



Legislation Text

File #: 1042-2021, **Version:** 1

Council Variance Application: CV19-120

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. 1041-2021, Z19-087) 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. A portion of the site has been approved for ground floor residential uses under Ordinances #1850-98 (CV97-035) and #0473-2011 (CV10-005). Ordinance #1850-98 will no longer apply to this site, and Ordinance #0473-2011 is being repealed with this ordinance.

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 **3735 EASTON WAY (43219)**, to permit ground floor residential uses in the CPD, Commercial Planned Development District, and to repeal Ordinance # 0473-2011, passed July 18, 2011 (Council Variance #CV19-120).

WHEREAS, by application #CV19-120, the owner of property at **3735 EASTON WAY (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 **3735 EASTON WAY (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 **3735 EASTON WAY (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:

3735 EASTON WAY (43219), being 59.16± acres located at the southeast corner of Easton Way and Sunbury Road, and being more particularly described as follows:

DESCRIPTION OF 59.16 ACRES

Situate in the State of Ohio, County of Franklin, City of Ohio, being all of the remainder of that 26.481 acre tract conveyed as Parcel 4 and to Morso Holding Co. by deed of record in Official Record 30846G11, all of the remainder that 110.059 acre tract conveyed as Parcel 6 to Morso Holding Co. by deed of record in Official Records 30846G11 and 31131D10, the remainder of that 9.523 acre tract conveyed to Morso Holding Co. by deed of record in Instrument Number 201501080002834,

BEGINNING in the easterly right-of-way line of Sunbury Road at the common corner of the remainder of said 26.481 acre tract and that 98.082 acre tract conveyed to Distribution Land Corp. by deed of record in Official Record 28688F16, being a southeasterly corner of that 15.702 acre tract conveyed as Parcel 1WV to The City of Columbus by deed of record in Official Record 34042G18;

Thence with the easterly right-of-way line of said Sunbury Road, the following courses and distances: North 05° 31' 19" East, a distance of 3.30 feet to a point; North 12° 04' 03" East, a distance of 99.45 feet to a point; and North 08° 12' 54" East, a distance of 267.96 feet to a point of curvature in the southerly right-of-way line of Easton Way; Thence with the southerly 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 90° 31' 27", a radius of 30.00 feet, an arc length of 47.40 feet, a chord bearing of North 53° 43' 09" East and chord distance of 42.62 feet to a point of tangency; South 81° 01' 21" East, a distance of 96.91 feet to a point; South 76° 30' 33" East, a distance of 708.50 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 04° 07' 05", a radius of 5036.50 feet, an arc length of 361.99 feet, a chord bearing of South 78° 34' 05" East and chord distance of 361.91 feet to a point of tangency; South 80° 37' 38" East, a distance of 277.13 feet to a point; South 79° 21' 15" East, a distance of 540.13 feet to a point; South 73° 47' 04" East, a distance of 100.72 feet to a point; and South 80° 37' 38" East, a distance of 284.63 feet to a point in the westerly right-of-way line of Morse Crossing;

Thence South 80° 37' 45" East, across the right-of-way of Morse Crossing, a distance of 171.30 feet to a point at the

intersection of the easterly right-of-way line thereof with the southerly right-of-way line of said Easton Way;

Thence with the southerly right-of-way line of said Easton Way, the following courses and distances: South 80° 37' 38" East, a distance of 225.33 feet to a point of curvature; with the arc of a curve to the right, having a central angle of 04° 02' 43", a radius of 1284.50 feet, an arc length of 90.69 feet, a chord bearing of South 78° 36' 16" East and chord distance of 90.67 feet to a point of reverse curvature; and with the arc of a curve to the left, having a central angle of 02° 10' 21", a radius of 6116.43 feet, an arc length of 231.91 feet, a chord bearing of South 77° 40' 05" East and chord distance of 231.89 feet to a point of reverse curvature, being the intersection of said southerly right-of-way line with the westerly right-of-way line of Easton Loop West, as dedicated in Plat Book 93, Page 3;

Thence with said westerly right-of-way line, the following courses and distances: with the arc of a curve to the right, having a central angle of 81° 03' 44", a radius of 30.00 feet, an arc length of 42.44 feet, a chord bearing of South 38° 13' 25" East and chord distance of 38.99 feet to a point of tangency; South 02° 18' 27" West, a distance of 94.61 feet to a point; South 00° 01' 01" West, a distance of 375.30 feet to a point; and South 02° 18' 27" West, a distance of 186.13 feet to a point;

Thence South 87° 41' 33" East, across said Easton Loop West and with the southerly line of that 4.743 acre tract conveyed to Easton Communities II LLC by deed of record in Instrument Number 200304290123727, a distance of 263.41 feet to a point of curvature;

Thence with the southerly line of said 4.743 acre tract, the following courses and distances: with the arc of a curve to the right, having a central angle of 70° 25' 25", a radius of 23.12 feet, an arc length of 28.41 feet, a chord bearing of South 53° 09' 08" East and chord distance of 26.66 feet to a point of reverse curvature; with the arc of a curve to the left, having a central angle of 150° 51' 51", a radius of 91.21 feet, an arc length of 240.16 feet, a chord bearing of North 84° 47' 09" East and chord distance of 176.55 feet to a point of reverse curvature; and with the arc of a curve to the right, having a central angle of 67° 50' 55", a radius of 24.11 feet, an arc length of 28.55 feet, a chord bearing of North 43° 09' 46" East and chord distance of 26.91 feet to a point of tangency;

Thence North 77° 15' 21" East, with the southerly line of that 3.461 acre tract conveyed to Easton Communities LLC by deed of record in Instrument Number 200304290123731, across the right-of-way of Easton Square Place, as dedicated in Plat Book 93, Page 3, and with the southerly line of that 3.105 acre tract conveyed to Easton Communities LLC by deed of record in Instrument Number 200304290123730, a distance of 427.17 feet to a point of curvature;

Thence with the southerly line of said 3.105 acre tract, the following courses and distances: with the arc of a curve to the right, having a central angle of 48° 54' 07", a radius of 24.00 feet, an arc length of 20.48 feet, a chord bearing of South 78° 17' 48" East and chord distance of 19.87 feet to a point of tangency; South 57° 06' 33" East, a distance of 5.76 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 68° 22' 33", a radius of 127.73 feet, an arc length of 152.43 feet, a chord bearing of North 84° 39' 43" East and chord distance of 143.54 feet to a point of tangency; North 47° 19' 00" East, a distance of 8.63 feet to a point of curvature; and with the arc of a curve to the right, having a central angle of 41° 04' 28", a radius of 24.00 feet, an arc length of 17.21 feet, a chord bearing of North 71° 45' 42" East and chord distance of 16.84 feet to a point of tangency;

Thence South 87° 41' 33" East, with the southerly line of that 2.644 acre tract conveyed to Easton Communities II LLC by deed of record in Instrument Number 200304290123724, a distance of 157.47 feet to a point in the westerly right-of-way line of Chagrin Drive, as dedicated in Plat Book 93, Page 3;

Thence South 02° 18' 27" West, with said westerly right-of-way line, a distance of 473.50 feet to a point of curvature;

Thence continuing with said westerly right-of-way line, with the arc of a curve to the right, having a central angle of 91° 46' 13", a radius of 30.00 feet, an arc length of 48.05 feet, a chord bearing of South 48° 11' 33" West and chord distance of 43.08 feet to a point of tangency in the northerly right-of-way line of Easton Commons, as dedicated in Plat Book 93, Page 3;

Thence North 85° 55' 20" West, with said northerly right-of-way line, a distance of 492.54 feet to a point in a northerly extension of the westerly right-of-way line of said Easton Square Place;

Thence South 04° 04' 03" West, with said northerly extension of and westerly right-of-way line of said Easton Square Place, a distance of 447.85 feet to a point;

Thence North 85° 55' 20" West, with the northerly line of that 4.141 acre tract conveyed to VSP Ceres, Inc. by deed of record in Instrument Number 201201060002692, a distance of 425.06 feet to a point;

Thence North 85° 55' 43" West, with the northerly line of that 1.410 acre tract conveyed to VSP Ceres, Inc. by deed of record in Instrument Number 201611040153041, a distance of 389.99 feet to a point on the arc of a curve in the easterly right-of-way line of said Morse Crossing;

Thence with said easterly right-of-way line, with the arc of a curve to the right, having a central angle of 29° 42' 13", a radius of 1952.87 feet, an arc length of 1012.42 feet, a chord bearing of North 25° 15' 16" West and chord distance of 1001.12 feet to a point;

Thence North 86° 33' 04" West, across the right-of-way of said Morse Crossing, with the northerly line of said 98.082 acre tract, a distance of 681.38 feet to a point;

Thence with said northerly line, the following courses and distances: North 35° 00' 33" West, a distance of 570.29 feet to a point; North 76° 30' 33" West, a distance of 920.29 feet to a point; North 88° 56' 45" West, a distance of 660.28 feet to the **POINT OF BEGINNING**, containing 59.16 acres, more or less.

Property Address: 3735 Easton Way, 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. 1041-2021 (Z19-087).

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.

SECTION 5. That Ordinance #1850-98, passed July 27, 1998, shall no longer apply to the subject site.

SECTION 6. That Ordinance #0473-2011, passed July 18, 2011, be and is hereby repealed.