



City of Columbus

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

File #: 1044-2021, **Version:** 1

Council Variance Application: CV19-121

APPLICANT: Morso Holding Co.; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Ground floor residential uses.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on February 11, 2021, for a concurrent rezoning (Ordinance No. 1043-2021, Z19-088) to the CPD, Commercial Planned Development District, which permits C-4, Commercial District uses. The requested Council variance will allow ground floor residential uses that would otherwise be prohibited. Approval of this request will allow a mix of commercial and residential uses that is consistent with the *Northeast Area Plan* (2007), and the overall established development pattern of Easton Town Center.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses, 3361.02, Permitted uses, and 3312.49 (C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **3850 STELZER RD. (43219)**, to permit ground floor residential uses in the CPD, Commercial Planned Development District (Council Variance #CV19-121).

WHEREAS, by application #CV19-121, the owner of property at **3850 STELZER RD. (43219)**, 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, prohibits residential uses other than apartments above specified commercial uses, while the applicant proposes ground floor residential uses in mixed-use buildings and/or apartment buildings, with a maximum density of 100 units per acre; 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 ground floor residential uses in mixed-use buildings and/or apartment buildings, with a maximum density of 100 units per acre; and

WHEREAS, Section 3312.49(C), Minimum numbers of required parking spaces, requires 1.5 parking spaces per dwelling unit in multi-unit residential developments, while the applicant proposes a parking ratio of 0.75 parking space per dwelling unit; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variance because the proposal will allow a mixed-use development that is consistent with the *Northeast Area Plan's* land use recommendation and the overall established development standards for Easton Town Center; and

WHEREAS, this 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 **3850 STELZER RD. (43219)**, 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 3356.03, C-4, permitted uses, 3361.02, Permitted uses, and 3312.49(C), Minimum numbers of parking spaces required, is hereby granted for the property located at **3850 STELZER RD. (43219)**, insofar as said sections prohibit ground floor residential uses in mixed-use and/or apartment buildings, within the CPD, Commercial Planned Development District which permits C-4, Commercial District uses, at a maximum density of 100 dwelling units per acre; and a reduced parking ratio from 1.5 spaces to 0.75 spaces per unit; said property being more particularly described as follows:

3850 STELZER RD. (43219), being 91.01± acres mostly located on the east and west sides of Stelzer Road, north of Easton Way, and being more particularly described as follows:

ZONING DESCRIPTION OF 91.01 ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of that 0.543 acre tract conveyed to ETC Office LLC by deed of record in Instrument Number 201203200037881, all of that 12.555 acre tract conveyed to Morso Holding Co. by deed of record in Instrument Number 200512150264224, all of the remainder of that 4.859 acre tract conveyed to Morse Holding Co. by deed of record in Instrument Number 200902170020898, all of that 18.735 acre tract conveyed to Limdin LLC by deed of record in Instrument Number 201312170206149, all of that 6.708 acre tract conveyed to Morse Holding Co. by deed of record in Instrument Number 200207190177914, all of that 30.437 acre tract conveyed as Parcel 11 to Morso Holding Co. by deed of record in Official Record 30846G11, all of that 8.648 acre tract conveyed to Easton Town Center, LLC by deed of record in Instrument Number 200906250092575, all of the remainder of that 13.437 acre tract conveyed to Morso Holding Co. by deed of record in Instrument Number 199711190147904, and part of the remainder of that 152.606 acre tract conveyed as Parcel 9 to Morso Holding Co. by deed of record in Official Record 30846G11, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING in the northerly line of Gramercy Street, as dedicated in Plat Book 93, Page 1, at the common corner of said 0.543 acre tract and "Fenlon Square Commercial Condominium", as dedicated in Instrument Number 201302260032175 and Instrument Number 201310040168405, of record in Condominium Plat Book 231, Page 59 and Condominium Plat Book 234, Page 100;

Thence with the easterly line of said Condominium, the following courses and distances: North 02° 30' 43" East, a distance of 267.48 feet to a point; North 87° 27' 40" West, a distance of 40.61 feet to a point; and North 02° 18' 27" East, a distance of 33.03 feet to a point;

Thence South 87° 41' 33" East, with the southerly line of a remainder of that 47.580 acre tract conveyed to Easton Town Center II LLC by deed of record in Instrument Number 200707250130050 and across the right-of-way of Brighton Rose Way (formerly Easton Loop East, as dedicated in Plat Book 99, Page 55), a distance of 191.71 feet to a point;

Thence North $00^{\circ} 48' 27''$ East, with the easterly right-of-way of said Brighton Rose Way, a distance of 107.73 feet to a point in the southerly right-of-way line of Alston Street, as dedicated in Plat Book 99, Page 55;

Thence North $01^{\circ} 37' 48''$ East, across the right-of-way of said Alston Street, a distance of 134.72 feet to a point in the easterly right-of-way line of said Brighton Rose Way;

Thence North $02^{\circ} 20' 25''$ East, with said easterly right-of-way line, a distance of 89.25 feet to a point;

Thence with the southerly line of that 1.129 acre tract conveyed to Columbus Easton Hotel IV Property Owner, LLC by deed of record in Instrument Number 201809260130790, the following courses and distances: South $87^{\circ} 39' 36''$ East, a distance of 100.63 feet to a point; North $02^{\circ} 20' 25''$ East, a distance of 69.22 feet to a point; and South $87^{\circ} 39' 36''$ East, a distance of 122.50 feet to a point;

Thence South $02^{\circ} 20' 25''$ West, with the westerly line of those 1.588 and 0.172 acre tracts conveyed to LIMMTG, Inc. by deed of record in Instrument Number 201809210128291, a distance of 192.08 feet to a point in the northerly right-of-way line of said Alston Street;

Thence South $89^{\circ} 40' 00''$ East, with said northerly right-of-way line, a distance of 215.56 feet to a point;

Thence North $02^{\circ} 20' 25''$ East, with the easterly line of said 0.172 and 1.588 acre tracts, a distance of 179.70 feet to a point of curvature;

Thence with the easterly line of said 1.588 acre tract, with the arc of a curve to the left, having a central angle of $19^{\circ} 11' 56''$, a radius of 102.00 feet, an arc length of 34.18 feet, a chord bearing of North $07^{\circ} 15' 33''$ West and chord distance of 34.02 feet to a point;

Thence North $70^{\circ} 36' 16''$ East, with the southerly line of that 1.118 acre tract conveyed to Georgetown Stelzer Office I, LLC by deed of record in Instrument Number 201806260084498 and across the right-of-way of Stelzer Road, a distance of 333.72 feet to a point on the arc of a curve;

Thence with the easterly right-of-way line of said Stelzer Road, with the arc of a curve to the right, having a central angle of $16^{\circ} 19' 38''$, a radius of 1368.17 feet, an arc length of 389.88 feet, a chord bearing of South $11^{\circ} 49' 19''$ East and chord distance of 388.56 feet to a point;

Thence South $86^{\circ} 07' 57''$ East, with the southerly line of that 16.538 acre tract conveyed to Costco Wholesale Corporation by deed of record in Instrument Number 201304290070382, a distance of 1533.96 feet to a point in the westerly limited access right-of-way line of Interstate 270;

Thence with said limited access right-of-way line, the following courses and distances: South $09^{\circ} 43' 11''$ East, a distance of 200.33 feet to a point; South $01^{\circ} 45' 03''$ East, a distance of 196.59 feet to a point; South $04^{\circ} 28' 22''$ East, a distance of 294.48 feet to a point; South $01^{\circ} 26' 12''$ West, a distance of 147.53 feet to a point; South $08^{\circ} 29' 49''$ West, a distance of 198.99 feet to a point; South $12^{\circ} 16' 46''$ West, a distance of 200.35 feet to a point; South $34^{\circ} 52' 30''$ West, a distance of 181.32 feet to a point; South $58^{\circ} 42' 18''$ West, a distance of 174.93 feet to a point; South $69^{\circ} 27' 59''$ West, a distance of 159.13 feet to a point; South $79^{\circ} 03' 32''$ West, a distance of 149.25 feet to a point; and North $87^{\circ} 52' 33''$ West, a distance of 147.30 feet to a point;

Thence North $88^{\circ} 47' 08''$ West, with the northerly right-of-way line of Easton Way, a distance of 831.14 feet to a point;

Thence North $86^{\circ} 28' 27''$ West, across the right-of-way of said Stelzer Road, a distance of 151.92 feet to a point of curvature;

Thence with the northerly right-of-way line of said Easton Way, the following courses and distances: With the arc of a

curve to the right, having a central angle of $89^{\circ} 58' 36''$, a radius of 40.00 feet, an arc length of 62.82 feet, a chord bearing of South $47^{\circ} 35' 45''$ West and chord distance of 56.56 feet to a point of tangency; North $87^{\circ} 24' 57''$ West, a distance of 141.17 feet to a point of curvature; With the arc of a curve to the left, having a central angle of $09^{\circ} 48' 35''$, a radius of 1697.50 feet, an arc length of 290.63 feet, a chord bearing of South $87^{\circ} 40' 46''$ West and chord distance of 290.28 feet to a point of tangency; and South $83^{\circ} 15' 06''$ West, a distance of 99.66 feet to a point of curvature;

Thence with the easterly right-of-way line of said Brighton Rose Way, the following courses and distances: With the arc of a curve to the right, having a central angle of $98^{\circ} 34' 43''$, a radius of 35.00 feet, an arc length of 60.22 feet, a chord bearing of North $46^{\circ} 58' 54''$ West and chord distance of 53.06 feet to a point of tangency; North $02^{\circ} 18' 27''$ East, a distance of 671.39 feet to a point of curvature; and with the arc of a curve to the left, having a central angle of $05^{\circ} 27' 47''$, a radius of 540.00 feet, an arc length of 51.49 feet, a chord bearing of North $00^{\circ} 25' 26''$ West and chord distance of 51.47 feet to a point;

Thence North $12^{\circ} 32' 47''$ West, across the right-of-way of Colliery Avenue, as dedicated in Plat Book 93, Page 1, a distance of 176.22 feet to a point in said easterly right-of-way line;

Thence with the easterly right-of-way line of said Brighton Rose Way, the following courses and distances: North $21^{\circ} 56' 14''$ West, a distance of 76.26 feet to a point of curvature; with the arc of a curve to the right, having a central angle of $22^{\circ} 44' 41''$, a radius of 460.00 feet, an arc length of 182.61 feet, a chord bearing of North $10^{\circ} 33' 53''$ West and chord distance of 181.41 feet to a point of tangency; and North $00^{\circ} 48' 27''$ East, a distance of 55.06 feet to a point;

Thence North $87^{\circ} 41' 33''$ West, across the right-of-way of said Brighton Rose Way and with the northerly right-of-way line of said Gramercy Street, a distance of 159.93 feet to the **POINT OF BEGINNING**, containing 91.11 acres, more or less.

Property Address: 3850 Stelzer Rd., Columbus, OH 43219.

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, and/or those uses in the CPD, Commercial Planned Development District as specified by Ordinance No. 1043-2021 (Z19-088).

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.