



## Legislation Details (With Text)

**File #:** 1922-2021      **Version:** 1

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

**File created:** 7/6/2021      **In control:** Zoning Committee

**On agenda:** 7/26/2021      **Final action:** 7/28/2021

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.21(B), Landscaping and Screening; 3312.27(4), Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at 888 E. DUBLIN-GRANVILLE RD. (43229), to permit multi-unit residential uses with reduced development standards in the C-4, Commercial District (Council Variance #CV21-055).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1922-2021.Attachments, 2. ORD1922-2021.Labels

Date	Ver.	Action By	Action	Result
7/28/2021	1	CITY CLERK	Attest	
7/27/2021	1	MAYOR	Signed	
7/26/2021	1	Zoning Committee	Amended to Emergency	Pass
7/26/2021	1	Zoning Committee	Approved	Pass
7/26/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV21-055

**APPLICANT:** Side Now, LLC; dba Affordable Columbus Housing; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2<sup>nd</sup> Floor; Columbus, OH 43215.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a hotel zoned in the C-4, Commercial District. The requested Council variance will permit conversion of the existing building into 180 apartment units. The site is within the planning boundaries of the *Northland I Area Plan (2014)*, which recommends “Community Commercial” land uses at this location. Although the request is not consistent with this recommendation, it meets policy objectives for providing affordable housing along transit corridors and includes augmented interior parking lot trees as requested by the Planning Division. 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 as Rezoning Application #Z21-060, a request for the AR-1, Apartment Residential District, has been filed and is in the formal review process.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.21(B), Landscaping and Screening; 3312.27(4), Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the

property located at **888 E. DUBLIN-GRANVILLE RD. (43229)**, to permit multi-unit residential uses with reduced development standards in the C-4, Commercial District (Council Variance #CV21-055).

**WHEREAS**, by application #CV21-055, the owner of property at **888 E. DUBLIN-GRANVILLE RD. (43229)**, is requesting a Council variance to permit multi-unit residential uses with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes to convert an existing hotel building into 180 apartment units; and

**WHEREAS**, Section 3312.21(B), Landscaping and screening, requires that any portion of a parking lot abutting any public street shall be screened for headlights on the perimeter adjacent to the public street, while the applicant proposes to maintain no parking lot screening along the south side of the on-site driveway parallel to the East Dublin-Granville Road service road due to insufficient on-site width for planting.

**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 a parking setback line of 0 feet to 10 feet for the existing pavement along the East Dublin-Granville Road service road, as shown on the site plan; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 60 feet, while the applicant proposes to maintain a 40 foot setback; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements, and the multi-unit residential development will provide mixed-income affordable and workforce housing consistent with the city's objectives; 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 **888 E. DUBLIN-GRANVILLE RD. (43229)**, 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; 3312.21(B), Landscaping and screening; 3312.27(4), Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **888 E. DUBLIN-GRANVILLE RD. (43229)**, insofar as said sections prohibit a multi-unit residential development containing a maximum of 180 units in the C-4, Commercial District, with no parking lot screening along the south side of the on-site driveway parallel to the East Dublin Granville Road service road; a parking setback reduction from 10 feet to a range of 0 feet to 10 feet; and a reduced building setback line from 60 feet to 40 feet; said property being more particularly described as follows:

**888 E. DUBLIN-GRANVILLE RD. (43229)**, being 7.20± acres located on the north side of East Dublin-Granville Road, 200± feet west of Northgate Road, and being more particularly described as follows:

**TRACT 1**

Situated in the State of Ohio, County of Franklin and in the City of Columbus, and being part of Section 4, Township 2,

Range 13, United States Military Lands, also being part of a 55.103 acre tract described in an affidavit shown of record in Deed Book 2412, page 166, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

Beginning at a point in the Westerly line of said 55.103 Acre Tract at its intersection with the Northerly line of Dublin-Granville Road (S.R. 161) as shown on a record plat of Northgate Industrial Park of record in Plat Book 32, Page 93 of the aforementioned records;

Thence North 5 degrees 04' East along the Westerly line of said 55.103 Acre Tract a distance of 530 feet to a point;  
Thence South 84 degrees 56' East a distance of 515 feet to a point;  
Thence South 5 degrees 04' West a distance of 349.73 feet to a point;  
Thence North 84 degrees 56' West a distance of 165 feet to a point;  
Thence South 5 degrees, 04' West a distance of 165 feet to a point in the Northerly right-of-way line of Dublin- Granville Road (S.R. 161); thence Westerly along the Northerly right-of-way line of Dublin-Granville Road (S.R. 161) the following courses and distance;  
North 84 degrees 44' 53" West a distance of 180.60 feet to a point;  
South 5 degrees 01' 03" West a distance of 10.60 feet to a point;  
North 86 degrees 42' 48" West a distance of 169.51 feet to the point of beginning, containing 5.507 Acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING:

Situated in the State at Ohio, County of Franklin, City of Columbus, and being part of Section 4, Township 2, Range 21, United States Military Lands and being more particularly described as follows;  
Beginning at the Southwesterly corner of the above described tract;

## TRACT 2

Thence with the Southerly line of the above described tract South 89 degrees 11' 21" East 100.64 feet to a point, the true place of beginning and said point being 76.80 feet left of Station 579-38- 91 in the centerline of a survey made in 1959 by the Ohio Department of Highways of the location of S.R. 161, Section 10.76 Franklin County, Ohio;  
Thence leaving the place of beginning and with the Southerly line of the above described tract and the existing right-of-way line the following courses;  
South 89 degrees 11' 21" East, 68.87 feet to a point;  
Thence North 2 degrees 32' 32" East, 10.60 feet to a point;  
Thence South 87 degrees 13' 26" East, 180.60 feet to a corner of the above described tract;  
Thence with the Easterly line of the above described tract North 2 degrees 35' 27" East 36.38 feet to a point in the proposed right-of-way line;  
Thence with the proposed right-of-way line North 87 degrees 01' 33" West, 138.01 feet;  
Thence South 68 degrees 39' 24" West 121.90 feet to the true place of beginning and containing 0.16 Acres, more or less.

Situated in the County of Franklin, State of Ohio, City of Columbus, being located in Section 4, Township 2, Range 18, United States Military Lands, and being 1.585 acres of the Franklin Corp., tract of record in Deed Book 3127, Page 349 all references being to records of the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the Easterly line of the Mary C. Burgess 3.91 acre tract of record in Deed Book 2025, Page 87, at the Northwesterly corner of the Investors Reit One 5.347 acre tract of record in Deed Book 3225, Page 171, being also the Southwesterly corner of the said Franklin Corp. tract;

Thence along the Westerly line of the said Franklin Corp. tract, being also the Easterly line of the said Burgess 3.91 acre tract, North 5 degrees 04' East, 191.11 feet to a point at the Southwesterly corner of the Northgate Development Company 20.998 acre tract of record in Deed Book 2994, Page 227;  
Thence along the Southerly line of the said 20.998 acre tract, being also the Northerly line of the said Franklin Corp tract, South 84 degrees 33' East 348.84 feet to a point;  
Thence South 5 degrees 04' West, 196.78 feet to a point in the Southerly line of the said Franklin Corp tract, being also in

the Northerly line of the said Investors Reit One 5.347 acre tract;  
Thence along the said line, North 84 degrees 56' West, 348.83 feet to the place of beginning, containing 1.585 Acres, more or less.

### **TRACT 3**

Situated in the County of Franklin, State of Ohio, City of Columbus, being located in Section 4, Township 2, Range 18 United State Military Lands, and being 0.268 acre of the Franklin Corp tract of record in Deed Book 3127, Page 349, all references being to records of the Recorder's Office, Franklin County, Ohio, and bounded and described as follows;

Beginning at a point in the westerly right-of-way line of Northgate Road as dedicated by the plat of record in Plat Book 32, Page 93, at the Northwesterly corner of the Gulf Oil Company 0.677. Acre tract of record in Deed Book 2916, page 518;

Thence along the Northerly line of said Gulf Oil Company 0.677 acre tract,  
North 84° 56' West, 32.90 feet to a point in the Westerly line of the Investors Reit One 5.347 acre tract of record in Deed Book 3225, Page 171;

Thence along the Easterly line of the said 5.347 acre tract,  
North 5 degrees 04' East, 349.73 feet to a point at the Northeasterly corner of the said tract;  
Thence South 84 degrees 56' feet East, 33.83 feet to a point in the Westerly right-of-way line of the said Northgate Road;  
Thence along the Westerly line of the said Northgate Road, South 5 degrees 13' 10" West, 349.73 feet to the place of beginning, containing 0.268 Acres more or less.

Parcel No. 010-024314-00  
888 East Dublin Granville Road, Columbus, Ohio 43229

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development containing a maximum of 180 units, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**MULTIFAMILY HOUSING CONVERSION**," dated June 25, 2021, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. The plan 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 plan 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 a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z21-060 through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA) or within two years of the effective date of this ordinance, whichever occurs first.

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