



## Legislation Details (With Text)

**File #:** 2903-2019      **Version:** 1

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

**File created:** 10/31/2019      **In control:** Zoning Committee

**On agenda:** 11/25/2019      **Final action:** 11/27/2019

**Title:** To grant a Variance from the provisions of Sections 3374.02, Permitted uses; and 3374.03, Special permit uses, of the Columbus City Codes; for the property located at 2281 KENNY RD. (43210), to permit limited commercial development in the L-UCRPD, Limited University College Research Park District (Council Variance #CV19-083).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2903-2019\_Attachments, 2. ORD2903-2019\_Labels

Date	Ver.	Action By	Action	Result
11/27/2019	1	CITY CLERK	Attest	
11/26/2019	1	MAYOR	Signed	
11/25/2019	1	COUNCIL PRESIDENT	Signed	
11/25/2019	1	Zoning Committee	Approved	Pass
11/18/2019	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV19-083**

**APPLICANT:** The Ohio State University, Physical Planning and Real Estate; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2899-2019; Z19-062) to the L-UCRPD, Limited University College Research Park District. This Council variance will permit limited commercial development that is customary to university-related uses. The variance is necessary because day care, multi-unit residential, hotel/motel uses (with accessory barbershop, beauty parlor, newsstand, eating and drinking, and recreation) and warehouse uses are permitted in the UCRPD district, but only when accessory to a permitted use in the district and operated for university patrons, excluding use by the general public. Additionally, commercial recreation, financial institution, and eating and drinking uses which are open to the general public are permitted, but only with a special permit from the Board of Zoning Adjustment. The applicant requests these uses without restriction or need for special permits. Staff has determined that the request remains consistent with the *Olentangy West Area Plan* (2013) recommendation for institutional uses as university-related uses will be predominant, and the proposed commercial uses are consistent with the development pattern in the area.

To grant a Variance from the provisions of Sections 3374.02, Permitted uses; and 3374.03, Special permit uses, of the Columbus City Codes; for the property located at **2281 KENNY RD. (43210)**, to permit limited commercial development

in the L-UCRPD, Limited University College Research Park District (Council Variance #CV19-083).

**WHEREAS**, by application #CV19-083, the owner of property at **2281 KENNY RD. (43210)**, is requesting a Council variance to permit limited commercial development in the L-UCRPD, Limited University College Research Park District; and

**WHEREAS**, 3374.02, Permitted uses, permits certain commercial uses only when accessory to a principal permitted use and when operated for faculty, researchers, other employees, students and guests excluding use by the general public, while the applicant proposes adult and child day care, multi-unit residential, hotel/motel (with accessory uses including but not limited to barbershop, beauty parlor, newsstand, eating and drinking, and recreation), and warehouse uses that would be open to the general public; and

**WHEREAS**, Section 3374.03 Special permit uses, requires the applicant to obtain a special permit from the Board of Zoning Adjustment for commercial recreation, financial institution, and eating and drinking uses on the property, while the applicant proposes to waive this requirement; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the request remains consistent with the *Olentangy West Area Plan* recommendation for institutional uses as university-related uses will be predominant, and the proposed commercial uses are consistent with the development pattern in the area; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits 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 **2281 KENNY RD. (43210)**, 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 3374.02, Permitted uses; and 3374.03, Special permit uses, of the Columbus City Codes, is hereby granted for the property located at **2281 KENNY RD. (43210)**, insofar as said sections prohibit adult and child day care, multi-unit residential, hotel/motel (with accessory uses including but not limited to barbershop, beauty parlor, newsstand, eating and drinking, and recreation), and warehouse uses that would be open to the general public, and commercial recreation, financial institution, and eating and drinking uses that are open to the general public without a special permit; said property being more particularly described as follows:

**2281 KENNY RD. (43210)**, being 251.1± acres located at the northwest corner of Kenny Road and Kinnear Road, and being more particularly described as follows:

**SUBAREA 1**  
**ZONING DESCRIPTION**  
**68.9± ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 3, Township 1, Range 18 in the Unites States Military Lands, and being:  
a tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2, a tract as conveyed to The State of

Ohio in Deed Book 680, Page 73, a tract as conveyed to The State of Ohio in Deed Book 680, Page 72, a tract as conveyed to The State of Ohio in Deed Book 641, Page 242, a tract as conveyed to The State of Ohio in Deed Book 546, Page 8 being further described as follows;

Commencing at the southwest corner of Lot 10 in Lewis Sell's Subdivision as recorded in Plat Book 8, Page 6B, being in the east line of said tract as conveyed to The State of Ohio in Deed Book 629, Page 11, tract 2, and being in the northerly right of way line of Kinnear Road (R/W Varies), and also being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence the following four (4) courses along the northerly right of way line of Kinnear Road as created by the Easement for Public Highway Purposes in Deed Book 3141, Page 590 across said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2:

1. **N 86° 13' 23" W, 147.14± feet;**
2. Along a curve to the right having a central angle of **17° 36' 27"**, a radius of **924.93 feet**, an arc length of **284.24± feet**, and a chord bearing and distance of **N 77° 25' 10" W, 283.12± feet;**
3. **N 68° 36' 56" W, 161.07± feet;**
4. Along a curve to the left having a central angle of **13° 34' 13"**, a radius of **984.93± feet**, an arc length of **233.27± feet**, and a chord bearing and distance of **N 75° 24' 03" W, 232.73± feet;**

Thence along the northerly right of way line of Kinnear Road as created in said Deed Book 3141, Page 590 and Easement for Roadway Purposes (2.011 acres) as created in Instrument Number 201309040149214 across said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2, **N 82° 14' 58" W, 83.69± feet;**

Thence the following four (4) courses along the northerly right of way line of Kinnear Road as created in said Instrument Number 201309040149214 across said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2:

1. **N 37° 43' 34" W, 109.76± feet;**
2. **N 20° 19' 17" W, 185.93± feet;**
3. **N 08° 46' 11" W, 114.02± feet;**
4. **N 02° 06' 15" W, 69.34± feet** to the intersection of the northerly right of way line of Kinnear Road as created in said Instrument Number 201309040149214 and the easterly right of way line of North Starr Road (R/W Varies);

Thence with the easterly right of way line of North Starr Road across said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2, **N 02° 59' 44" E, 2190.29± feet** to the intersection of the easterly right of way line of North Starr Road and the north line of said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2;

Thence with the north line of said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2 and the north line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242 and Deed Book 5446, Page 8, **S 86° 19' 22" E, 840.15± feet;**

Thence the following two (2) courses with the north line of said tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2 and the north line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242 and Deed Book 5446, Page 8:

1. **N 03° 40' 38" E, 324.92± feet;**
2. **N 85° 35' 38" E, 275.23± feet;**

Thence crossing said tract as conveyed to State of Ohio in Deed Book 629 Page 11, tracts 1 and 2 and said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242 and Deed Book 5446, Page 8, **S 03° 56' 37" W, 3129.41± feet** to the **TRUE POINT OF BEGINNING**, containing **68.9± acres**, more or less.

This description is based on information obtained at the Franklin County Auditor's Office and the Franklin County Recorder's Office.

This description is not to be used in the transfer of land.

**SUBAREA 2**

**ZONING DESCRIPTION**

**182.2± ACRES**

Situated in the State of Ohio, County of Franklin, Township of Clinton, City of Columbus, being in Quarter Township 3, Township 1, Range 18 in the United States Military Lands, and being: An 8 acre tract as conveyed to the State of Ohio in Deed Book 822, Page 126, tract 1, a tract as conveyed to The State of Ohio in Deed Book 2009, Page 82, tracts 1 and 2, a 3 acre tract as conveyed to the State of Ohio in Deed Book 822, Page 126, tract 2, a tract as conveyed to The State of Ohio in Deed Book 629 Page 11, tracts 1 and 2, a tract as conveyed to The State of Ohio in Deed Book 680, Page 73, a tract as conveyed to The State of Ohio in Deed Book 680, Page 72, a tract as conveyed to The State of Ohio in Deed Book 641, Page 242, a tract as conveyed to The State of Ohio in Deed Book 546, Page 8, Lots 8, 9, 10 of the Lewis Sell's Subdivision as recorded in Plat Book 8, Page 6B known as a tract as conveyed to the State of Ohio for The Ohio State University in Deed Book 1809, Page 504, a 3.176 acre tract as conveyed to The Ohio State University in Official Record 12874, Page D12, a 0.655 acre tract as conveyed to the State of Ohio for the Ohio State University in Instrument Number 199904260102543, a 6.332 acre tract as conveyed to the Board of Trustees for the Ohio State University in Instrument Number 200108070181901, a 5.238 acre tract as conveyed to the Board of Trustees of the Ohio State University in Instrument Number 199710070114040, and a 5.011 acre tract as conveyed to The Ohio State University in Official Record 29204, Page B20 being further described as follows;

Commencing at the southwest corner of said Lot 10 of Lewis Sell's Subdivision, being in the east line of said tract as conveyed to the State of Ohio in Deed Book 629, Page 11, tract 2, and being in the northerly right of way line of Kinnear Road (R/W Varies), and also being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the west line of said Lot 10 across said tracts as conveyed to the State of Ohio in Deed Book 629, Page 11, tracts 1 and 2, Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242 and Deed Book 5446, Page 8, **N 03° 56' 37" E, 3129.41± feet** to the southerly right of way line of Lane Avenue (R/W Varies);

Thence the following three (3) courses along the southerly right of way line of Lane Avenue across said tracts as conveyed to the State of Ohio in Deed Book 629, Page 11, tract 1 and 2, Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242 and Deed Book 5446, Page 8:

1. **N 86° 36' 53" E, 376.55± feet;**
2. **N 89° 23' 17" E, 200.56± feet;**
3. **S 87° 14' 19" E, 312.78± feet** to an angle point in the southerly right of way line of Lane Avenue and being in the west line of a tract as conveyed to The State of Ohio in Deed Book 2009, Page 82;

Thence with the southerly right of way line of Lane Avenue and the west line of said tract as conveyed to The State of Ohio in Deed Book 2009, Page 82, **S 03° 40' 38" W, 5.00± feet** to the southwest corner of said tract as conveyed to The State of Ohio in Deed Book 2009, Page 82, the northwest corner of said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, and being an angle point in the southerly right of way line of Lane Avenue;

Thence with the southerly right of way line of Lane Avenue, the south line and also crossing said tract as conveyed to The State of Ohio in Deed Book 2009, Page 82, and with the north line of said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, **S 86° 19' 22" E, 353.11± feet** to the southeast corner of said tract as conveyed to The State of Ohio in Deed Book 2009, Page 82, the northeast corner of said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, being in the west line of said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, tract 1, and being an angle point in the southerly right of way line of Lane Avenue;

Thence with the southerly right of way line of Lane Avenue, the east line of said tract as conveyed to The State of Ohio in Deed Book 2009, Page 82, and the west line of said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, tract 1, **N 03° 40' 38" E, 5.00± feet** to an angle point in the southerly right of way line of Lane Avenue;

Thence with the southerly right of way line of Lane Avenue across said tract as conveyed to The State of Ohio in Deed

Book 822, Page 126, tract 1, **S 86° 19' 22" E, 628.34± feet** to an angle point in the southerly right of way line of Lane Avenue;

Thence with the southerly right of way line of Lane Avenue across said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, tract 1, **S 84° 29' 53" E, 314.08± feet** to the east line of said tract as conveyed to The State of Ohio in Deed Book 822, Page 126, tract 1, and being in the north line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8;

Thence with the southerly right of way line of Lane Avenue across said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8, **S 80° 53' 34" E, 458.48± feet** to the intersection of the southerly right of way line of Lane Avenue and the westerly right of way line of Kenny Road (R/W Varies);

Thence the following eight (8) courses along the westerly right of way line of Kenny Road across said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8:

1. **S 22° 29' 22" E, 59.88± feet;**
2. **S 00° 26' 19" E, 260.51± feet;**
3. **S 03° 34' 38" W, 382.27± feet;**
4. **S 07° 23' 29" W, 150.33± feet;**
5. **S 03° 34' 38" W, 399.07± feet;**
6. **S 03° 40' 38" W, 200.73± feet;**
7. **S 86° 19' 22" E, 5.00± feet;**
8. **S 03° 40' 38" W, 973.19± feet** to the south line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8 and being in the north line of Lot 1 in said Lewis Sell's Subdivision also known as a 6.332 acre tract as conveyed to the Board of Trustees for The Ohio State University in Instrument Number 200108070181901;

Thence with westerly right of way line of Kenny Road, the south line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8 and the north line of Lot 1 (also known as a 6.332 acre tract), **S 86° 09' 22" E, 15.00± feet** to an angle point in the westerly right of way line of Kenny Road;

Thence with the westerly right of way line of Kenny Road across said Lot 1 (also known as a 6.332 acre tract), **S 03° 40' 38" W, 230.05± feet** to the north line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543;

Thence with the westerly right of way line of Kenny Road and the north line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543, **N 86° 13' 22" W, 10.00± feet** to an angle point in the westerly right of way line of Kenny Road;

Thence with the westerly right of way line of Kenny Road, across said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543 and across Lot 1 of said Lewis Sell's Subdivision also known as a 5.011 acre tract as conveyed to The Ohio State University in Official Record 29204, Page B20, **S 03° 40' 38" W, 456.74± feet** to an angle point in the westerly right of way line of Kenny Road;

Thence with the westerly right of way line of Kenny Road, across said Lot 1 (also known as a 5.011 acre tract), **S 47° 49' 06" W, 57.36± feet** to the intersection of the westerly right of way line of Kenny Road and the northerly right of way line of Kinnear Road;

Thence with the northerly right of way line of Kinnear Road across said Lots 1 and 2 of said Lewis Sell's Subdivision (also known as a 5.011 acre tract), **N 86° 14' 08" W, 334.27± feet** to the southwest corner of said 5.011 acre tract;

Thence with the west line of said 5.011 acre tract, **N 03° 36' 44" E, 488.00± feet** to an angle point in the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543;

Thence with the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543, **N 86° 13' 23" W, 165.00± feet** to an angle point in the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543 and being the northeast corner of said 5.238 acre tract as conveyed to the Board of Trustees of Ohio State University in Instrument Number 199710070114040;

Thence with the east line of said 5.238 acre tract, **S 03° 36' 42" W, 488.00± feet** to an angle point in the northerly right of way line of Kinnear Road and being the southeast corner of said 5.238 acre tract;

Thence with the south line of said 5.238 acre tract and the northerly right of way line of Kinnear Road, **N 86° 13' 23" W, 467.59± feet** to the southwest corner of said 5.238 acre tract;

Thence with the west line of said 5.238 acre tract and the south line of said tract conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543, **N 03° 36' 44" E, 488.00± feet** to an angle point in the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543;

Thence with the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543, **N 86° 13' 23" W, 93.80± feet** to an angle point in the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543;

Thence with the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543, **S 03° 36' 37" W, 10.00± feet** to an angle point in the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543;

Thence with the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543, **N 86° 13' 23" W, 574.67± feet** to an angle point in the south line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543;

Thence with the west line of said tract as conveyed to the State of Ohio for The Ohio State University in Instrument Number 199904260102543 and the west line of said 3.176 acre tract as conveyed to The Ohio State University in Official Record 12874, Page D12, **N 03° 36' 45" E, 250.00± feet** to the northwest corner of said 3.176 acre tract and being in the south line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8;

Thence with the south line of said tract as conveyed to The State of Ohio in Deed Book 680, Page 73, Deed Book 680, Page 72, Deed Book 641, Page 242, Deed Book 546, Page 8, **N 86° 13' 23" W, 287.33± feet** to the northeast corner of Lot 8 of said Lewis Sell's Subdivision also known as a tract as conveyed to the State of Ohio for The Ohio State University in Deed Book 1809, Page 504;

Thence with the east line of said Lot 8 also known as a tract as conveyed to the State of Ohio for The Ohio State University in Deed Book 1809, Page 504, **S 03° 36' 37" W, 728.00± feet** to the southeast corner of said Lot 8, also known as tract as conveyed to the State of Ohio for The Ohio State University in Deed Book 1809, Page 504, being in the northerly right of way line of Kinnear Road;

Thence with the south line of said Lot 8 and Lots 9 and 10 of said Lewis Sell's Subdivision which is also known as a tract as conveyed to the State of Ohio for The Ohio State University in Deed Book 1809, Page 504 and with the northerly right of way line of Kinnear Road, **N 86° 13' 25" W, 736.93± feet** to the **TRUE POINT OF BEGINNING**, containing **182.2± acres**, more or less.

This description is based on information obtained at the Franklin County Auditor's Office and the Franklin County Recorder's Office.

This description is not to be used in the transfer of land.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for adult and child day care, multi-unit residential, hotel/motel (with accessory uses including but not limited to barbershop, beauty parlor, newsstand, eating and drinking, and recreation), warehouse, commercial recreation, financial institution, and eating and drinking uses, or those uses permitted in the L-UCRPD, Limited University College Research Park District as permitted by Ordinance #2899-2019 (Z19-062) .

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a 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.