



## Legislation Details (With Text)

**File #:** 0615-2021      **Version:** 1

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

**File created:** 3/3/2021      **In control:** Zoning Committee

**On agenda:** 7/26/2021      **Final action:** 7/28/2021

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses and 3361.02, Permitted uses; for the property located at 280 E. WHITTIER ST. (43206), to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV20-066).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0615-2021\_Attachments, 2. ORD0615-2021\_Labels, 3. Legislation Report

Date	Ver.	Action By	Action	Result
7/28/2021	1	CITY CLERK	Attest	
7/27/2021	1	MAYOR	Signed	
7/26/2021	1	Zoning Committee	Approved	Pass
7/26/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-066**

**APPLICANT:** Pizzuti GE LLC; c/o Michael Shannon, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Mixed-use commercial and apartment residential development.

**COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #0614-2021; Z20-061) to the CPD, Commercial Planned Development District, which will permit the construction of a mixed-use building containing 8,250 square feet of retail uses and 262 residential units. The requested Council variance will permit town-house style ground-floor residential units and accessory residential uses. The proposal is consistent with recommendations of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018) for mixed-use developments in regards to building design and context.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses and 3361.02, Permitted uses; for the property located at **280 E. WHITTIER ST. (43206)**, to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV20-066).

**WHEREAS**, by application #CV20-066, the owner of property **280 E. WHITTIER ST. (43206)**, is requesting a Council variance to permit ground-floor residential uses in the CPD, Commercial Planned Development District; and

**WHEREAS**, by Ordinance #0614-2021 (Rezoning Application #Z20-061), Section 3356.03, C-4 Permitted uses, is utilized to identify the specific uses permitted in the proposed 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 to permit said uses; 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 to permit said uses; and

**WHEREAS**, City Departments recommend approval because the request will permit townhouse-style ground floor residential units and accessory residential uses consistent with the recommendations of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018) for mixed-use developments with regard to building design and context; and

**WHEREAS**, said 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 **280 E. WHITTIER ST. (43206)**, 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, Permitted uses; is hereby granted for the property located at **280 E. WHITTIER ST. (43206)**, insofar as said sections prohibit ground-floor residential uses in the proposed CPD district; said property being more particularly described as follows:

**280 E. WHITTIER ST. (43206)**, being 2.34± acres located at the northeast corner of East Whittier Street and Jaeger Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus. and being part of Lot 5 of the plat of part of the land of the Estate of C.F. Jaeger Plat Book 3, Page 203, and being part of Half Section No. 28, Township 5, Range 22 Refugee Lands, all references are records In the Recorder's Office, Franklin County. Ohio and bounded and described as follows:

Beginning at on drill hole found at the intersection of the north line of Whittier Street (60' wide formerly Schlller Street) and the east line of Jaeger Street (60' wide);

Thence North 04" 04' 44" East, a distance of 464.28 feet along the east line of said Jaeger Street, to a point at the intersection of the east line of said Jaeger Street and the south line of Kossuth Street (50' wide), said point being referenced by a 3/4" iron pipe located North 36' 02' 06" West a distance of 0.54 feet;

Thence South 86" 05' 22" East, a distance of 221.30 feet along the south line of said Kossuth Street, to a MAG NAIL set at the intersection of the south line of said Kossuth Street and the west line of Grant Avenue (10' Wide);

Thence South 04 05' 51" West, a distance of 465.65 feet, along the west line of the sold Grant Avenue, to a MAG NAIL

set at the intersection of the west line of said Grant Avenue and the north line of said Whittier Street;

Thence North 85° 44' 06" West, a distance of 221.15 feet along the north line of said Whittier Street, to the True Place of Beginning, containing 2.361 acres, more or less, subject to all legal easements and right of ways of record.

All of the above described tract, 2.34 acres, more or less, are located within Auditor' Parcel No. 010-030105.

The bearing of North 85° 44' 06" West on the northerly existing right of way line of East Whittier Street is referenced to the State Plane Coordinate System, Ohio South Zone NAD 83 (NSRS 2011).

Iron pin set are 5/8" x 30" rebar topped by plastic yellow cap stamped "PS NO. 7799 KORDA/NAMETH."

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground-floor residential units and accessory residential uses in a mixed-use building, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property as permitted by ORD #0614-2021 (Rezoning Application #Z20-061).

**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.