



Legislation Text

File #: 0278-2020, **Version:** 1

Council Variance Application: CV19-107

APPLICANT: Woda Cooper Companies, Inc.; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a vacant industrial building, but is otherwise primarily undeveloped and zoned in the M, Manufacturing and AR-1, Apartment Residential districts. The requested Council variance will permit a 46-unit apartment building. Variances to parking lot landscaping and screening, building lines, and height and area regulations are included in this request. The site is within the boundaries of the *South Side Plan* (2014), which recommends "Neighborhood Mixed Use" land uses at 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 with the Ohio Housing Finance Agency which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process, as Rezoning Application #Z20-001, a request for the ARLD, Apartment Residential District, and concurrent Council variance Application #CV20-002, have been filed and are in process.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3312.21(D)(1), Landscaping and screening; 3363.24(C)(D), Building lines in an M-manufacturing district; and 3363.27(b)(1), Height and area regulations, of the Columbus City Codes; for the property located at **33 W. MORRILL AVE. (43207)**, to permit a 46-unit apartment building with reduced development standards in the M, Manufacturing and AR-1, Apartment Residential Districts (Council Variance #CV19-107).

WHEREAS, by application #CV19-107, the owner of the property at **33 W. MORRILL AVE. (43207)**, is requesting a Council variance to permit a 46-unit apartment building with reduced development standards in the M, Manufacturing and AR-1, Apartment Residential Districts; and

WHEREAS, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes an apartment building containing a maximum of 46 units; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires parking lot screening from residentially zoned property be 5 feet in height, while the applicant proposes parking lot screening that is 3 feet in height on the north end of the property, as shown on the site plan; and

WHEREAS, Section 3363.24(C)(D), Building lines in an M-manufacturing district, requires a building setback of 5 feet from West Morrill Avenue and 25 feet from West Hinman Avenue, while the applicant proposes to a 3 foot setback along West Morrill Avenue and 10 foot setback along West Hinman Avenue; and

WHEREAS, Section 3363.27(b)(1), Height and area regulations, requires the building line to be 25 feet from public streets and residentially-zoned property, while the applicant proposes a building line of 3 feet setback along West Morrill Avenue and 10 feet setback along West Hinman Avenue; and

WHEREAS, the Columbus South Side Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance will help facilitate state funding requirements. The Applicant is required to complete Rezoning Application #Z20-001 as a condition of this ordinance; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; 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 **33 W. MORRILL AVE. (43207)**, in using said property as desired; and

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

SECTION 1. That a variance from the provisions of Sections 3363.01, M-manufacturing districts; 3312.21(D)(1), Landscaping and screening; 3363.24(C)(D), Building lines in an M-manufacturing district; and 3363.27(b)(1), Height and area regulations, of the Columbus City Codes, is hereby granted for the property located at **33 W. MORRILL AVE. (43207)**, insofar as said sections prohibit a 46-unit apartment building in the M, Manufacturing District, with a reduced parking lot screening height from 5 feet to 3 feet; a reduced building line from 5 feet to 3 feet along West Morrill Avenue and from 25 feet to 10 feet along West Hinman Avenue; and reduced distance from public streets and residentially-zoned property from 25 feet to 3 feet along West Morrill Avenue and 10 feet along West Hinman Avenue; said property being more particularly described as follows:

33 W. MORRILL AVE. (43207), being 2.75± acres located west of the terminus of West Morrill Avenue, on the west side of South Wall Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 42, Township 5 North, Range 22 West, in the Refugee Lands, being part of Lot 38, all of Lots 39 through 50 of Emma M. Graves and Mary L. Frisbie Subdivision as recorded in Plat Book volume 5, page 350, all records referenced herein are to the records of Franklin County, Ohio Recorder's Office, unless otherwise stated, being all of Parcels 1, 2, 3, 4, 5 & 6 as conveyed to 33 West Morrill Ave LLC, an Ohio limited liability company by the instrument filed as Instrument Number 201902110016441, and being more particularly described for zoning purposes as follows:

BEGINNING at the southeast corner of the above reference Parcel 3, being the intersection of the northerly right-of-way of West Hinman Avenue (60' R/W width) and the westerly right-of-way line of South Wall Street (20' R/W width);

Thence along the said northerly right-of-way of West Hinman Avenue, the south lines of the above referenced Parcels 3, 4, 5 & 6, South 89 degrees 30 minutes 34 seconds West for a distance of 280.31 feet, to the southwest corner of the said Parcel 6 and being the easterly right-of-way line of the Pennsylvania Lines LLC railroad as conveyed in the instrument filed as Instrument Number 200212180325195;

Thence along the westerly line of the said Parcel 6, along the westerly line of the said Parcel 2, the easterly railroad right-

of-way, North 05 degrees 55 minutes 44 seconds East for a distance of 190.72 feet;

Thence continuing along the said Parcel 2 and the said easterly railroad right-of-way, North 87 degrees 52 minutes 44 seconds East for a distance of 10.81 feet;

Thence continuing along the last said line, North 02 degrees 38 minutes 16 seconds East for a distance of 338.96 feet to the northwest corner of the said Parcel 2 and being on the south right-of-way line of Front Street (18' R/W width);

Thence continuing along the last said line and the said south right-of-way line of Front Street, South 89 degrees 20 minutes 02 seconds East for a distance of 8.60 feet, to the southwest corner of the said Parcel 1, being the intersection of the south right-of-way line of Front Street and the east right-of-way line of Front Street, and being the southwest corner of the said Lot 38 of the Emma M. Graves and Mary L. Frisbie Subdivision;

Thence along the westerly line of the said Parcel 1, the east right-of-way line of Front Street, and the westerly line of the said Lot 38, North 01 degrees 42 minutes 25 seconds East for a distance of 151.07 feet, to the intersection of the said east right-of-way line of Front Street and the southerly right-of-way line of Welch Avenue (50' R/W width) and being the northwest corner of the said Lot 38;

Thence along the said southerly right-of-way line of Welch Avenue, the northerly line of the said Parcel 1, and the northerly line of the said Lot 38; North 88 degrees 33 minutes 32 seconds East for a distance of 31.81 feet, to the northeast corner of the said Parcel 1;

Thence along the easterly line of the said Parcel 1 and through the said Lot 38, South 02 degrees 34 minutes 55 seconds West for a distance of 150.95 feet, to the southeast corner of the said Parcel 1, on the northerly line of the said Parcel 2;

Thence along the northerly line of the said Parcel 2, North 88 degrees 42 minutes 14 seconds East for a distance of 110.53 feet, to the northeast corner of the said Parcel 2;

Thence along the easterly line of the said Parcel 2, the easterly line of Lot 42 of the said subdivision, the westerly line of Lot 43 of the said subdivision, and partially along the westerly right-of-way line of West Morrill Avenue (50' R/W width), South 01 degrees 54 minutes 50 seconds East for a distance of 200.61 feet, to a northeast corner of the said Parcel 2, on the northerly line of Lot 46 of the said subdivision, and at the intersection of the said westerly right-of-way line of West Morrill Avenue and the southerly right-of-way line of the said West Morrill Avenue;

Thence continuing along the said easterly line of Parcel 2, along the said southerly right-of-way of West Morrill Avenue, and the northerly lines of Lots 46 and 45 of the said subdivision, North 88 degrees 43 minutes 57 seconds East for a distance of 67.82 feet, to a northeast corner of the said Parcel 2, the northeast corner of the said Lot 45, and being the intersection of the said southerly right-of-way line of West Morrill Avenue and the said westerly right-of-way line of South Wall Street;

Thence along the easterly lines of the said Parcel 2 and Parcel 3, the said westerly right-of-way line of South Wall Street, and the easterly line of the said Lot 45, South 01 degrees 55 minutes 21 seconds East for a distance of 330.89 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 2.753 acres, all of which are located in Franklin County Auditor's parcel number 010-035183.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 46-unit apartment building, or those uses permitted in the M, Manufacturing, and AR-1, Apartment Residential districts.

SECTION 3. That this ordinance is further conditioned on general conformance with the site plan titled, "**33 W. MORRILL AVENUE**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant,

and dated December 17, 2019. 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 adjustment to the plans shall be reviewed and may be approved by the Director of the Department of 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z20-001 through City Council action within one year of the date of passage of this ordinance.

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