



Legislation Details (With Text)

File #: 0875-2022 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 3/17/2022 **In control:** Zoning Committee

On agenda: 6/13/2022 **Final action:** 6/16/2022

Title: To grant a Variance from the provisions of Sections 3332.029, SR suburban residential district; 3312.21(A)(B)(1)(D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.01(A), Dumpster area; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at 3840 KIMBERLY PKWY N. (43232), to permit a youth center with reduced development standards in the SR, Suburban Residential District and to declare an emergency. (Council Variance #CV21-067)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0875-2022.Attachments, 2. ORD0875-2022.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------------------------------------------------------|--------|
| 6/16/2022 | 2 | CITY CLERK | Attest | |
| 6/15/2022 | 2 | MAYOR | Signed | |
| 6/13/2022 | 2 | COUNCIL PRESIDENT | Signed | |
| 6/13/2022 | 1 | Zoning Committee | Taken from the Table | Pass |
| 6/13/2022 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 6/13/2022 | 1 | Zoning Committee | Approved as Amended | Pass |
| 6/13/2022 | 1 | Zoning Committee | Amended to Emergency | Pass |
| 6/13/2022 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |
| 6/6/2022 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 6/6/2022 | 1 | Zoning Committee | Tabled to Certain Date | Pass |

Council Variance Application: CV21-067

APPLICANT: Directions for Youth and Families; c/o Nikki Wildman, Agent; 515 E. Main St.; Columbus, OH 43215.

PROPOSED USE: Youth center.

MIDEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a condominium clubhouse in the SR, Suburban Residential District. The requested Council variance will permit the applicant to redevelop the site with a 21,781± square foot youth center. Variances for landscaping and screening, minimum number of required parking spaces, dumpster area, rear yard, and side or rear yard obstruction are included in the request. The site is within the planning boundaries of the *Hamilton Road Corridor Revitalization Plan (2008)*, which

recommends multi-unit residential land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. Staff supports the proposal because the proposed youth center will not add incompatible uses to the area as the applicant conducts a similar operation on the adjacent property to the east, and this site will expand current programming. Planning Division staff has reviewed conceptual elevations which are consistent with C2P2 Design Guidelines.

To grant a Variance from the provisions of Sections 3332.029, SR suburban residential district; 3312.21(A)(B)(1)(D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.01(A), Dumpster area; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **3840 KIMBERLY PKWY N. (43232)**, to permit a youth center with reduced development standards in the SR, Suburban Residential District **and to declare an emergency**. (Council Variance #CV21-067)

WHEREAS, by application #CV21-067, the owner of the property at **3840 KIMBERLY PKWY N. (43232)**, is requesting a Variance to permit a youth center with reduced development standards in the SR, Suburban Residential District; and

WHEREAS, Section 3332.029, SR suburban residential district, does not permit youth centers, while the applicant proposes a 21,781± square foot youth center on the site; and

WHEREAS, Section 3312.21(A)(B)(1)(D)(1), 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 7 shade trees being required for a 68-space parking lot; landscaping between the parking setback line and street right-of-way with plant material; and parking lot screening from residentially zoned property that is 5 feet in height; while the applicant proposes 1 tree located within a code compliant peninsula; and no parking lot screening along Kimberly Parkway North and along the northwest and northeast property lines, as shown on the site plan; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires one parking space per 30 square feet of assembly space and one parking space per 250 square feet of non-assembly space, or 376 spaces for 21,781 square feet of assembly/non-assembly area for the youth center, while the applicant proposes to provide 68 parking spaces; and

WHEREAS, Section 3321.01(A), Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster in the required side yard as shown on the site plan; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes 24.3± percent rear yard; and

WHEREAS, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes the parking lot encroach into the side yard to minimize disturbance of the Stream Corridor Protection Zone; and

WHEREAS, the Mideast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as the applicant conducts a similar operation on the adjacent property to the east, and this site will expand current programming; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed youth center; 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 **3840 KIMBERLY PKWY N. (43232)**, in using said property as desired; ~~and now, therefore:~~

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the need that is the final approval needed in the process to achieve CC and building permit approval so the contractor may start construction for the much needed new Community Center for the immediate preservation of the public peace, property, health and safety; now therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.029, SR suburban residential district; 3312.21(A)(B)(1)(D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.01(A), Dumpster area; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **3840 KIMBERLY PKWY N. (43232)**, insofar as said sections prohibit a 21,781± square foot youth center in the SR, Suburban Residential District, with reduced parking lot shade trees from 7 required trees to 1 provided tree; no parking lot screening along Kimberly Parkway North and along the northwest and northeast property lines; a parking space reduction from 376 spaces to 68 spaces; a dumpster located in the required side yard; reduced rear yard from 25 percent to 24.3 percent; and the parking lot encroaching into the required side yard; said property being more particularly described as follows:

3840 KIMBERLY PKWY N. (43232), being 2.52± acres located on the east side of Kimberly Parkway North, 655± feet north of Courtright Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 29, Township 12, Range 21, Refugee Lands, containing 2.523 acres of land, more or less, being part of that original 38.398 acre tract of land described in a deed of Kimberly Company, of record in Deed Book 2904, Page 541, Recorder's Office, Franklin County, Ohio, said 2.523 acres being more particularly described as follows:

Beginning at the northwesterly corner of that 0.620 acre tract of land referred to as Parcel No. 2 and described in a deed to The Board of Education of The City School District of Columbus, of record in Deed Book 2868, Page 102, Recorder's Office, Franklin County, Ohio;

Thence S 55° 15' 00" W, a distance of 387.55 feet to a point;

Thence N 32° 10' 00" W, a distance of 17.93 feet to a point;

Thence N 19° 01' 32" W, a distance of 92.03 feet to a point;

Thence N 34° 06' 52" W, a distance of 193.51 feet to a southwesterly corner of that 17.906 acre tract of land referred to a Parcel No. 1 in said Deed Book 2868, Page 102, a corner of said 38.398 acre tract;

Thence N 55° 15' 00" E, with a northwesterly line of said 38.398 acre tract, a southwesterly line of said 17.906 acre tract, a distance of 359.66 feet to a point.

Thence S 34° 45' 00" E, with a northeasterly line of said 38.98 acre tract, southwesterly line of said 17.906 acre tract, and with the southeasterly extension of same, a distance of 300.00 feet to the point of beginning and containing 2.523 acres of land, 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 a 21,781± square foot youth center, or those uses permitted in the SR, Suburban Residential District.

SECTION 3. That this ordinance is further conditioned on general conformance with the site plan titled, "**ZONING SITE PLAN**," signed by Nikki Wildman, Applicant, and dated May 4, 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed youth center.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**