



City of Columbus

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Legislation Text

File #: 2954-2022, **Version:** 1

Council Variance Application: CV21-154

APPLICANT: Goodwill Industries of Central Ohio, Inc.; c/o Dave Perry, Agent; David Perry Company; 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.

5TH BY NORTHWEST 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 #2953-2022; Z21-104) to the AR-3, Apartment Residential District for a 3.91 acre portion of the site. The applicant proposes a mixed-use development consisting of an apartment building with up to 276 units, 581 parking spaces, of which 102 will be for off-site usage, and a 20,664 square foot retail building. The site is located within the planning boundaries of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends both "Mixed-use" and "Industrial (Light)," land uses at this location. The mixed-use development is consistent with the Plan's recommendation and with similar new mixed-use developments along the West 5th Avenue and West 3rd Avenue corridors. Planning Division staff has discussed conceptual building elevations that include graphics on the retail building façade, mitigating the use of spandrel glass along the primary frontage, and creating an interesting pedestrian environment through a high level of design consistent with *Columbus Citywide Planning Policies* (2018) Design Guidelines.

To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3309.14, Height districts; 3312.25, Maneuvering; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; 3372.604, Setback requirements; and 3372.605(D), Building design standards, of the Columbus City Codes; for the property located at **1333 EDGEHILL RD. (43212)** to permit a non-accessory parking use in the AR-3, Apartment Residential District, and reduced development standards in the AR-3, Apartment Residential District and M, Manufacturing District for a mixed-use development (Council Variance #CV21-154). **(REPEALED BY ORD. 1947-2023 PASSED 7/10/2023) BA**

WHEREAS, by application #CV21-154, the owner of property at **1333 EDGEHILL RD. (43212)** is requesting a Council variance to permit a non-accessory parking use in the AR-3, Apartment Residential District, and reduced development standards in the AR-3, Apartment Residential District and M, Manufacturing District for a mixed-use development; and

WHEREAS, Section 3333.03, AR-3 apartment residential district use, does not permit parking for off-site uses, while the applicant proposes up to 102 non-accessory parking spaces for off-site uses on the AR-3 district portion of the site; and

WHEREAS, Section 3309.14, Height districts, prohibits the height of a building to exceed 60 feet at the building line in the H-60, Height District, while the applicant proposes an increased building height of 76 feet in the AR-3 district portion of the subject site; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow 25 parking spaces along the northern property line of the AR-3 district portion of the site to maneuver across parcels lines, as shown on the submitted site plan, while all code required maneuvering shall be provided with easements where applicable; and

WHEREAS, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased lot coverage of 61 percent for the proposed apartment building; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 10 feet along Edgehill Road, while the applicant proposes a reduced building line of 5 feet along Edgehill Road for the proposed apartment building; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 3 percent of the total lot area for the proposed apartment building; and

WHEREAS, Section 3372.604, Setback requirements, requires a parking setback of no more than 10 feet along the Edgehill Frontage of the M district portion of the subject site, while the applicant proposes an increased building setback between 22 feet and 31 feet along Edgehill Road for the proposed retail building; and

WHEREAS, Section 3372.605(D), Building design standards, requires 60 percent of the area between the height of two feet and ten feet above the sidewalk of a primary building frontage be clear/non-tinted window glass permitting a view of the building's interior to a depth of four feet, and continuing for the first 10 feet of a secondary building frontage, while applicant proposes a total area of 15 percent along the West 5th Avenue frontage (primary) be clear/non-tinted window glass, with 58% of the area between 2 feet and 10 feet above the sidewalk being spandrel glass, and zero percent clear/non-tinted window glass along the Edgehill Road frontage (secondary), with 60% spandrel glass for the proposed retail building; and

WHEREAS, the 5th by Northwest Area Commission recommends approval, and

WHEREAS, the City Departments recommend approval because the proposed mixed-use development is consistent with the *Fifth by Northwest Neighborhood Plan's* land use recommendation and with similar mixed-use developments along the West 5th Avenue and West 3rd Avenue corridors; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **1333 EDGEHILL RD. (43212)**, 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 3333.03, AR-3 apartment residential district use; 3309.14, Height districts; 3312.25, Maneuvering; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; 3372.604, Setback requirements; and 3372.605(D), Building design standards, of the Columbus City Codes, is hereby granted for the property located at **1333 EDGEHILL RD. (43212)**, insofar as said sections prohibit non-accessory parking in the AR-3, Apartment Residential District; increased building height from 60 feet to 76 feet in the AR-3 district

portion of the site; reduced maneuvering area from 20 feet to 0 feet in the AR-3 district portion of the site due to parcel lines; increased lot coverage from 50 percent to 61 percent for the proposed apartment building; reduced building setback from 10 feet to 5 feet along Edgehill Road for the proposed apartment building; reduced rear yard from 25 percent to 3 percent for the proposed apartment building; increased building setback from 10 feet to between 22 and 31 feet along Edgehill Road for the proposed retail building; and reduced clear/non-tinted glass area for the proposed retail building along the West 5th Avenue building façade (primary frontage) from 60 percent to 15 percent, with 58 percent of the area between 2 feet and 10 feet above the sidewalk being spandrel glass; and from 60 percent to 0 percent clear/non-tinted window glass along the Edgehill Road façade (secondary frontage), with 60 percent being spandrel glass for the proposed retail building; said property being more particularly described as follows:

1333 EDGEHILL RD. (43212), being 5.62± acres located at the southwest corner of Edgehill Road and West Fifth Avenue, and being more particularly described as follows:

1.710± ACRES (M, MANUFACTURING DISTRICT):

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being all of Lot 12 through Lot 18, inclusive, and part of Lot 11 and Lot 19 through Lot 26, inclusive, together with part of the vacated alley through said lots and a part of the vacated street adjoining Lot 19 through Lot 26 inclusive, as said lots, and street are shown on the plat of Salzegeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all being part of the remainder of the 1.958 acre tract as conveyed to Goodwill Industries of Central Ohio Incorporated and; all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

BEGINNING at the northeasterly corner of said Lot 18, also being the intersection of the southerly right-of-way line of West Fifth Avenue (60') as delineated in said Plat Book 5, Page 404, and the westerly right-of-way line of Edgehill Road (30') as delineated in said Plat Book 5, Page 404, and the northeasterly corner of the remainder of said 1.958 acre tract;

Thence along the easterly lines of said Lot 18 and Lot 19, the remainder of said 1.958 acre tract, and the westerly right-of-way line of said Edgehill Road, South 03°23'24" West, 276.80 feet, to a point on the easterly line of said Lot 19 and the westerly right-of-way line of Edgehill Road;

Thence continuing across said Lot 19 through Lot 26, inclusive, and the remainder of said 1.958 acre tract, North 85°36'59" West, 269.00 feet, to a point on the westerly line of the remainder of said 1.958 acre tract;

Thence continuing across said Lot 26, and parallel with the east line of said Lot 26, and along the westerly line of the remainder of said 1.958 acre tract, North 03°17'58" East, 91.30 feet to a point;

Thence continuing across said Lot 26, and the southerly line of the remainder of said 1.958 acre tract, North 86°42'02" West, 1.00 feet, to a point being a southwesterly corner of the remainder of said 1.958 acre tract;

Thence continuing across said Lot 26, and across said vacated alley, and across said Lot 11, and along the westerly line of the remainder of said 1.958 acre tract, North 03°17'58" East, 184.00 feet, to a point being on the northerly line of Lot 11 and on the southerly right-of-way line of West Fifth Avenue, and being the northwest corner of the remainder of said 1.958 acre tract;

Thence along the northerly lines of said Lot 11 through Lot 18, inclusive, and the north line of the remainder of said 1.958 acre tract, South 85°56'21" East, 270.42 feet to the POINT OF BEGINNING, containing an area of 1.710 acres, more or less.

3.905± ACRES (AR-3, APARTMENT RESIDENTIAL DISTRICT; Z21-104):

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Section 6, Township 5, Range 22,

Refugee Lands, being all of Lot 46 through Lot 53, part of Lot 19 through Lot 27, inclusive, and Lot 54, being part of South of Avenue vacated per ordinance 337-30 (06-18-1930), being part of a vacated alley per ordinance 498-64 (05-11-1964), all as shown in Salzegeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, being part of a 1.958 acre tract as conveyed to Goodwill Industries of Central Ohio Incorporated in Instrument Number 201010150137260, being a 1.017 acre tract as conveyed to Goodwill Industries of Columbus Incorporated, in Deed Book 1843, Page 469, being a remainder of a 0.427 acre tract as conveyed to Goodwill Industries of Columbus Incorporated, in Deed Book 1843, Page 469, being part of a 1.958 acre tract as conveyed to Goodwill Industries of Central Ohio Incorporated in Instrument Number 20101015137260, being the remainder of a 1.134 acre tract designated as Parcel Number 1, and a 0.851 acre tract designated as Parcel Number 2, both as conveyed to Goodwill Industries of Central Ohio Incorporated, Deed Book 2520, Page 103, and being the remainder of a 0.333 acre tract designated as Parcel Number 4, as conveyed to Goodwill Industries of Central Ohio Incorporated, in Official Record Volume page A08, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

COMMENCING at the northeasterly corner of Lot 18 of said Plat, also being the intersection of the southerly right-of-way line of West Fifth Avenue (60') as delineated in said Plat Book 5, Page 404, and the westerly right-of-way line of Edgell Road (30') as delineated in said Plat Book 5, Page 404, and being the northeast corner of the remainder of said 1.958 acre tract;

Thence along the easterly lines of said Lot 18 and Lot 19 of the remainder of said 1.958 acre tract, and the westerly right-of-way line of said Edgell Road, South 03°23'24" West, 276.80 feet, to a point on the easterly line of said Lot 19 and the westerly right-of-way line of Edgell Road to the POINT OF BEGINNING;

Thence along the easterly line of said Lot 19 and the easterly line of the remainder of said 1.958 acre tract and said vacated portion of South Avenue, and the westerly right-of-way line of Edgell Road, South 03°23'24" West, 29.11 feet, to an angle point in the westerly right-of-way line of Edgell Road;

Thence continuing along the southerly line of said vacated South Avenue and said 1.958 acre tract, and being the westerly right-of-way of Edgell Road, North 86°36'36" West, 7.00 feet, to an angle point in the westerly right-of-way line of Edgell Road;

Thence continuing along the easterly line of said vacated South Avenue and said 1.958 acre tract, and being the westerly right-of-way line of Edgell Road, South 03°23'24" West, 10.58 feet, to an angle point in the westerly right-of-way-line of Edgell Road;

Thence along the easterly line of said Lot 54 and said vacated South Avenue, and the westerly right-of-way line of Edgell Road, and the easterly line of said 1.134 acre tract, and 1.958 acre tract, and 1.017 acre tract, and said 0.333 acre tract, South 03°23'46" West, 303.43 feet, to a point being the southeast corner of said remainder of 0.333 acre tract, and also being on the westerly right-of-way line of Edgell Road;

Thence along the south line of the remainder of said 0.333 acre tract, a curve to the right having a radius of 420.47 feet, a delta angle of 36°18'17", an arc length of 266.43 feet, and a chord bearing and distance of South 75°28'23" West, 261.99 feet to an iron pin capped "Myers";

Thence along the southerly line of said 0.333 acre tract, North 86°22'29" West, 438.32 feet, to a point being the southwest corner of 0.333 acre tract, and being along the easterly right-of-way line of Norton Avenue (60');
Thence along the easterly right-of-way line of Norton Avenue, and the west line of said 0.333 acre tract, North 03°07'13" East, 20.07 feet, to a point being the northwest corner of Parcel 4, and being along the easterly right-of-way line of Norton Avenue;

Thence along the northerly line of said 0.333 acre tract, South 86°21'56" East, 191.04 feet, to a point along the northerly line of said 0.333 acre tract, and being on the southwesterly corner of said 0.851 acre tract;

Thence along the westerly line of said 0.851 acre tract, North 03°20'46" East, 187.12 feet, to a point being the northwest corner of said 0.851 acre tract, and being on the southerly right-of-way line of a 20 foot Alley, Plat Book 5, Page 464;

Thence, along the northerly line of 0.851 acre tract, and the southerly right-of-way line of said 20 foot Alley, South 85° 47'40" East, 174.04 feet, to a point being the intersection of the southerly right-of-way line of said 20 foot Alley and the easterly right-of-way line of Delashmut Avenue (50'), Plat Book 5, Page 464, and the southwest corner of said 1.017 acre tract;

Thence along the westerly line of said 1.017 acre tract and said 0.427 acre tract, and being on the westerly line of said vacated South Avenue, and being the easterly right-of-way line of Delashmut Avenue, North 03°17'58" East, 204.31 feet, to a point being the northwest corner of said 0.427 acre tract;

Thence along the north line of said 0.427 acre tract and said 1.958 acre tract, South 85°35'14" East, 61.21 feet, to a point;

Thence continuing across said Lot 26 and along the west line of said 1.958 acre tract, North 03°17'58" East, 19.47 feet, to a point;

Thence across said 1.958 acre tract and said Lot 19 through 26, inclusive, South 85°36'59" East, 269.00 feet, to the POINT OF BEGINNING, containing an area of 3.905 acres, more or less.

Parcel Numbers: 010-062664 & 010-062643.

Property Address: 1333 Edgehill Rd., Columbus, OH 43212.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment building containing up to 287 units, 581 parking spaces, and a 20,664 square foot maximum retail building, or those uses permitted in the AR-3, Apartment Residential District and M, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING SITE PLAN**," signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and dated October 10, 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 plan 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 Certificates of Occupancy for the proposed uses.

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