



Legislation Details (With Text)

File #: 2761-2018 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/27/2018 **In control:** Zoning Committee

On agenda: 10/15/2018 **Final action:** 10/17/2018

Title: 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 15 EAST FIFTEENTH AVENUE (43201), to permit residential uses in the CPD, Commercial Planned Development District (Council Variance #CV18-061) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2761-2018_Attachments, 2. ORD2761-2018_Labels

Date	Ver.	Action By	Action	Result
10/17/2018	2	CITY CLERK	Attest	
10/16/2018	2	MAYOR	Signed	
10/15/2018	2	COUNCIL PRESIDENT	Signed	
10/15/2018	1	Zoning Committee	Approved as Amended	Pass
10/15/2018	1	Zoning Committee	Amended to Emergency	Pass
10/8/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV18-061

APPLICANT: Campus Partners for Community Urban Redevelopment; c/o Michael T. Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Residential uses.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on August 9, 2018, for a concurrent rezoning (Ordinance #2760-2018, Z18-033) to the CPD, Commercial Planned Development District, which will allow a mixed-use commercial and residential and student-housing development with up to 330 residential units. The CPD Text for Z18-033 proposes C-4, Commercial District uses, and the requested variance will allow residential uses that are otherwise prohibited by the C-4 district in Subareas 5-9. 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 the redevelopment pattern for this segment of North High Street. The request is also consistent with the land use recommendations of the *University District Plan* (2015), which include "Higher Intensity Residential" and "Institutional" land uses for these particular subareas.

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 **15 EAST FIFTEENTH AVENUE (43201)**, to permit residential uses in the CPD, Commercial Planned Development District (Council Variance #CV18-061) **and to declare an emergency.**

WHEREAS, by application #CV18-061, the owner of property at **15 EAST FIFTEENTH AVENUE (43201)**, is requesting a Council variance to permit 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 first floor residential uses in Subareas 5-9 and fraternity and sorority houses, clubhouses, and religiously- and institutionally-related student housing uses in Subarea 7; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the University Impact District 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 the *University District Plan's* land use recommendations, and continues the redevelopment pattern for this segment of North High Street; 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 **15 EAST FIFTEENTH AVENUE (43201)**, in using said property as desired;

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, is hereby granted for the property located at **15 EAST FIFTEENTH AVENUE (43201)**, insofar as said section prohibits first floor residential uses in Subareas 5-9 and fraternity and sorority houses, clubhouses, and religiously- and institutionally-related student housing uses in Subarea 7, within the CPD, Commercial Planned Development District; said property being more particularly described as follows:

15 EAST FIFTEENTH AVENUE (43201), being 4.91± acres generally located between Fourteenth and Sixteen Avenue, east of North Pearl Street, and being more particularly described as follows:

**SUBAREA 5
1.781 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, and being all of Lots 4, 5, 6, 13, 14, 15, 16 and parts of Lots 2, 3, 7, 11, 12, 17, 18 and part

of a 20 foot Alley of that subdivision entitled, "Unola Addition", of record in Plat Book 7, Page 130, (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 the right-of-way intersection of that northerly right-of-way line of East 15th Avenue and that easterly right-of-way of North Pearl Street;

Thence South 86° 02' 30" East, with said northerly right-of-way line, a distance of 111.86 feet the TRUE POINT OF BEGINNING;

Thence North 08° 16' 22" West, across said "Unola Addition", a distance of 309.24 feet to a point in the southerly right-of-way line of East 16th Avenue;

Thence with said southerly right-of-way line, with the arc of a curve to the right, having a central angle of 12° 55' 34", a radius of 981.50 feet, an arc length of 221.43 feet, a chord bearing of North 77° 38' 19" East and chord distance of 220.96 feet to a point;

Thence across said "Unola Addition", the following courses and distances: South 06° 06' 50" East, a distance of 174.33 feet to a point; South 12° 17' 31" East, a distance of 75.52 feet to a point; South 86° 39' 56" East, a distance of 33.17 feet to a point; and South 03° 20' 04" West, a distance of 120.54 feet to a point in said northerly right-of-way line of East 15th Avenue;

Thence North 86° 02' 30" West, with said northerly right-of-way line, a distance of 232.64 feet to the TRUE POINT OF BEGINNING, containing 1.781 acres, more or less.

SUBAREA 6 0.455 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, and being all of Lot 19 and part of Lots 17, 18, 20 and part of a vacated 20 foot Alley of that subdivision entitled, "Unola Addition", of record in Plat Book 7, Page 130, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, at the right-of-way intersection of that westerly right-of-way line of a 20 foot Alley and the southerly right-of-way line of East 16th Avenue;

Thence across said "Unola Addition", the following courses and distances: South 01° 45' 12" West, a distance of 199.22 feet to a point; South 87° 24' 08" West, a distance of 25.55 feet to a point; South 03° 20' 04" West, a distance of 54.06 feet to a point; North 86° 39' 56" West, a distance of 33.17 feet to a point; North 12° 17' 31" West, a distance of 75.52 feet to a point; and North 06° 06' 50" West, a distance of 174.33 feet to a point in said southerly right-of-way line of said East 16th Avenue;

Thence with said southerly right-of-way line, with the arc of a curve to the right, having a central angle of 05° 59' 42", a radius of 981.50 feet, an arc length of 102.70 feet, a chord bearing of North 87° 05' 57" East and chord distance of 102.65 feet to the POINT OF BEGINNING, containing 0.455 acre, more or less.

SUBAREA 7A 0.904 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18 of the United States Military Lands and being on, over and across those tracts conveyed to Redstone Realty Company LLC by deed of record in Instrument Number 201412110164513 and those tracts conveyed to Beta Nu Building Association by deeds of record in Deed Book 2321, Page 626 and Deed Book 2454, Page 523 (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 the intersection of the northerly right-of-way line of East 14th Avenue and the easterly right-of-way line of North Pearl Street;

Thence South 86° 02' 30" East, with said northerly right-of-way line, a distance of 79.35 feet to the southwesterly corner of said Beta Nu (D.B. 2454, P. 253) tract and the southeasterly corner of that tract conveyed to Redstone Realty Company LLC by deed of record in Instrument Number 201308020130945, being the TRUE POINT OF BEGINNING;

Thence North 03° 27' 25" East, with a line common to said Beta Nu (D.B. 2454, P. 253) tract and said Redstone Realty tract, a distance of 175.00 feet to a common corner thereof and in the southerly line of that tract conveyed to Beta Nu Building Association by deed of record in Deed Book 1272, Page 464;

Thence South 86° 02' 30" East, with the northerly line of said Beta Nu (D.B. 2454, P. 253 and D.B. 2321, P. 626) tracts and said Redstone Realty tracts and the southerly line of said Beta Nu (D.B. 1272, P. 464) tract, that tract conveyed to The Beta Phi Chapter of Delta Tau Delta House Association by deed of record in Deed Book 1283, Page 217, and that tract conveyed to Buck Pi Housing Association by deed of record in Instrument Number 201201050001717, a distance of 225.00 feet to a northeasterly corner of said Redstone Realty tracts;

Thence South 03° 27' 25" West, with the line common to said Redstone Realty tracts and that tract conveyed to University Manors, Ltd. By deed of record in Instrument Number 200107060153352, a distance of 175.00 feet to the northerly right-of-way line of East 14th Avenue;

Thence North 86° 02' 30" West, with said northerly right-of-way line, a distance of 225.00 feet to the TRUE POINT OF BEGINNING, containing 0.904 acre, more or less, being part of Auditor's Parcel Numbers 010-007570 and 010-002965 and all of Auditor's Parcel Number 010-053518, 010-019083, and 010-022795.

SUBARE 7B
0.402 ACRE

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.

SUBAREA 8
0.721 ACRE

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.

SUBAREA 9
0.647 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18 of the United States Military Lands and being on, over and across those tracts conveyed to Redstone Realty Company LLC by deed of record in Instrument Number 201412110164513 and Instrument Number 201308020130945 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of East 14th Avenue (60 foot right-of-way width) with the easterly right-of-way line of North Pearl Street (20 foot right-of-way width), also being the southwest corner of said Redstone Realty tract;

Thence North 08° 15' 05" West, with said easterly right-of-way line, a distance of 358.09 feet to the intersection of said easterly right-of-way line with the southerly right-of-way line of East 15th Avenue (60 foot right-of-way width), also being the northwesterly corner of said Redstone Realty tract;

Thence South 86° 02' 30" East, with said southerly right-of-way line, a distance of 74.52 feet to a corner common to said Redstone Realty tract and that tract conveyed to 43 E. 15th, LLC by deed of record in 200707110121364;

Thence South 01° 16' 33" East, with the line common to said Redstone Realty tract and said 43 E. 15th tract, a distance of 175.73 feet to a common corner thereof and in the northerly line of said Redstone Realty tract;

Thence South 86° 02' 30" East, with a line common to said Redstone Realty tract and said 43 E. 15th tract and a line common to said Redstone Realty tract and that tract conveyed to Beta Nu Building Association by deed of record in Deed Book 1272, Page 464, a distance of 63.00 feet to a northeasterly corner of said Redstone Realty tract a northwesterly corner of that tract conveyed to Beta Nu Building Association by deed of record in Deed Book 2454, Page 253;

Thence South 03° 27' 25" West, with a line common to said Redstone Realty tract and Beta Nu tract, a distance of 175.00 feet to a common corner thereof in the northerly right-of-way line of East 14th Avenue;

Thence North 86° 02' 30" West, with said northerly right-of-way line, a distance of 79.35 feet to the POINT OF BEGINNING, containing 0.647 acre, more or less, being all of Auditor's Parcel Number 010-040615 and Auditor's Parcel Number 010-005252.

Property Address: 15 East Fifteenth Avenue, Columbus, OH 43201

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 #2760-2018 (Z18-033).

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.~~
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.