



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 3101-2019, **Version:** 1

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### **Council Variance Application: CV19-096**

**APPLICANT:** Homeport; c/o Laura MacGregor Comek, Atty.; 501 South High Street; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**WESTLAND AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two undeveloped parcels in the CPD, Commercial Planned Development District that permits C-4, Commercial district uses with some limitations. The applicant is requesting a Council variance to permit the development of an apartment complex. The site is located within the boundaries of the *Westland Area Plan* (1994), which recommends “Open Space/Park/Buffer” land uses for this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2)* Design Guidelines (2018). This proposed development will be subject to a competitive funding process by the U.S. Department of Housing and Urban Development which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process; however, this ordinance includes a condition that a Certificate of Zoning Clearance will not be issued until a follow-up rezoning to an appropriate zoning district has been completed.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes; for the property located at **5719 W. BROAD ST. (43119)**, to permit ground floor residential uses in the CPD, Commercial Planned Development District (Council Variance #CV19-096).

**WHEREAS**, by application #CV19-096, the owner of property at **5719 W. BROAD ST. (43119)**, is requesting a Council variance to permit ground floor residential uses in the 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 residential uses on the first floor; and

**WHEREAS**, Section 3361.02, CPD Permitted uses, allows dwelling units above most commercial uses, while the applicant proposes residential uses on the first floor; and

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

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements. However, the Applicant will not be issued a Certificate of Zoning Clearance for the proposed development until a follow-up rezoning to an appropriate apartment residential zoning district is completed; 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 **5719 W. BROAD ST. (43119)**, 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, CPD Permitted uses, of the Columbus City Codes, is hereby granted for the property located at **5719 W. BROAD ST. (43119)**, insofar as said sections prohibit ground floor residential uses in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

**5719 W. BROAD ST. (43119)**, being 4.38± acres located at the southeast intersection of West Broad Street and Galloway Road, and being more particularly described as follows:

**PARCEL 1:**

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and described as follows:

Being a part of H. MINNUS SURVEY NO. 1474, beginning at the intersection of the center line of the National Road with the centerline of Galloway Free Turnpike: thence in an easterly direction along the centerline of said National Road 208.71 feet to a point; thence in a southerly direction on a line parallel with the east line of said Galloway Free Turnpike 626.13 feet to a point; thence in a westerly direction on a line parallel with the centerline of the National Road 208.71 feet to a point in the centerline of said Galloway Free Turnpike; thence in a northerly direction along said centerline of said Galloway Free Turnpike 626.13 feet to the place to beginning, containing 3 acres of ground, more or less.

EXCEPTING THEREFROM THE FOLLOWING deeded to The Franklin County Commissioners in Official Records 22933F10:

Situated in the State of Ohio, County of Franklin, Prairie Township, being a part of Virginia Military Survey No. 1474, and being part of a 3.00 acre tract of land lying on the east side of Galloway Road as conveyed to Pauline Lovett by deed of record in Official Records Volume 870, page H03, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing for reference at Franklin County Engineer's Monument Box No. 8843 in the centerline of Galloway Road at an angle point referenced as station 133+71.00, and as further shown on the Centerline Survey Plat of record in the Office of the Franklin County Engineer:

Thence north 13° 21' 47" East a distance of 466.64 feet along the centerline of Galloway Road to the southwest corner of the grantor's property and the true place of beginning for the parcel being conveyed;

Thence north 13° 21' 47" East, a distance of 584.69 feet along the centerline of Galloway Road and the grantor's west line, to a point in the southerly line of West Broad Street (U.S.40):

Thence north 87° 05' 56" east a distance of 57.29 feet along the line of West Broad Street, passing the east right-of-way line of Galloway Road at 20.83 feet to a point:

Thence south 13° 21' 47" West a distance of 188.38 feet leaving the line of West Broad Street;

Thence south 12° 38' 23" West a distance of 396.01 feet to a point in the grantor's south line, being the north line of a 1.25 acre tract conveyed to Springdale Construction, Inc. as referenced in Deed Book 2604, page 244, Recorder's Office,

Franklin County, Ohio;

Thence south 88° 05' 47" West a distance of 62.19 feet along the grantor's south line and the north line of the aforementioned Springdale tract passing the east right-of-way line of Galloway Road at 41.46 feet to the place of beginning, containing 0.762 acres of land more or less of which the present road which occupies 0.269 acres of land more or less, subject to all easements, restrictions and rights-of-way of record.

The grantor reserves the right of ingress and egress to and from the residual areas.

This description was prepared under the direction of Theodore L. Wallace, Registered Surveyor No. 4650 in accordance with the requirements of the Franklin County Engineer. It is based on a field survey made in 1990 and 1991 by the Franklin County Engineer and by R. D. Zande & Associates, Limited.

The basis for the bearings is the centerline of Galloway Road of north 13° 08' 47" East as established by the Franklin County Engineer between FCE Monuments Nos. 4446 and 8843 and is based on the North American Datum of 1983, Ohio South Zone.

This description was prepared under the direction of Theodore L. Wallace, Registered Surveyor No. 4650 in accordance with the requirements of the Franklin County Engineer. It is based on a field survey made in 1990 and 1991 by the Franklin County Engineer and by R. D. Zande and Associates, Limited.

#### PARCEL 2:

Situated in the County of Franklin in the State of Ohio and the City of Columbus and bounded as described as follows:

Beginning at a point in the center line of the National Road North 85° 30' east 208.71 feet from the center line intersection of the Galloway Pike with said road; said beginning point also being the northeast corner of a 3 acre tract owned by Mildred C. Johnson and shown of record in deed book volume 867, page 1: thence from said beginning point north 85° 30' east 197 feet to a point; said point being the northwest corner of a 1 acre tract owned by Arthur R. and Olive Z. Williams and shown of record in deed book 725, page 106; thence south 12° 30' west 409.7 feet to the Williams' southwest corner (passing an iron pipe at 41.6 feet); thence south 26° 10' west 312.23 feet to an iron pipe located at the southeast corner of Mildred C. Johnson's 3 acre tract; thence with Johnson's east line north 12° 30' west 626.13 feet to the place of beginning and passing an iron pipe at 585.53 feet, and containing 2.32 acres more or less, excepting from the above described tract a strip 40 feet wide by 197 feet long, said strip being the south ½ of the National Road and containing .18 of an acre.

Auditor's Parcel Nos.: 570-255269-00 and 570-255270-00

**SECTION 2.** That this ordinance is further conditioned on no Certificate of Zoning Clearance being granted until a follow-up rezoning to an appropriate apartment residential zoning district is completed.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.