



Legislation Text

File #: 1997-2021, **Version:** 1

Council Variance Application: CV21-025

APPLICANT: 810 Grandview, LLC; c/o Dave Perry, David Perry Company, Inc.; 411 E. Town Street, 1st Floor; Columbus, OH 43215 and Joseph M. Reidy, Atty.; Thrive Companies; 842 North Fourth Street, Suite 200; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1996-2021; Z21-021) to the CPD, Commercial Planned Development District which is a condition of Ordinance #1998-2019 (CV18-004) to rezone the subject site to an appropriate district within three years of the passage of the ordinance. The requested Council variance will permit ground-floor residential units and accessory residential uses in the CPD, Commercial Planned Development District as part of a mixed-use development as approved by Ordinance #1998-2019, and as proposed with Ordinance #1996-2021. The proposal is consistent with recommendations of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018) for mixed-use developments, and incorporates a previously approved use variance for residential development on the subject site.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; for the property located at **990 DUBLIN RD. (43215)**, to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV21-025).

WHEREAS, by application #CV21-025, the owner of property at **990 DUBLIN RD. (43215)**, is requesting a Council variance to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District; and

WHEREAS, by Ordinance #1996-2021 (Rezoning Application #Z21-021), Section 3356.03, C-4 Permitted uses, is utilized to identify the specific uses permitted in the proposed CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit ground floor residential uses, while the applicant proposes to permit such uses; and

WHEREAS, Section 3361.02, Permitted uses, specifies C-4 district uses, and does not permit ground-floor residential uses, which are Residential or Apartment Residential district uses, while the applicant proposes to permit said uses; and

WHEREAS, the City Departments recommend approval because this request will permit ground-floor residential uses consistent with the recommendations of C2P2 Design Guidelines for mixed-use developments regarding building design and context, and incorporates a previously approved use variance for residential development on the subject site; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 owner of the property located at **990 DUBLIN RD. (43215)**, 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; and 3361.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **990 DUBLIN RD. (43215)**, insofar as said sections prohibit ground floor residential units and accessory residential uses in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

990 DUBLIN RD. (43215), being 39.61± acres located on the north side of Dublin Road, 1,950± feet east of Grandview Avenue, and being more particularly described as follows:

LEGAL DESCRIPTION
39.609 ACRES

Situated in the State of Ohio, County of Franklin, in the City of Columbus, being in Section 7, Township 5 North, Range 22 West, Refugee Lands, being part of Lot 1 & 2 of the Plat of Jefferson Zollinger's Heirs Farm as recorded in Plat Book 8 Page 1, and being part of Lot 2 of the Plat of Waterman's Farm as recorded in Plat Book 8 Page 2-B, and being all of a 10.187 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201702060017928, and being all of a 18.388 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201702060017927, and being all of a 7.628 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201712220180678, and being all of a 0.026 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201702060017928, and being all of a 3.380 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201812270174222, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at a set mag nail at the intersection of the centerlines of Grandview Avenue (80'), and Dublin Road (Width Varies), as dedicated in Plat Book 4 Page 346. Thence, along the centerline of Grandview Avenue, North 04 degrees 04 minutes 58 seconds East, 859.58 feet to a point on said centerline.

Thence leaving said centerline of Grandview Avenue, and across Grandview Avenue and along the southerly line of the remainder of a tract of Railroad Right-of-Way as shown on the Plat of Jefferson Zollinger's Heir's Farm as recorded in Plat Book 8 Page 1, declared as used in operations, as conveyed to Pennsylvania Lines LLC, as recorded in Instrument No. 200212180325195, now known as Norfolk Southern Railway Company by an affidavit of merger as recorded in Instrument No. 200710260186473, and the northerly line of a 0.421 acre tract conveyed to West Hill Realty, LLC in Instrument Number 201812310175659, and the northerly line of the remainder of a 2.2233 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201712220180678, and being 30.00 feet south of and parallel to the centerline of the eastbound track, South 79 degrees 12 minutes 44 seconds East, 863.36 feet to a 5/8" rebar set, 30" in length with a 2 inch diameter aluminum cap with "RAILROAD PROPERTY CORNER PS8342" inscribed on top, said rebar also being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence continuing along the southerly of said Norfolk Southern Railway Company tract, being 30.00 feet south of and parallel to the said centerline, and the northerly line of said 7.628 and 0.026 acre tracts, South 79 degrees 12 minutes 44 seconds East, 1433.30 feet to a 5/8" rebar set, 30" in length with a 2 inch diameter aluminum cap with "RAILROAD PROPERTY CORNER PS8342" inscribed on top, also being the northwesterly corner of a 0.033 acre tract conveyed to

810 Grandview, LLC in Instrument Number 201812270174222;

Thence along the westerly line of said 0.033 acre tract and the easterly line of said 0.026 acre tract, South 03 degrees 53 minutes 41 seconds West, 2.24 feet to a 5/8" rebar set, 30" in length with a 2 inch diameter aluminum cap with "RAILROAD PROPERTY CORNER PS8342" inscribed on top, and being the southwesterly corner of said 0.033 acre tract and the southeasterly corner of said 0.026 acre tract, and the northwesterly corner of said 3.380 acre tract, and the northeasterly corner of said 7.628 acre tract;

Thence along the southerly line of said 0.033 acre tract and along the northerly line of said 3.380 acre tract, South 79 degrees 12 minutes 44 seconds East, 639.27 feet to a 5/8" rebar set, 30" in length with a 2 inch diameter aluminum cap with "RAILROAD PROPERTY CORNER PS8342" inscribed on top, said rebar being the northwesterly corner of a 77.80 acre tract as conveyed to the City of Columbus in Deed Book 401 Page 53, and being the southeasterly corner of said 0.033 acre tract, and northeasterly corner of said 3.380 acre tract;

Thence along the westerly line of said 77.80 acre tract and the easterly line of said 3.380 acre tract, South 03 degrees 53 minutes 41 seconds West, passing an iron pin set at 120.87 feet, being 5/8" rebar 30" in length with a 2 inch diameter aluminum cap with "RAILROAD PROPERTY CORNER PS8342" inscribed on top, and passing a 5/8" rebar found capped "Dynotec" at 151.15 feet, a total distance of 231.96 feet to an iron pin set, said iron pin being on the northeasterly corner of a 7.005 acre tract as conveyed to the Board of County Commissioners of Franklin County, Ohio in Deed Book 1176 Page 90, and being the southeasterly corner of said 3.380 acre tract;

Thence along the southerly line of said 3.380 acre tract and along the northerly line of said 7.005 acre tract, North 79 degrees 12 minutes 44 seconds West, 639.27 feet to a 5/8" rebar set, 30" in length with a 2 inch diameter aluminum cap with "RAILROAD PROPERTY CORNER PS8342" inscribed on top, said rebar being on the northwest corner of said 7.005 acre tract and being the southeasterly corner of said 7.628 acre tract, and being the northeast corner of said 18.388 acre tract, and being the southwest corner of said 3.380 acre tract;

Thence along the easterly line of said 18.388 acre tract and the westerly line of said 7.005 acre tract and the westerly line of a 10.129 acre tract as conveyed to the Board of County Commissioners of Franklin County, Ohio, as recorded in DB 1084, PG 300, South 03 degrees 53 minutes 41 seconds West, 724.38 feet to an iron pin set;

Thence continuing along the easterly line of said 18.388 acre tract, and the westerly line of said 10.129 acre tract, South 12 degrees 07 minutes 19 seconds East, 145.81 feet to an iron pin set;

Thence continuing along the easterly line of said 18.388 acre tract, and the westerly line of said 10.129 acre tract, South 04 degrees 00 minutes 41 seconds West, 334.19 feet to an iron pin found capped "Franklin Co. Engineer" at the southeasterly corner of said 18.388 acre tract, also being the northeasterly corner of a tract as conveyed to Thomas L. Kaplin (now deceased), as recorded in DB 2182, PG 205, also being on the northerly right of way line of Dublin Road;

Thence along the southerly line of said 18.388 acre tract, and the northerly line of said Kaplin tract, and said northerly right of way, North 62 degrees 27 minutes 53 seconds West, 31.62 feet to a point, referenced by a 3/4" iron pipe found 1.17 feet North, 0.00 feet East;

Thence along the easterly line of said 18.388 acre tract, and the westerly line of said Kaplin tract, and crossing said right of way, South 03 degrees 53 minutes 34 seconds West, 38.21 feet to an mag nail set, also being at the southeasterly corner of said 18.388 acre tract, and a southwest corner of said Kaplin tract, and on the northerly line of a tract as conveyed to the American Aggregates Corporation, as recorded in DB 896, PG 373, and also on the centerline of Dublin Road as established in 1940;

Thence continuing along said 1940 centerline and along the southerly line of said 18.388 acre tract, and the northerly line of said American Aggregates Corporation tract, North 62 degrees 27 minutes 53 seconds West, 201.13 feet to a mag nail set, also being at the southwest corner of said 18.388 acre tract, and a southeasterly corner of said Kaplin tract, and on the

northerly line of said American Aggregates Corporation tract;

Thence leaving said centerline along the westerly line of said 18.388 acre tract, and the easterly line of said Kaplin tract, North 03 degrees 53 minutes 34 seconds East, 38.21 feet to a point, referenced by a ¾" iron pipe capped found capped "EMH&T" 1.17 feet North, 0.00 feet East, also being at a southeasterly corner of said 18.388 acre tract, and a northeasterly corner of said Kaplin tract, and on the said northerly right of way line;

Thence continuing along the southerly line of said 18.388 acre tract, and the northerly line of said Kaplin tract, and said northerly right of way, North 62 degrees 27 minutes 53 seconds West, a distance of 197.25 feet to an iron pin set;

Thence continuing along the southerly line of said 18.388 acre tract, and the northerly line of said Kaplin tract, and said northerly right of way, along a curve to the left with a radius of 11494.16 feet, a central angle of 00 degrees 19 minutes 07 seconds, an arc length of 63.89 feet, and a chord which bears North 62 degrees 37 minutes 26 seconds West, a distance of 63.89 feet to an iron pin set;

Thence along a westerly line of said 18.388 acre tract, and the easterly line of a 0.395 acre tract conveyed to 810 Grandview LLC in Instrument No. 201606060070351, North 03 degrees 53 minutes 34 seconds East, 148.78 feet to a point, referenced by a ¾" iron pipe found 0.74 feet North, 0.23 feet East;

Thence along a southerly line of said 18.388 acre tract, and the northerly line of said 0.395 acre tract, North 62 degrees 57 minutes 28 seconds West, 100.00 feet to a point, referenced by a 5/8" rebar found 0.63 feet North, 0.94 feet East;

Thence along the southerly line of said 10.187 acre tract and the northerly line of Lots 1 through 8 of Waterman's Riverview Subdivision, as recorded in Plat Book 10 Page 192, and the northerly line of a 0.677 acre tract, as conveyed to OGSTUTZ, LTD. in Instrument No. 199703100049797, North 63 degrees 13 minutes 26 seconds West, 678.78 feet to a point, referenced by a ¾" iron pipe found capped "EMH&T" 0.29 feet South, 0.70 feet West at a northerly corner of said Waterman's Riverview Subdivision and a northerly corner of said 0.677 acre tract;

Thence continuing along the southerly line of said 10.187 acre tract and the northerly line of said 0.677 acre tract, the northerly line of 0.22 and 0.32 acre tracts, as conveyed to S-C Dublin Associates, Inc in Official Record 7186 H19, North 68 degrees 32 minutes 15 seconds West, 306.40 feet to a point, referenced by a 5/8" rebar found capped "Geo Graphics" 0.76 feet North, 0.27 feet East, and being on the easterly line of the remainder of a 30.06 acre tract, as conveyed to 810 Grandview LLC in Instrument Number 201201180007648, and being the northwesterly corner of said 0.32 acre tract;

Thence along the westerly line of said 10.187 and 7.628 acre tracts, and the easterly line of said 2.2233 acre tract, and said 30.06 acre tract, and a 1.296 acre tract, as conveyed to 810 Grandview LLC in Instrument Number 201310300182977, and a 6.08 acre tract, as conveyed to 810 Grandview LLC in Instrument Number 201201180007648, North 03 degrees 51 minutes 32 seconds East, passing an iron pin set at 404.07 feet and 521.41 feet on the northerly line of said 6.08 acre tract, and an iron pin set at 628.06 feet on the southwesterly corner of said 7.628 acre tract, a total distance of 862.54 feet to an iron pin set, said pin also being the POINT OF BEGINNING, containing 39.609 acres (1,725,368 Sq. Ft.), more or less.

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

The total acreage of the boundary described herein contains 39.609 acres (1,725,368 Sq. Ft.) out of PID 010-129562-00, in which there is 0.162 acres P.R.O.

The preceding description is based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The portion of the centerline of right of way of Dublin Road, from the intersection with Grandview Ave. bearing easterly 778.98 feet and having a bearing of S67°32'30"E and monumented as shown hereon, is designated the "basis of bearing" for this

description.

All monuments found are in good condition unless otherwise noted.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342 on September 18, 2018 and is based on field surveys conducted by E. P. Ferris & Associates, Inc. from June 2010 through August 2016 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342. Iron pins set, unless otherwise noted, are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top.

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 units and accessory residential uses in a mixed-use development, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property as stipulated by ORD #1996-2021 (Rezoning Application #Z21-021).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.