



## Legislation Text

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**File #:** 0839-2023, **Version:** 1

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### **Council Variance Application: CV22-116**

**APPLICANT:** Woda Cooper Companies, Inc.; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; 411 East Town Street, Second Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**MIDEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with an office development in the C-2, Commercial District. The requested Council variance will permit a 78-unit apartment building with a density of 26.09 units per acre. A variance for increased building height is included in this request. The site is located within the boundaries of the *Hamilton Road Corridor Revitalization Plan* (2008), which recommends "Office/Research" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). This proposed development will be subject to a competitive funding process by the Ohio Housing Finance Agency (OHFA), which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process as Rezoning Application #Z23-007, a request for the AR-1, Apartment Residential District, has been filed and is in the formal review process.

To grant a Variance from the provisions of Sections 3353.03, C-2 Permitted uses; and 3309.14, Height districts, of the Columbus City Codes; for the property located at **2337 KIMBERLY PKWY. E. (43232)**, to permit a multi-unit residential development with reduced development standards in the C-2, Commercial District (Council Variance #CV22-116).

**WHEREAS**, by application #CV22-116, the owner of property at **2337 KIMBERLY PKWY. E. (43232)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the C-2, Commercial District; and

**WHEREAS**, Section 3353.03, C-2 Permitted uses, does not permit ground floor residential uses, while the applicant proposes a 78-unit apartment building; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes an apartment building with an increased height of 50 feet; and

**WHEREAS**, the Mideast Area Commission recommends approval of said zoning change; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements for a multi-unit residential development that will provide mixed-income affordable and workforce housing, consistent with City's objectives; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **2337 KIMBERLY PKWY. E. (43232)**, 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, C-2 Permitted uses; and 3309.14, Height districts, of the Columbus City Codes, is hereby granted for the property located at **2337 KIMBERLY PKWY. E. (43232)**, insofar as said sections prohibit a an apartment building in the C-2, Commercial District, with an increase in the building height from 35 to 50 feet; said property being more particularly described as follows:

**2337 KIMBERLY PKWY. E. (43232)**, being 2.99± acres located at the northwest corner of Kimberly Parkway East and Kimberly Parkway North, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and being more particularly described as follows:

Being in Section 23, Township 12, Range 21, Refugee Lands, being part of the lands conveyed to Primeland Properties, of record in Deed Book 3396, Page 796 (all references to Deed Books and Plat Books are of record in the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Commencing at a p.k. nail found at the centerline intersection of Kimberly Parkway North (60 foot right-of-way), of record in Plat Book 52, Page 35, and Kimberly Parkway East (60 foot right-of-way), of record in Plat Book 52, Page 82;

Thence North 88° 30' 00" West, 466.00 feet along the centerline of said Kimberly Parkway North, to a point;

Thence North 1° 29' 45" East, 30.00 feet to a 5/8" rebar found on the North right-of-way of said Kimberly Parkway North; being the true point of beginning;

Thence North 1° 29' 45" East 300.00, bounded on the West by York Steak House Systems, Inc. (Deed Volume 3760, Page 810), to a 5/8" rebar found;

Thence South 88° 29' 33" East, 436.00 feet, bounded on the North by said York Steak House Systems, Inc., to a 5/8" rebar found on the West right-of-way of Kimberly Parkway East;

Thence South 1° 29' 45" West 274.94 feet, along the West right-of-way of said Kimberly Parkway East, to a point;

Thence along a curve to the right (Delta = 90° 00' 15", Radius = 25.00 feet) a chord bearing South 46° 29' 52" West 35.36 feet, along the Westerly right-of way of said Kimberly Parkway East, to a point;

Thence North 88° 30' 00" West 411.00 feet, along the North right-of-way of said Kimberly Parkway North, to the point of beginning, containing 2.999 acres, more or less.

The description for this parcel is based upon a field survey made by Kosanchick & Associates, Inc., Consulting Engineers, Columbus, Ohio.

Together with any and all interest the Grantor(s) may have in that portion of right of way as vacated by the City of Columbus by Plat Book 52, Page 82.

Parcel No. 010-199877-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 78-unit apartment building, or those uses permitted in the C-2, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SHAW CROSSING II, KIMBERLY PARKWAY,**" signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated March 2, 2023. 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 adjustments to the plan shall be subject to review and approval 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 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z23-007 through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA), or within two years of the effective date of this ordinance, whichever occurs first.

**SECTION 5.** That this ordinance is further conditioned upon the following in conjunction with the Final Site Compliance Plan (FSCP): a). the storm water controls for the proposed development shall be designed and constructed with sufficient additional capacity to accommodate future construction of sidewalk within the approximately 430 feet gap along the north side of Kimberly Parkway between Kimberly Parkway East and the existing sidewalk terminus west of South Hamilton Road and b). that (2) ADA accessible ramps and sidewalk shall be constructed in the southwest corner of the intersection of Kimberly Parkway and Kimberly Parkway East to complete a pedestrian accessible route between the proposed development and the South Hamilton Road corridor and provide access to the adjacent COTA bus stop.

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