



## Legislation Details (With Text)

**File #:** 0900-2024      **Version:** 1

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

**File created:** 3/21/2024      **In control:** Zoning Committee

**On agenda:** 4/8/2024      **Final action:** 4/10/2024

**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 3390 OLENTANGY RIVER RD. (43202), to allow first-floor residential uses in the C-4, Commercial District (Council Variance #CV24-008).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0900-2024.Attachments, 2. ORD0900-2024.Labels

Date	Ver.	Action By	Action	Result
4/10/2024	1	CITY CLERK	Attest	
4/9/2024	1	MAYOR	Signed	
4/8/2024	1	Zoning Committee	Waive the 2nd Reading	Pass
4/8/2024	1	Zoning Committee	Approved	Pass
4/8/2024	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
4/8/2024	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
4/8/2024	1	COUNCIL PRESIDENT	Signed	

**Council Variance Application: CV24-008**

**APPLICANT:** Crawford Hoying; c/o Brian Quackenbush; EMH&T; 5500 New Albany Road; Columbus, OH 43054.

**PROPOSED USE:** Ground-floor residential uses.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a portion of a department store and its associated parking lot in the C-4, Commercial District. The requested Council variance will allow for the construction of a proposed 127-unit mixed use building with ground floor residential units. A Council variance is required because the C-4 district does not allow ground floor residential uses. The site is located within the planning boundaries of the *Olentangy West Area Plan* (2013), which recommends "Regional Mixed Use" land uses at this location. Staff supports the proposed use as it is consistent with the Plan's land use recommendation. Additionally, the Planning Division has reviewed preliminary building elevations, and has confirmed consistency with the Plan's design guidelines. Staff also notes that the subject property is included in the initial focus area of the Zone In zoning code update initiative which envisions higher density residential development along major corridors.

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 **3390 OLENTANGY RIVER RD. (43202)**, to allow first-floor residential uses in the C-4, Commercial District (Council Variance #CV24-008).

**WHEREAS**, by application #CV24-008, the owner of the property at **3390 OLENTANGY RIVER RD. (43202)**, is requesting a Variance to allow first-floor residential uses in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, allows apartment uses above certain commercial uses, but does not allow first-floor residential uses, while the applicant proposes first-floor residential and accessory uses within a mixed-use building; and

**WHEREAS**, City Departments recommend approval because the proposed use is consistent with the land use recommendation of the *Olentangy West Area Plan*, noting that the site is included in the initial focus area of the Zone In zoning code update initiative which envisions higher density residential development along major corridors; 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 **3390 OLENTANGY RIVER RD. (43202)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **3390 OLENTANGY RIVER RD. (43202)**, insofar as said section prohibits ground floor residential uses in the C-4, Commercial District; said property being more particularly described as follows:

**3390 OLENTANGY RIVER RD. (43202)**, being 5.63± acres located on the east side of Olentangy River Road, and 875± feet south of West North Broadway:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 18, United States Military District, being part of that 16.287 acre tract conveyed to OP Columbus Associates, LLC by deed of record in Instrument 201508140112992, to extend between an elevation of 717.71 feet (NAVD88), being 20 feet below ground level, and 1037.71 feet (NAVD88), being 300 feet above ground level, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at an iron pin set at the southerly terminus of the easterly right-of-way of OhioHealth Parkway (right-of-way width varies), as dedicated in Plat Book 123, Page 70, being a common corner of the remainder of said 16.287 acre tract, that 0.066 acre tract conveyed as Parcel 5-WD to City of Columbus, Ohio by deed of record in Instrument Number 201806130078567, and the remainder of that 6.768 acre tract conveyed to OhioHealth Corporation (fka Riverside Methodist Hospital) by deeds of record in Official Record 274D08, Official Record 12228H17 and Instrument Number 200503080042485;

Thence South 86° 08' 24" East, with the line common to said 16.287 and 6.768 acre tracts, with the center of an existing ditch, a distance of 104.42 feet to a 5/8 inch rebar found;

Thence South 84° 46' 29" East, with said common line, said existing ditch, a distance of 190.74 feet to an iron pin set;

Thence across said 16.287 acre tract, the following courses and distances:

South 03° 22' 59" West, a distance of 92.88 feet to a magnetic nail set;

North 86° 37' 01" West, a distance of 66.63 feet to a magnetic nail set;

South 03° 22' 59" West, a distance of 291.17 feet to a magnetic nail set;

South 86° 08' 57" East, a distance of 62.07 feet to a magnetic nail set;

South 03° 45' 22" West, a distance of 322.20 feet to a magnetic nail set; and

North 86° 08' 57" West, a distance of 137.03 feet to a magnetic nail set in the line common to said 16.287 acre tract and that 0.754 acre tract conveyed to OP Columbus Associates, LLC by deed of record in Instrument Number 201508140112992;

Thence North 31° 32' 02" West, with a westerly line of said 16.287 acre tract, the easterly line of said 0.754 acre tract, that 0.752 acre tract conveyed to 3368 Olentangy River Road LLC by deed of record in Instrument Number 201606230080037, that 1.505 acre tract conveyed to Roosters Real Estate, LLC by deed of record in Instrument Number 199911030276829, that 0.539 acre tract conveyed to Kai Chien Yu and Hsiao Yuan Yu by deed of record in Instrument Number 201210120153894 and thereafter extending across said 16.287 acre tract (passing a 3/4 inch iron pin found at 26.09 feet, a 3/4 inch rebar found at 100.00 feet, and a 3/4 inch iron pin found at 300.00 feet and 368.31 feet) a total distance of 589.38 feet to a magnetic nail set;

Thence North 36° 07' 19" West, across said 16.287 acre tract, a distance of 64.65 feet to a 5/8 inch rebar found at the southeasterly corner of that 1.650 acre tract conveyed to OGGI Properties II, LLC by deed of record in Instrument Number 201208310128405;

Thence North 04° 08' 20" East, with the line common to said 16.287 and 1.650 acre tracts, a distance of 180.96 feet to a 5/8 inch rebar found in the southerly right-of-way line of Healthy Community Way (right-of-way width varies), the southerly line of that 0.928 acre tract conveyed to City of Columbus, Ohio by deed of record in Official Record 14797C02;

Thence South 86° 28' 06" East, with the southerly right-of-way line of Healthy Community Way (right-of-way width varies), the line common to said 16.287 and 0.928 acre tracts, a distance of 68.50 feet to a 5/8 inch rebar capped "D.T. Dinkelacker" found;

Thence South 86° 08' 24" East, with said southerly right-of-way line, the line common to said 16.287 and 0.928 acre tracts, a distance of 35.89 feet to an iron pin set at a common corner to the remainder of said 16.287 acre tract and said 0.066 acre tract;

Thence with the line common to the remainder of said 16.287 acre tract and said 0.066 acre tract, the following courses and distances:

South 05° 04' 49" West, a distance of 23.53 feet to an iron pin set;

South 85° 57' 43" East, a distance of 120.63 feet to an iron pin set; and

North 04° 20' 54" East, a distance of 23.90 feet to the POINT OF BEGINNING, containing 5.622 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with

a plastic plug placed in the top bearing the initials EMHT INC.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2007). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of Franklin County Engineering Department monuments COC4-83 and RINGLE. The portion of the centerline of Olentangy River Road having bearing of North 31° 32' 02" West is designated the "basis of bearing" for this survey.

The Vertical Datum is based on the elevations established by the Franklin County Engineering Department, at monument RINGLE, being 745.621 feet in elevation, at monument COC4-83, being 734.080 feet in elevation, at monument FCELANE, being 740.808 feet in elevation, at monument W188RESET, being 739.781 feet in elevation, and at monument NW-1 being 739.456 feet in elevation. The said elevations were transferred from said Franklin County Engineering Department monuments, using static GPS procedures and differential leveling, to the site. The said monuments being source bench marks with elevations that are based on the North American Vertical Datum of 1988.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property contains ground floor residential uses, or those uses allowed in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned upon 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.