



## Legislation Details (With Text)

**File #:** 1831-2016      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 6/29/2016      **In control:** Zoning Committee

**On agenda:** 7/18/2016      **Final action:** 7/21/2016

**Title:** To grant a Variance from the provisions of Sections 3356.03, Permitted uses; 3361.02, Permitted uses; and 3312.49, Minimum number of parking spaces required; for the property located at 6336 EAST BROAD STREET (43213), to permit housing for the elderly, assisted living, and memory care facilities in the CPD, Commercial Planned Development District (Council Variance # CV16-043).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD.1831-2016.Attachments, 2. ORD.1831-2016.Labels

Date	Ver.	Action By	Action	Result
7/21/2016	2	CITY CLERK	Attest	
7/20/2016	2	MAYOR	Signed	
7/18/2016	2	COUNCIL PRESIDENT	Signed	
7/18/2016	1	Zoning Committee	Approved as Amended	Pass
7/18/2016	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/11/2016	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV16-043**

**APPLICANT:** Continental Real Estate Companies; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, Ohio 43215.

**PROPOSED USE:** Housing for the elderly, assisted living, and memory care facilities.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This 13.6± acre site is undeveloped and is identified as Subarea 2 within a CPD, Commercial Planned Development District established in 2005 (Ordinance # 0493-2005; Z04-036). The current zoning of this site allows most C-4 uses, a car wash, and fuel sales. The applicant proposes the development of a 274 122-unit facility for senior independent housing, assisted living, and memory care units. The variance is required because, although the adjacent Subarea 1 of the same CPD district permits such institutional uses, Subarea 2 does not. The applicant also requests a variance to the required number of parking spaces from 183 spaces to 130 spaces. This requested reduction is consistent with other housing for the elderly developments. The site is within the planning area of the *Broad-Blacklick Area Plan* (2011), which recommends "Employment Center" uses for this location. This classification includes uses such as business and professional offices, technology park clusters, research and development, light industrial operations, and visitor service establishments, with retail only as a secondary use. While the proposed development does not fit the typical interpretation of this recommendation, the facility will include a number of employees and is consistent with the broader pattern of medical services associated with Mount Carmel East.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses; 3361.02, Permitted uses; and 3312.49, Minimum number of parking spaces required; for the property located at **6336 EAST BROAD STREET (43213)**, to permit housing for the elderly, assisted living, and memory care facilities in the CPD, Commercial Planned Development District (Council Variance # CV16-043).

**WHEREAS**, by application No. CV16-043, the owner of property **6336 EAST BROAD STREET (43213)**, is requesting a Council variance to permit housing for the elderly, assisted living, and memory care facilities in the CPD, Commercial Planned Development District; and

**WHEREAS**, Ordinance # 0493-2005, passed on March 28, 2005 (Rezoning Application Z04-036), rezoned this site as Subarea 2 within the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3356.03, Permitted uses, does not permit housing for the elderly, assisted living, or memory care uses within this subarea, while the applicant proposes to permit said uses; and

**WHEREAS**, Section 3361.02, Permitted uses, specifies C-4 district and limited C-5 uses, and does not permit housing for the elderly, assisted living, or memory care uses, which are I, Institutional District uses, within this subarea, while the applicant proposes to permit said uses; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires 1.5 parking spaces for each unit, a requirement of 183 parking spaces for ~~274~~ **122** units, while the applicant proposes 130 parking spaces; and

**WHEREAS**, City Departments recommend approval because the request is consistent with the uses permitted in the adjacent Subarea 1 of the same CPD district and with the broader pattern of medical services associated with Mount Carmel East; 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 **6336 EAST BROAD STREET (43213)**, in using said property as desired; now, therefore:

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

**SECTION 1.** Variance from the provisions of Sections 3356.03, Permitted uses; 3361.02, Permitted uses; and 3312.49, Minimum number of parking spaces required; is hereby granted for the property located at **6336 EAST BROAD STREET (43213)**, insofar as said sections prohibit housing for the elderly, assisted living, and memory care facilities in this CPD, Commercial Planned Development District, with a reduction in the required number of parking spaces from 183 spaces to 130 spaces for ~~274~~ **122** units; said property being more particularly described as follows:

**6336 EAST BROAD STREET (43213)** being 13.6± acres generally located on the northeast corner of East Broad Street and McNaughten Road, being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 1, Township 1, Range 16, United States Military Lands, being part of the 24.704 acre tract conveyed to Empire Ventures/6200 E. Broad, LLC by deed of record in Instrument Number 200312110392762 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference at a magnetic nail set at the centerline intersection of East Broad Street and Taylor Station Road;

Thence North 82° 21' 49" East, a distance of 2106.31 feet, with the centerline of said East Broad Street, to a magnetic nail set at the common corner of said 24.704 acre tract and the 43.837 acre tract conveyed to Mount Carmel Health System by deed of record in Instrument Number 200312110392742, being the TRUE POINT OF BEGINNING;

Thence North 07° 46' 36" West, a distance of 339.99 feet, with the line common to said 24.704 and 43.837 acre tracts, to an iron pin set in the southerly line of the 7.327 acre tract conveyed to Mount Carmel Health System by deed of record in Instrument Number 200501280017471;

Thence North 81° 59' 54" East, a distance of 319.47 feet, with the line common to said 24.704 and 7.327 acre tracts, to an iron pin set at the southeasterly corner of said 7.327 acre tract;

Thence North 07° 00' 27" West, a distance of 492.06 feet, with a westerly line of said 24.704 acre tract and with an easterly line of said 7.327 acre tract and the 84.083 acre tract conveyed to IPofA Columbus Works, LLC et al by deeds of record in Instrument Numbers 200508090161256, 200508090161259, 200508090161260, 200508090161261, 200508090161262, 200508090161263, 200508250175385, 200508250175397, 200508250175410, 200508250175429, 200508250175443, 200508250175459, 200508250175473, 200508250175477, 200508250175490, 200509090187367, 200509090187371, 200509140191329, 200509290204040, 200510200221390, 200510200221392, 200510200221394, 200511070235898, 200511070235904, 200511070235914, 200511280249122, 200511280249125, 200511280249127, 200512290273900, 200512290273902, 200512290273904, 200512290273906, 200512290273909, 200512290273911, 200601090004902, 200601100006020, 200602010020377, 200602280037234, 200604170070907, 200604250077411, 200605120091909, 200606020107243, and 200607170139341, to an iron pin set at a common corner of said 24.704 and 84.083 acre tracts;

Thence with the line common to said 84.083 and 24.704 acre tracts, the following courses and distances:

North 82° 59' 33" East, a distance of 136.13 feet, to an iron pin set;

North 07° 29' 04" West, a distance of 346.24 feet, to an iron pin set;

North 82° 11' 38" East, a distance of 703.35 feet, to an iron pin set;

Thence across said 27.704 acre tract, the following courses and distances:

With the arc of a curve to the right, having a central angle of 04° 47' 09", a radius of 2684.74 feet, an arc length of 224.25 feet, and a chord that bears South 02° 24' 25" West, a chord distance of 224.19 feet, to an iron pin set;

South 04° 50' 03" West, a distance of 376.96 feet, to an iron pin set; and

South 04° 15' 55" West, a distance of 241.33 feet, to an iron pin set at a northeasterly corner of that 1.170 acre tract conveyed to Moo Moo East Broad, LLC by deed of record in Instrument Number 200810170154428;

Thence with the northerly line of said 1.170 acre tract, with a curve to the left, having a central angle of 63° 41' 41", a radius of 23.00 feet, an arc length of 25.57 feet, and a chord that bears North 66° 16' 30" West, a chord distance of 24.27 feet, to an iron pin set at a point of tangency;

Thence South 81° 52' 38" West, with the northerly line of said 1.170 acre tract, and the northerly line of that 2.044 acre tract conveyed to Empire Ventures/6200 East Broad, LLC by deed of record in Instrument Number 200703050039984, that 1.095 acre tract conveyed to CFA Real Property I, LLC by deed of record in Instrument Number 200904240057758, a distance of 557.66 feet, to an iron pin set at a point of curvature;

Thence continuing with the northerly line of said 1.095 acre tract, with said curve to the left, having a central angle of 50° 46' 31", a radius of 58.00 feet, an arc length of 51.40 feet, and a chord that bears South 56° 29' 23" West, a chord distance of 49.73 feet, to an iron pin set at a point of reverse curvature;

Thence partly with the northerly line of said 1.095 acre tract, and partly with the northerly line of that 0.781 acre tract conveyed to Kemba Financial Credit Union, Inc., by deed of record in Instrument Number 200908050115046, with said curve to the right, having a central angle of 50° 53' 46", a radius of 86.00 feet, an arc length of 76.39 feet, and a chord that bears South 56° 33' 01" West, a chord distance of 73.91 feet, to an iron pin set at a point of tangency;

Thence South 81° 59' 54" West, partly with the northerly line of said 0.781 acre tract, and with the northerly line of that 0.760 acre tract conveyed to Empire Ventures/6200 East Broad, LLC by deed of record in Instrument Number 200905080065714, a distance of 257.37 feet, to an iron pin set at a point of curvature;

Thence continuing with the northerly line of said 0.760 acre tract, with said curve to the left, having a central angle of 89° 46' 30", a radius of 28.00 feet, an arc length of 43.87 feet, and a chord that bears South 37° 06' 39" West, a chord distance of 39.52 feet, to an iron pin set at a point of tangency;

Thence South 07° 46' 36" East, with a westerly line of said 0.760 acre tract, a distance of 164.32 feet, to an iron pin set at a point of curvature;

Thence continuing with the westerly line, with said curve to the left, having a central angle of 28° 21' 06", a radius of 38.00 feet, an arc length of 18.80 feet, and a chord that bears South 21° 57' 09" East, a chord distance of 18.61 feet, to an iron pin set;

Thence South 07° 38' 11" East, across the right-of-way of said East Broad Street, a distance of 97.87 feet, to a magnetic nail set in the centerline of said East Broad Street, being a southerly line of said 24.704 acre tract;

Thence South 82° 21' 49" West, a distance of 24.32 feet, with the centerline of said East Broad Street, and with a southerly line of said 24.704 acre tract, to the TRUE POINT OF BEGINNING and containing 13.578 acres, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for housing for the elderly, assisted living, or memory care uses and/or those uses permitted by the CPD, Commercial Development District zoning on this property (Ord # 0493-2005/Rezoning Application Z04-036).

**SECTION 3.** That this ordinance is further conditioned upon the provision of a pedestrian connection being provided from the future public sidewalk along East Broad Street to this development that also connects to a future ~~public~~ sidewalk **connection** immediately to the north of this site. The western access point to this site from the access road will align with the western access point for parcel 520-283958 unless otherwise approved by the Department of Public Service Division of Traffic Management.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and meeting all applicable requirements for the proposed use.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.