



## Legislation Details (With Text)

**File #:** 1217-2005      **Version:** 3

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

**File created:** 6/24/2005      **In control:** Zoning Committee

**On agenda:** 7/25/2005      **Final action:** 7/27/2005

**Title:** To grant a Variance from the provisions of Section 3361.02, Permitted uses, for the property located at 5132 HAYDEN RUN ROAD (43026), to permit multi-family residential land-use that is not located above certain commercial uses on a lot zoned in the CPD, Commercial Planned Development District and to declare an emergency. (Council Variance CV05-007)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 1217-2005 exhibits.pdf, 2. ORD 1217-2005 labels.pdf, 3. CV05-007 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/27/2005	3	MAYOR	Signed	
7/27/2005	3	CITY CLERK	Attest	
7/25/2005	3	Zoning Committee	Amended to Emergency	Pass
7/25/2005	3	Zoning Committee	Amended as submitted to the Clerk	Pass
7/25/2005	3	Zoning Committee	Approved as Amended	Pass
7/25/2005	3	COUNCIL PRESIDENT	Signed	
7/18/2005	1	Columbus City Council	Read for the First Time	
7/11/2005	1	Dev Zoning Drafter	Sent for Approval	
7/11/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/11/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/8/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
7/7/2005	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance:** CV05-007

**APPLICANT:** Multicon Development Corporation; c/o David L. Hodge, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This variance will add multi-family residential land-use to those uses permitted in Sub-area 5 of the current CPD, Commercial Planned Development District that permits certain C-4, Commercial uses (Z99-033). The registered CPD plan for Sub-area 5 includes a note stating that this sub-area can be converted to multi-family residential development with a Council variance. The applicant intends to develop 126 dwelling units on 13.35± acres with a density of 9.44 dwelling units per acre. The proposed apartment complex is consistent with apartment complexes located directly north, east and southeast of the subject site. The applicant is committing to a registered site plan that includes development standards consistent with the apartment complexes built in Sub-areas 1 and 2 of the L-AR-O, Apartment Residential - Office District that also was established as part of Z99-033.

To grant a Variance from the provisions of Section 3361.02, Permitted uses, for the property located at **5132 HAYDEN RUN ROAD (43026)**, to permit multi-family residential land-use that is not located above certain commercial uses on a lot zoned in the CPD, Commercial Planned Development District **and to declare an emergency.** (Council Variance CV05-007)

**WHEREAS**, by application No. CV05-007, the owners of property at **5132 HAYDEN RUN ROAD (43026)**, are requesting a Council Variance to add multi-family residential land-use that is not located above certain commercial uses on a lot zoned in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3361.02, Permitted uses, does not permit multi-family residential land-use unless it is located above certain commercial uses, while the applicant proposes a multi-family residential development that is not located above certain commercial uses; and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, this re-zoning proposal is consistent with the surrounding development and the registered site plan for Sub-area 5, the subject site, states that commercial use may be converted to multi-family residential land-use with a Council variance; and

**WHEREAS**, City Departments recommend approval and note that a hardship exists in that multi-family residential development is only permitted above certain commercial uses in the existing CPD district, while the applicant intends to develop a multi-family apartment complex without a commercial component.

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **5132 HAYDEN RUN ROAD (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 is granted from the provisions of Section 3361.02, Permitted uses, for the property located at **5132 HAYDEN RUN ROAD (43026)**, to permit multi-family residential development that is not located above certain commercial uses in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

**DESCRIPTION OF A 12.892 ACRE TRACT (TO BE REZONED) ALONG INTERSTATE 270, NORTH OF HAYDEN RUN ROAD CITY OF COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 2418 and being a portion of an original 62.458 acre tract of land conveyed to Melvin W. & Florence M. Rings by deeds of record in Instrument 200208020190037 and Instrument 200208020190090, all records referenced to the Recorder's Office, Franklin County, Ohio, said rezoning tract bounded and described as follows:

Beginning, for reference, at a point at the intersection of the centerline of Hayden Run Road with the east Limited Access Right-of-Way Line of Interstate 270 and at the southwest corner of a proposed 0.778 acre tract of land being conveyed for Hayden Run Road right-of-way purposes, said point being 200.00 feet right of centerline station 549+06.78 of Interstate 270, as shown on Sheet 22 of 30

of Ohio Department of Transportation right-of-way plans for FRA-270-3.47-N;

thence N 11° 36' 49" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 1,185.74 feet to a point at the true place of beginning of the rezoning tract herein intended to be described;

thence continuing N 11° 36' 49" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 6.92 feet to a point at an angle point in the east Limited Access Right-of-Way Line of Interstate 270;

thence N 13° 31' 22" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 300.17 feet to a point at an angle point in the east Limited Access Right-of-Way Line of Interstate 270;

thence N 11° 36' 49" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 454.05 feet to a point at the northwest corner of said original 62.458 acre tract and at the southwest corner of Lot Number Seven (7), as shown upon the plat of "Tuttle Crossing Southeast", of record in Plat Book 71, Pages 35 and 36;

thence N 78° 24' 54" E along a portion of the north line of said original 62.458 acre tract and along a portion of the south line of said Lot No. 7 a distance of 776.24 feet to a point at the northwest corner of a 16.484 acre tract of land conveyed to Times Square at Tuttle Crossing, Ltd. by deed of record in Instrument 200112180295406;

thence S 12° 19' 45" E crossing a portion of said original 62.458 acre tract and along the west line of said 16.484 acre tract a distance of 680.65 feet to a point;

thence S 72° 29' 31" W crossing a portion of said original 62.458 acre tract a distance of 778.86 feet to the true place of beginning;

containing 12.892 acres of land more or less.

The above description was prepared by Kevin L. Baxter, Ohio surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House records in April, 2005, and not from an actual field survey. This description was prepared for rezoning purposes only and not intended for transfer of real property. Basis of bearings is the centerline of Interstate Route 270, being N 11° 36' 49" W, as shown upon Sheet 22 of 30 of Ohio Department of Transportation right-of-way plans for FRA-270-3.47-N.

Kevin L. Baxter, Ohio Surveyor #7697.

**DESCRIPTION OF A 13.352 ACRE TRACT ALONG INTERSTATE 270, NORTH OF HAYDEN RUN ROAD, CITY OF COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 2418 and being a portion of an original 62.458 acre tract of land conveyed to Melvin W. & Florence M. Rings by deeds of record in Instrument 200208020190037 and Instrument 200208020190090, all records referenced to the Recorder's Office, Franklin County, Ohio, said rezoning tract bounded and described as follows:

Beginning, for reference, at a point at the intersection of the centerline of Hayden Run Road with the east Limited Access Right-of-Way Line of Interstate 270 and at the southwest corner of a proposed 0.778 acre tract of land being conveyed for Hayden Run Road right-of-way purposes, said point being 200.00 feet right of centerline station 549+06.78 of Interstate 270, as shown on Sheet 22 of 30 of Ohio Department of Transportation right-of-way plans for FRA-270-3.47 N;

thence N 11° 36' 49" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 1,185.74 feet to a 3/4" I.D. iron pipe set at the true place of beginning of the tract herein intended to be described;

thence continuing N 11° 36' 49" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 6.92 feet to a 3/4" I.D. iron pipe set at an angle point in the east Limited Access Right-of-Way Line of Interstate 270;

thence N 13° 31' 22" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 300.17 feet to a 3/4" I.D. iron pipe set at an angle point in the east Limited Access Right-of-Way Line of Interstate 270;

thence N 11° 36' 49" W along the east Limited Access Right-of-Way Line of Interstate 270 and along a portion of a west line of said original 62.458 acre tract a distance of 454.05 feet to a 3/4" I.D. iron pipe found at the northwest corner of said original 62.458 acre tract and at the southwest corner of Lot Number Seven (7), as shown upon the plat of "Tuttle Crossing Southeast", of record in Plat Book 71, Pages 35 and 36;

thence N 78° 24' 54" E along a portion of the north line of said original 62.458 acre tract and along a portion of the south line of said Lot No. 7 a distance of 776.24 feet to a 3/4" I.D. iron pipe set at the northwest corner of a 16.484 acre tract of land conveyed to Times Square at Tuttle Crossing, Ltd. by deed of record in Instrument 200112180295406;

thence S 12° 19' 45" E crossing a portion of said original 62.458 acre tract and along the west line of said 16.484 acre tract a distance of 666.69 feet to a 3/4" I.D. iron pipe set at a southwest corner of said 16.484 acre tract;

thence N 78° 24' 54" E along a south line of said 16.484 acre tract a distance of 14.93 feet to a 3/4" I.D. iron pipe set of curvature;

thence easterly along the curved southwesterly line of said 16.484 acre tract and with a curve to the right, data of which is: radius = 500.00 feet, and delta = 37° 02' 23", arc length = 323.23 feet, a chord distance of 317.63 feet bearing S 83° 03' 54" E to a 3/4" I.D. iron pipe set at a southwest corner of said 16.484 acre tract and in the proposed curved northwesterly line of future Edwards Farms Road;

thence southwesterly crossing a portion of said original 62.458 acre tract, along a portion of the proposed curved northwesterly line of future Edwards Farms Road and with a curve to the left, data of which is: radius = 550.00 feet, and delta = 07° 57' 40", arc length = 76.42 feet, a chord distance of 76.36 feet bearing S 38° 50' 24" W to a 3/4" I.D. iron pipe set;

thence N 51° 38' 55" W crossing a portion of said original 62.458 acre tract a distance of 7.51 feet to a 3/4" I.D. iron pipe set at a point of curvature;

thence westerly crossing a portion of said original 62.458 acre tract and with a curve to the left, data of which is: radius = 199.50 feet, and delta = 51° 46' 03", arc length = 180.25 feet, a chord distance of 174.18 feet bearing N 77° 31' 56" W to a 3/4" I.D. iron pipe set of reverse curvature;

thence westerly crossing a portion of said original 62.458 acre tract and with a curve to the right, data of which is: radius = 172.50 feet, and delta = 48° 51' 46", arc length = 147.11 feet, a chord distance of 142.69 feet bearing N 78° 59' 05" W to a 3/4" I.D. iron pipe set;

thence S 72° 29' 31" W crossing a portion of said original 62.458 acre tract a distance of 740.10 feet to the true place of beginning;

containing 13.352 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in July, 2002 and in April 2005. Basis of bearings is the centerline of Interstate Route 270, being N 11° 36' 49" W, as shown upon Sheet 22 of 30 of Ohio Department of Transportation right-of-way plans for FRA-270-3.47 N.

Kevin L. Baxter, Ohio Surveyor #7697.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-family residential development, or those uses permitted in the CPD, Commercial Planned Development District on this site.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the registered site plan titled, "**RINGS PROPERTY CONDOMINIUMS, COLUMBUS, OHIO**," signed on June 30, 2005, by Jeffrey L. Brown, attorney for the applicant. Any minor revision(s) to said site plan are subject to review and approval by the Director of Development Department, or his or her designee.

**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 shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**