



City of Columbus

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

File #: 1942-2015, **Version:** 2

Council Variance Application: CV15-009

APPLICANT: Campus Partners for Community Urban Redevelopment; c/o Michael T. Shannon and John P. Kennedy, Attys.; Crabbe Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Mixed-use commercial and residential development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY AREA REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on June 11, 2015, for a concurrent rezoning (Ordinance No. 1941-2015, Z15-004) to the CPD, Commercial Planned Development District, which will allow mixed commercial and residential development with approximately 330 residential units. The CPD Text for Z15-004 proposes C-4, Commercial District uses, and the requested variance will allow residential uses that are otherwise prohibited by the C-4 district. Approval of this request will allow mixed commercial and residential development that is consistent with the existing zoning and development pattern of the area, and will continue redevelopment goals for this segment of North High Street. The request is also consistent with the land use recommendations of the *University District Plan* (2015).

To grant a variance from the provisions of Section 3356.03 C-4 permitted uses, of the Columbus City codes; for the property located at **1836 NORTH HIGH STREET (43201)**, to permit ground floor residential and supporting residential uses in the CPD, Commercial Planned Development District **and to declare an emergency** (Council Variance # CV15-009).

WHEREAS, by application No. CV15-009, the owner of property at **1836 NORTH HIGH STREET (43201)**, is requesting a Council Variance to permit ground floor residential and supporting residential uses in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits dwelling units as allowed under C.C. 3356.05, while the applicant proposes to develop first floor residential or residential supporting uses in the CPD, Commercial Planned Development District; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the University Area Review Board recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will allow a mixed commercial and residential development that is consistent with applicable land use recommendations, and continues redevelopment goals for this segment of North High Street; 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 **1836 NORTH HIGH STREET (43201)**, 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 **1836 NORTH HIGH STREET (43201)**, insofar as said section prohibits first floor residential or residential supporting uses in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

1836 NORTH HIGH STREET (43201), being 9.01± acres generally located on the east side of North High Street, between East Seventeenth and East Fourteenth Avenues (not all-inclusive), and being more particularly described as follows:

Sub-Area 1 ~ 1.421 Ac.
South Side E. 17th Avenue
East Side N. High St.

Situated in the State of Ohio, County of Franklin, City of Columbus, Lots 115 through 121, inclusive, of Indianola Forest Addition as recorded in Plat Book 8, Page 4A and described as follows:

Beginning at the northwesterly corner of said Lot 121, the same being the intersection of the southerly right-of-way line for East 17th Avenue with the easterly right-of-way for North High Street;

Thence North 81° 46' 30" East, along said southerly right-of-way line, being 25.00 feet from the centerline thereof, 187.50 feet to the northeasterly corner of said Lot 121, the same being the intersection of the southerly right-of-way line for said East 17th Avenue with the westerly right-of-way line for North Pearl Street;

Thence south 08° 15' 05" East, along said westerly right-of-way line, being 10.00 feet from the centerline thereof, 330.17 feet to the southeasterly corner of said Lot 115, the same being the intersection of the northerly right-of-way line for East 16th Avenue with the westerly right-of-way line for said North Pearl Street;

Thence south 81° 44' 07" West, along said northerly right-of-way line, being 30.00 feet from the centerline thereof, 187.50 feet to the southerwesterly corner of said Lot 115, the same being the intersection of the northerly right-of-way line for said East 16th Avenue with the easterly right-of-way line for said North High Street;

Thence North 08° 15' 05" West, along said easterly right-of-way line, being 33.00 feet from the centerline thereof, 330.30 feet to the *Point of Beginning*. Containing 1.421 acres, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Sub-Area 2A ~ 0.609 Ac.
South Side E. 16th Ave.
East Side N. High St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Farm as recorded in Plat Book 3, Page 89 and described as follows:

Beginning at the intersection of the southerly right-of-way line for East 16th Avenue with the easterly right-of-way line for North High Street;

Thence North 81° 44' 17" East, along said southerly right-of-way line, being 30.00 feet from the centerline thereof, 187.50 feet to the intersection of the southerly right-of-way line for said East 16th Avenue with the westerly right-of-way line for North Pearl Street;

Thence south 08° 15' 00" East, along said westerly right-of-way line, being 10.00 feet from the centerline thereof, 141.10 feet;

Thence south 81° 29' 07" West, across said Indianola Farm, 187.50 feet to the easterly right-of-way line for said North High Street;

Thence North 08° 15' 05" West, along said east easterly right-of-way line, being 33.00 feet from the centerline thereof, 141.92 feet to the *Point of Beginning*. Containing 0.609 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Sub-Area 2B ~ 0.630 Ac.

South Side E 15th Ave.

West Side N. Pearl St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Farm as recorded in Plat Book 3, Page 89 and described as follows:

Beginning at the intersection of the existing southerly right-of-way line for East 15th Avenue with the westerly right-of-way line for North Pearl Street;

Thence South 08° 15' 05" East, along said westerly right-of-way line, being 10.00 feet from the centerline thereof, 170.00 feet to the intersection of the northerly right-of-way line for Campus Place with the westerly right-of-way line for said North Pearl Street;

Thence North 86° 02' 30" West, along said northerly right-of-way line, being 10.00 feet from the centerline thereof, 191.84 feet to the intersection of the northerly right-of-way line for said Campus Place with the easterly right-of-way line for North High Street;

Thence North 08° 15' 05" West, along said easterly right-of-way line, being 33.00 feet from the centerline thereof, 122.72 feet to the intersection of the easterly right-of-way line for said North High Street with the proposed southerly right-of-way for East 15th Avenue.

Thence North 79° 41' 57" East, along said proposed southerly right-of-way line, being 30.00 feet from the proposed centerline thereof, 187.62 feet to the *Point of Beginning*. Containing 0.630 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio

Sub-Area 2C ~ 0.428 Ac.

North Side E 14th Ave.

East Side N. High St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Farm as recorded in Plat Book 3, Page 89 and described as follows:

Beginning at the intersection of the northerly right-of-way line for East 14th Avenue with the easterly right-of-way line for North High Street;

Thence North 08° 15' 05" West, along said easterly right-of-way line, being 33.00 feet from the centerline thereof, 167.62 feet to the intersection of the easterly right-of-way line for said North High Street with the southerly right-of-way line for Campus Place;

Thence south 86° 02' 30" East, along said southerly right-of-way line, being 10.00 feet from the centerline thereof, 191.84 feet to the intersection of the southerly right-of-way line for said Campus Place with the westerly right-of-way line for North Pearl Street;

Thence south 08° 15' 05" East, along said westerly right-of-way line, being 10.00 feet from the centerline thereof, 25.23 feet;

Thence across said Indianola Farm, the following courses and distances:

North 86° 32' 16" West, 42.49 feet;

South 02° 31' 33" East, 41.44 feet;

North 86° 02' 30" West, 60.04 feet; and

South 02° 32' 33" East, 98.26 feet to the northerly right-of-way for said East 14th Avenue;

Thence North 86° 02' 30" West, along said northerly right-of-way line, being 30.00 feet from the centerline thereof, 75.00 feet to the *Point of Beginning*. Containing 0.428 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Sub-Area 3 ~ 0.550 Ac.

North Side E 15th Ave.

West Side N. Pearl St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Farm as recorded in Plat Book 3, Page 89 and described as follows:

Beginning at the intersection of the existing northerly right-of-way line for East 15th Avenue with the westerly right-of-way line for North Pearl Street;

Thence South 79° 17' 14" West, along the proposed northerly right-of-way line for East 15th Avenue, being 30.00 feet from the proposed centerline thereof, 187.67 feet to the intersection of the northerly right-of-way line for said East 15th Avenue with the easterly right-of-way line for North High Street;

Thence North 08° 15' 05" West, along said easterly right-of-way line, being 33.00 feet from the centerline thereof, 131.34 feet;

Thence North 81° 29' 07" East, across said Indianola Farm, 187.50 feet to the westerly right-of-way line for said North Pearl Street;

Thence south 08° 15' 05" East, along said westerly right-of-way line, being 10.00 feet from the centerline thereof, 124.14 feet to the *Point of Beginning*. Containing 0.550 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Sub-Area 4 ~ 0.531 Ac.

North Side E. 15th Ave.

East Side N. Pearl St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 1, 2, 9, 10 and 11 and a 20 foot Alley of Unola Addition as recorded in Plat Book 7, Page 130 and described as follows:

Beginning at the intersection of the northerly right-of-way line for East 15th Avenue with the easterly right-of-way for North Pearl Street

Thence North 08° 15' 05" West, along said east easterly right-of-way line, being 10.00 feet from the centerline thereof, 269.57 feet to the intersection of the easterly right-of-way line for said North Pearl Street with the southerly right-of-way line for East 16th Avenue;

Thence with said southerly right-of-way line, being 30.00 feet from the centerline thereof, with a curve to the left, (delta= 12° 44' 20", radius =321.50 feet, arc= 71.48 feet) a chord bearing and chord distance of North 75° 15' 32" East, 71.33 feet;

Thence with said southerly right-of-way line, being 30.00 feet from the centerline thereof, with a curve to the left, (delta = 00° 39' 56", radius=981.50 feet, arc= 11.40 feet) a chord bearing and chord distance of North 69° 13' 21" East, 11.40 feet;

Thence South 08° 16' 23" East, across said Unola Addition, 297.88 feet to the northerly right-of-way line for said East 15th Avenue.

Thence North 86° 02' 30" West along said northerly right-of-way line, being 30.00 feet from the centerline thereof, 84.02 feet to the *Point of Beginning*. Containing 0.531 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Rezoning Description: Sub-Area 5 ~ 1.831 Ac.

North Side E. 15th Ave.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 2-7, inclusive, Lots 11-18, inclusive and a 20 foot Alley of Unola Addition as recorded in Plat Book 7, Page 130 and described as follows:

Beginning, for reference, at the intersection of the northerly right-of-way line for East 15th Avenue with the easterly right-of-way for North Pearl Street;

Thence South 86° 02' 30" East, along said northerly right-of-way line, being 30.00 feet from the centerline thereof, 114.72 feet to the *True Point of Beginning*;

Thence North 08° 16' 23" West, across said Unola Addition, 310.36 feet to the southerly right-of-way line for East 16th Avenue;

Thence along said southerly right-of-way line, being 30.00 feet from the centerline thereof, with a curve to the right, (delta=12° 50' 24", radius=981.50 feet, arc= 219.95 feet) a chord bearing and chord distance of North 77° 45' 40" East, 219.49 feet;

Thence across said Unola Addition, the following courses and distances:

South 08° 16' 23" East, 199.16 feet;

North 87° 24' 08" East, 40.93 feet; and

South 03° 20' 04" West, 174.59 feet to the northerly right-of-way line for said East 15th Avenue;

Thence North 86° 02' 30" West, along said northerly right-of-way line, being 30.00 feet from the centerline thereof, 229.79 feet to the *True Point of Beginning*. Containing 1.831 acres, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio

Sub-Area 6 ~ 0.338 Ac.

South Side E. 16th Ave.

West Side 20' Alley

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 18-20, inclusive, a vacated 20 foot Alley of Unola Addition as recorded in Plat Book 7, Page 130 and described as follows:

Beginning at the intersection of the southerly right-of-way line for East 16th Avenue with the westerly right-of-way line for a 20 foot Alley as recorded in Plat Book 7, Page 130;

Thence South 01° 45' 12" West, along said westerly right-of-way line, being 10.00 feet from the centerline thereof, 199.22 feet to the centerline of a vacated 20 foot Alley;

Thence South 87° 24' 08" West, along said centerline, 56.43 feet;

Thence North 08° 16' 23" West, continuing across said Unola Addition, 199.67 feet to the southerly right-of-way line for said East 16th Avenue;

Thence with said southerly right-of-way line, being 30.00 feet from the centerline thereof, with a curve to the right, (delta=05° 19' 53", radius=981.50 feet, arc=91.33 feet) a chord bearing and chord distance of North 87° 25' 52" East. 91.29 feet to the *Point of Beginning*. Containing 0.338 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio

Sub-Area 7A ~ 1.551 Ac.

South Side E. 15th Ave.

East Side N. Pearl St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Farm as recorded in Plat Book 3, Page 89 and described as follows:

Beginning at the intersection of the southerly right-of-way line for East 15th Avenue with the easterly right-of-way line for North Pearl Street;

thence South 86° 02' 30" East, along said southerly right-of-way line, being 30.00 feet from the centerline thereof, 74.52 feet;

thence across said Indianola Farms, the following courses and distances:

South 01° 16' 33" East, 175.73 feet;

South 86° 02' 30" East, 288.00 feet; and

South 03° 27' 25" West, 175.00 feet to the northerly right-of-way line for East 14th Avenue;
thence North 86° 02' 30" West, along said northerly right-of-way line, being 30.00 feet
from the centerline thereof, 304.35 feet to the intersection of the northerly right-of-way line for
said East 14th Avenue with the easterly right-of-way line for North Pearl Street;
thence North 08° 15' 05" West, along said easterly right-of-way line, being 10.00 feet from
the centerline thereof, 358.09 feet to the *Point of Beginning*. Containing 1.551 acres, more or less.
All references are to the records of the Recorder's Office, Franklin County, Ohio.

Sub-Area 7B ~ 0.402 Ac.
South Side E. 15th Ave.
East Side N. Pearl St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Farm as recorded in Plat Book 3, Page 89 and described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line for East 15th Avenue with the easterly right-of-way line for North Pearl Street;
thence South 86° 02' 30" East, along said southerly right-of-way line, being 30.00 feet from the centerline thereof, 132.02 feet to the *True Point of Beginning*;
thence South 86° 02' 30" East, along said southerly right-of-way line, being 30.00 feet from the centerline thereof, 100.00 feet;
thence across said Indianola Farms, the following courses and distances:
South 03° 27' 25" West, 175.00 feet;
North 86° 02' 30" West, 100.00 feet; and
North 03° 27' 25" East, 175.00 feet to the *True Point of Beginning*. Containing 0.402 acre, more or less
All references are to the records of the Recorder's Office, Franklin County, Ohio.

Sub-Area 8 ~ 0.721 Ac.
North Side E. 16th Ave.
East Side N. Pearl St.

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Indianola Forest Addition as recorded in Plat Book 8, Page 4-A and described as follows:

Beginning at the intersection of the northerly right-of-way line for East 16th Avenue with the easterly right-of-way line for North Pearl Street;
Thence North 08° 15' 05" West, along said easterly right-of-way line, being 10.00 feet from the centerline thereof, 175.16 feet to the intersection of the easterly right-of-way line for said North Pearl Street with the southerly right-of-way line for a 15 foot Alley;
Thence North 81° 45' 30" East, along said southerly right-of-way line, being 7.50 feet from the centerline thereof, 246.76 feet to the intersection of the southerly right-of-way line for said 15 foot Alley with the northwesterly right-of-way line for Waldeck Avenue;
Thence with said northwesterly right-of-way line, being 30.00 feet from the centerline thereof, with a curve to the right, (delta= 00° 41' 29", radius= 1352.53 feet, arc=16.32 feet) a chord bearing and chord distance of South 14° 55' 29" West, 16.32 feet;
Thence with said northwesterly and northerly right-of-way lines, being 30.00 feet from the centerlines thereof, with a curve to the right, (delta= 67° 01' 19", radius= 261.50 feet; arc= 305.89 feet) a chord bearing and chord distance of South 48° 05' 23" West, 288.75 feet to the *Point of Beginning*. Containing 0.721 acre, more or less.
All references are to the records of the Recorder's Office, Franklin County, Ohio.

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. 1941-2015 (Z15-004).

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.