



Legislation Text

File #: 3390-2023, **Version:** 2

Council Variance Application: CV23-126

APPLICANT: Avenue Partners; c/o Dave Perry, Agent; David Perry Company, Inc.; 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: Apartment complex.

WEST SCIOTO AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is subject to Ordinance #3417-2022 (CV22-029), passed December 12, 2022, which allows an apartment complex development containing 205 units with reductions in the required number of parking spaces, parking lot landscaping, vision clearance, building and parking setbacks, and perimeter yard. This Council variance reduces the maximum number of units to 132, will meet the minimum number of parking spaces required, and includes less variances to the overall development of the site. Staff remain in support of this request as the submitted site plan shows an apartment complex that demonstrates consistency with *Citywide Planning Policies* (C2P2) Design Guidelines (2018), and does not significantly deviate from the previously approved plan.

To grant a Variance from the provisions of Sections 3312.27, Parking setback line; 3321.05(B)(2), Vision clearance; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **3670 TRABUE RD. (43204)**, to allow reduced development standards for an apartment complex in the AR-2, Apartment Residential District, and to repeal Ordinance #3417-2022, passed December 12, 2022; CV22-029 (Council Variance #CV23-126).

WHEREAS, by application #CV23-126, the owner of property at **3670 TRABUE RD. (43204)**, is requesting a Council variance to allow reduced development standards for an apartment complex in the AR-2, Apartment Residential District; and

WHEREAS, Section 3312.27, Parking setback line, requires the parking setback line to be 25 feet, while the applicant proposes a setback of 12 feet along Trabue Road; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet at the intersection of Trabue Road and Mapleway Drive, while the applicant proposes a reduced vision clearance triangle of 25 feet; and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of 60 feet along the Trabue Road frontage, and 25 feet along the Mapleway Drive frontage, while the applicant proposes a reduced minimum building setback line of 10 feet along the Trabue Road and Mapleway Drive frontages; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 14 feet along the eastern property line, and two feet along the northern property line; and

WHEREAS, the West Scioto Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the variance includes a commitment to a site plan that is both consistent with *Columbus Citywide Planning Policies (C2P2) Design Guidelines* and with the previously approved site plan at this location; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed development; 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 **3670 TRABUE RD. (43204)**, 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 3312.27, Parking setback line; 3321.05(B)(2), Vision clearance; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **3670 TRABUE RD. (43204)**, insofar as said sections prohibit a reduced parking setback line from 25 to 12 feet along Trabue Road; a reduced vision clearance triangle from 30 feet to 25 feet at the intersection of Trabue Road and Mapleway Drive; reduced building setback lines from 60 to 10 feet along Trabue Road, and from 25 to 10 feet along Mapleway Drive; and reduced perimeter yard from 25 to 14 feet along the eastern property line, and to two feet along the northern property line; said property being more particularly described as follows:

3670 TRABUE RD. (43204), being 4.3± acres located at the northeast corner of Trabue Road and Mapleway Drive, and being more particularly described as follows:

Situated in the state of Ohio, County of Franklin, City of Columbus, being part of Virginia Military District Survey Number 544, and being part of a 1.873 acre tract as conveyed to Wright Family Investment, LLC in Instrument Number 202003050033345, a 2.015 acre tract as conveyed to Trabue Links, LLC, an Ohio limited liability company in Instrument Number 202201040001605, and the remainder of a 0.720 acre tract as conveyed to Myflori LLC, an Ohio limited liability company, in Instrument Number 201309040149504, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

COMMENCING at an easterly corner of said 1.873 acre tract, also being the intersection of the northwesterly right-of-way line of Trabue Road (width varies) and the southwesterly right-of-way line of a railroad right-of-way tract conveyed to New York Central Lines LLC, in Instrument Number 200212180325201, now known as CSX Transportation Inc., successor by merger, Instrument Number 200507210144733 and Instrument Number 20057210144738 (more fully defined by Instrument Number 200711080194030);

Thence along the northeasterly line of said 1.873 acre tract, also being the southwesterly line of said railroad right-of-way, North 39°16'33" West, 20.79 feet to **THE POINT OF TRUE BEGINNING**;

Thence across said 1.873 acre tract, across said 2.015 acre tract, and across the remainder of said 0.720 acre tract, South 66°35'31" West, 581.57 feet to a point on the southwesterly line of the remainder of said 0.720 acre tract, also being on the northeasterly right-of-way line of Mapleway Drive (50');

Thence along the southwesterly line of the remainder of said 0.720 acre tract and a southwesterly line of said 2.015 acre tract, also along the northeasterly right-of-way line of said Mapleway Drive, North 23°31'42" West, 168.07 feet to a

westerly corner of said 2.015 acre tract and the northeasterly corner of the right-of-way of said Mapleway Drive;

Thence along the northwesterly line of said 2.015 acre tract and along a southeasterly line of a 5.020 acre tract conveyed to Scioto, LLC, a Michigan limited liability company in Instrument Number 201309040149504, the following three (3) courses:

North 67°06'23" East, 21.87 feet to a corner;

Along a curve to the right having a delta angle of 47°03'42", a radius of 425.00 feet, an arc length of 349.09 feet, and a chord bearing and distance of North 27°10'50" East, 339.36 feet to a point of tangency;

North 50°42'41" East, 198.70 feet to corner on the westerly line of said railroad right-of-way;

Thence along the northeasterly line of said 2.015 acre tract and along the northeasterly line of said 1.873 acre tract, also along the southwesterly line of said railroad right-of-way, South 39°16'33" East, 416.78 feet to an easterly corner of said 1.873 acre tract;

Thence along the northeasterly line of said 1.873 acre tract and along the southwesterly line of said railway right-of-way, the following two (2) courses:

South 50°43'27" West, 17.00 feet to a corner;

South 39°16'33" East, 33.43 feet to the **POINT OF TRUE BEGINNING**, containing 4.3 acres (189,044 S.F.), 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 those uses permitted in the AR-2, 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, "**ZONING SITE PLAN CV23-126**," dated November 16, 2023, signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the 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 following traffic-related commitments:

- 1). Trabue Road right of way totaling sixty (60) feet from centerline shall be conveyed to City of Columbus prior to approval of the Final Site Compliance Plan (FSCP).
- 2). Site access shall be by ~~right in/right out access on Trabue Road~~ and by full-turning movement access on Mapleway Drive, as depicted on the site plan referenced in this ordinance.
- 3). The Franklin County Engineer is planning improvements to the intersection of Trabue Road and N. Hague Avenue for construction of a round-about. **Developer shall pay \$44,519.50 as contribution to the cost of the intersection improvement. Payment shall be made prior to approval of the Final Site Compliance Plan (FSCP).** ~~Based on the TIS ("Traffic Impact Study, 3670 Trabue Road Development", dated September 19, 2022, by E.P. Ferris and Associates, Inc.) site traffic contribution to the Trabue Road/N. Hague intersection is estimated at 3.42%, Intersection improvement cost for a round-about is estimated to be \$2,490,000. Based on 3.42% traffic contribution, the gross developer contribution shall be \$85,158.00, subject to off set of the contribution by in-kind right of way contribution related to intersection improvement with a round-about. Any off-set to the developer contribution shall be determined prior to~~

~~approval of the FSCP and the final contribution amount shall be paid in full to Franklin County Engineer prior to approval of the FSCP.~~

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

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

SECTION 7. That Ordinance #3417-2022 (CV22-029), passed December 12, 2022, be and is hereby repealed.