



## Legislation Details (With Text)

**File #:** 0764-2006      **Version:** 1

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

**File created:** 4/10/2006      **In control:** Zoning Committee

**On agenda:** 6/5/2006      **Final action:** 6/8/2006

**Title:** To grant a Variance from the provisions of Sections 3353.03(H), Permitted Uses; 3353.05, C-2 District Development Limitations and 3342.15, Maneuvering, for property located at 111 NORTH WOODS BOULEVARD (43235), being 2.24 + acres on the east side of North Woods Boulevard, 10± feet south of North Woods Drive, to permit ground level residential use and second floor residential use not located over a commercial use, thereby permitting dwelling units in the CPD, Commercial Planned Development District.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-0764-2006CV05-070 Legistar attachments.pdf, 2. ORD0764-2006Labels.pdf, 3. City Council Data FormCV05-070.pdf

Date	Ver.	Action By	Action	Result
6/8/2006	1	ACTING CITY CLERK	Attest	
6/7/2006	1	MAYOR	Signed	
6/5/2006	1	Zoning Committee	Approved	Pass
6/5/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
6/5/2006	1	COUNCIL PRESIDENT	Signed	
5/23/2006	1	Dev Drafter	Sent to Clerk's Office for Council	
5/23/2006	1	City Clerk's Office	Sent back for Clarification/Correction	
5/23/2006	1	Dev Drafter	Sent for Approval	
5/23/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
5/23/2006	1	Dev Drafter	Sent to Clerk's Office for Council	
5/22/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
5/22/2006	1	Dev Reviewer	Reviewed and Approved	
5/10/2006	1	Dev Drafter	Sent for Approval	

**APPLICANT:** Centex Homes c/o Donald Plank; 145 East Rich Street; Columbus, OH 43215.

**PROPOSED USE:** To permit 25 dwelling units in the CPD, Commercial Planned Development District.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The CPD zoning was established in 1982 as part of an 88 acre rezoning that established single-family, multi-family and commercial zoning. The 2.24 ± acre site is part of the CPD area in which C-2, Commercial District uses are permitted. Dwelling units are permitted only when located above a ground floor commercial use. Applicant proposes to develop the site with 25 dwelling units that include ground floor residential use and no commercial uses. The site is Sub-area D-1 of the Far North Plan (1994), which recommends "development that is consistent with the existing office development surrounding the sub-area." Staff also notes the draft recommendations of the 21<sup>st</sup> Century Growth Team support maintaining office zoning. A Council variance is necessary in that dwelling units are permitted only above certain ground floor

commercial uses in the C-2 District. Staff recognizes that no legitimate hardship exists to justify a Council variance to permit multi-family residential uses at this commercially zoned site.

To grant a Variance from the provisions of Sections 3353.03(H), Permitted Uses; 3353.05, C-2 District Development Limitations and 3342.15, Maneuvering, for property located at **111 NORTH WOODS BOULEVARD (43235)**, being 2.24 ± acres on the east side of North Woods Boulevard, 10± feet south of North Woods Drive, to permit ground level residential use and second floor residential use not located over a commercial use, thereby permitting dwelling units in the CPD, Commercial Planned Development District.

**WHEREAS**, by application No. CV05-070, the owner of property at **111 NORTH WOODS BOULEVARD (43235)**, is requesting a Council variance to permit ground level residential use and second floor residential use not located over a commercial use, thereby permitting 25 dwelling units in the CPD, Commercial Planned Development District; and

**WHEREAS**, CPD, Commercial Planned Development District zoning was initially established in 1982 (Z82-006) as part of a larger area that was rezoned to establish commercial, multi-family and single-family land uses in what is now called "North Woods"; and

**WHEREAS**, part of the CPD zoning established with Z82-006 was rezoned in 1987 (Z87-1330) to permit accessory retail/restaurant uses in conjunction with office uses; and

**WHEREAS**, the CPD permits all C-2, Commercial uses, which include dwelling units located above certain ground-floor commercial uses; and

**WHEREAS**, applicant proposes to develop the site with 25 dwelling units, as depicted on the plans referenced in Section 3 and subject to conditions itemized on the referenced plans and in Section 4; and

**WHEREAS**, Section 3353.03 (H), Permitted Uses, does not permit ground level residential use and requires second floor residential use to be located over a ground level commercial use, while applicant proposes 25 dwelling units including ground floor residential use and second floor residential use not located over a ground floor commercial use; and

**WHEREAS**, Section 3353.05, C-2 District Development Limitations, permits dwelling units when located over a use permitted in the C-2, Commercial District, while applicant proposes 25 dwelling units including ground floor residential use and second floor residential use not located over a ground floor commercial use ; and

**WHEREAS**, Section 3342.15, Maneuvering, which section requires each parking space to have sufficient access and maneuvering area, while applicant proposes to permit stack parking in private driveways in front of the two car attached garages of each dwelling unit; and

**WHEREAS**, City Departments recommend disapproval noting that CPD zoning was established in 1982 as part of an 88 acre rezoning that established single-family, multi-family and commercial zoning. The 2.24 ± acre site is part of the CPD area in which C-2, Commercial District uses are permitted. Dwelling units are permitted only when located above a ground floor commercial use. Applicant proposes to develop the site with 25 dwelling units that include ground floor residential use. The site is Sub-area D-1 of the Far North Plan (1994), which recommends "development that is consistent with the existing office development surrounding the sub-area." Staff also notes the draft recommendations of the 21<sup>st</sup> Century Growth Team support maintaining office zoning. A Council variance is necessary in that dwelling units are permitted only above certain ground floor commercial uses in the C-2 District. Staff recognizes that no legitimate hardship exists to justify a Council variance to permit multi-family residential uses at this commercially zoned site; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **111 NORTH WOODS BOULEVARD (43235)**, 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 3353.03 (H), Permitted Uses, 3353.05, C-2 District Development Limitations, and 3342.15, Maneuvering, of the Columbus City Codes are hereby granted for the property located at **111 NORTH WOODS BOULEVARD (43235)**, insofar as said sections prohibit 25 dwelling units in the CPD, Commercial Planned Development District (C-2 uses) with ground floor residential use, second floor residential use not located over a ground floor commercial use and stacked parking in the driveways of the two-car garages of each dwelling unit, said property being more particularly described as follows:

ZONING DESCRIPTION  
2.244 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Reserve "E" of North Woods Section 4, a subdivision of record in Plat Book 61, Pages 81 and 82, Section 2 Township 2, Range 18, United States Military Lands, being out of that tract conveyed to Northwoods II, L.P., by deed of record in Instrument Number 199808210213122 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly bounded and described as follows:

Beginning, for reference, at the intersection of North Woods Drive and North Woods Boulevard;

thence southwesterly, with the centerline of North Woods Boulevard with the arc of a curve to the left having a radius of 325.00 feet, a central angle of 06°53'31", an arc length of 39.09 feet, a chord that bears South 19°11'27" West and a chord distance of 39.07 feet to a point on the northerly boundary of North Woods Section 4;

thence South 74°15'19" East, along the boundary of North Woods Section 4 a distance of 30.00 feet to a point on the easterly right of way of North Woods Boulevard, the True Point of Beginning;

thence along the easterly right of way of North Woods Boulevard and the boundary of the Northwoods II, L.P. tract with the arc of a curve to the right having a radius of 295.00 feet, a central angle of 01°49'24", an arc length of 9.39 feet, a chord that bears North 16°39'23" East and a chord distance of 9.39 feet to a northerly corner of Northwoods II, L.P. tract;

thence with the boundary of the Northwoods II, L.P. tract, South 72°25'55" East, a distance of 20.34 feet to a point;

thence across said Northwoods II, L.P. tract the following courses:

South 17°34'05" West, a distance of 13.03 feet to a point;

South 52°20'26" East, a distance of 60.98 feet to a point;

North 84°52'50" East, a distance of 162.86 feet to a point on the northeasterly boundary of the Northwoods II, L.P. tract;

thence with the boundary of the Northwoods II, L.P. tract South 61°48'10" East, a distance of 23.28 feet to a point;

thence across said Northwoods II, L.P. tract the following courses:

South 05°07'10" East, a distance of 326.71 feet to a point;

South 84°52'50" West, a distance of 302.22 feet to a point on the easterly right of way line of North Woods Boulevard and the westerly boundary of said Northwoods II, L.P. tract;

thence along the easterly right of way line of North Woods Boulevard and the boundary of the Northwoods II, L.P. tract the following courses:

with the arc of a curve to the right having a radius of 890.00 feet, a central angle of 02°44'01", an arc length of 42.46 feet, a chord that bears North 00°53'20" East and a chord distance of 42.46 feet to a point of tangency;

North 02°15'16" East, a distance of 285.00 feet to a point of curvature;

thence northeasterly, with the arc of a curve to the right having a radius of 295.00 feet, a central angle of 13°29'21", an arc length of 69.45 feet, a chord that bears North 9°00'01" East and a chord distance of 69.29 feet to the point of beginning and containing 2.244 acres of land, more or less.

This description was prepared from existing records and is for zoning purposes.

**Section 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for not more than twenty-five (25) dwelling units and/or those uses permitted in the CPD, Commercial Planned Development District.

**Section 3.** That this ordinance is conditioned upon the following drawings: "**NORTHWOODS TRACT - SITE PLAN**" and "**NORTHWOODS TRACT - BUILDING ELEVATIONS**" both dated March 1, 2006 and both signed March 1, 2006 by Donald Plank, Attorney for Applicant, as the required site plan and building elevations for development of the site.

**Section 4.** That this ordinance is further conditioned upon all applicable permits and Certificates of Occupancy being obtained 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.