



## Legislation Details (With Text)

**File #:** 0598-2019      **Version:** 1

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

**File created:** 2/20/2019      **In control:** Zoning Committee

**On agenda:** 3/18/2019      **Final action:** 3/20/2019

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes; for the property located at 818 EAST LONG STREET (43205), to permit ground floor residential uses in a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV18-073).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0598-2019.Attachments.pdf, 2. ORD0598-2019.Labels.pdf

Date	Ver.	Action By	Action	Result
3/20/2019	1	CITY CLERK	Attest	
3/19/2019	1	MAYOR	Signed	
3/18/2019	1	COUNCIL PRESIDENT	Signed	
3/18/2019	1	Zoning Committee	Approved	Pass
3/11/2019	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV18-073**

**APPLICANT:** Kingsley + Co.; c/o Sean Mentel, Atty.; 100 South Fourth Street, Suite 100; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #0597-2019; Z18-052) to the CPD, Commercial Planned Development District to allow the development of a mixed use commercial and multi-unit residential development with up to 130 residential units. The CPD Text for Z18-052 proposes C-4, Commercial District uses, and the requested variance will allow first floor residential uses. While commercial districts permit apartment units above ground-floor commercial uses, a Council variance is necessary to permit residential uses on the first floor. The request is consistent with the with the land use recommendations of the *Near East Area Plan* (2005), which recommends “higher density residential and mixed-use development” at this location.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes; for the property located at **818 EAST LONG STREET (43205)**, to permit ground floor residential uses in a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV18-073).

**WHEREAS**, by application #CV18-073, the owner of property **818 EAST LONG STREET (43205)**, is requesting a

Council variance to permit to permit ground floor residential uses in a mixed-use development in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3356.03, C-4 Permitted uses, does not permit ground floor residential uses, while the applicant proposes residential uses on the first floor; and

**WHEREAS**, Section 3361.02, CPD 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 residential uses on the first floor; and

**WHEREAS**, City Departments recommend approval because the request is consistent with the land use recommendations of the *Near East Area Plan* for “higher density residential and mixed-use development” at this location; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed use; 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 **818 EAST LONG STREET (43205)**, 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; and 3361.02, CPD Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **818 EAST LONG STREET (43205)**, insofar as said sections prohibit ground-floor residential uses in the proposed CPD district; said property being more particularly described as follows:

**818 EAST LONG STREET (43205)**, being 2.27± acres located at the northeast corner of East Long Street and Garfield Avenue, and being more particularly described as follows:

Description 1:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 13, Section 10, Township 5, Range 22, Refugee Lands, and being all Lot 1 of James Watson's Subdivision delineated in Plat Book 3, Page 5, and being all of Lots 41, 44, 45, 48, 49 and 52 of East Grove Add Amended Plat delineated in Plat Book 2, Page 172, all as described as Parcels One and Two in a deed to City of Columbus, Ohio, of record in Instrument Number 201803010028440, all of Lot 2 of said James Watson's Subdivision, as described in a deed to Columbus Holding Group, LLC, of record in Instrument Number 201503180033821, all of that private alley delineated in Plat Book 3, Page 5, and all of that described parcel in a deed to Christopher Owens, of record in Instrument Number 200507120135928, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the southwest corner of said Lot 2, being at the intersection of the north right-of-way line for Long Street (70 feet wide) as dedicated in Plat Book 2, Page 172 and the east right-of-way line for Talmadge Street (20 feet wide), the east 5 feet of which dedicated in Plat Book 2, Page 172 and the west 15 feet dedicated in Plat Book 1 Page 266, (reference a bent iron pin found South 16 degrees 00 minutes 57 seconds East at a distance of 0.38 feet);

Thence North 04 degrees 06 minutes 16 seconds East, along the east right-of-way line for said Talmadge Street, along the west lines of said Lots 2, 41, 44, 45, 48, 49, and 52 (passing at a distance of 77.55 feet an iron pin found with a cap inscribed "BKJ7343"), a total distance of 318.00 feet to the northwest corner of said Lot 52, being the southwest corner of said Lot 53, and being the southwest corner of a tract of land described in a deed to Alexander Development Group, LLC, of record in Instrument Number 201409180123367 to an iron pin set at the northwest corner of said Owens tract;

Thence South 85 degrees 48 minutes 17 seconds East, along the north line of said Lot 52 and south line of said Lot 53, along the south lines of said Sheidler tract and Alexander Development Group tract, a distance of 175.00 feet to a 3.5 feet tall concrete post on the west right-of-way line for Monroe Avenue (66 feet wide) as dedicated in Plat Book 2, Page 172, being at the northeast corner of said Lot 52 and the southeast corner of said Lot 53, being at the southeast corner of said Sheidler tract, (reference a  $\frac{3}{4}$  inch iron pipe found South 46 degrees 08 minutes 27 seconds West at a distance of 1.26 feet);

Thence South 04 degrees 06 minutes 16 seconds West, along the west right-of-way line for said Monroe Avenue, along the east lines of said Lots 52, 49, 48, 45, 41 and 1, a distance of 280.00 feet to an iron pin set at the intersection of the west right-of-way line for said Monroe Avenue and the north right-of-way line for said Long Street, being the southeast corner of said Lot 1;

Thence South 81 degrees 56 minutes 24 seconds West, along the north right-of-way line for said Long Street, along the south line of said Lots 1 and 2, and along the south line of said private alley, a distance of 179.02 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 1.201 acres, of which 0.894 acres is all of Franklin County Auditor's parcel number 010-001694, 0.154 acres is all of Franklin County Auditor's parcel number 010-010855, 0.068 acres is all of Franklin County Auditor's parcel number 010-043637, 0.069 acres is all of Franklin County Auditor's parcel number 010-013753, and 0.016 acres is all of the private alley depicted in Plat Book 3, Page 5 (no parcel number assigned).

#### Description 2:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 13, Section 10, Township 5, Range 22, Refugee Lands, and being all of those parts of Lot 14 of T.W. Talmadge's Addition to the City of Columbus delineated in Plat Book 1, Page 266 as described as Parcels XIII and XIV in a deed to Columbus Holding Group, LLC, of record in Instrument Number 201611030151949, and all of that part of said Lot 14 described as a tract of land in a deed to City of Columbus, of record in Instrument Number 201002040014303, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at an iron pin set at the southeast corner of said Lot 14, being at the southeast corner of said Parcel XIII, and being at the intersection of the north right-of-way line of a 15-foot wide alley dedicated in Plat Book 1, Page 266 and the west right-of-way line for Talmadge Street (20 feet wide), the west 15 feet of which dedicated in Plat Book 1, Page 266 and the east 5 feet dedicated in Plat Book 2, Page 172;

Thence North 85 degrees 10 minutes 26 seconds West, along the north right-of-way line of said 15-foot wide alley, along the south line of said Lot 14, and along the south line of said Parcel XIII, a distance of 75.32 feet to an iron pin set at the intersection of the north right-of-way line of said 15-foot wide alley and the east right-of-way line of a 15-foot wide alley dedicated in Plat Book 4, Page 435;

Thence North 04 degrees 06 minutes 16 seconds East, across said Lot 14, along the west right-of-way line for said 15-foot wide alley, and along the west lines of said Parcels XIII and XIV and said City of Columbus tract, a distance of 75.00 feet to an iron pin set at the northwest corner of said City of Columbus tract, being the southwest corner of a tract of land described in a deed to Harold M. Rutherford, of record in Instrument Number 200010230214271;

Thence South 85 degrees 10 minutes 26 seconds East, continuing across said Lot 14, along the north line of said City of

Columbus tract, along the south line of said Rutherford tract, a distance of 75.32 feet an iron pin set at the northeast corner of said City of Columbus tract, being the southeast corner of said Rutherford tract, and being on the west right-of-way line for said Talmadge Street;

Thence South 04 degrees 06 minutes 16 seconds West, along the west right-of-way line for said Talmadge Street, along the east line of said Lot 14, and along the east lines of said City of Columbus tract and said Parcels XIV and XIII, a distance of 75.00 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 0.129 acres, of which 0.043 acres is all of Franklin County Auditor's parcel number 010-045313, 0.043 acres is all of Franklin County Auditor's parcel number 010-033096, and 0.043 acres is all of Franklin County Auditor's parcel number 010- 004754.

#### Description 3:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 13, Section 10, Township 5, Range 22, Refugee Lands, and being all of those parts of Lots 11, 12 and 13 of T.W. Talmadge's Addition to the City of Columbus delineated in Plat Book 1, Page 266 as described as Parcels I thru XII, inclusive, in a deed to Columbus Holding Group, LLC, of record in Instrument Number 201611030151949, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at a MAG nail set at the northeast corner of said Lot 13, being at the northeast corner of said Parcel IX, and being at the intersection of the south right-of-way line of a 15-foot wide alley dedicated in Plat Book 1, Page 266 and the west right-of-way line for Talmadge Street (20 feet wide), the west 15 feet of which dedicated in Plat Book 1, Page 266 and the east 5 feet dedicated in Plat Book 2, Page 172;

Thence South 04 degrees 06 minutes 16 seconds West, along the east lines of said Lots 13, 12 and 11, along the east line of said Parcels IX, IV, X, XIII and XI, and along the west right-of-way line for said Talmadge Street, a distance of 161.40 feet to a MAG nail set at the intersection of the west right-of-way line for said Talmadge Street and the north right-of-way line for Long Street (70 feet wide), being at the southeast corner of said Parcel XI;

Thence South 81 degrees 56 minutes 24 seconds West, across said Lot 11, along the south lines of said Parcels XI, II and I, and along the north right-of-way line for said Long Street, a distance of 240.61 feet to a MAG nail set at the intersection of the north right-of-way line for said Long Street and the east right-of-way line for Garfield Avenue (50 feet wide), dedicated in Plat Book 1, Page 266, being at the southwest corner of said Parcel I;

Thence North 03 degrees 55 minutes 31 seconds East, across said Lots 11, 12 and 13, along the west lines of said Parcels I, VIII, III and VII, and along the east right-of-way line for said Garfield Avenue, a distance of 175.07 feet to the southwest corner of a tract of land described in a deed to Lulu Mae Turner, of record in Official Record 5728 H04, being the northwest corner of said Parcel VII, (referenced a 2 inch iron pipe found South 03 degrees 42 minutes 00 seconds East at a distance of 1.53 feet);

Thence South 85 degrees 10 minutes 26 seconds East, across said Lot 13, along the north line of said Parcel VII, and along the south line of said Turner tract, a distance of 87.00 feet to an iron pin set at the southeast corner of said Turner tract, being at the southwest corner of said Parcel V;

Thence North 03 degrees 55 minutes 31 seconds East, continuing across said Lot 13, along the west line of said Parcel V, and along the east line of said Turner tract, a distance of 40.00 feet to a MAG nail set on the south right-of-way line for said 15-foot wide alley, being at the northwest corner of said Parcel V, and being at the northeast corner of said Turner tract;

Thence South 85 degrees 10 minutes 26 seconds East, along the south right-of-way line for said 15-foot wide alley, along the north lines of said Parcels V, VI and IX, a distance of 148.90 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 0.938 acres, being all of Franklin County Auditor's parcel number 010-014545.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development containing ground floor residential uses in the CPD, Commercial Planned Development District specified by Ordinance #0597-2019 (Z18-052).

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.