



## Legislation Text

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**File #:** 0030-2020, **Version:** 1

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### **Council Variance Application: CV19-112**

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

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with an office and conference center, zoned in the CPD, Commercial Planned Development District that permits C-2, Commercial district uses and conference center, catering, and bed and breakfast uses. The applicant is requesting a Council variance to permit a fifty-unit apartment complex to redevelop the site. The site is located within the boundaries of the *Olentangy West Area Plan* (2013), which recommends “Warehouse Flex” land uses for this location, including flex office, warehouse flex, distribution and logistics, and light industrial uses. 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. The Planning Division does not object to this limited Council variance request despite the recommendation from the *Olentangy West Area Plan*, but has requested the following information from the applicant when the follow-up rezoning application is filed: an accounting for how many (if any) permanent jobs would result from the redevelopment, with office being desirable; consideration of inclusion of a meeting space that can fulfill some element of the existing site’s use as an event/meeting center; verticality of development that would allow for additional open space on site; an explanation of how this site’s development fits into the future for this site and the adjacent sites (including Old Henderson Road to the west and the existing factory to the south); high level of site and building design; and consideration for the inclusion of the existing train depot and/or cars into the development or their relocation.

To grant a Variance from the provisions of Sections 3353.03, C-2 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes; for the property located at **919 OLD HENDERSON RD. (43220)**, to permit multi-unit residential development in the CPD, Commercial Planned Development District (Council Variance #CV19-112).

**WHEREAS**, by application #CV19-112, the owner of property at **919 OLD HENDERSON RD. (43220)**, is requesting a Council variance to permit multi-unit residential development in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits apartment uses above certain commercial uses, but does not permit ground floor residential uses, while the applicant proposes multi-unit residential development; and

**WHEREAS**, Section 3332.02, CPD Permitted uses, permits apartment uses above certain commercial uses, but does not permit ground floor residential uses, while the applicant proposes multi-unit residential development; 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 **919 OLD HENDERSON RD. (43220)**, 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 3353.03, C-2 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes, is hereby granted for the property located at **919 OLD HENDERSON RD. (43220)**, insofar as said sections prohibit multi-unit residential development in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

**919 OLD HENDERSON RD. (43220)**, being 2.07± acres located at the southeast corner of Old Henderson Road and Midwest Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Clinton Township, being in Quarter Township 2, Township 1 North, Range 18 West, in the United States Military Lands, being in the platted Midwest Boulevard as recorded in Plat Book volume 15, page 30 (all records referenced herein are to the records of Franklin County, Ohio Recorder's Office, unless otherwise stated) being 0.280 acres, 0.313 & 0.099 acres and all of lots 1, 2, 3, 4, 23, 24, 25, 26, 27, and vacated right-of-ways as conveyed to **INFODEPOT, LLC, an Ohio limited liability company** by the instruments filed as **Instrument Number 200710300188097, Instrument Number 200310230339950, and Instrument Number 200004040065375**, respectively, and being more particularly described for zoning purposes as follows:

**BEGINNING** at the intersection of the easterly right-of-way Midwest Drive as shown in the said Midwest Boulevard, and the southerly right-of-way line of Old Henderson Road as shown in the said Midwest Boulevard and being the northwest corner of Lot 4 of the said subdivision;

Thence along the said southerly right-of-way line of Old Henderson Road, the northerly lines of Lots 4, 3, 2 and 1 of the said Midwest Boulevard and being the northerly line of the said INFODEPOT, LLC, **North 65 degrees 56 minutes 11 seconds East for a distance of 160.88 feet** to a point at the southwest corner of the said 0.099 acre tract;

Thence along the westerly line of the said 0.099 acre tract and being the easterly right-of-way line of the said Old Henderson Road, **North 21 degrees 57 minutes 07 seconds West for a distance of 49.49 feet** to a point at the northwest corner of the said 0.099 acre tract and being the terminus of the northerly right-of-way line of the said Old Henderson Road,

Thence along the northerly line of the said 0.099 acre tract, and being an extension of the said northerly right-of-way of Old Henderson Road, **North 66 degrees 43 minutes 42 second East for a distance of 92.64 feet** to a point on the westerly railroad right-of-way and being the easterly line of the said Midwest Boulevard subdivision;

Thence along the said westerly railroad right-of-way and being the easterly line of the said Midwest Boulevard subdivision, **South 08 degrees 50 minutes 46 seconds East for a distance of 425.68 feet** to a point at the southeast corner of the said 0.280 acre tract;

Thence along the 0.280 acre tract and through the said Midwest Boulevard subdivision the following three (3) courses:

- 1) **North 87 degrees 42 minutes 46 seconds West for a distance of 205.46 feet** to a point;
- 2) **South 58 degrees 50 minutes 34 seconds West for a distance of 55.86 feet** to a point;
- 3) **North 86 degrees 32 minutes 48 seconds West for a distance of 34.86 feet** to a point at the intersection of the said easterly right-of-way of Midwest Drive and the southerly right-of-way line of the vacated Winton Road, and being the southwest corner of the said 0.280 acre tract;
- 4) Thence along the said easterly right-of-way line of Midwest Drive, the westerly line of the said Lots 4, 23, vacated portion of Winton Drive and a vacated alley, **North 01 degrees 24 minutes 30 seconds East for a distance of 301.09 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total of **2.067 acres**, all of which are located in Franklin County Auditor's parcel number **010-129788**.

Bearing described herein are based on Grid North, NAD 83, per the Franklin County GIS.

This description is intended for zoning purposes only, was prepared from Franklin County GIS Data, and does not represent an actual field survey.

**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.