



Legislation Text

File #: 1998-2019, **Version:** 2

Council Variance Application: CV18-004

APPLICANT: 810 Grandview, LLC; c/o David B. Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215; and Donald Plank, Atty., Plank Law Firm, 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one 39.4 ± acre parcel zoned M, Manufacturing District. Most of the site is a former landfill which ceased operation in the 1960s. The requested Council variance will permit mixed-use development that is contiguous with the City of Grandview Heights and includes an additional 15.9 ± acres in that jurisdiction. In 2016, the BZA approved variances for this site when the development project was exclusively commercial. Since 2016, additional land was acquired in both Columbus and Grandview Heights, and the project has now been designed as a mixed-use development in both jurisdictions on the entire 55.3± acre site. The mixed uses in Columbus are planned to include roughly 455,000 square feet of office, retail commercial, and restaurant uses, 804 residential units, structured parking, and open space/private park area. Variances to permit residential uses and for building height, building setback, parking and loading spaces, and interior parking lot landscaping are included in the request. Site development also includes a bike path connection with the City of Grandview Heights and open space. The site is not within a planning area, but is situated along Dublin Road, a major corridor within close proximity to the Downtown District, and is an appropriate location for this type of urban mixed-use project. The variances to development standards are necessary to accommodate this type of development, and are reflective of other recent mixed-use infill projects in urban neighborhoods. Overall, the project is compatible with the zoning and emerging development patterns of the area. Staff supports the mixed-use development and associated variances, but would prefer that a development of this size and scale be facilitated via the rezoning process, thus the ordinance is conditioned on a future rezoning to appropriate districts with a concurrent Council variance for reduced development standards.

To grant a Variance from the provisions of Sections 3363.01, M -manufacturing districts; 3309.01, Height districts; 3312.09, Aisle; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(A)(B), Minimum number of parking spaces required; 3312.51, Loading space; 3312.53, Minimum number of loading spaces required; and 3363.24, Building lines in an M-manufacturing district, of the Columbus City Codes; for the property located at **990 DUBLIN RD. (43215)**, to permit mixed-use development with reduced development standards in the M, Manufacturing District (Council Variance #CV18-004).

WHEREAS, by application #CV18-004, the owner of the property at **990 DUBLIN RD. (43215)**, is requesting a Variance to permit mixed-use development with reduced development standards in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M-manufacturing districts, prohibits dwelling units except for a dwelling unit for a resident security person and specified residential uses of an institutional nature, while the applicant proposes a maximum of 804 dwelling units in various configurations and locations, as shown on the submitted site plan; and

WHEREAS, Section 3309.14(A), Height districts, limits building height in a 35 foot height district to 35 feet, with height defined in Section 3303.08, Height, and subject to the provisions of Section 3309.142, Height district exceptions,

while the applicant proposes a maximum building height of 65 feet; and

WHEREAS, Section 3312.09, Aisle, requires a minimum 20 foot wide aisle width for 90 degree parking spaces, while the applicant proposes to reduce the aisle width to 0' - 10' related to proposed internal property lines and the City of Columbus/City of Grandview Heights corporation line, subject to total code required aisle width being provided by easement, as applicable; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires 115 parking lot trees for the proposed surface parking lot, with a minimum 4 foot soil radius and 145 square feet of soil area per tree, while the applicant proposes 85 trees with soil radius and soil area reduced to a minimum of 3 feet and 120 square feet, respectively; and

WHEREAS, Section 3312.25, Maneuvering, requires maneuvering to be located on the same parcel as the parking space or loading space for which it is maneuvering area, while the applicant proposes to permit maneuvering areas to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces, but not for loading spaces, and to permit loading areas to maneuver across internal property lines; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be 9 feet in width and 18 feet in length, while the applicant proposes to permit parking spaces to be divided by property lines, subject to applicable total code required parking space dimensions being provided, and to reduce the width of parking spaces in the two parking structures from 9 feet wide to 8.5 feet wide; and

WHEREAS, Section 3312.49(A), Minimum number of parking spaces required, requires bicycle parking at various ratios depending on use, while the applicant proposes compliance with code-required bicycle parking, but not necessarily located on a future parcel that may be split corresponding to a development site within the 39.4 ± acres, which site(s) may correspond to a building footprint or a small perimeter area around a building but without bicycle parking or car parking on the parcel; and

WHEREAS, Section 3312.49(B), Minimum number of parking spaces required, requires off-street parking at various ratios depending on use, while the applicant proposes to reduce minimum code required parking to 85% of applicable code rates based on shared parking with the mix of office, retail, restaurant and residential uses; to reduce code required parking to zero spaces per parcel, including any future parcels created within the 39.4± acres, subject to a total of 85% of code required parking being located on the Columbus area of the development, and to permit parking to exceed the maximum spaces/ratio by parcel, subject to overall site parking in the Columbus area of the site complying with maximum permitted parking; and

WHEREAS, Section 3312.51, Loading space, requires maneuvering area for a loading space to be on the parcel of the loading space, while the applicant proposes to permit maneuvering area for a loading space(s), if provided, to occur across a property line internal to the site, subject to applicable total code required maneuvering area being provide; and

WHEREAS, Section 3312.53, Minimum number of loading spaces required, requires loading spaces based on type of use and size of building, while the applicant proposes to reduce code required loading spaces to zero, with loading areas being provided as needed and subject to design approval by the Department of Public Service, Division of Traffic Management; and

WHEREAS, Section 3363.24, Building lines in an M-manufacturing district, requires a building setback line of 50 feet along Dublin Road, while the applicant proposes a reduced building setback line of 35 feet, net of Dublin Road right of way dedication totaling 50 feet from centerline, as shown on the submitted site plan; and

WHEREAS, a ~~north bound left turn~~ **westbound right turn** lane at the intersection of Dublin Road and Grandview Avenue is required in the City of Grandview Heights when warranted and associated correspondence is included in a file attached to this ordinance for reference purposes; and

WHEREAS, City Departments recommend approval of the requested variances because the site is situated along Dublin Road, a major corridor within close proximity to the Downtown District, and is an appropriate location for this type of urban mixed-use project. The variances to development standards are necessary to accommodate this type of development, and are reflective of other recent mixed-use infill projects in urban neighborhoods. Overall, the project is compatible with the zoning and emerging development patterns of the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **990 DUBLIN RD. (43215)**, 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 Sections 3363.01, M -manufacturing districts; 3309.01, Height districts; 3312.09, Aisle; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(A)(B), Minimum number of parking spaces required; 3312.51, Loading space; 3312.53, Minimum number of loading spaces required; and 3363.24, Building lines in an M-manufacturing district, of the Columbus City Codes; for the property located at **990 DUBLIN RD. (43215)**, insofar as said sections prohibit 804 dwelling units; increased building heights to 65 feet; reduced aisle width of 0 - 10 feet along future internal property lines and the City of Columbus/City of Grandview Heights corporation line, subject to total code required aisle width being provided by easement, as applicable; reduced interior parking lot trees from 115 to 85, soil radius reduced from 4 feet to 3 feet, soil area reduced from 145 square feet to 120 square feet; maneuvering areas to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces, but not for loading spaces, and to permit loading areas to maneuver across internal property lines; parking spaces to be divided by property lines, subject to applicable total code required parking space dimensions being provided by easement, as applicable, and to reduce the width of parking spaces in the two parking structures from 9 feet wide to 8.5 feet wide; to reduce code required minimum parking to 85% of applicable code rates based on shared parking with the mix of office, retail, restaurant and residential uses, to reduce code required parking to zero (0) per parcel, including any future parcels created within the 39.4 +/- acres, subject to a total of 85% of code required parking being located on the Columbus area of the development and to permit parking to exceed the maximum spaces/ratio by parcel, subject to overall site parking in the Columbus area of the site complying with maximum permitted parking; maneuvering area for a loading space(s), if provided, to occur across a property line internal to the site, subject to applicable total code required maneuvering area being provided by easement, as applicable; and to reduce code required loading spaces to zero (0), with loading areas being provided as needed and subject to design approval by the Department of Public Service, Division of Traffic Management; and a reduced building setback line along Dublin Road from 50 feet to 35 feet, net of the dedication of Dublin Road right of way totaling 50 feet from centerline; said property being more particularly described as follows:

990 DUBLIN RD. (43215), being 39.4 ± acres located at the north side of Dublin Road, 1,950 +/- feet east of Grandview Avenue, and being more particularly described as follows:

ZONING DESCRIPTION
39.4 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 12, Township 1, Range 23,

Congress Lands, being all of a 7.628 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201712220180678, also being all of the 18.388 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201702060017927, also being all of the 10.187 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201702060017928, also being all of the 3.380 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201812270174222, and all of the 0.026 acre tract conveyed to 810 Grandview, LLC in Instrument Number 201712220180678, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a point located at the southwesterly corner of said 18.388 acre tract, being on the corporation line of the City of Columbus and the City of Grandview Heights;

Thence northerly along a westerly line of said 18.388 acre tract and along said corporation line, N03°53'34"E, 148.8 feet;

Thence westerly along a southerly line of said 18.388 acre tract and along said corporation line, N62°57'28"W, 100.0 feet;

Thence along the southerly line of said 10.187 acre tract and along said corporation line, N63°13'26"W, 678.8 feet;

Thence continuing along the southerly line of said 10.187 acre tract, and along said corporation line, N68°32'15"W, 306.4 feet;

Thence along the westerly line of 10.187 Acre tract, the west line of said 7.628 acre tract and along said corporation line, N03°51'32"E, 862.5 feet;

Thence leaving said corporation line along the northerly line of said 7.628 acre tract and said 0.026 acre tract, S79°12'44"E, 1433.3 feet to a point on said corporation line;

Thence along the easterly line of said 0.026 acre tract, S03°53'41"W, 2.2 feet to a point on the corporation line and the northerly line of said 7.628 acre tract;

Thence along the northerly lines of said 7.628 acre tract and said 3.380 acre tract, S79°12'44"E, 639.3 feet to a point, being the northeasterly corner of said 3.380 acre tract;

Thence leaving said corporation line and along the easterly line of said 3.380 acre tract, S03°53'41"W, 232.0 feet to a point, being the southeasterly corner of said 3.380 acre tract;

Thence along the southerly line of said 3.380 acre tract, N79°12'44"W, 639.3 feet to a point, being the southwesterly corner of said 3.380 acre tract, the southeasterly corner of said 7.628 acre tract, and the northeasterly corner of said 18.388 acre tract;

Thence along the easterly line of said 18.388 acre tract, S03°53'41"W, 724.4 feet to a point;

Thence continuing along the easterly line of said 18.388 acre tract, S12°07'19"E, 145.8 feet to a point;

Thence continuing along the easterly line of said 18.388 acre tract, S04°00'41"W, 334.2 feet to a point, also being on the northerly right of way line of Dublin Road;

Thence along the southerly line of said 18.388 acre tract, and said northerly right of way, N62°27'53"W, 31.6 feet to a point;

Thence along the easterly line of said 18.388 acre tract, and across said right of way, S03°53'34"W, 38.2 feet to a point on the centerline of Dublin Road as established in 1940;

Thence continuing along said 1940 centerline and along the southerly line of said 18.388 acre tract, N62°27'53"W, 201.1 feet to a point;

Thence leaving said centerline and along the westerly line of said 18.388 acre tract, N03°53'34"E, 38.2 feet to a point on said northerly right of way line;

Thence continuing along the southerly line of said 18.388 acre tract, and said northerly right of way, N62°27'53"W, 197.2 feet to a point;

Thence continuing along the southerly line of said 18.388 acre tract, and said northerly right of way, along a curve to the left with a radius of 11494.2 feet, a central angle of 00°19'07", an arc length of 63.9 feet, and a chord which bears N62°37'26"W, a distance of 63.9 feet to the **POINT OF BEGINNING, containing 39.6 acres, more or less.**

Less than and excepting from the preceding 39.6 acres the following 0.2 acre tract:

Commencing at a point located at the southwesterly corner of said 18.338 acre tract, being on the corporation line between the City of Columbus and the City of Grandview Heights;

Thence leaving said corporation line along the southerly line of said 18.388 acre tract, and along said northerly right of way, along a curve to the right with a radius of 11494.2 feet, a central angle of 00°19'07", an arc length of 63.9 feet, and a chord which bears S62°37'26"E, a distance of 63.9 feet to a point;

Thence continuing along the southerly line of said 18.388 acre tract, and said northerly right of way, S62°27'53"E, 197.2 feet to the **TRUE POINT OF BEGINNING** of the parcel herein intended to be described;

Thence across said 18.388 acre tract and along said northerly right of way, S62°27'53"E, 201.1 feet to a point;

Thence across said right of way, and along an east line of said 18.388 acre tract, S03°53'34"W, 38.2 feet to a point;

Thence along said 1940 centerline of Dublin Road, N62°27'53"W, 201.1 feet to a point on the westerly line of said 18.388 acre tract;

Thence leaving said centerline and along the westerly line of said 18.388 acre tract, N03°53'34"E, 38.2 feet to the **TRUE POINT OF BEGINNING, CONTAINING 0.2 ACRES, MORE OR LESS.**

The total acreage of the combined boundary described herein contains a net acreage of 39.4 acres (39.6 acres less a 0.2 acre portion of P.R.O.) out of PID 010-129562-00.

This description is based on records and a field survey by E.P. Ferris and Associates in 2010 - 2016 and is intended for zoning purposes only and is not to be used for transfer of property.

Known as Address: 990 Dublin Road (43215)

Parcel Number: 010-129562

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 as reflected on the submitted site plan, or those uses permitted in the M, Manufacturing district.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**ZONING PLAN GRANDVIEW CROSSING - SHEETS 1 - 5**", dated July 1, 2019 and page one signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when

engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance is further conditioned on the applicant or property owner submitting an application to rezone this property to the appropriate zoning district(s) along with a concurrent Council variance (if applicable) for reduced development standards within 3 years of the effective date of this ordinance.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.