



Legislation Text

File #: 3144-2021, **Version:** 1

Council Variance Application: CV20-128

APPLICANT: Half Baked Holdings LLC; c/o Kolby Turnock; 250 Civic Center Dr.; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

HISTORIC RESOURCES 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 #3143-2021; Z20-114) to the CPD, Commercial Planned Development District. The project includes the adaptive reuse of the former Kroger Bakery into a mixed-use development including 49,000 square feet of office space, 8,850 square feet of retail/restaurant space, and 364 apartment units. The requested Council variance will permit ground-floor residential units and accessory residential uses within the proposed development. A variance is necessary because residential uses are only permitted above certain commercial uses. The proposal preserves historic manufacturing buildings, and is comparable to recent urban infill mixed-use development projects.

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 **457 CLEVELAND AVE. (43215)**, to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV20-128).

WHEREAS, by application #CV20-128, the owner of property at **457 CLEVELAND AVE. (43215)**, is requesting a Council variance to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District; and

WHEREAS, by Ordinance #3143-2021 (Rezoning Application #Z20-114), the CPD, Commercial Planned Development District permits Section 3356.03, C-4 Permitted uses; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit ground floor residential uses, while the applicant proposes to permit such uses; and

WHEREAS, Section 3361.02, Permitted uses, specifies C-4 district uses, and does not permit ground-floor residential uses, which are Residential or Apartment Residential district uses, while the applicant proposes to permit said uses; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, the City Departments recommend approval because this request will permit the adaptive reuse of historic manufacturing buildings for mixed-use development comparable to recent infill development proposals; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the

proposed residential 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 owner of the property located at **457 CLEVELAND AVE. (43215)**, 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 3356.03, C-4 Permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **457 CLEVELAND AVE. (43215)**, insofar as said sections prohibit ground floor residential units and accessory residential uses in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

457 CLEVELAND AVE. (43215), being 9.3± acres located on the west side Cleveland Avenue at the intersection with Jack Gibbs Boulevard, and being more particularly described as follows:

**LEGAL DESCRIPTION
9.3± ACRE
ZONING BOUNDARY**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Half Section 11, Section 9, Township 5, Range 22, Refugee Lands, being all of a 9.347 acre tract designated as Tract One as conveyed to Half Baked Holdings, LLC in Instrument Number 202003020031192, being part of Lots 24, 25, 26, and 27 of Plat "A" of the Estate of Robert Neil (deceased), of record in Complete Record 152, Page 440, Court of Common Pleas, also being part of the vacated Buckingham Street (60'), vacated by City of Columbus Ordinance Number 900-80, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at the intersection of the centerline of said Buckingham Street and the westerly right-of-way line of Cleveland Avenue (66'), also being the southeasterly corner of said Tract One;
Thence along the centerline of said vacated Buckingham Street and along the southerly line of said Tract One, North 86° 45'03" West, 165.71 feet to a point, being on the easterly limited-access right-of-way line of Interstate Route 670, as shown on Ohio Department of Transportation Plan FRA-3-16.91;

Thence along said limited access right-of-way line of said Interstate Route 670, across said vacated Buckingham Street, along the southwesterly line of said Tract One, along a curve to the right having a radius of 1190.18 feet, a delta angle of 3°08'56", an arc length of 65.37, and a chord bearing and distance of North 59°25'37" West, 65.36 feet to a point, being on the southerly line of said Lot 26 and the northerly line of said vacated Buckingham Street, also being the southeasterly corner of a 1.571 acre tract conveyed to the State of Ohio as Parcel 9-LA in Deed Book 2366, Page 334;

Thence continuing along the easterly limited-access right-of-way line of said Interstate Route 670, across said Lot 26 and said Lot 25, along the easterly line of said Parcel 9-LA, and along the southwesterly line of said Tract One, along a curve to the right having a radius of 1190.18 feet, a delta angle of 19°54'01", an arc length of 413.38 feet, and a chord bearing and distance of North 47°54'13" West, 411.31 feet to a point, being the northeasterly corner of said Parcel 9-LA, and being the southeasterly corner of a 0.186 acre tract designated Parcel 8-LA as conveyed to the State of Ohio in Court of Common Pleas Journal Entry Number 210154;

Thence continuing along the easterly limited-access right-of-way line of said Interstate Route 670, along the northeasterly line of said Parcel 8-LA, and across said Lot 25, and along the southwesterly line of said Tract One, North 37°57'12" West, 180.51 feet to a point, being on the westerly line of said Lot 25 and being a northeasterly corner of the State of Ohio Parcel 5A-LA, a 0.535 acre tract conveyed to Abbott Manufacturing, Inc. in Instrument Number 199706260032580 (Formerly Norfolk & Western Railway Co.);

Thence continuing along the northeasterly limited-access right-of-way line of said Interstate Route 670, along the southwesterly line of said Tract One, North 38°11'52" West, 54.00 feet to a point;

Thence continuing along the northeasterly limited-access right-of-way line of said Interstate Route 670, along the southwesterly line of said Tract One, North 09°34'43" West, 103.75 feet to a point, being the northwesterly corner of said Parcel 5A-LA, also being on the easterly line of a 0.471 acre tract designated Parcel 6-LA, as conveyed to the State of Ohio in Court of Common Pleas Journal Entry Number 210154, also being on the easterly line of said Lot 27;

Thence along the easterly line of said Parcel 6-LA and along the property line of said Tract One, and along the easterly line of said Lot 27, and along the westerly line of said Parcel 5A-LA, South 03°59'12" West, 21.50 feet to a point;

Thence along the southerly line of said Parcel 6-LA, along the southerly line of said Tract One, along the southerly line of said Lot 27, North 86°00'48" West, 3.00 feet to a point;

Thence along the westerly line of said Tract One, across said Parcel 6-LA, and across said Lot 27, North 02°08'02" West, 7.23 feet to a point;

Thence along the westerly line of said Tract One, across said Parcel 6-LA and said Lot 27, North 07°08'42" East, 17.03 feet to a point;

Thence along a westerly line of said Tract One, across said Parcel 6-LA and across said Lot 27, North 14°54'47" West, 53.48 feet to a point;

Thence along the westerly line of said Tract One, across said Parcel 6-LA, and across said Lot 27, North 39°32'51" West, 96.40 feet to a point, being on the northerly line of said Parcel 6-LA and on the northerly limited-access right-of-way line of said Interstate Route 670;

Thence along a southerly line of said Tract One and along the northerly line of said Parcel 6-LA, and along the northerly limited-access right-of-way line of said Interstate Route 670, across said Lot 27, North 86°41'44" West, 74.85 feet to a point, being the northwesterly corner of said Parcel 6-LA, and being on the easterly line of a 0.129 acre tract designated Parcel 6-AWD as conveyed to the State of Ohio in Court of Common Pleas Journal Entry Number 210145;

Thence along the westerly line of said Tract One, along the easterly line of said Parcel 6-AWD, and across said Lot 27, North 03°48'30" East, 43.91 feet to a point;

Thence along a northwesterly line of said Tract One, across said Lot 27, North 43°05'39" East, 77.92 feet to a point;

Thence along a northeasterly line of said Tract One, across said Lot 27, South 33°38'31" East, 96.93 feet to a point;

Thence along a northerly line of said Tract One, and across said Lot 27, South 81°17'57" East, 113.64 feet to a point, being on the southwesterly corner of a 66.3374 acre tract conveyed to Abbott Manufacturing in Instrument Number 199706260032577 and Instrument Number 199706260032589, also being on the westerly line of said Lot 24;

Thence along the northerly line of said Tract One, and along the southerly line of said 66.374 acre tract and across said Lot 24, South 86°45'08" East, 665.11 feet to a point, being the northeasterly corner of said Tract One, being the southeasterly corner of said 66.374 acre tract, and being on the westerly line of said Cleveland Avenue;

Thence along the easterly line of said Tract One, along the westerly right-of-way line of said Cleveland Avenue, and across said Lots 24, 25, and 26, South 03°40'07" West, 705.25 feet to the **POINT OF BEGINNING**, containing 9.3 acres, more or less.

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 accessory residential uses in a mixed-use development, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property as stipulated by ORD #3143-2021 (Rezoning Application #Z20-114).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed residential uses.

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