



Legislation Text

File #: 1970-2022, **Version:** 1

Council Variance Application: CV22-038

APPLICANT: LDG Multifamily, LLC/; c/o Laura MacGregor Comek, Atty.; 17 South High Street, Suite 700; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped and zoned in the L-C-4, Limited Commercial District. The requested Council variance will permit the development of a multi-unit residential development with up to 300 dwelling units (39.47 du/acre). Variances for reduced landscaping and screening, minimum numbers of parking spaces required, and setback lines are included in this request. The site is located within the South High Street Regional Commercial Overlay (RCO) and is within planning boundaries of the *Scioto Southland Plan* (2007), which recommends "Regional Mixed Use" land uses for this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). This proposed development will be subject to a competitive funding process by 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 #Z22-052, a request for the AR-2, Apartment Residential District, has been filed and is in the formal review process.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3370.05, Permitted uses; 3312.21(A) (B), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.07(A), Landscaping; 3356.11, C-4 district setback lines; and 3370.07, Conditions and limitations, of the Columbus City Codes; for the property located at **4025 S. HIGH ST. (43206)**, to permit a multi-unit residential development with reduced development standards in the L-C-4, Limited Commercial District (Council Variance #CV22-038).

WHEREAS, by application #CV22-038, the owner of property at **4025 S. HIGH ST. (43206)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted uses, does not permit ground floor residential uses, while the applicant proposes a multi-unit residential development with up to 300 dwelling units; and

WHEREAS, Section 3370.05, Permitted uses, allows one or more of the uses permitted by the underlying zoning district, which are limited to C-4, Commercial District uses listed in Chapter 3356 of the Columbus City Code, and as further specified in the limitation overlay text in Ordinance #0506-01 (Z00-083), while the applicant proposes a multi-unit residential development with up to 300 dwelling units; and

WHEREAS, Section 3312.21(A)(B), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, with 33 shade trees being required for a 330-space parking lot, and that any portion of a parking lot abutting any public street be screened for

headlights on the perimeter adjacent to the public street, while the applicant proposes 20 trees located within code compliant peninsulas, with the other 13 trees to be redistributed throughout the site, and no parking lot screening along the south property line; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 450 spaces total for 300 dwelling units, while the applicant proposes 330 parking spaces; and

WHEREAS, Section 3321.07(A), Landscaping, requires landscaping in the building setback area, while the applicant proposes a drive aisle between the building line and street line; and

WHEREAS, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 60 feet, while the applicant proposes a 50 foot setback from South High Street; and

WHEREAS, Section 3370.07, Conditions and limitations, requires any use to conform to each condition or limitation specifically identified and imposed in the development plan and/or text, while the applicant does not wish to comply with the zoning text requirements of Ordinance #506-01 (Z00-083) regarding permitted uses and parking lot screening; and

WHEREAS, the Far South Columbus Area Commission recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval because the requested variance will help facilitate state funding requirements, and the multi-unit residential development will provide mixed-income affordable and workforce housing consistent with the City's objectives; 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 **4025 S. HIGH ST. (43206)**, 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; 3370.05, Permitted uses; 3312.21(A)(B), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.07(A), Landscaping; 3356.11, C-4 district setback lines; and 3370.07, Conditions and limitations, of the Columbus City Codes, is hereby granted for the property located at **4025 S. HIGH ST. (43206)**, insofar as said sections and limitation overlay text, adopted with Ordinance #0506-01 (Z00-083), prohibit a multi-unit residential development containing a maximum of 300 units in the L-C-4, Limited Commercial District, with reduced parking lot shade trees from 35 required trees to 20 provided trees, with 13 trees planted elsewhere on the site; no parking lot screening along the south property line, reduced number of parking spaces from 450 required spaces to 330 spaces; no landscaping in the building setback area for a drive aisle; and a reduced building setback line from 60 feet to 50 feet; said property being more particularly described as follows:

4025 S. HIGH ST. (43206), being 7.6± acres located on the west side of South High Street, 890± feet south of Obetz Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 4, Range 22 of Congress Lands, now being part of lands conveyed to Michael H. Finnell and Patricia F. Kulha of record as recorded in Official Record 19034 H05 & G12 97 (All deed references refer to records of the Recorder's Office, Franklin County, Ohio) and

further bounded and described as follows:

Commencing at the intersection of the original centerline of South High Street (State Route 23) (variable R/W) and centerline of Obetz Road (60' R/W), as shown on the ODOT Location Plan, FRA-23-0.00-5.37; THENCE S. 18 deg. 29 min. 07 sec. W., along said original centerline, a distance of 5.02 feet to an angle point; THENCE S. 17 deg. 56 min. 07 sec. W, continuing along said original centerline of S.R. 23, a distance of 173.11 feet to a PK nail set; Thence continuing along said original centerline of S.R. 23, a distance of 173.11 feet to a PK nail set; Thence continuing along said original centerline S. 17 deg. 56 min. 07 sec. W, a distance of 456.46 feet to a PK nail set; Thence N. 72 deg. 04 min. 17 sec. W, a distance of 107.18 feet to the westerly right of way (R/W) of S.R. 23 and the beginning the limited access right of way (LA-R/W) of said S.R. 23 as shown by ODOT plan set FRA-200-9.46, to a capped 5/8" iron rebar pin set; Thence S. 28 deg. 39 min. 12 sec. W., along said LA-R/W, a distance of 270.06 feet to a capped 5/8" iron rebar pin set, said point being the principal place of beginning of the parcel herein described;

Course No. 1 - Thence S. 28 deg. 39 min. 12 sec. W, along said LA-R/W, a distance of 35.28 feet to a capped 5/8" iron rebar pin set;

Course No. 2 - Thence S. 17 deg. 55 min. 43 sec. W, along said LA-R/W, a distance of 400.00 feet to a capped 5/8" iron rebar pin set;

Course No. 3 - Thence N. 71 deg. 40 min. 38 sec. W., leaving said LA-R/W, a distance of 231.26 feet to a capped 5/8" iron rebar pin set;

Course No. 4 - Thence N. 18 deg. 19 min. 22 sec. E., a distance of 11.28 feet to a capped 5/8" iron rebar pin set;

Course No. 5 - Thence N. 71 deg. 40 min. 38 sec. W., a distance of 570.61 feet to a capped 5/8" iron rebar pin set;

Course No. 6 - Thence N. 18 deg. 19 min. 22 sec. E., a distance of 391.47 feet to a capped 5/8" iron rebar pin set;

Course No. 7 - Thence S. 71 deg. 40 min. 38 sec. E., a distance of 337.50 feet to a capped 5/8" iron rebar pin set;

Course No. 8 - Thence N. 18 deg. 19 min. 22 sec. E., a distance of 38.00 feet to a capped 5/8" iron rebar pin set;

Course No. 9 - Thence S. 71 deg. 40 min. 38 sec. E., a distance of 194.78 feet to a capped 5/8" iron rebar pin set;

Course No. 10 - Thence S. 18 deg. 19 min. 22 sec. W., a distance of 19.40 feet to a capped 5/8" iron rebar pin set;

Course No. 11 - Thence S. 77 deg. 38 min. 29 sec. E., a distance of 128.60 feet to a capped 5/8" iron rebar pin set;

Course No. 12 - Thence S. 71 deg. 40 min. 38 sec. E., a distance of 145.26 feet to the principal place of beginning on the westerly line of LA-R/W of S.R. 23 and a capped 5/8" iron rebar pin set, containing 7.6019 acres (approximately 4.5314 acres within tax district 510 and 3.0705 acres within tax district 010), according to a survey done in January 2001, by Scott A. Landgraf, P.S. #8085, be the same more or less, but subject to all legal highways and easements of record. Bearings cited within the above description are to an assumed meridian and indicate angles only.

The intent of this document is to split a 7.6019 acre parcel of land from lands conveyed to Michael H. Finnell and Patricia F. Kulha, of record.

T-K Engineering & Design Group, Inc.

Parcel II:

Together with the rights of utilities, ingress and egress as contained in the Reciprocal Easement and Common Area

Agreement of record in Instrument 200202010030709.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential uses with up to 300 units, or those uses permitted in the L-C-4, Limited Commercial District.

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

SECTION 4. That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z22-052 through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA), or within two years of the effective date of this ordinance, whichever occurs first.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.