



## Legislation Text

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**File #:** 0472-2008, **Version:** 1

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**Council Variance Application:** CV07-047

**APPLICANT:** Easton Town Center II, LLC; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Residential development.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned in the CPD, Commercial Planned Development District and encompasses some of the undeveloped land of the Easton Town Center development. The 63.8± acre site is part of a 430± acre CPD District that was established in 1999 (Ordinance No. 1721-99, Z97-083A) for commercial development in accordance with C-4 development standards. The requested Council Variance will allow residential development on this site. A Council variance is necessary in that dwelling units are permitted only above certain ground floor commercial uses in the C-4 District. Additional variances are included in the request to allow buildings to be constructed at a maximum height of two hundred seventy-five feet (275'), and to allow a parking space reduction by adopting a parking ratio of one parking space per bedroom for residential uses. The site is located within the boundaries of *The Northeast Plan* (2007) which recommends mixed use development for the site. The majority of the original 430± acre tract is developed with a variety of regional scale commercial, office, and residential uses. The proposal is consistent with the mixed-use nature of the Easton Town Center, and incorporates all of the development standards in the underlying CPD, Commercial Planned Development District.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3356.05, C-4 District development limitations; 3309.14, Height districts; and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **4015 MORSE ROAD (43219)**, to permit ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use, with an increased building height and a decreased parking ratio in the CPD, Commercial Planned Development District (CV07-047).

**WHEREAS**, by application No. CV07-047, the owner of property at **4015 MORSE ROAD (43219)**, is requesting a Council variance to permit ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use, with an increased building height and a decreased parking ratio in the CPD, Commercial Planned Development District; and

**WHEREAS**, the CPD, Commercial Planned Development District zoning was initially established in 1999 (Z97-083A) as part of a larger area that was rezoned to establish regional scale commercial, office, and residential development in what is now called "Easton Town Center"; and

**WHEREAS**, the CPD permits almost all C-4, Commercial uses, which include dwelling units located above certain ground-floor commercial uses; and

**WHEREAS**, the applicant proposes to develop the site with the option of exclusively residential uses; and

**WHEREAS**, Section 3356.03 C-4 Permitted uses, does not permit ground floor residential use and requires second floor residential use to be located above certain ground floor commercial uses, while the applicant proposes ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use; and

**WHEREAS**, Section 3356.05(C), C-4 District development limitations, permits dwelling units only when located above certain uses permitted in the C-4, Commercial District, while applicant proposes ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use; and

**WHEREAS**, Section 3309.14, Height districts, requires a maximum building height of sixty feet (60') at the setback for this property, while the applicant proposes a maximum building height of two-hundred seventy-five feet (275'); and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, while the applicant proposes a parking ratio of one (1) parking space per bedroom of each dwelling unit; and

**WHEREAS**, the Northeast Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposal is consistent with the land use recommendations of *The Northeast Plan* and the mixed-use nature of the Easton Town Center, and incorporates all of the development standards in the underlying CPD, Commercial Planned Development District; 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 **4015 MORSE ROAD (43219)**, 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, 3356.05, C-4 District development limitations, 3309.14, Height districts, and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes; are hereby granted for the property located at **4015 MORSE ROAD (43219)**, insofar as said sections prohibit ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use, with a maximum building height of two-hundred seventy five feet (275'), and a residential parking ratio of one (1) parking space per bedroom of each dwelling unit, said property being more particularly described as follows:

**4015 MORSE ROAD (43219)**, being 63.8± acres located at the southwest corner of Morse and Stelzer Roads, and being more particularly described as follows:

**ZONING DESCRIPTION**  
**63.8 +/- ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of the tracts conveyed to Morso Holding Co. by deeds of record in Instrument Numbers 200303280089778 and 200605010081301, part of the remainder of the tracts conveyed to Morso Holding Co. by deed of record in Official Record 30846G11, all of the tract conveyed to Easton Town Center LLC by deed of record in Instrument Number 200301290029347, part of the tract conveyed to Rich's Department Stores, Inc. by deed of record in 200011270239199, part of the tract conveyed to Easton Town Center II LLC by deed of record in Instrument Number 200707250130050, and parts of Easton Loop, Easton Loop East, Easton Loop West, Worth Avenue, Relocated Stelzer Road, and Alston Street, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the centerline intersection of said Easton Loop, Easton Loop East, and Easton Loop West;

thence with the centerline of said Easton Loop, the following courses and distances:

North 02°18'27" East, a distance of 100.00 feet, to a point;

northwardly, with the arc of a curve to the right having a radius of 375.00 feet, a central angle of 28°52'37" and a chord that bears North 16°44'46" East, a chord distance of 187.01 feet (arc distance of 189.00 feet) to a point;

North 31°11'05" East, a distance of 160.16 feet, to a point;

northwardly, with the arc of a curve to the left having a radius of 375.00 feet, a central angle of 27°26'26" and a chord that bears North 17°27'51" East, a chord distance of 177.89 feet (arc distance of 179.60 feet) to a point;

North 03°44'38" East, a distance of 65.85 feet, to a point;

thence across said Easton Loop, with the southerly right-of-way line of Morse Road, and across said Relocated Stelzer Road, the following courses and distances:

South 86°15'23" East, a distance of 270.38 feet, to a point;

South 74°56'46" East, a distance of 50.99 feet, to a point;

South 86°15'22" East, a distance of 121.13 feet, to a point;

South 87°30'21" East, a distance of 648.22 feet, to a point in the centerline of said Relocated Stelzer Road;

thence with said centerline, the following courses and distances:

South 03°44'39" West, a distance of 95.90 feet, to a point;

southwardly, with the arc of a curve to the left having a radius of 1432.40 feet, a central angle of 31°15'11" and a chord that bears South 11°52'57" East, a chord distance of 771.68 feet (arc distance of 781.33 feet) to a point;

South 27°30'33" East, a distance of 247.92 feet, to a point;

southwardly, with the arc of a curve to the right having a radius of 1432.40 feet, a central angle of 20°31'49" and a chord that bears South 17°14'38" East, a chord distance of 510.52 feet (arc distance of 513.26 feet) to the centerline intersection of said Relocated Stelzer Road and Alston Street;

thence with the centerline of said Alston Street, the following courses and distances:

South 81°18'53" West, a distance of 99.99 feet, to a point;

westwardly, with the arc of a curve to the right having a radius of 800.00 feet, a central angle of 09°01'07" and a chord that bears South 85°49'27" West, a chord distance of 125.80 feet (arc distance of 125.93 feet) to a point;

North 89°40'00" West, a distance of 580.21 feet, to a point in the centerline of said Easton Loop East;

thence South 00°48'27" West, a distance of 4.25 feet, with said centerline, to a point;

thence across said Easton Loop, said Rich's Department Stores, Inc. and Easton Town Center II LLC tracts, and said Easton Loop West, the following courses and distances:

North 87°41'33" West, a distance of 40.11 feet, to a point;

North 02°20'25" East, a distance of 163.00 feet, to a point;

North 87°41'33" West, a distance of 384.18 feet, to a point;

North 02°18'27" East, a distance of 46.75 feet, to a point;

North 87°41'33" West, a distance of 160.75 feet, to a point;

South 02°18'27" West, a distance of 209.75 feet, to a point;

North 87°41'33" West, a distance of 748.00 feet, to a point;

westwardly, with the arc of a curve to the left having a radius of 200.00 feet, a central angle of 03°47'22" and a chord that bears North 89°35'14" West, a chord distance of 13.23 feet (arc distance of 13.23 feet) to a point;

South 88°31'05" West, a distance of 92.68 feet, to a point;

westwardly, with the arc of a curve to the right having a radius of 200.00 feet, a central angle of 03°47'22" and a chord that bears North 89°35'14" West, a chord distance of 13.23 feet (arc distance of 13.23 feet) to a point;

North 87°41'33" West, a distance of 143.50 feet, to a point in the centerline of said Easton Loop West;

thence with said centerline, the following courses and distances:

North 02°18'27" East, a distance of 569.00 feet, to a point;

northeastwardly, with the arc of a curve to the right having a radius of 400.00 feet, a central angle of 90°00'01" and a chord that bears North 47°18'27" East, a chord distance of 565.69 feet (arc distance of 628.32 feet) to a point;

South 87°41'32" East, a distance of 255.92 feet, to the POINT OF BEGINNING, containing 63.8 acres, more or less.

SAVE AND EXCEPT FROM 63.8 ACRE PARCEL, THE FOLLOWING 2.832 ACRE EXCEPTION TRACT:

**2.832 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of that tract of land conveyed to Nordstrom, Inc. by deed of record in Instrument Number 200005250103367, (all references being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northeasterly corner of the dedication plat entitled "Morse Crossing Dedication and Easements" of record in Plat Book 86, Pages 56, 57 and 58 at the intersection of the southerly right-of-way line of Morse Road with the easterly right-of-way line of Morse Crossing;

thence with said easterly right-of-way line and with the arc of a curve to the left (Delta = 89° 59' 35", Radius = 40.00 feet), a chord bearing and distance of South 48° 44' 22" West, 56.57 feet to a point;

thence South 3° 44' 34" West, continuing with said easterly right-of-way line, a distance of 676.79 feet to a point;

thence South 87° 41' 33" East, crossing that tract conveyed to MORSO Holding Co. by deed of record in Official Record 30846G11 (Parcel 9), a distance of 851.52 feet to an iron pin set at the True Point of Beginning for this description;

thence South 87° 41' 33" East, continuing across said Parcel 9, a distance of 50.00 feet to an iron pin set;

thence with the boundary of that tract conveyed to Limtown, Inc. by deed of record in Instrument Number 200005250103361, the following courses and distances:

South 2° 18' 27" West, a distance of 158.00 feet to an iron pin set;

South 87° 41' 33" East, a distance of 162.50 feet to an iron pin set;

South 2° 18' 27" West, a distance of 187.58 feet to an iron pin set;

South 87° 41' 33" East, a distance of 78.83 feet to an iron pin set;

South 2° 18' 27" West, a distance of 99.42 feet to an iron pin set;

North 87° 41' 33" West, a distance of 453.83 feet to an iron pin set;

North 2° 18' 27" East, a distance of 287.00 feet to an iron pin set;

South 87° 41' 33" East, a distance of 162.50 feet to an iron pin set; and

North 2° 18' 27" East, a distance of 158.00 feet to the true point of beginning, containing 2.832 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Bearings for this description are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of monuments Frank 64 and Frank 164 and determines the bearing for a portion of Stelzer Road as being North 2° 36' 26" East.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground floor residential use, and residential use when not located over a commercial use or when located above any permitted commercial use, and/or those uses permitted in the CPD, Commercial Planned Development District.

**SECTION 3.** That this ordinance is further conditioned upon all applicable permits and Certificates of Occupancy being obtained for the proposed use.

**SECTION 4.** That this ordinance is further conditioned upon the following commitments:

1. Sidewalks shall connect the residential units to commercial uses within the Town Center.
2. Where appropriate per the development plans, the developer will install bike racks.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.