



Legislation Text

File #: 1926-2015, **Version:** 2

Council Variance Application # CV15-022

APPLICANT: Olympic Beach Acquisitions LLC; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Mixed-use commercial and residential development.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on May 14, 2015, for a concurrent rezoning (Ordinance No. 1925-2015, Z14-038) to the CPD, Commercial Planned Development District, which will allow mixed commercial and residential development with 114 residential units. The CPD Text for Z14-038 proposes C-4, Commercial District uses. The requested variance will allow ground-floor residential uses that are otherwise prohibited by the C-4 district permitted uses. Approval of this request will allow mixed commercial and residential development that is consistent with the land use recommendations of the *Clintonville Neighborhood Plan* (2009), which recommends mixed-use development.

To grant a variance from the provisions of Sections 3356.03 C-4 permitted uses, of the Columbus City codes; for the property located at **3450 INDIANOLA AVENUE (43214)**, to permit ground floor residential uses in the CPD, Commercial Planned Development District **and to declare an emergency** (Council Variance # CV15-022).

WHEREAS, by application No. CV15-022, the owner of property at **3450 INDIANOLA AVENUE (43214)**, is requesting a Council Variance to permit ground floor residential uses in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes ground floor residential uses as part of a mixed-use development; and

WHEREAS, the Clintonville Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variance because the proposal will allow a mixed commercial and residential development that is consistent with land use recommendations of the *Clintonville Neighborhood Plan*; 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 owners of the property located at **3450 INDIANOLA AVENUE (43214)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a Variance from the provisions of Section 3356.03 C-4 permitted uses, of the Columbus City codes; is hereby granted for the property located at **3450 INDIANOLA AVENUE (43214)**, insofar as said section prohibits ground floor residential uses in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

3450 INDIANOLA AVENUE (43214), being 2.8± acres located on the east side of Indianola Avenue, 242.5± feet north of Oakland Park Avenue, and being more particularly described as follows:

Tract One

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, and being all of a 2.347 acre tract as conveyed to Olympic Pool Properties II, LLC in Instrument Number 201404300053111, and all of a tract of land as conveyed to Olympic Beach Acquisitions, LLC, in Instrument Number 201404160046130, all references being those of record in the Franklin County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the northwest corner of said 2.347 acre tract and being in the easterly right-of-way line of Indianola Ave. (60°);

thence easterly along the north line of said 2.347 acre tract, South 86° 31' 56" East, 250.00 feet to the northeast corner of said 2.347 acre tract;

thence southerly along the east line of said 2.347 acre tract, South 03° 13' 01" West, 470.29 feet to the southeast corner of said 2.347 acre tract;

thence westerly along the south line of said 2.347 acre tract the following three (3) courses:

1. North 88° 12' 17" West, 102.54 feet;
2. Along a curve to the right, with a radius of 39.00 feet, a central angle of 06° 15' 54", an arc length of 4.26 feet, and a chord which bears North 30° 25' 25" West, a distance of 4.26 feet;
3. Along a curve to the right, with a radius of 602.66 feet, a central angle of 05° 19' 31", an arc length of 56.01 feet, and a chord which bears North 27° 33' 30" West a distance of 55.99 feet to the southeast corner of said Olympic Beach Acquisitions, LLC tract;

thence along the south line of said Olympic Beach Acquisitions, LLC tract, North 87° 38' 17" West, 116.49 feet to the southwest corner of said Olympic Beach Acquisitions, LLC tract and being in the easterly right-of-way line of Indianola Ave;

thence northerly along the west line of said Olympic Beach Acquisitions, LLC tract, and the south line of said 2.347 acre

tract and the easterly right-of-way line of Indianola Ave. North 03° 13' 01" East, 424.01 feet to the **POINT OF BEGINNING**, containing approximately 2.6 acres and encompasses parcel numbers: 010-261300 and 010-066558.

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

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on July 31, 2014.

This description is not for recording purpose.

Tract Two

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, and being part of a 2.939 acre tract as conveyed to Olympic Indoor Tennis, Inc. in Instrument Number 200204080088146, all references being those of record in the Franklin County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the northwest corner of said 2.939 acre tract and being in the easterly right-of-way line of Indianola Ave. (60°);

thence easterly along the northerly line of said 2.939 acre tract, South 86° 31' 56" East, 60.00 feet;

thence southerly crossing said 2.939 acre tract, South 03° 13' 01" West, 120.26 feet to the south line of said 2.939 acre tract;

thence westerly along the south line of said 2.939 acre tract, North 86° 31' 56" West, 60.00 feet to the southwest corner of said 2.939 acre tract and being in the easterly right of way line of Indianola Avenue;

thence northerly along the west line of said 2.939 acre tract and said easterly right-of-way line, North 03° 13' 01" East, 120.26 feet to the POINT OF BEGINNING, containing approximately 0.2 acres and encompasses part of parcel number: 010-003103.

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

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on July 31, 2014

This description is not for recording purpose.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with residential uses as permitted by this ordinance, or those uses in the CPD, Commercial Planned Development District as specified by Ordinance No. 1925-2015 (Z14-038).

SECTION 3. That this ordinance is further conditioned upon 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**