



Legislation Text

File #: 0619-2016, **Version:** 2

Council Variance Application: CV15-063

APPLICANT: N.P. Limited; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential and/or assisted living facility developments.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance No. 0617-2016; Z15-022) to the L-AR-3, Limited Apartment Residential District. The subject site is proposed for development with 139 apartment units (11.01 units/acre) and/or an assisted living facility with a commitment to a setback plan and development standards in consideration of the abutting residential lots and the Stream Corridor Protection Zone. The requested variances allow no public street frontage for potential new lots, and reduced perimeter yard along the north and east property lines, and along any new interior parcel lines. The site is currently comprised of two Delaware County parcels that have different taxing districts which will not be able to be combined into one parcel. Technical variances for parking and maneuvering over a property line, parking calculations, and perimeter yard are also included in the request to address this issue, and are supported. Due to the presence of stream corridor protection zones within the property, the reduced perimeter yard along the north and east property lines is also supported because it provides a greater capacity to preserve natural features to the south and west. With the proposed variances, the request remains consistent with the land use recommendations of *The Far North Area Plan* (2014) for medium density residential development.

To grant a Variance from the provisions of Sections 3312.09, Aisle; 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3312.51, Loading space; 3321.01, Dumpster area; 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **3780 EAST POWELL ROAD (43035)**, to allow multi-unit residential and/or assisted living facility developments with reduced development standards in the L-AR-3, Limited Apartment Residential District **and to declare an emergency** (Council Variance # CV15-063).

WHEREAS, by application No. CV15-063, the owner of property at **3780 EAST POWELL ROAD (43035)**, is requesting a Council variance to allow multi-unit residential and/or assisted living facility developments with reduced development standards in the L-AR-3, Limited Apartment Residential District; and

WHEREAS, Section 3312.09, Aisle, requires certain aisle widths for parking spaces dependent upon parking space angle, while the applicant proposes to allow drive aisles to be divided by tax district parcel lines subject to applicable total code required aisle width being provided; and

WHEREAS, Section 3312.13, Driveway, requires driveways serving parking lots to have a minimum width of twenty (20) feet, while the applicant proposes to allow driveways to be divided by tax district parcel lines, subject to applicable total code required driveway width being provided; and

WHEREAS, Section 3312.25, Maneuvering, requires sufficient maneuvering for parking spaces, while the applicant proposes to allow required maneuvering areas to be divided by tax district parcel lines, subject to applicable total code

required maneuvering area being provided; and

WHEREAS, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than nine (9) feet by eighteen (18) feet, while the applicant proposes to allow parking spaces to be divided by tax district parcel lines, subject to applicable total code required parking space dimensions being provided; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires code-required parking to be calculated based on use, while the applicant proposes to allow parking lots to be divided by tax district parcel lines, subject to applicable total minimum numbers of parking spaces required being provided for each use within the proposed development; and

WHEREAS, Section 3312.51, Loading space, requires loading spaces to be located on the same lot as the intended use they are to serve and that they shall have a clearance height of not less than fifteen (15) feet, a width of twelve (12) feet, and a length of fifty (50) feet, whereas the applicant proposes loading space areas to be divided by tax district parcel lines, subject to applicable total loading space dimensions being provided; and,

WHEREAS, Section 3321.01, Dumpster Area, requires a loading and maneuvering area for a dumpster to be located on-site, while the applicant proposes to allow dumpster, compactor, and associated refuse areas to be divided by tax district parcel lines, subject to applicable total area being provided; and

WHEREAS, Section 3333.16, Fronting, requires that principal buildings shall front upon a public street, while the applicant proposes no frontage on a public street for a future parcel(s) west of the East Powell Road frontage; and

WHEREAS, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard, while the applicant proposes reduced perimeter yards of twenty (20) and fifteen (15) feet for garage buildings along the north and east property lines as shown on the site plan, to reduce the perimeter yard to ten (10) feet along an internal property line(s) created by lot split between development area(s), and no perimeter yard along tax district line(s) internal to a development area; and

WHEREAS, City Departments recommend approval of the requested variance because the proposed apartment residential and/or assisted living facility developments are appropriate for the site and area, and are consistent with the land use recommendations of *The Far North Area Plan* for medium density residential development. Technical variances are necessitated due to different Delaware County taxing districts which cannot be combined into one parcel, and the reduced perimeter yard variance is supported because it provides a greater capacity to preserve natural features and the stream corridor protection zone to the south and west of the site; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed new 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 **3780 EAST POWELL ROAD (43035)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible 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 from the provisions of Sections 3312.09, Aisle; 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3312.51, Loading space; 3321.01, Dumpster area; 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **3780 EAST POWELL ROAD (43035)**, insofar as said sections prohibit multi-unit residential and/or assisted living facility developments with reductions to development standards to permit tax district parcel lines to cross through aisles, driveways, maneuvering areas, parking spaces, loading spaces, and dumpster/refuse areas; no frontage on a public street for newly-created lots; and reduced perimeter yards from twenty-five (25) feet to twenty (20) and fifteen (15) feet for garage buildings along the north and east property lines, to ten (10) feet along an internal property line(s) created by lot split between development area(s), and no perimeter yard along tax district line(s) internal to a development area; said property being more particularly described as follows:

3780 EAST POWELL ROAD (43035) being 12.63± acres located on the southwest side of East Powell Road, 480± feet north of Worthington Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 16, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 12.627 acres out of Farm Lot 16, being 7.184 acres out of a 7.473 acre tract of land described in a deed to Richard D. Baggs and Ora O. Baggs of record in Deed Book 306, Page 264, being 5.443 acres out of an original 90.848 acre tract of land described in a deed to Polaris 91, LLC of record in Official Record Volume 1094, Page 959, and being more particularly described as follows:

COMMENCING for reference at a 5/8" iron pin found at the southeast corner of Lot 1221 of Hickory Ridge Corrected Plat of record in Plat Book 20, Page 178;

Thence North 10°15'53" West, a distance of 7.72 feet, with the east line of said Lot 1221 and with a west line of said 90.848 acre tract, to an iron pin set at the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence North 10°15'53" West, a distance of 128.44 feet with the east line of said Lot 1221, with the east line of Lot 1222 of said Hickory Ridge Corrected Plat, and with a west line of said 90.848 acre tract, to a 5/8" iron pin found at the southwest corner of said 7.473 acre tract;

Thence North 10°05'22" West, a distance of 281.16 feet with the east line of said Lot 1222 and with a west line of said 7.473 acre tract, to a 1" iron pipe found at the northwest corner of said 7.473 acre tract and being at the southwest corner of a 1.5 acre tract of land described in a deed to Donald L. Conrad and Dollie I. Conrad of record in Deed Book 293, Page 208;

Thence South 86°40'44" East, a distance of 134.92 feet with the north line of said 7.473 acre tract and with the south line of said 1.5 acre tract, to a 1" pinch top iron pipe found at the southeast corner of said 1.5 acre tract and being at the southwest corner of Lot 198 of Clouse Addition No. 1 of record in Plat Book 7, Page 91;

Thence South 63°46'57" East, a distance of 847.64 feet with the north line of said 7.473 acre tract and with the south line of Lots 198 through 204 of said Clouse Addition No. 1, to a 3/4" iron pin found at the southeast corner of said Lot 204 and being at the southwest corner of a 0.603 acre tract of land described in a deed to Christopher A. White and Heidi Marie Haupt of record in Deed Book 550, Page 488;

Thence North 55°19'15" East, a distance of 184.49 feet with a northwest line of said 7.473 acre tract and with the southeast line of said 0.603 acre tract, to a 5/8" iron pin found with an IBI Group cap on the west right-of-way line of Powell Road (County Road 14) and being at the most westerly corner of a 0.223 acre tract of land described in a deed to State of Ohio of record in Official Record Volume 1370, Page 75;

Thence with the west line of said 0.223 acre tract and with the west right-of-way line of said Powell Road, the following two (2) courses and distances:

- 1) South 47°24'54" East, a distance of 70.19 feet, to a 5/8" iron pin found with an IBI Group cap;
- 2) With the arc of a curve to the right having a radius of 606.62 feet, a central angle of 29°08'45", a chord bearing of South 23°55'08" East, a chord distance of 305.26 feet, and an arc length of 308.58 feet, to 5/8" iron pin found with an IBI group cap on a south line of said 90.848 acre tract and being on the north line of a 0.636 acre tract of land described in a deed to Prep Academies, Inc. of record in Official Record Volume 824, Page 1;

Thence South 78°13'14" West, a distance of 260.90 feet with a south line of said 90.848 acre tract and with the north line of said 0.636 acre tract, to a 1" iron pipe found with a CEA cap at the northwest corner of said 0.636 acre tract;

Thence South 01°43'33" West, a distance of 302.47 feet with an east line of said 90.848 acre tract, with the west line of said 0.636 acre tract, with the west line of a 1.000 acre tract of land described in a deed to Prep Academies, Inc. of record in Official Record Volume 824, Page 1, and crossing said 90.848 acre tract, to an iron pin set on the south line of said Farm Lot 16;

Thence North 86°44'25" West, a distance of 125.09 feet with the south line of said Farm Lot 16 and crossing said 90.848 acre tract, to an iron pin set;

Thence North 54°10'36" West, a distance of 938.24 feet crossing said 90.848 acre tract, to the **TRUE POINT OF BEGINNING** containing 12.627 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are 5/8" solid iron pins, 30 inches in length with a yellow plastic cap stamped "CT Consultants".

The above description is based on and referenced to an exhibit titled "Plat of Survey For Rezoning a 12.627 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential and/or assisted living facility developments as permitted by the L-AR-3, Limited Apartment Residential District specified by Ordinance No. 0617-2016 (Z15-022).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed new uses.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the 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.**