



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1629-2020, **Version:** 1

Council Variance Application: CV20-045

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: Multi-unit residential development.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of part of one undeveloped parcel split-zoned in the C-4, Commercial District and AR-1, Apartment Residential District. The requested Council variance will permit multi-unit residential development containing up to 115 units. Variances to building height, parking space area, perimeter yard, and C-4 district setbacks are included in this request. This proposed development will be subject to a competitive funding process with the Ohio Housing Finance Agency which requires certain land attributes including compliant zoning. The Council variance process is supported to assist in this state funding application process as Rezoning Application #Z20-052, a request for the AR-1, Apartment Residential District, has been filed and is in the formal review process. The requested use and density is supportable and the submitted site plan incorporates parking to the rear and side of buildings with pedestrian connectivity throughout the site as stated in the *Columbus Citywide Planning Policies (C2P2) Design Guidelines*.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3309.14(A), Height districts; 3312.29, Parking space; 3333.25, Perimeter yard; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **620 NORTON RD. (43228)**, to permit a multi-unit residential development containing up to 115-units with reduced development standards in the C-4, Commercial District and AR-1, Apartment Residential District (Council Variance #CV20-045).

WHEREAS, by application #CV20-045, the owner of the property at **620 NORTON RD. (43228)**, is requesting a Council variance to permit a multi-unit residential development containing up to 115-units with reduced development standards in the C-4, Commercial District and AR-1, Apartment Residential District; and

WHEREAS, Section 3356.03, C-4, permitted uses, permits residential use above only certain commercial uses, while the applicant proposes an apartment building containing 65-units on the C-4 district portion of the site; and

WHEREAS, Section 3309.14, Height District, requires that buildings in the H-35 Height District not exceed 35 feet in height, while the applicant proposes the buildings to be 60 feet in height; and

WHEREAS, Section 3312.29, Parking space, requires 90-degree parking spaces be a rectangular area not less than 9 by 18 feet, while the applicant proposes a reduced size of 8 by 16 feet for 15 non-code required parking spaces as shown on the submitted site plan; and

WHEREAS, Section 3333.25, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant

proposes a reduced perimeter of 10 feet along the eastern property line as shown on the submitted site plan; and

WHEREAS, Section 3356.11, C-4 district setback lines, requires a building setback line that equals one-half of the right-of-way as denoted on the Columbus Multimodal Thoroughfare Plan, or 60 feet along Norton Road, while the applicant proposes a reduced building line of 25 feet; and

WHEREAS, the Westland Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variance because the use and density is supportable with the submitted site plan demonstrating parking to the side and rear of buildings with pedestrian connectivity throughout the site as suggested in the C2P2 Design Guidelines; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **620 NORTON RD. (43228)**, in using said property as desired; and

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; 3309.14(A), Height districts; 3312.29, Parking space; 3333.25, Perimeter yard; and 3356.11, C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **620 NORTON RD. (43228)**, insofar as said sections prohibit a 65-unit apartment building in the C-4, Commercial District, with increased building height from 35 feet to 60 feet; reduced parking space size from 9 by 18 feet to 8 by 16 feet for 15 non-code required parking spaces; reduced perimeter yard from 25 feet to 10 feet along the eastern property line; and reduced building line from 60 feet to 25 feet in the C-4, Commercial District; said property being more particularly described as follows:

620 NORTON RD. (43228), being 6.52± acres mostly located at the southeast corner of Norton Road and Cherry Creek Parkway North, and being more particularly described as follows:

DESCRIPTION OF 6.523 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey No. 1474, and being part of the remainder of that 153.010 acre tract described in a deed to The Fritsche Corporation, of record in Official Record 6778, Page B06, 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 a southwest corner of the remainder of said 153.010 acre tract, being a northwest corner of that 1.970 acre tract described in a deed to The Fritsche Corporation, of record in Instrument Number 200104180081485, and being on the existing east right-of-way line for Norton Road;

Thence along the existing east right-of-way line for Norton Road along the following three (3) described courses:

1. North 13 degrees 30 minutes 56 seconds East, along a west line of the remainder of said 153.010 acre tract, a distance

of 24.06 feet to a southwest corner of the remainder of said 153.010 acre tract;

2. North 76 degrees 47 minutes 31 seconds West, along a south line of the remainder of said 153.010 acre tract, a distance of 10.07 feet to a southwest corner of the remainder of said 153.010 acre tract;

3. North 13 degrees 37 minutes 46 seconds East, along a west line of the remainder of said 153.010 acre tract, a distance of 421.98 feet to a point of curvature, being the intersection of the existing east right-of-way line for Norton Road and the existing south right-of-way line for Cherry Creek Parkway, being a northwest corner of the remainder of said 153.010 acre tract;

Thence along the existing south right-of-way line for Cherry Creek Parkway along the following five (5) described courses:

1. Along the arc of a curve to the right, along a northwest line of the remainder of said 153.010 acre tract, said curve having a radius of 20.00 feet, a central angle of 89 degrees 16 minutes 09 seconds, and an arc length of 31.16 feet, to a northwest corner of the remainder of said 153.010 acre tract, said curve being subtended by a long chord having a bearing of North 58 degrees 15 minutes 50 seconds East and a length of 28.10 feet;

2. South 77 degrees 06 minutes 05 seconds East, along a north line of the remainder of said 153.010 acre tract, a distance of 87.64 feet to a northwest corner of the remainder of said 153.010 acre tract;

3. South 81 degrees 23 minutes 15 seconds East, along a north line of the remainder of said 153.010 acre tract, a distance of 60.21 feet to a northeast corner of the remainder of said 153.010 acre tract;

4. South 77 degrees 06 minutes 05 seconds East, along a north line of the remainder of said 153.010 acre tract, a distance of 436.07 feet to a point of curvature, being a northeast corner of the remainder of said 153.010 acre tract;

5. Along the arc of a curve to the left, along a north line of the remainder of said 153.010 acre tract, said curve having a radius of 330.00 feet, a central angle of 08 degrees 00 minutes 53 seconds and an arc length of 46.16 feet, to a northeast corner of the remainder of said 153.010 acre tract, being a northwest corner of the remainder of that 13.120 acre tract described in a deed to The Fritsche Corporation, of record in Instrument Number 199902160038696, said curve being subtended by a long chord having a bearing of South 81 degrees 06 minutes 32 seconds East and a length of 46.12 feet;

Thence South 13 degrees 18 minutes 23 seconds West, along an east line of the remainder of said 153.010 acre tract and along a west line of the remainder of said 13.120 acre tract, a distance of 348.18 feet to a southeast corner of the remainder of said 153.010 acre tract, being a southwest corner of the remainder of said 13.120 acre tract, being the northwest corner of that 0.387 acre tract described in a deed to Jennifer D. Pollack and Margie V. Pollack, of record in Instrument Number 20181160156256, and being the northeast corner of that 0.384 acre tract described in a deed to Timothy F. Griffith and Tina M. Griffith, of record in Official Record 28571, Page A11;

Thence North 76 degrees 57 minutes 07 seconds West, along a south line of the remainder of said 153.010 acre tract and along the north line of said 0.384 acre tract, a distance of 56.25 feet to a southeast corner of the remainder of said 153.010 acre tract, being the northwest corner of said 0.384 acre tract and being the northeast corner of that 0.354 acre tract described in a deed to Kenneth L. Palmer Jr. and Diane J. Palmer, of record in Instrument Number 201509080126011;

Thence South 63 degrees 16 minutes 55 seconds West, along a southeast line of the remainder of said 153.010 acre tract, along the northwest line of said 0.354 acre tract and along the northwest line of that 0.318 acre tract described in a deed to Abroz Investments, LLC, of record in Instrument Number 201106240079331, a distance of 150.11 feet to a southeast corner of the remainder of said 153.010 acre tract, being the northwest corner of said 0.318 acre tract and being the northeast corner of said 1.970 acre tract;

Thence South 70 degrees 18 minutes 20 seconds West, along a southeast line of the remainder of said 153.010 acre tract and along a northeast line of said 1.970 acre tract, a distance of 34.75 feet to a southeast corner of the remainder of said

153.010 acre tract, being a northeast corner of said 1.970 acre tract;

Thence North 77 degrees 01 minute 54 seconds West, along a south line of the remainder of said 153.010 acre tract and along a north line of said 1.970 acre tract, a distance of 343.56 feet to a southwest corner of the remainder of said 153.010 acre tract, being a northwest corner of said 1.970 acre tract;

Thence North 83 degrees 46 minutes 53 seconds West, along a south line of the remainder of said 153.010 acre tract and along a north line of said 1.970 acre tract, a distance of 98.81 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 6.523 acres, all of which is located within Franklin County Auditor's Parcel Number 570-1444458.

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 155 units, or those uses permitted in the C-4, Commercial and AR-1, Apartment Residential districts.

SECTION 3. That this ordinance is further conditioned on general conformance with the site plan titled, "**VARIANCE SITE PLAN FOR 620 NORTON ROAD**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated June 16, 2020. 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 plans 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 a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z20-052 through City Council action within one year of the date of passage of this ordinance.

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