



## Legislation Details (With Text)

**File #:** 0142-2008      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 1/16/2008      **In control:** Zoning Committee

**On agenda:** 2/11/2008      **Final action:** 2/14/2008

**Title:** To grant a Variance from the provisions of Sections 3332.03, R-1, Residential District; 3332.19, Fronting on a public street; and 3332.29, Height district; of the Columbus City Codes for the property located at 2365 INNIS ROAD (43219), to permit a three-story, maximum fifty-four (54) unit elderly housing development with increased height and no frontage on a public street in the R-1, Residential District (Council Variance # CV07-049).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0142-2008Attachments.pdf, 2. ORD0142-2008Labels.pdf, 3. ORD0142-2008DataSheet.pdf

| Date      | Ver. | Action By             | Action                             | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 2/14/2008 | 2    | CITY CLERK            | Attest                             |        |
| 2/12/2008 | 2    | MAYOR                 | Signed                             |        |
| 2/11/2008 | 1    | Zoning Committee      | Amended as submitted to the Clerk  | Pass   |
| 2/11/2008 | 2    | Zoning Committee      | Approved as Amended                | Pass   |
| 2/11/2008 | 2    | COUNCIL PRESIDENT     | Signed                             |        |
| 2/4/2008  | 1    | Columbus City Council | Read for the First Time            |        |
| 1/18/2008 | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |
| 1/18/2008 | 1    | Dev Zoning Reviewer   | Reviewed and Approved              |        |
| 1/18/2008 | 1    | Dev Reviewer          | Reviewed and Approved              |        |
| 1/18/2008 | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |
| 1/18/2008 | 1    | DEVELOPMENT DIRECTOR  | Reviewed and Approved              |        |
| 1/18/2008 | 1    | Dev Zoning Drafter    | Sent to Clerk's Office for Council |        |

**Council Variance Application: CV07-049**

**APPLICANT:** Columbus Housing Partnership; c/o George F. Tabit; 562 East Main Street; Columbus, OH 43215.

**PROPOSED USE:** Housing for the elderly.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 2.18± acre site is undeveloped and is zoned in the R-1, Residential District. The requested Council variance will allow the construction of a three-story, maximum fifty-four (54) unit elderly housing development on the northern portion of a 5.95 acre parcel. A variance is necessary because the R-1, Residential District allows only single-family dwellings. An apartment complex in the AR-12, Apartment Residential District borders the site to the east. The site is located within the boundaries of *The Northeast Plan (2007)* which recommends medium density residential uses for the site. Residential design guidelines from the Plan include building design and other recommendations that are intended to ensure the

conservation of natural resources and enhance connectivity to existing and future development. The applicant has demonstrated compliance with the Plan's design guidelines by committing to a building elevation and development standards for landscaping, screening, building materials, and lighting controls. Additional variances for increased building height and for lack of frontage on a public street are included in the request. The request is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *Northeast Plan*.

To grant a Variance from the provisions of Sections 3332.03, R-1, Residential District; 3332.19, Fronting on a public street; and 3332.29, Height district; of the Columbus City Codes for the property located at **2365 INNIS ROAD (43219)**, to permit a three-story, maximum fifty-four (54) unit elderly housing development with increased height and no frontage on a public street in the R-1, Residential District (Council Variance # CV07-049).

**WHEREAS**, by application # CV07-049, the owner of the property at **2365 INNIS ROAD (43219)**, is requesting a Variance to permit a three-story, maximum fifty-four (54) unit elderly housing development with increased height and no frontage on a public street in the R-1, Residential District; and

**WHEREAS**, Section 3332.03, R-1, Residential District, permits only single-family dwellings, while the applicant proposes to construct an elderly housing development with fifty-four (54) maximum units; and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes that the building will have a primary entrance that fronts the parking area; and

**WHEREAS**, Section 3332.29, Height district, requires that no building or structure shall exceed a height of thirty-five (35) feet, while the applicant proposes a maximum building height of forty-three (43) feet; and

**WHEREAS**, the Northeast Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend approval because the requested three-story, maximum fifty-four (54) unit elderly housing development has been designed in compliance with the residential design guidelines within the *Northeast Plan*, and the proposed use is consistent with the zoning and development patterns of the area, and with the land use recommendations of the Plan; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **2365 INNIS ROAD (43219)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.03, R-1, Residential District; 3332.19, Fronting on a public street; and 3332.29, Height district; of the Columbus City Codes is hereby granted for the property located at **2365 INNIS ROAD (43219)**, insofar as said section prohibits a three-story, maximum fifty-four (54) unit elderly housing development fronting a parking area instead of a public street, with a maximum building height of forty-three (43) feet; said property being more particularly described as follows:

**2365 INNIS ROAD (43219)**, being 2.18± acres located on the south side of Innis Road, 442± feet east of Westerville Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 2, Township 1, Range 17, United States Military Lands and being part of the Faith in Action, Inc. 19.467 Acre tract of record in Official Record Volume 18982 C-07,

said Recorder's Office, Franklin County and being more particularly described as follows:

Commencing at the northeasterly most corner of said 19.467 Acre tract, said point being the northwest corner of Reserve "B" of Framingham of record in Plat Book 46, Page 20, said Recorder's Office, said point being on the south line of Innis Road;

Thence, along a northerly line of said 19.467 Acre tract (south line of said Innis Road), North 86 degrees 10 minutes 12 seconds West, 400.06 feet to the northwest corner of The Faith Village II Limited Partnership, 6.118 Acre tract of record in Official Record Volume 28904 G-12, said Recorder's Office;

Thence, along the west line of said 6.118 Acre tract and crossing the original 19.467 Acre tract, South 03 degrees 38 minutes 27 seconds West, 604.00 feet to a point;

Thence, across said 19.467 Acre tract, North 45 degrees 32 minutes 44 seconds West, 304.77 feet to an angle point in the line common the City of Columbus Corporation and Mifflin Township line;

Thence, along said common line the following three (3) courses:

- 1) North 04 degrees 19 minutes 48 seconds East, 267.01 feet to a point;
- 2) South 86 degrees 15 minutes 24 seconds East, 147.52 feet to a point;
- 3) North 04 degrees 19 minutes 48 seconds East, 138.47 feet to a point in the northerly line of said 19.467 Acre tract and the south line of said Innis Road;

Thence, along said north line, South 86 degrees 10 minutes 12 seconds East, 78.12 feet to the place of beginning, CONTAINING 2.18 ACRES (94,943 SQUARE FEET).

The 2.18 Acre tract is part of Franklin County Auditor's Parcel 010-146482.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a three-story, maximum fifty-four (54) unit elderly housing development , or those uses permitted in the R-1, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan and elevations titled "**CHP INNIS ROAD,**" drawn by Berardi Partners, Inc., dated January 16, 2008, and signed by George F. Tabit, Applicant. The plans 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 plans shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned upon the project being in compliance with the following development standards:

**Development Standards**

1. Buffering, Landscaping, Open Space, and/or Screening
  - a. To the east, an existing earthen mound approximately 5' in height and located on the adjacent property screens the proposed development from the existing apartment community. In addition to screening provided by the existing earthen mound, the applicant will construct a 6' tall, ornamental black aluminum rail and picket fence extending from the northeast corner of the subject property south to the edge of an 8' deep ravine (see Site Plan).
  - b. To the north, the Innis Road frontage will be landscaped with a grass lawn, shrubs and deciduous trees as shown on the Site Plan.
  - c. To the west, the property will be screened with a 3' tall grass mound landscaped with shrubs and deciduous trees (one tree and five shrubs per every 35').
  - d. Minimum size at installation is as follows: All deciduous trees shall be 2 1/2" caliper. All ornamental trees shall be 1 1/2" caliper. All evergreen trees shall be 5' tall. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever comes first.
2. Building Design and/or Interior/Exterior Treatment Commitments
  - a. Except for window and door openings, the buildings shall have an exterior consisting of a mix of brick, stucco, metal or vinyl siding, and/or wood.
  - b. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted equipment shall be fully screened from

view from ground level using comparable and compatible materials as the building materials.

- c. Dumpsters shall be screened to a height of 6' or to the height of the dumpster if the dumpster is taller than 6'. Walls surrounding the dumpster shall have a brick veneer and will use the same brick as the primary building façade.
- 3. Lighting, Outdoor Display Areas and/or other Environmental Commitments.
  - a. Light standards shall not exceed 18 feet in height.
  - b. Lights shall be cut-off fixtures, and shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane
  - c. For aesthetic compatibility, lights shall be from the same manufacturer or similar type and color.
  - d. Lighting shall not exceed 0.1 foot candles anywhere along a property line.
- 4. **Miscellaneous Commitments.**
  - a. **A paved pedestrian connection will be installed on the east side of the vehicular access from the 3 story senior building to the Innis Road public sidewalk. The connection will be at least 5' wide to accommodate wheel chairs.**

**SECTION 5.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.