



Legislation Text

File #: 2018-2023, **Version:** 2

Council Variance Application: CV23-025

APPLICANT: NRP Properties, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use and multi-unit residential development.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for concurrent rezoning requests (Ordinance #2016-2023; Z21-091 and Ordinance #2017-2023; Z22-043), to the AR-1, Apartment Residential District. The requested Council Variance will permit a 65-unit mixed-use building with up to 6,250 square feet of retail uses on the "North Site" (30 Fornof Road; Parcel #010-104058); and two apartment buildings containing up to 180 units on the "South Site" (103 Fornof Road; Parcel #010-245503). Along with the commercial use variance, requested variances include a one space parking reduction, and reduced vision clearance and building line on the North Site, and a reduced perimeter yard on the South Site. Staff finds the requested variances to be supportable as they will allow both a mixed-use building and a multi-unit residential development within close proximity to a primary corridor, and will not add incompatible uses to the area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(1), Vision clearance; 3333.18(C)(2), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the properties located at **30 & 103 FORNOF RD. (43207)**, to permit mixed-use and multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV23-025).

WHEREAS, by application #CV23-025, the owner of properties at **30 & 103 FORNOF RD. (43207)**, is requesting a Council variance to permit mixed-use and multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, prohibits commercial uses, while the applicant proposes up to 6,250 square feet of commercial uses within the development on the North Site; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for multi-unit residential development, and 1 parking space per 250 square feet of retail use, with a 50 percent reduction per the Community Commercial Overlay parking requirements contained in Section 3372.709, a total requirement of 111 parking spaces, while the applicant proposes 110 parking spaces for the mixed-use development on the North Site; and

WHEREAS, Section 3321.05(A)(1), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a parking lot entrance and the street right-of-way, while the applicant proposes clear vision triangles of 8 feet for the parking lot entrance onto Service Road C on the North Site; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 25 feet along Service Road “C”, while the applicant proposes a reduced building line of five feet on the North Site, as shown on the submitted site plan; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards along the east and west property lines of 10 feet for the multi-unit residential development on the South Site, as shown on the submitted site plan; and

WHEREAS, the Far South Columbus Area Commission recommends approval, and

WHEREAS, the City Departments recommend approval because the variances will permit a mixed-use building and a multi-unit residential development that is consistent with residential infill development in urban neighborhoods; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a Certificates of Occupancy for the proposed developments; 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 **30 & 103 FORNOF 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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(1), Vision clearance; 3333.18(C)(2), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the properties located at **30 & 103 FORNOF RD. (43207)**, insofar as said sections prohibit 6,250 square feet of commercial space in the AR-1, Apartment Residential District, with a parking reduction from 111 required to 110 provide spaces , a reduced clear vision triangle at the intersection of the parking lot entrance and Service Road C from 10 feet to 8 feet, and a reduced building line from 25 feet to 10 feet along Service Road C on the North Site; and reduced perimeter yard from 25 feet to 10 feet on the eastern and western property lines of the South Site; said property being more particularly described as follows:

30 & 103 FORNOF RD. (43207), being 7.57± acres located on the north and south sides of Fornof Road, 115± feet east of South High Street, and being more particularly described as follows:

DESCRIPTION OF 2.008 ACRES - 30 FORNOF RD. (NORTH SITE)

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 4, Township 4, Range 22, Congress Lands East of Scioto River, being part of the remainder of that 2.585 acre tract of land described in a deed to Man Sim Leung and Man Him Leung, of record in Instrument Number 199712010155829, all record referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a northwest corner of the remainder of said 2.585 acre tract, being the northeast corner of the existing right-of-way for Service Road “C” (50’ R/W width);

Thence South 85 degrees 40 minutes 54 seconds East, along the north line of said 2.585 acre tract, a distance of 10.00 feet to the TRUE POINT OF BEGINNING for this description;

Thence South 85 degrees 40 minutes 54 seconds East, continuing along the north line of said 2.585 acre tract, a distance of 329.09 feet to a point;

Thence South 41 degrees 54 minutes 45 seconds East, across said 2.585 acre tract, along a proposed lot split line, a distance of 36.11 feet to a point on the east most line of the remainder of said 2.585 acre tract;

Thence South 01 degrees 51 minutes 25 seconds West, along the east most line of the remainder of said 2.585 acre tract, a distance of 217.40 feet to a point;

Thence North 86 degrees 09 minutes 06 seconds West, across said 2.585 acre tract, along the proposed north right-of-way line for Fornof Road (currently 40' R/W width), a distance of 348.92 feet to a point on the existing east right-of-way line for said Service Road "C", being on a southwesterly line of the remainder of said 2.585 acre tract;

Thence North 34 degrees 10 minutes 33 seconds West, along the existing east right-of-way line for said Service Road "C", along a southwesterly line of the remainder of said 2.585 acre tract, a distance of 14.38 feet to a point;

Thence North 00 degrees 14 minutes 49 seconds East, continuing along the existing east right-of-way line for said Service Road "C", along a west line of the remainder of said 2.585 tract, a distance of 224.38 feet to a point;

Thence North 47 degrees 16 minutes 57 seconds East, across said 2.585 acre tract, along a proposed lot split line, a distance of 13.63 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 2.008 acres, all of which is located within Franklin County Auditor's parcel number 010-104058.

DESCRIPTION OF 5.595 ACRES - 103 FORNOF RD. (SOUTH SITE)

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 4, Township 4, Range 22, Congress Lands, being all of that 5.501 acre tract of land described in a deed to DMSS Leasing Compnay, P.L.L. (NKA Cob Tail Properties, LLC), of record in Instrument Number 199808270218295 (See Name Change Affidavit of record in Instrument Number 202011060175870), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the southwest corner of said 5.501 acre tract, being on the existing north right-of-way line for Dering Avenue (50 feet wide - public);

Thence North 03 degrees 43 minutes 41 seconds East, a distance of 517.26 feet to the northwest corner of said 5.501 acre tract, being on the existing south right-of-way line for Fornoff Road (40 feet wide - public);

Thence South 86 degrees 24 minutes 44 seconds East, along the existing south right-of-way line for Fornoff Road and along the north line of said 5.501 acre tract, a distance of 469.38 feet to the northeast corner of said 5.501 acre tract;

Thence South 03 degrees 25 minutes 44 seconds West, along the east line of said 5.501 acre tract, a distance of 518.21 feet to the southeast corner of said 5.501 acre tract, being on the existing north right-of-way line for Dering Avenue;

Thence North 86 degrees 17 minutes 49 seconds West, along the existing north right-of-way line for Dering Avenue and along the south line of said 5.501 acre tract, a distance of 472.09 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 5.595 acres, all of which is located within Franklin County Auditor's parcel number 010-245503.

Property Addresses: 30 & 103 Fornof Road, Columbus, OH 43207.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development on the North Site, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**ZONING PLAN**," dated June 23, 2023, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the 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 adjustment to the plan shall be reviewed and may be approved by the Director of the Department of 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 Certificates of Occupancy for the proposed developments.

SECTION 5. **That this ordinance is further conditioned on the required pavement improvements being provided within the Fornoff Road right of way, as noted in the E-Plan scope approved by the Department of Public Service.**

SECTION 56. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.