property located at **2012 LOCKBOURNE RD. (43207)**, insofar as said sections prohibit senior housing multi-unit residential development in the R-2, Residential District and C-4 Commercial District; said property being more particularly described as follows:

**2012 LOCKBOURNE RD. (43207)**, being 3.98± acres located 310± feet east of Lockbourne Road, south of the terminus of Ellsworth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 39, Township 5 North, Range 22 West, in the Refugee Lands, being part of a 5.494 acre tract conveyed to **Lockbourne DG, LLC, an Ohio limited liability company** by the instrument filed as **Instrument Number 201103110034273**, all records referenced herein are to the records of Franklin County, Ohio Recorder's Office, unless otherwise stated, and being more particularly described for zoning purposes as follows:

**BEGINNING** at the southwest corner of the right-of-way for Ellsworth Avenue as dedicated in Lockhaven Subdivision recorded in Plat Book volume 22, page 79 and being in the northerly line of the said 5.494 acre parcel;

Thence along the southerly line of the said Ellsworth Avenue, the north line of the said 5.494 acre tract and being the southerly line of Ellsworth Avenue as dedicated in Dellbourne Addition recorded in Plat Book volume 26, page 55, **South 86 degrees 31 minutes 42 seconds East for a distance of 51.19 feet** to a point at the southeast corner of the said Ellsworth Avenue;

Thence along a easterly line of the said 5.494 acre tract and being an extension of the easterly right-of-way line of the said Ellsworth Avenue, **South 04 degrees 23 minutes 23 seconds West for a distance of 49.65 feet** to a point;

Thence along the northerly line of the said 5.494 acre tract and being a 50 foot offset of the southerly line of the said Dellbourne Addition, **South 86 degrees 15 minutes 45 seconds East for a distance of 497.06 feet** to the northeast corner of the said 5.494 acre tract, southwest corner of Lot 67 of the said Dellbourne Addition, and being the northwest corner of Reserve "A" of the said Dellbourne Addition;

Thence along the easterly line of the said 5.494 acre tract, the westerly line of the said Reserve "A", and being the westerly line of Marion Square as recorded in Plat Book volume 39, page 84; **South 03 degrees 53 minute 57 seconds West for a distance of 201.47 feet** to the southwest corner of the said 5.494 acre tract and being a northwest corner of the said Marion Square;

Thence along the southerly line of the said 5.494 acre tract, the northerly line of the said Marion Square, and the northerly line of a 5.475 acre tract as conveyed to Marion Shoppes Realty LLC, an Ohio limited liability company by the instrument filed as Instrument Number 201307010109617, **North 86 degrees 18 minutes 19 seconds West for a distance of 815.21 feet** to a point;

Thence crossing through the said 5.494 acre tract, **North 02 degrees 46 minutes 55 seconds East for a distance of 251.02 feet** to a point on the northerly line of the said 5.494 acre tract and being on the southerly line of the said Lockhaven Subdivision;

Thence along the northerly line of the said 5.494 acre tract, the said southerly line of the Lockhaven subdivision, **South 86 degrees 25 minutes 08 seconds East for a distance of 122.67 feet** to a point at a northeast corner of the said 5.494 acre tract, the southeast corner of Lot 15 of the said Lockhaven Subdivision, the southwest corner of the said Lockhaven Subdivision;

Thence along a easterly line of the said 5.494 acre tract and being the extension of the line separating the said Lots 15 & 16; **South 02 degrees 53 minutes 50 seconds West for a distance of 49.46 feet** to a point at a northeasterly corner of the said 5.494 acre tract;

Thence along the northerly line of the said 5.494 acre tract and a 50 foot offset of the southerly line of the said Lockhaven Subdivision, **South 85 degrees 59 minutes 48 seconds East for a distance of 148.96 feet** to a point at a northwest corner of the said 5.494 acre tract;

Thence along a westerly line of the said 5.494 acre tract and being the extension of the westerly right-of-way line of the said Ellsworth Avenue, **North 03 degrees 38 minutes 51 seconds East for a distance of 50.30 feet to the POINT OF BEGINNING** for this description.

The above description contains a total of **3.979 acres**, all of which are located in Franklin County Auditor's parcel number **010-112279**.

Bearing described herein are based on Grid North, NAD 83, per the Franklin County GIS.

This description is intended for zoning purposes only, was prepared from Franklin County GIS Data, and does not represent an actual field survey.

**SECTION 2.** That this ordinance is further conditioned on no Certificate of Zoning Clearance being granted until a follow-up rezoning to an appropriate apartment residential zoning district is completed.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.