



## Legislation Details (With Text)

**File #:** 2357-2021      **Version:** 1

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

**File created:** 9/8/2021      **In control:** Zoning Committee

**On agenda:** 9/27/2021      **Final action:** 9/29/2021

**Title:** To grant a Variance from the provisions of Sections 3355.03, C-3 permitted uses; 3363.01, M-manufacturing districts; 3309.14, Height districts; 3355.09, C-3 District setback lines; and 3372.705 (B), Building design standards, of the Columbus City Codes; for the property located at 3632 INDIANOLA AVE. (43214), to permit an apartment building and to conform an existing extended stay hotel in the C-3, Commercial District and the M, Manufacturing District with reduced development standards (Council Variance #CV21-049).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2357-2021.Attachments, 2. ORD2357-2021.Labels

Date	Ver.	Action By	Action	Result
9/29/2021	1	CITY CLERK	Attest	
9/28/2021	1	MAYOR	Signed	
9/27/2021	1	Zoning Committee	Approved	Pass
9/27/2021	1	COUNCIL PRESIDENT	Signed	
9/20/2021	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV21-049**

**APPLICANT:** The Avenue Apartments LLC; c/o Connie J. Klema; P.O. Box 991; Pataskala, OH 43062.

**PROPOSED USE:** Apartment building and extended stay hotel development.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of an undeveloped portion of a parcel zoned in the C-3, Commercial District, and a nonconforming extended-stay hotel development zoned in the M, Manufacturing District. The requested Council variance will permit a three-story 30-unit apartment building as part of a mixed-use development in the C-3, Commercial District, that encroaches into the M, Manufacturing District. The 301-unit extended stay hotel development in the M, Manufacturing District was approved prior to Ordinance #2797-2016, which eliminated extended stay hotels as a permitted use in the M, Manufacturing District. This Council variance will conform that development. BZA20-006 was approved for variances for multiple mixed-use buildings on the remainder of the C-3 portion of the site including increased height, reduced width, and reduced building setback. These variances are carried over in this ordinance to consolidate all of the project's variances in one action. The site is within the Indianola Avenue Community Commercial Overlay, and the boundaries of the *Clintonville Area Plan* (2009), which recommends "Mixed Use" land uses at this location. Staff finds the requested variances to be supportable as they are consistent with recent similar urban in-fill mixed-use developments. Planning Division staff has also reviewed conceptual building elevations for the project, and has acknowledged that they are consistent with the Plan's design guidelines.

To grant a Variance from the provisions of Sections 3355.03, C-3 permitted uses; 3363.01, M-manufacturing districts; 3309.14, Height districts; 3355.09, C-3 District setback lines; and 3372.705(B), Building design standards, of the Columbus City Codes; for the property located at **3632 INDIANOLA AVE. (43214)**, to permit an apartment building and to conform an existing extended stay hotel in the C-3, Commercial District and the M, Manufacturing District with reduced development standards (Council Variance #CV21-049).

**WHEREAS**, by application #CV21-049, the owner of property at **3632 INDIANOLA AVE. (43214)**, is requesting a Council variance to permit an apartment building and to conform an existing extended stay hotel in the C-3, Commercial District and the M, Manufacturing District with reduced development standards; and

**WHEREAS**, Section 3353.03, C-3 permitted uses, permits dwelling units only when located above uses permitted in this district, while the applicant proposes a 30-unit apartment building; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits extended stay hotels, and only permits a residence for on-site security persons or transient-type housing such as halfway houses, residential treatment centers, or temporary shelters, while the applicant proposes to conform an existing extended stay hotel development, and a 30-unit apartment building that is partially within the M district; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes building heights of 40 feet in the C-3, Commercial District; and

**WHEREAS**, Section 3355.09, C-3 District setback lines, requires a building setback line of 25 feet, while applicant proposes a building setback line of 15 feet; and

**WHEREAS**, Section 3372.705(B), Building design standards, requires the width of a principal building along a primary building frontage to be a minimum of 60 percent of the lot width, while the applicant proposes a building that occupies 43 percent of the lot width; and

**WHEREAS**, the Clintonville Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances will allow a mixed-use development that includes an apartment building and will conform an existing extended stay hotel development. Both developments are consistent with other recent similar urban in-fill mixed-use developments, and are consistent with the *Clintonville Area Plan's* design guidelines; and

**WHEREAS**, said 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 **3632 INDIANOLA AVE. (43214)**, 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 3355.03, C-3 permitted uses; 3363.01, Manufacturing districts; 3309.14, Height districts; 3355.09, C-3 District setback lines; and 3372.705(B), Building design standards, of the Columbus City Codes, is hereby granted for the property located at **3632 INDIANOLA AVE. (43214)**, insofar as said sections prohibit an apartment building in the C-3, Commercial District, and M, Manufacturing District; an extended stay hotel development in the M, Manufacturing District; and increased building heights of 40 feet from 35 feet; reduced building setback line from 25 to 15 feet; and reduced building width from 60 percent to 43 percent of the lot width; said property being more particularly described as follows:

**3632 INDIANOLA AVE. (43214)**, being 11.89± acres located on the east side of Indianola Avenue, east of the intersection with Fallis Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, being all of a 10 acre tract conveyed to Avenue Apartments, LLC in Instrument Number 201706300089444 and all of a 1.908 acre tract as conveyed to Avenue Apartments, LLC in Instrument Number 201707180098140, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a mag nail found, being the southwesterly corner of said 10 acre tract and the northwesterly corner of a 4.835 acre tract conveyed to Suburban Centers Inc. in Instrument Number 201010260142199, also being on the easterly right-of-way line of Indianola Avenue (60');

Thence along the easterly right-of-way line of said Indianola Avenue and the westerly line of said 10 acre tract, North 03° 17'13" East, 658.78 feet to a mag nail set;

Thence continuing along the easterly right-of-way line of said Indianola Avenue and the westerly line of said 10 acre tract, North 04°19'56" East, 177.73 feet to a bent 3/4" iron pipe found, being the northwesterly corner of said 10 acre tract and the southwesterly corner of a 8.39 acre tract conveyed to T. Marzetti Company in Official Record Volume 32297 Page B10;

Thence along the northerly line of said 10 acre tract and the southerly line of said 8.39 acre tract, South 86°41'04" East, 472.13 feet to a ¾" hollow iron pipe found, being the southeasterly corner of said 8.39 acre tract and being the northeasterly corner of said 10 acre tract, being on the westerly line of said 1.908 acre tract;

Thence along the westerly line of said 1.908 acre tract and along the easterly line of said 8.39 acre tract, North 02°51'50" West, 876.52 feet to a 5/8" rebar capped "TG Smith 8051", being the northwesterly corner of said 1.908 acre tract, also being an easterly corner of said 8.39 acre tract;

Thence along the northerly line of said 1.908 acre tract and the southerly line of said 8.39 acre tract, South 86°15'31" East, 40.27 feet to a 5/8" rebar capped "TG Smith 8051", being the northeasterly corner of said 1.908 acre tract, also being a southeasterly corner of said 8.39 acre tract, being on the westerly line of the remainder of a 6.7485 acre tract as conveyed to New York Central Lines LLC of record in Instrument Number 200212180325201, predecessor of NYC NEWCO, Inc. by affidavit of mergers as recorded in Instrument Number 200711080194030 and Instrument Number 200507210144733, now known as CSX Transportation, Inc. by affidavit of merger as recorded in Instrument Number 200507210144738, also being the westerly railroad right-of-way line;

Thence along said railroad right-of-way, along the westerly line of the remainder of said 6.7485 acre tract, South 02° 51'50" East, 2075.07 feet to a 5/8" rebar found capped "Bird & Bull", being the southeasterly corner of said 1.908 acre tract, being the northeasterly corner of a 4.985 acre tract as conveyed to City of Columbus, Ohio in Instrument Number 199808270217938;

Thence along the northerly line of said 4.985 acre tract and the southerly line of said 1.908 acre tract, South 87°08'10" West, 40.00 feet to a 5/8" rebar capped "CEC", being the northeasterly corner of a 4.69 acre tract as conveyed to City of Columbus, Ohio in Instrument Number 199809280245999, being a southeasterly corner of said 4.835 acre tract;

Thence along the easterly line of said 4.835 acre tract, along the westerly line of said 1.908 acre tract, North 02°51'50" West, 362.02 feet to a 1" solid iron pin found, being the northeasterly corner of said 4.835 acre tract and being the southeasterly corner of said 10 acre tract;

Thence along the southerly line of said 10 acre tract and the northerly line of said 4.835 acre tract, North 86°42'21" West, 565.50 feet to a mag nail found, said mag nail being the POINT OF BEGINNING, containing 11.89 acre, 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 a mixed-use development containing an apartment building with up to 30 units and an extended stay hotel development, or those uses permitted in the C-3, Commercial and M, Manufacturing districts.

**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.