



## Legislation Text

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**File #:** 2000-2022, **Version:** 1

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### **Council Variance Application: CV22-024**

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

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

**FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a restaurant zoned in the M, Manufacturing District, and is within the boundaries of the South High Street Community Commercial Overlay (CCO). The requested Council variance will permit a mixed-use development containing up to 80 apartment units and 6,000 square feet of commercial space. A Council variance is necessary because multi-unit residential uses are not permitted in the M, Manufacturing District. The request also includes variances to increase the building height from 35 feet to 60 feet, to reduce the number of required parking spaces from 144 to 110, to reduce building setbacks along Fornof Road, to increase the maximum building setback from an interior lot line, and to reduce the minimum parking setback. This proposed development will be subject to a competitive funding process with the Ohio Housing Finance Agency which requires certain land attributes including compliant zoning. The Council variance process is supported to assist in this state funding application process as Rezoning Application #Z22-043, a request for the AR-2, Apartment Residential District, has been filed and is in the formal review process. The site is within the planning boundaries of the *Scioto Southland Plan* (2007), which recommends commercial land uses at this location. The variances are supported as the proposal is mixed-use in nature and is located on a primary corridor. The request does not introduce an incompatible use to the area. Additionally, Ordinance 0188-2022 was approved in February of 2022 for a similar development adjacent to the subject site.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3309.14(A), Height districts; 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3372.704(A)(B)(C)(D), Setback requirements, of the Columbus City Codes; for the property located at **30 FORNOF RD. (43207)**, to permit a mixed-use development with reduced development standards in the M, Manufacturing District (Council Variance #CV22-024).

**WHEREAS**, by application #CV22-024, the owner of the property at **30 FORNOF RD. (43207)**, is requesting a Council variance to permit a mixed-use development containing up to 80 apartment units and 6,000 square feet of commercial space with reduced development standards in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes such a development containing up to 80 units; and

**WHEREAS**, Section 3309.14(A), Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes to increase the building height to 60 feet in the H-35 height district; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit; and one parking space per 250 square feet of retail space, for a total of 144 required parking spaces for 80 apartment units and 6,000 square feet of retail space, while the applicant proposes 110 total parking spaces; and

**WHEREAS**, Section 3363.24, Building lines in an M-manufacturing district, requires a minimum building line of 25 feet along the public service road, while the applicant proposes a reduced building line of 5 feet; and

**WHEREAS**, Section 3372.704(A)(B)(C)(D), Setback requirements, requires a minimum building setback along a primary street of 25 feet  $\pm$  2 feet; a minimum building setback of 10 feet along a non-primary street; a maximum building setback from an interior lot line of 50 feet at the front to of the building line, and a minimum parking setback of 25 feet, while the applicant proposes a building setback along Fornof Road of 15 feet; a building setback of 5 feet along a non-primary street; a maximum building setback from an interior lot line of 105 feet, and a parking setback along Fornof Road of 20 feet; and

**WHEREAS**, the Far South Columbus Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposal for mixed-use development along a primary corridor is not considered an incompatible use, and is consistent with similar proposals in the area. Additionally, the Applicant is required to complete Rezoning Application #Z22-043 as a condition of this ordinance; 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 **30 FORNOF RD. (43207)**, 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 3363.01, M-manufacturing districts; 3309.14(A), Height districts; 3312.49, Minimum number of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3372.704(A)(B)(C)(D), Setback requirements, of the Columbus City Codes, is hereby granted for the property located at **30 FORNOF RD. (43207)**, insofar as said sections do not permit a multi-unit residential development containing up to 80 units; with an increase in building height from 35 feet to 60 feet; a reduction in parking from 144 required to 110 provided spaces; a reduction in the building setback line from 25 feet to 5 feet along the public service road to the west; and reduced setback requirements from 25 feet  $\pm$  2 feet to 15 feet along Fornof Road; reduced setback from 10 feet to 5 along the public service road; an increased maximum building setback from an interior lot line from 50 feet to 105 feet; and a reduced parking setback from 25 feet to 20 feet along Fornof Road; said property being more particularly described as follows:

**30 FORNOF RD. (43207)**, being 2.07 $\pm$  acres located on the north side of Fornof Road, 150 $\pm$  feet east of South High Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 4, Township 4, Range 22,

Congress Lands, being part of that 3.97 acre tract of land conveyed to **Sze Chun Leung and Yim Sheung Leung** by the instrument filed as **Instrument Number 199712010155829**, on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

**BEGINNING** at the intersection of the north line of said 3.97 acre tract with the existing east right-of-way line for Service Road "C" (50 feet wide - public);

Thence **South 85 degrees 27 minutes 56 seconds East**, along the north line of said 3.97 acre tract, a distance of **365.54 feet** to a northeast corner of said 3.97 acre tract;

Thence **South 01 degrees 54 minutes 17 seconds West**, along an east line of said 3.97 acre tract, a distance of **246.79 feet** to a southeast corner of said 3.97 acre tract, being on the existing north right-of-way line for Fornoff Road (40 feet wide - public);

Thence **North 86 degrees 27 minutes 00 seconds West**, along a south line of said 3.97 acre tract, the existing north right-of-way line for Fornoff Road, a distance of **348.17 feet** to a southwest corner of said 3.97 acre tract;

Thence **North 23 degrees 53 minutes 12 seconds West**, along a southwesterly line of said 3.97 acre tract, the existing north right-of-way line for Fornoff Road, the existing east right-of-way line for Service Road "C", a distance of **22.97 feet** to a southwest corner of said 3.97 acre tract;

Thence **North 00 degrees 08 minutes 51 seconds East**, along a west line of said 3.97 acre tract, the existing east right-of-way line for said Service Road "C", a distance of **233.00 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **2.070 acres**, all of which is located within Franklin County Auditor's parcel number 010-104058.

Bearings 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 conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development containing up to 80 apartment units and 6,000 square feet of commercial space, or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**ZONING SITE PLAN FOR FORNOFF RD**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated June 2, 2022. 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 adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z22-043 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.