



## Legislation Text

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**File #:** 2471-2019, **Version:** 1

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### **Council Variance Application: CV18-062A**

Ordinance #3331-2018, passed December 10, 2018 (CV18-062), allowed reduced development standards in conjunction with Rezoning Ordinance #3330-2018 (Z18-048) for a multi-unit residential development in the AR-1, Apartment Residential District. A site plan commitment was inadvertently omitted from the original ordinance. This ordinance adds Section 5 to Ordinance #3331-2018 to include that site plan commitment. No other provisions of Ordinance #3331-2018 are changing.

### **CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #3331-2018, passed December 10, 2018 (CV18-062), for the property located at **5721 CHERRY BOTTOM RD. (43230)**, to add a commitment to a site plan that was inadvertently omitted (Council Variance Amendment #CV18-062A).

**WHEREAS**, Ordinance #3331-2018, December 10, 2018 (CV18-062), allowed reduced development standards in conjunction with Rezoning Ordinance #3330-2018 (Z18-048) for a multi-unit residential development in the AR-1, Apartment Residential District at **5721 CHERRY BOTTOM RD. (43230)**; and

**WHEREAS**, a site plan commitment was inadvertently omitted as a condition within a Section of this ordinance; and

**WHEREAS**, it is necessary to add Section 5 to Ordinance #3331-2018 to include that site plan commitment; and

**WHEREAS**, all other provisions contained in Ordinance #3331-2018 are unaffected by this amendment and remain in effect, and are repeated below for clarity and consistency; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Section 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **5721 CHERRY BOTTOM RD. (43230)**, insofar as said sections prohibit a multi-unit residential development with a reduction in building setback from 50 feet and 17 feet along Cherry Bottom Road; said property being more particularly described as follows:

**5721 CHERRY BOTTOM RD. (43230)**, being 13.3± acres located on the west side of Cherry Bottom Road, 25± feet south of Clancy Court, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being in Quarter Township 4, Township 2, Range 17 in the United States Military District, and being part of a 3 acre tract as conveyed to Glennis L. Corder in Instrument Number 201501080002806, all of the 0.750 acre tract as conveyed to Edward L. Lehnert and Jane Lehnert in Instrument Number 201309180159248, being part of a 1.138 acre tract as conveyed to Clark D. Baltzell and Gloria J. Zaharoff in Instrument Number 201606160076464, being a part of a 2.022 acre tract as conveyed to BZ Management Partners in Official Record 12124, Page C07, and being the remainder of Parcel 1 as conveyed to BZ Management Partners in Official Record 12124, Page C07 as further described as follows;

Beginning at the intersection of the westerly right of way line of Cherry Bottom Road and northerly right of way line of Beechwood Drive and being in the south line of said 3 acre tract, and also being the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence with the northerly right of way line of Beechwood Drive, the south line of said 3 acre tract and the south line of said 0.750 acre tract, S 82° 31' 00" W, 775.2± feet to the intersection of the northerly right of way line of Beechwood Drive and the easterly right of way line of Walnut View Boulevard and being the southwest corner of said 0.750 acre tract;

Thence with the easterly right of way line of Walnut View Boulevard and the west line of said 0.750 acre tract, N 04° 47' 00" E, 196.0± feet;

Thence continuing with the easterly right of way line of Walnut View Boulevard, the west line of said 0.750 acre tract and the west line of said 2.022 acre tract, N 01° 21' 00" E, 340.4± feet;

Thence with the easterly right of way line of Walnut View Boulevard, the west line of said 2.022 acre tract and the west line of said Parcel 1 along a curve to the right having a central angle of 15° 10' 01", a radius of 1475.0± feet, an arc length of 390.5± feet, and chord bearing and distance of N 08° 56' 01" E, 389.3± feet to the northwest corner of said Parcel 1 and the southwest corner of a 5.459 acre tract as conveyed to Annhurst Apartments of Columbus III in Official Record 10853, Page J12;

Thence with the north line of said Parcel 1 and the south line of said 5.459 acre tract, S 84° 15' 09" E, 589.2± feet to the northeast corner of said Parcel 1 and being in the westerly right of way line of Cherry Bottom Road;

Thence with the westerly right of way line of Cherry Bottom Road and the east line of said Parcel 1 along a curve to the left having a central angle of 05° 12' 35", a radius of 550.9± feet, an arc length of 50.1± feet, and chord bearing and distance of S 04° 52' 42" E, 50.1± feet;

Thence continuing with the westerly right of way line of Cherry Bottom Road, the east line of said Parcel 1, the east line of said 1.138 acre tract and the east line of said 3 acre tract, S 07° 29' 00" E, 716.5± feet to the TRUE POINT OF BEGINNING, containing 13.3 acres, 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 multi-unit residential development as permitted by the AR-1, Apartment Residential District specified by Ordinance #3330-2018 (Z18-048).

**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.

**SECTION 5.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**MAGNOLIA TRACE**," dated November 13, 2018, and signed by David Hodge, 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.