



## Legislation Text

---

**File #:** 2802-2020, **Version:** 1

---

### **Council Variance Application: CV19-136**

**APPLICANT:** Metropolitan Holdings; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Mixed-use development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2801-2020; Z19-099) to the CPD, Commercial Planned Development Districts to allow a mixed-use development with a maximum of 122 dwelling units and 3,000 square feet of commercial space. A variance is requested to permit ground-floor dwelling units and associated residential uses. Staff finds the requested variance supportable as the proposal is consistent with other recent similar urban in-fill mixed-use developments and has a residential townhome typology on Oak Street adjacent to the commercial space, consistent with the design recommendations of the *Near East Area Plan* (2005).

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; for the property located at **80 S. 18th ST. (43205)**, to permit ground floor residential uses within a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV19-136).

**WHEREAS**, by application #CV19-136, the owner of property at **80 S. 18th ST. (43205)**, is requesting a Council variance to permit ground floor residential uses within a mixed-use 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 ground-floor residential units and associated residential uses within a mixed-use development; and

**WHEREAS**, Section 3361.02, Permitted uses, specifies limited C-4, Commercial district uses and permits apartment uses above certain commercial uses, but does not permit ground floor residential uses, while the applicant proposes ground-floor ground-floor residential units and associated residential uses within a mixed-use development a; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances will allow ground-floor dwelling units and associated residential uses within a mixed-use development that is consist with the design recommendations of the *Near East Area Plan*; 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 **80 S. 18<sup>th</sup> ST. (43205)**, 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, Permitted uses, of the Columbus City Codes, is hereby granted for the property located at **80 S. 18<sup>th</sup> ST. (43205)**, insofar as said sections prohibit ground-floor residential units and associated residential uses within a mixed-use development in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

**80 S. 18<sup>th</sup> ST. (43205)**, being 2.43± acres located at the northeast corner of South Eighteenth Street and Oak Street, and being more particularly described as follows:

Subarea A

Situated in the State of Ohio, County of Franklin and in the City of Columbus, being part of a 15 foot vacated alley as shown in Official Record 17703 Page H20, being Lots Nos. 3 and 4 and part of Lot Nos. 5, 6, and 7 of Joseph F. Firestone and Others Subdivision, of record in Plat Book 5, Page 262. All records refer to the Records Office of Franklin County, Ohio and more particularly described as follows:

Beginning at the southeasterly corner of said Lot No. 7, being the intersection of the northerly Right of Way line of Oak Street (50' R/W) and the westerly Right of Way line of Hoffman Avenue (50' R/W), and being the TRUE PLACE OF BEGINNING for the tract of land herein described:

Thence North 86°43'54" West, with said northerly Right of Way line and the southerly line of said Lot No. 7, a distance of 86.80 feet, to the southeasterly corner of a tract of land in the name of Kelly Sayers as described in Instrument Number 201705300072204;

Thence North 03°13'29" East, with the easterly line of said Sayers tract and through said Lot Nos. 6 and 7, a distance of 60.27 feet to a point.

Thence with the northerly line of said Sayers tract and through said Lot No. 6 the following two courses:

1. North 41°46'35" West, a distance of 37.86 feet to a point;
2. North 86°43'54" West, a distance of 31.93 feet to a point at the northwesterly corner of said Sayers tract and being in the centerline of said vacated Alley;

Thence South 03°13'19" West, with said centerline and the westerly line of said Sayers tract, a distance of 87.02 feet to a point in said northerly Right of Way line of Oak Street;

Thence North 86°43'54" West, with said northerly Right of Way line, a distance of 7.50 feet to a point at the intersection of said northerly Right of Way line and the westerly line of said vacated alley, being the easterly line of Lot No. 31 of Mitchell, Watson & Morrison's Addition as numbered and delineated upon the recorded plat thereof record in Plat Book 2, Page 9;

Thence North 03°13'19" East, with the westerly line of said vacated alley and the easterly line of said Lot No. 31, a

distance of 214.49 feet to a point at the northeasterly corner of said Lot No. 31, being the intersection of the westerly line of said vacated alley and the southerly Right of Way line of Agate Alley (20' R/W).

Thence North 81°27'38" East, with said southerly Right of Way line and its easterly extension thereof, a distance of 15.32 feet to a point in the westerly line of said Lot No. 4;

Thence North 03°13'19" East, with the westerly line of said Lot Nos. 3 and 4, being the easterly Right of Way of 19<sup>th</sup> Street (5' R/W), a distance of 70.57 feet to a point at the northwesterly corner of said Lot No. 3;

Thence South 86°44'00" East, with the northerly line of said Lot No. 3, a distance of 138.23 feet to a point in said westerly right of way line of Hoffman Avenue;

Thence South 03°16'01" West, with said westerly Right of Way line and the easterly lines of said Lot Nos. 3-7, a distance of 288.19 feet to the TRUE PLACE OF BEGINNING, containing 0.879 acres more or less.

The bearings shown are based on a centerline bearing for Oak Street of South 86°43'54" East from a GPS survey using Ohio State Plane Coordinates, South Zone, NAD 83 (2011 Adjustment).

#### Subarea B

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Sections 13 & 24, Township 5, Range 22, Refugee Tract:

Being all of Lots Twenty-Four (24), Twenty-Five (25), Twenty-Six (26) and Twenty-Seven (27) in Mitchell, Watson and Morrison's Addition to the City of Columbus as numbered and delineated on the recorded plat thereof, of record in Plat Book 2, Page 164, in the name of Allegheny West Conference Corporation/Seventh Day Adventist as described in Official Record 5758 F13, also being part of Lots Twenty-Eight (28), Twenty-Nine (29), Thirty (30) and Thirty-One (31) of said Mitchell, Watson and Morrison's Addition in the name of Columbus Area Chapter of the American Red Cross as described in Official Record 14071 G04, and part of Lots Twenty-Eight (28), Twenty-Nine (29), Thirty (30) and Thirty-One (31) of said Mitchell, Watson and Morrison's Addition in the name of The American National Red Cross as described in Official Record 20886 G03, all references are on file with the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pipe set in the northerly right-of-way line of Oak Street (50' R/W) and the easterly right-of-way line of 18th Street (50' R/W) also being the southwesterly corner of said Lot Twenty-Four (24);

Thence North 03°39'45" East, with said easterly line being the westerly line of said Lot Twenty-Four (24) a distance of 148.47 feet to an iron pipe set at the southeasterly corner of Agate Alley (20 R/W) being the northwesterly corner of said Lot Twenty-Four (24);

Thence North 81°27'38" East, with the southerly line of said Alley being the northerly lines of said Lots Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Twenty-Seven (27), Twenty-Eight (28), Twenty-Nine (29), Thirty (30) and Thirty-One (31) a distance of 322.64 feet to an iron pipe set at the northeasterly corner of said Lot thirty-one (31) also being the northwesterly corner of a tract of land being a roadway vacation in the name of Greater Columbus Chapter of the American Red Cross by City of Columbus Ordinance 787-91;

Thence South 03°13'19" West, with the easterly line of said Lot Thirty-One (31) being the westerly line of said Greater Columbus Chapter of the American Red Cross tract a distance of 214.49 feet to an iron pipe set in the northerly line of said Oak Street being the southeasterly corner of said Lot Thirty-One (31);

Thence North 86°43'54" West, with said northerly line, being the southerly lines of said Lots Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Twenty-Seven (27), Twenty-Eight (28), Twenty-Nine (29), Thirty (30) and Thirty-One (31) a

distance of 317.01 feet to the True Place of Beginning, containing 1.318 acres more or less, subject to all legal highways, easements, leases, and restriction of record and of records in the respective utility offices.

Iron pipes set are 30" long,  $\frac{3}{4}$ " inside diameter iron pipes with a yellow cap stamped "OHM"

Bearings for this description are based on the Ohio State Plane Coordinate System, NAD83, South Zone, NSRS 2011 Adjustment holding the northerly right of way line of said Oak Street as being North 86°43'54" West.

#### Subarea C

Situated in the State of Ohio, County of Franklin and in the City of Columbus: Being Lot Number 16 of the Outhwaite and Hoffman's Subdivision of Lots Number 8 to 23 both inclusive, of Mitchell, Watson and Hoffman's Amended Subdivision of Mitchell, Watson and Morrison's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 117, Recorder's Office, Franklin County, Ohio, EXCEPTING a strip 97 feet in depth off of the northwardly end Lot 16, the southwardly line of which strip is parallel to Madison Avenue. The part of said Lot 16 hereby granted, being 48.3 feet on 18th Street and 67.33 feet in the alley South of said Lot, (also known as 64 S. 18th Street).

#### Subarea D

Situated in the City of Columbus, Franklin County, Ohio: Being Lot Number 21 and part of Lot Number 22 in Outhwaite and Hoffman's Subdivision as said lots are numbered and delineated upon the recorded plat thereof of record in Plat Book 3, page 117, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows: Beginning at a stake in the northwest corner of said Lot 21, thence southerly along the west line of said Lot 144.81 feet to a stake at the southwest corner thereof; thence in an easterly direction along the south line of said lots numbers 21 and 22, the distance of 53 feet to a stake; thence in a northerly direction 144.81 feet to a stake in the north line of Lot Number 22; thence in a westerly direction along the northline of said Lots Numbers 21 and 22 a distance of 53.50 feet to the place of beginning.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground-floor residential units and associated residential uses within a mixed-use development as specified in the CPD, Commercial Planned Development District in Ordinance #2801-2020 (Z19-099).

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed development.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.