



Legislation Details (With Text)

File #: 0944-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/24/2022 **In control:** Zoning Committee

On agenda: 4/18/2022 **Final action:** 4/20/2022

Title: To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.49 Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes; for the property located at 5719 W. BROAD ST. (43228), to permit reduced development standards for a senior housing development in the AR-1, Apartment Residential District (Council Variance #CV21-107).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0944-2022.Attachments, 2. ORD0944-2022.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--|--------|
| 4/20/2022 | 1 | CITY CLERK | Attest | |
| 4/19/2022 | 1 | ACTING MAYOR | Signed | |
| 4/18/2022 | 1 | COUNCIL PRESIDENT | Signed | |
| 4/18/2022 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 4/18/2022 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 4/18/2022 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |
| 4/18/2022 | 1 | Zoning Committee | Approved | Pass |

Council Variance Application: CV21-107

APPLICANT: National Church Residences; c/o Matthew Bierlein; 2335 North Bank Drive; Columbus, OH 43220.

PROPOSED USE: Senior housing development.

WESTLAND 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 request to the AR-1, Apartment Residential District (Ordinance #0943-2022; Z21-088) for a multi-unit residential development. The requested Council variance proposes a 92-unit senior housing development. Standards variances are requested for increased building height from 35 feet to 50 feet, reduced parking from 138 required spaces to 70 provided spaces, and reduced building lines from 60 feet along Galloway Road to 8 feet, and from 80 feet along West Broad Street to 67 feet. Staff supports the requested variances as they achieve a site design, including building placement and additional landscaping, screening, and street trees separating the sidewalk from Galloway Road, consistent with *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.49 Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes; for the property located at **5719 W. BROAD ST. (43228)**, to permit reduced development standards for a senior housing development in the AR-1, Apartment Residential District (Council Variance #CV21-107).

WHEREAS, by application #CV21-107, the owner of property at **5719 W. BROAD ST. (43228)**, is requesting a Council variance to permit reduced development standards for a senior housing development in the AR-1, Apartment Residential District; and

WHEREAS, Section 3309.14, 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 a building height of 50 feet; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or a minimum of 138 parking spaces for 92 units, while the applicant proposes a total of 70 parking spaces; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 60 feet along Galloway Road and 80 feet along West Broad Street, while the applicant proposes building lines of 8 feet along Galloway Road and of 67 feet along West Broad Street; and

WHEREAS, the Westland Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances will permit a senior housing development with a site design that is consistent with C2P2 Design Guideline recommendations; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 roads, 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 **5719 W. BROAD ST. (43228)**, in using said property as desired, now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That variances from the provisions of Sections 3309.14, Height districts; 3312.49 Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes; are hereby granted for the property located at **5719 W. BROAD ST. (43228)**, insofar as said sections prohibit an increased building height from 35 feet to 50 feet; a parking space reduction from 138 spaces to 70 spaces; and reduced building lines from 60 feet to 8 feet along Galloway Road and from 80 feet to 67 feet along West Broad Street for a senior housing development in the AR-1, Apartment Residential District; said property being more particularly described as follows:

5719 W. BROAD ST. (43228), being 3.96± acres located at the southeast corner of West Broad Street and Galloway Road, and being more particularly described as follows:

PARCEL ONE:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and bounded and described as follows:

Being a part of H. MINNUS SURVEY NO. 1474, beginning at the intersection of the center line of the National Road with the centerline of Galloway Free Turnpike; thence in an easterly direction along the centerline of said National Road 208.71 feet to a point; thence in a southerly direction on a line parallel with the east line of said Galloway Free Turnpike 626.13 feet to a point; thence in a westerly direction on a line parallel with the centerline of the National Road 208.71 feet to a point in the centerline of said Galloway Free Turnpike; thence in a northerly direction along said centerline of said Galloway Free Turnpike 626.13 feet to the place of beginning, containing 3 acres of ground, more or less.

EXCEPTING THEREFROM THE FOLLOWING deeded to the Franklin County Commissioners in Official Records 22933F10:

Situated in the State of Ohio, County of Franklin, Prairie Township, being a part of Virginia Military Survey No. 1474, and being part of a 3.00 acre tract of land lying on the east side of Galloway Road as conveyed to Pauline Lovett by deed of record in Official Records Volume 870, page H03, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing for reference at Franklin County Engineer's Monument Box No. 8843 in the centerline of Galloway Road at an angle point reference as station 133+71.00, and as further shown on the Centerline Survey Plat of record in the Office of the Franklin County Engineer;

Thence north $13^{\circ} 21' 47''$ East a distance of 466.64 feet along the centerline of Galloway Road to the southwest corner of the grantor's property and the true place of beginning for the parcel being conveyed;

Thence north $13^{\circ} 21' 47''$ East, a distance of 584.69 feet along the centerline of Galloway Road and the grantor's west line, to a point in the southerly line of West Broad Street (U.S. 40);

Thence north $87^{\circ} 05' 56''$ east a distance of 57.29 feet along the line of West Broad Street, passing the east right-of-way line of Galloway Road at 20.83 feet to a point;

Thence south $13^{\circ} 21' 47''$ West a distance of 188.38 feet leaving the line of West Broad Street;

Thence south $12^{\circ} 38' 23''$ West a distance of 396.01 feet to a point in the grantor's south line, being the north line of a 1.25 acre tract conveyed to Springdale Construction, Inc. as referenced in Deed Book 2604, page 244, Recorder's Office, Franklin County, Ohio;

Thence south $88^{\circ} 05' 47''$ West a distance of 62.19 feet along the grantor's south line and the north line of the aforementioned Springdale tract passing the east right-of-way line of Galloway Road at 41.46 feet to the place of beginning, containing 0.762 acres of land more or less of which the present road which occupies 0.269 acres of land more or less, subject to all easements, restrictions and rights-of-way of record.

The grantor reserves the right of ingress and egress to and from the residual areas.

This description was prepared under the direction of Theodore L. Wallace, Registered Surveyor No. 4650 in accordance with the requirements of the Franklin County Engineer. It is based on a field survey made in 1990 and 1991 by the Franklin County Engineer and by R.D. Zande & Associates, Limited.

The basis for the bearings is the centerline of Galloway Road of north $13^{\circ} 08' 47''$ East as established by the Franklin County Engineer between the FCE Monuments Nos. 4446 and 8843 and is based on the North American Datum of 1983, Ohio South Zone.

This description was prepared under the direction of Theodore L. Wallace, Registered Surveyor No. 4650 in accordance with the requirements of the Franklin County Engineer. It is based on a Field survey made in 1990 and 1991 by the Franklin County Engineer and by R.D. Zande and Associates, Limited.

PARCEL TWO:

Situated in the County of Franklin in the State of Ohio and the City of Columbus and bounded as described as follows:

Beginning at a point in the center line of the National Road North 85° 30' east 208.71 feet from the center line intersection of the Galloway Pike with said road; said beginning point also being the northeast corner of a 3 acre tract owned by Mildred C. Johnson and shown of record in deed book volume 867, page 1; thence from said beginning point north 85° 30' east 197 feet to a point; said point being the northwest corner of a 1 acre tract owned by Arthur R. and Olive Z. Williams and shown of record in deed book 725, page 106; thence south 12° 30' west 409.7 feet to the Williams' southwest corner (passing an iron pipe at 41.6 feet); thence south 26° 10' west 312.23 feet to an iron pipe located at the southeast corner of Mildred C. Johnson's 3 acre tract; thence with Johnson's east line north 12° 30' west 626.13 feet to the place of beginning and passing an iron pipe at 585.53 feet, and containing 2.32 acres more or less, excepting from the above described tract a strip 40 feet wide by 197 feet long, said strip being the south ½ of the National Road and containing .18 of an acre.

Parcel Numbers: 570-255269 & 570-255279

Commonly known as: 5719 W. Broad Street, Galloway, OH 43119

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**CLOVER GLEN SENIOR APARTMENTS**," dated March 17, 2022, and signed by Matthew Bierlein, Applicant. 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 adjustments to the plan shall be subject to review and approval 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 shall take effect and be in force from and after the earliest period allowed by law.