



## Legislation Text

---

**File #:** 0885-2021, **Version:** 2

---

### **Council Variance Application: CV19-034**

**APPLICANT:** NP/FG, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 E. Town St., 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 E. Town St., 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Ground floor residential uses.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of parts of two undeveloped parcels in the CPD, Commercial Planned Development District. The applicant requests a Council variance to permit ground floor residential uses. A Council variance is required because this CPD district permits C-4 uses, which only allows residential uses above certain commercial uses. The request also includes variances to loading space size and the minimum number of loading spaces required. Additionally, future development parcels may not meet code required parking on-site, but rather will meet code requirements with a combination of on-site and off-site parking, provided the off-site parking spaces are within 750 feet of the use they serve. The request will permit mixed-use development consistent with the recommendation from the *Far North Area Plan* (2014) for "Regional Mixed-use" land uses at this location, and will not add incompatible uses to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.49(C), Minimum numbers of parking spaces required; 3312.51, Loading space; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at **2114 IKEA WAY (43240)**, to permit ground floor residential uses with reduced development standards in the CPD, Commercial Planned Development District (Council Variance #CV19-034).

**WHEREAS**, by application #CV19-034, the owner of the property at **2114 IKEA WAY (43240)**, is requesting a Variance to permit ground floor residential uses with reduced development standards 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 **in mixed-use buildings and/or apartment buildings**; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires code-required parking to be calculated based on use and located on the same parcel as the use served, while the applicant proposes no parking spaces for each development site, subject to all code required parking spaces being provided on-site, off-site but within 750 feet, or some combination thereof; and

**WHEREAS**, Section 3312.51, Loading space, requires loading spaces to have a minimum clearance height of not less than 15 feet and shall have minimum dimensions of not less than 12 feet in width and 50 feet in length, exclusive of any driveway, aisle, or other circulation area, while the applicant proposes to provide service areas designed for each building but not necessarily meeting these minimum dimensions; and

**WHEREAS**, Section 3312.53, Minimum number of loading spaces required, requires code-required loading spaces to be calculated based on use and located on the same parcel as the use served, while the applicant proposes zero loading spaces; and

**WHEREAS**, City Departments recommend approval because the requested Council variance is consistent with the *Far North Area Plan's* recommended land use for this property, will permit mixed-use development, and will not add incompatible land uses to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **2114 IKEA WAY (43240)**, 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 3356.03, C-4 permitted uses; 3312.49 (C), Minimum numbers of parking spaces required; 3312.51, Loading space; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at **2114 IKEA WAY (43240)**, insofar as said sections prohibit ground floor residential uses **in mixed-use buildings and/or apartment buildings** in the C-4, Commercial District, with all code required parking spaces either being provided on-site, off-site but within 750 feet, or some combination thereof; a reduction in the minimum height clearance, width and length of provided loading spaces; and no loading spaces required; said property being more particularly described as follows:

**2114 IKEA WAY (43240)**, being 34± acres located on the north and south sides of Ikea Way, 1,500± feet east of Orion Place, and being more particularly described as follows:

**DESCRIPTION OF 12.529 ACRES**

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 17, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 12.529 acres out of a 90.848 acre tract of land conveyed to Polaris 91, LLC of record in Official Record Volume 1094, Page 959, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at the intersection of the centerline of Worthington Road (County Road 13) and the centerline of Ikea Way (Ordinance Number 0548-2016) formerly Gemini Parkway Extension of record in Official Record Volume 1328, Page 908;

Thence with the centerline of said Ikea Way and with the arc of a curve to the right having a radius of 1637.02 feet, a central angle of 3°43'19", a chord bearing of South 75°59'15" West, a chord distance of 106.32 feet, and an arc length of 106.34 feet, to a point;

Thence South 12°09'06" East, a distance of 58.00 feet crossing said Ikea Way, to the south right-of-way line of said Ikea Way, and being the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence with the west right-of-way line of said Worthington Road, the following four (4) courses:

1) South 61°17'37" East, a distance of 88.15 feet, to a point;

- 2) South  $21^{\circ}32'51''$  East, a distance of 24.07 feet, to a point;
- 3) With the arc of a curve to the right having a radius of 720.94 feet, a central angle of  $11^{\circ}11'51''$ , a chord bearing of South  $06^{\circ}16'55''$  East, a chord distance of 140.67 feet, and an arc length of 140.90 feet, to a point;
- 4) South  $00^{\circ}40'58''$  East, a distance of 65.74 feet, to the southeast line of said 90.848 acre tract and being on the northwest right-of-way line of Olde Worthington Court;

Thence South  $39^{\circ}54'21''$  West, a distance of 518.91 feet with the southeast line of said 90.848 acre tract and with the northwest right-of-way line of said Olde Worthington Court, to a southeast corner of said 90.848 acre tract and being at the northeast corner of a 2.013 acre tract of land conveyed to 2200 Polaris Columbus Carwash LLC of record in Official Record Volume 1615, Page 2429;

Thence South  $89^{\circ}50'20''$  West, a distance of 444.01 feet with the south line of said 90.848 acre tract, with the north line of said 2.013 acre tract, and with the north line of a 3.624 acre tract of land conveyed to Polaris Neighborhood Center IV, LLC of record in Official Record Volume 806, Page 2284, to a point;

Thence North  $00^{\circ}23'23''$  East, a distance of 71.32 feet crossing said 90.848 acre tract, to the east right-of-way line of a proposed road;

Thence with the east right-of-way line of said proposed road, the following four (4) courses:

- 1) With the arc of a curve to the left having a radius of 309.00 feet, a central angle of  $19^{\circ}12'56''$ , a chord bearing of North  $35^{\circ}51'07''$  West, a chord distance of 103.15 feet, and an arc length of 103.63 feet, to the south right-of-way line of said Ikea Way;
- 2) North  $45^{\circ}27'35''$  West, a distance of 225.45 feet, to a point;
- 3) With the arc of a curve to the right having a radius of 249.00 feet, a central angle of  $42^{\circ}49'27''$ , a chord bearing of North  $24^{\circ}02'51''$  West, a chord distance of 181.81 feet, and an arc length of 186.11 feet, to a point;
- 4) North  $02^{\circ}38'08''$  West, a distance of 95.44 feet, to the south right-of-way line of said Ikea Way;

Thence with the south right-of-way line of said Ikea Way, the following five (5) courses:

- 1) North  $44^{\circ}06'40''$  East, a distance of 73.67 feet, to a point;
- 2) North  $87^{\circ}21'52''$  East, a distance of 230.37 feet, to a point;
- 3) North  $89^{\circ}01'52''$  East, a distance of 422.81 feet, to a point;
- 4) South  $80^{\circ}54'51''$  East, a distance of 50.10 feet, to a point;
- 5) With the arc of a curve to the left having a radius of 1695.02 feet, a central angle of  $7^{\circ}31'25''$ , a chord bearing of North  $81^{\circ}36'36''$  East, a chord distance of 222.42 feet, and an arc length of 222.58 feet, to the **TRUE POINT OF BEGINNING**, containing 12.529 acres of land, more or less, and being subject to all easements and documents of record.

## DESCRIPTION OF 21.452 ACRES

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lots 16 and 17, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 21.452 acres out of a 34.966 acre tract of land

conveyed to NP/FG, LLC of record in Official Record Volume 1521, Page 2394, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at the intersection of the centerline of Worthington Road (County Road 13) and the centerline of Ikea Way (Ordinance Number 0548-2016) formerly Gemini Parkway Extension of record in Official Record Volume 1328, Page 908;

Thence with the centerline of said Ikea Way and with the arc of a curve to the right having a radius of 1637.02 feet, a central angle of 2°50'49", a chord bearing of South 75°32'59" West, a chord distance of 81.33 feet, and an arc length of 81.34 feet, to a point;

Thence North 13°01'36" West, a distance of 58.51 feet crossing said Ikea Way, to the south line of said 34.966 acre tract, being on the north right-of-way line of said Ikea Way, and being the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence with the south line of said 34.966 acre tract and with the north right-of-way line of said Ikea Way, the following seven (7) courses:

- 1) With the arc of a curve to the right having a radius of 1578.52 feet, a central angle of 10°24'11", a chord bearing of South 82°10'29" West, a chord distance of 286.21 feet, and an arc length of 286.61 feet, to a point;
- 2) South 85°41'52" West, a distance of 412.59 feet, to a point;
- 3) South 87°21'52" West, a distance of 230.37 feet, to a point;
- 4) North 47°44'53" West, a distance of 68.72 feet, to a point;
- 5) South 87°21'52" West, a distance of 64.99 feet, to a point;
- 6) South 46°37'57" West, a distance of 74.33 feet, to a point;
- 7) South 87°21'52" West, a distance of 438.41 feet, to a point;

Thence North 06°06'46" East, a distance of 173.57 feet crossing said 34.966 acre tract, to the south line of a 13.176 acre tract of land conveyed to Polaris TG, LLC of record in Official Record Volume 1536, Page 217;

Thence with the property line of said 13.176 acre tract, the following six (6) courses:

- 1) South 84°28'34" East, a distance of 159.42 feet, to a point;
- 2) With the arc of a curve to the left having a radius of 136.00 feet, a central angle of 81°01'18", a chord bearing of North 55°00'47" East, a chord distance of 176.69 feet, and an arc length of 192.32 feet, to a point;
- 3) North 14°30'08" East, a distance of 162.38 feet, to a point;
- 4) With the arc of a curve to the left having a radius of 135.00 feet, a central angle of 77°02'18", a chord bearing of North 24°01'01" West, a chord distance of 168.15 feet, and an arc length of 181.52 feet, to a point;
- 5) North 82°19'46" West, a distance of 133.10 feet, to a point;
- 6) North 65°34'43" West, a distance of 99.69 feet, to the west line of said 34.966 acre tract and being on the east line of an original 8.014 acre tract of land conveyed to NP/FG, LLC of record in Official Record Volume 1190, Page 1288;

Thence North 07°00'55" East, a distance of 289.34 feet with the west line of said 34.966 acre tract and with the east line of said 8.014 acre tract, to the northwest corner of said 34.966 acre tract, being at the northeast corner of said 8.014 acre tract, and being on the south line of Lot 1219 of Hickory Ridge Corrected Plat of record in Plat Book 20, Page 178;

Thence South 82°15'54" East, a distance of 695.12 feet with the north line of said 34.966 acre tract and with the south line of Lots 1219, 1220 & 1221 of said Hickory Ridge Corrected Plat, to the southeast corner of said Lot 1221;

Thence crossing said 34.966 acre tract with the following four (4) courses:

- 1) North 07°38'30" East, a distance of 5.69 feet, to a point;
- 2) South 54°10'36" East, a distance of 935.30 feet, to a point;
- 3) South 86°44'25" East, a distance of 125.09 feet, to a point;
- 4) North 01°43'33" East, a distance of 104.33 feet, to the southwest corner of a 1.0 acre tract of land conveyed to Early Childhood Education, LLC of record in Official Record Volume 1557, Page 2371;

Thence South 85°16'46" East, a distance of 269.51 feet with a north line of said 34.966 acre tract and with the south line of said 1.0 acre tract, to a northwest corner of the right-of-way of said Ikea Way;

Thence with the south line of said 34.966 acre tract and with the north right-of-way line of said Ikea Way, the following five (5) courses:

- 1) With the arc of a curve to the left having a radius of 330.00 feet, a central angle of 13°19'56", a chord bearing of South 12°37'33" East, a chord distance of 76.62 feet, and an arc length of 76.79 feet, to a point;
- 2) With the arc of a curve to the right having a radius of 1578.52 feet, a central angle of 11°26'53", a chord bearing of South 65°38'57" West, a chord distance of 314.87 feet, and an arc length of 315.40 feet, to a point;
- 3) North 18°37'37" West, a distance of 18.50 feet, to a point;
- 4) With the arc of a curve to the right having a radius of 1560.02 feet, a central angle of 5°36'00", a chord bearing of South 74°10'23" West, a chord distance of 152.41 feet, and an arc length of 152.47 feet, to a point;
- 5) South 13°01'37" East, a distance of 18.50 feet, to the **TRUE POINT OF BEGINNING**, containing 21.452 acres of land, more or less, there being 12.205 acres out of Farm Lot 16 and 9.247 acres out of Farm Lot 17, and being subject to all easements and documents of record.

Property Address: 2114 Ikea Way, Columbus, Ohio 43240.

Parcel Nos.: Part of 31844202025006 and part of 31844202025001.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with ground floor residential uses as permitted by this ordinance, **and/or** those uses in the CPD, Commercial Planned Development District, specified by Ordinance #0288-2020; Z19-064.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan, "**ZONING VARIANCE EXHIBIT**," dated March 11, 2021, and 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.** Development of the site shall be subject to the requirements of Chapter 4309, Traffic Standards Code.

**SECTION 5.** All code required parking shall be provided on the same side of Ikea Way as the use and sidewalk shall be provided connecting the use to all required parking spaces.

**SECTION 6.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits for the proposed uses.

**SECTION 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.