



Legislation Text

File #: 3309-2022, Version: 1

Council Variance Application: CV22-032

APPLICANT: Fatih Gunal; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

FAR EAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and a recommendation of disapproval from the Development Commission for a concurrent rezoning request to the L-AR-12, Limited Apartment Residential District (Ordinance #3308-2022; Z19-043) to allow a 296-unit apartment complex. Variances are requested to modify the landscaping and screening, maneuvering, parking space size, building lines, and perimeter yard requirement, most of which are technical variances due to the site being comprised of parcels with different taxing districts which cannot be combined. Staff supports the requested variances as they will allow a multi-unit residential development that is compatible with adjacent residential uses, provides a significant open space area, and achieves design principles recommended by the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*.

To grant a Variance from the provisions of Sections 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3333.10, AR-12, area district requirements; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **198 MCNAUGHTEN RD. (43213)**, to permit reduced development standards for an apartment complex in the L-AR-12, Limited Apartment Residential District (Council Variance #CV22-032).

WHEREAS, by application #CV22-032, the owner of property at **198 MCNAUGHTEN RD. (43213)**, is requesting a Council variance to permit reduced development standards for an apartment complex in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, Section 3312.21, Landscaping and screening, requires landscaping to be provided both inside and on the perimeter of a parking lot, while the applicant proposes no landscaping between parcels, as the parcels cannot be combined due to their tax parcel identification numbers; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering across parcel lines between parcels, as the parcels cannot be combined due to their tax parcel identification numbers; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be a rectangular area of not less than 9 feet by 18 feet, while the applicant proposes parking spaces to be divided between parcels, as the parcels cannot be combined due to their tax parcel identification numbers; and

WHEREAS, Section 3333.10, AR-12, area district requirements, prohibits residential densities in excess of 12.1 units per acre per parcel, while the applicant proposes to calculate density based on the total site acreage, and not on each

individual parcel; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 50 feet along McNaughten Road, while the applicant proposes a building line of 30 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes no perimeter yard between parcels, as the parcels cannot be combined due to their tax parcel identification numbers; and

WHEREAS, the Far East Area Commission recommends disapproval; and

WHEREAS, the City Departments recommend approval because the requested variances will allow multi-unit residential development that is compatible with adjacent residential uses, provides a significant open space area, and achieves design principles recommended by the *Columbus Citywide Planning Policies (C2P2) Design Guidelines*; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates 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 **198 MCNAUGHTEN RD. (43213)**, 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 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3333.10, AR-12, area district requirements; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **198 MCNAUGHTEN RD. (43213)**, insofar as said sections prohibit no parking lot landscaping, maneuvering over parcel lines, and parking spaces to be divided between parcels; increased density on individual parcels which cannot be combined, but with the total density not to exceed 296 units over the entire site acreage; a reduced building line from 50 feet to 30 feet; and no perimeter yard between parcels; said property being more particularly described as follows:

198 MCNAUGHTEN RD. (43213), being 24.8± acres located on the east side of McNaughten Road, 1,425± feet south of East Broad Street, and being more particularly described as follows:

Tract 1

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus (Reynoldsburg School District) and bounded and described as follows:

Being in and part of Half Section 2, Township 12, Range 21, Refugee Lands, and being part of a tract of land formerly owned by Susan Hanson and being more particularly described as follows:

Beginning at a spike in the center of McNaughten Road which bears South 325.0 feet from a spike at the Southwest corner of a 20.25 acre tract conveyed by Susan Hanson and husband Sylvester McCray, as the same is shown of record in Deed Book 3213, Page 110, Recorder's Office, Franklin County, Ohio; thence from said beginning point S. 89 deg. 53

min. E., parallel with the South line of the above mentioned 20.25 acre tract, 1346.6 feet to an iron pin in the East line of the land formerly owned by Susan Hanson. Passing an iron pin on line 21 feet from the center of McNaughten Road; thence with said East line: S. 0 deg. 02 min. E. 487.50 feet to an iron pin; thence N. 89 deg. 53 min. W. parallel with the South line of the above mentioned 20.25 acre tract, 1346.3 feet to a spike in the center of McNaughten Road, passing an iron pin on line 21 feet from the center of said road; thence North with the center of said road, 487.50 feet to the place of beginning, containing 15 acres, more or less.

Except for the following:

Being in and part of half of Section 2, Township 12, Range 21, Refugee Lands and being the South half of a 15 acre tract conveyed by deed of Frank J. Smith and Edith Smith to Marjorie J. Miller as the same is shown of record in Deed Book 1387, Page 481, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the center of McNaughten Road, which said point bears South 568.75 feet from the Southwest corner of a 20.25 acre tract conveyed by Susan Hanson and husband to Sylvester McCray, as the same is shown of record in Deed Book 533, Page 427, Recorder's Office, Franklin County, Ohio; thence from said beginning point S. 89 deg. 53 min. E. parallel with the South line of the above mentioned 20.25 acre tract, 1346.45 feet to an iron pin in the East line of the above mentioned 15 acre tract, passing an iron pin on line at the East side of McNaughten Road at 21 feet; thence with the East line of the above mentioned 15 acre tract S. 00 deg. 02 min. W. 243.75 feet to an iron pin at the Southeast corner of the above mentioned 15 acre tract; thence with the South line of said tract, N. 89 deg. 53 min. W. 1346.3 feet to a spike in the center of McNaughten Road, passing an iron pin on line at the East side of said road at 1325.3 feet; thence with the center of McNaughten Road, along the West side of said 15 acre tract N. 243.75 feet to the place of beginning containing 7.5 acres, subject to all legal highways or other easements shown of record.

Franklin County Auditor Parcel Number: 267-298175

Tract 2

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being in and part of Half Section 2, Township 12, Range 21, Refugee Lands and being the south half of a 15 acre tract conveyed by deed of Frank J. Smith and Edith Smith to Marjorie J. Miller as the same is shown of record in Deed Book 1387, page 481, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the center of McNaughten Road, which said point bears SOUTH 568.75 ft. from the southwest corner of a 20.25 acre tract conveyed by Susan Hanson and husband to Sylvester McCray, as the same is shown of record in Deed Book 533, page 427, Recorder's Office, Franklin County, Ohio; thence from said beginning point S. 89° 53' E., parallel with the south line of the above mentioned 20.25 acre tract, 1346.45 ft. to an iron pin in the east line of the abovementioned 15 acre tract, passing an iron pin on line at the east side of McNaughten Road at 21' ft.; thence with the east line of the above mentioned 15 acre tract, S. 00° 02' W. 243.75 ft. to an iron pin at the southeast corner of the above mentioned 15 acre tract; thence with the south line of said tract, N. 89° 53' W. 1346.3 ft. to a spike in the center of McNaughten Road, passing an iron pin on line at the east side of said road at 1325.3 ft.; thence with the center of McNaughten Road, along the west side of said 15 acre tract NORTH 243.75 feet to the place of beginning, containing 7.5 acres, subject to all legal highways or other easements shown of record.

Franklin County Auditor Parcel Number: 550-146751

Tract 3

Situated in the County of Franklin, in the State of Ohio, City of Columbus (formerly Township of Truro) in Half Section 2, Township 12, Range 21, Refugee Lands and being part of the 4.925 acre tract and part of the 5.772 acre tract conveyed to The Hawkes Hospital of Mt. Carmel in Deed Book 3191, Page 75, Recorder's Office, Franklin County, Ohio and being

more particularly described as follows:

Commencing at a found spike at the intersection of the centerline of McNaughten Road with the line between Jefferson and Truro Townships;

Thence along the centerline of said McNaughten Road, South, 1,472.50 feet to a nail at the Southwesterly corner of the M.J. and S.J. Daneult 7.5 acre tract (Deed Book 3416, Page 797) and THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

Thence along the Southerly line of said 7.5 acre tract, South 89 degrees 49 minutes 30 seconds East, 706.56 feet to a point;

Thence across said 4.925 acre tract and said 5.772 acre tract and along a line parallel with the centerline of said McNaughten Road South, 293.92 feet to a point;

Thence across said 5.772 acre tract and along a line 50 feet Northerly of (as measured at right angles) the Northerly line of the W.J. Bennett 5.02 acre tract (Deed Book 3169, Page 617), South 87 degrees 50 minutes 30 seconds West, 707.06 feet to a point in the centerline of said McNaughten Road;

Thence along the Westerly lines of the 5.772 acre tract and the 4.925 acre tract and along the centerline of said McNaughten Road, North, 322.71 feet to the place of beginning, containing 5.001 acres, subject however to all legal highways, easements, restrictions and agreements of record and of records in the respective utility offices.

Franklin County Auditor Parcel Numbers: 550-126662-00 and 550-126673-00

Tract 4

Situated in the County of Franklin, in the State of Ohio, City of Columbus (formerly Township of Truro) and bounded and described as follows:

Being in Half Section 2, Township 12, Range 21, Refugee Lands, and being part of a 40.14 acre tract conveyed by deed of Frank J. Smith and wife to Clare T. Smith and Jane Lindsey Smith, as the same is shown of record in Deed Book 1158, page 136, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

NORTH PARCEL:

Beginning at a spike in the center of McNaughten Road at the northwest corner of the above mentioned 40.14 Acre Tract; thence with the north line of said tract, S. 89 deg. 53' East, 1346.3 feet to an iron pin at the northeast corner of said tract, passing an iron pin on line in the fence along the east side of McNaughton Road at 21 feet; thence with the east side of said tract, S. 0 deg. 32' East, 132.1 feet to an iron pin; thence S. 87 deg. 49' West 1349 feet to a spike in the center of McNaughton Road and the west line of the above mentioned 40.14 acre tract, passing an iron pin on line 21 feet east of the center of said road; thence along the center of McNaughton Road, with the west line of said tract, NORTH, 186.37 feet to the place of beginning, containing 4.925 Acres.

MIDDLE PARCEL:

Beginning at a spike in the center of McNaughton Road and in the west line of the above mentioned 40.14 acre tract, which said spike bears SOUTH, 186.37 feet from the northwest corner of said tract; thence across said tract, N. 87 deg. 49' East, 1349 feet to an iron pin in the east line of said tract, passing an iron pin on line in a fence along the east side of McNaughton Road at 21 feet, the above mentioned iron pin in the east line being 132.1 feet from the northeast corner of said tract; thence with the east line of said tract, S. 0 deg. 32' East 186.37 feet to an iron pin; thence

South 87 deg. 49' W. across said tract 1350.9 feet to a spike in the center of McNaughton Road and in the west line of said tract, passing an iron pin on line 21 feet east of the center of said Road; thence with the center of McNaughton Road along the west line of said tract, NORTH 186.37 feet to the place of beginning, containing 5.772 acres.

Less and Expect therefrom the following 5.001 acres from Hawkes Hospital of Mount Carmel to the Sisters of the Holy Cross Inc. by Deed Book 3604, Page 212.

Situated in the County of Franklin, in the State of Ohio, City of Columbus (formerly Township of Truro) in Half Section 2, Township 12, Range 21, Refugee Lands and being part of the 4.925 acre tract and part of the 5.772 acre tract conveyed to The Hawkes Hospital of Mt. Carmel in Deed Book 3191, Page 75, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a found spike at the intersection of the centerline of McNaughton Road with the line between Jefferson and Truro Townships;

Thence along the centerline of said McNaughton Road, South, 1,472.50 feet to a nail at the Southwesterly corner of the M.J. and S.J. Daneult 7.5 acre tract (Deed Book 3416, Page 797) and THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

Thence along the Southerly line of said 7.5 acre tract, South 89 degrees 49 minutes 30 seconds East, 706.56 feet to a point;

Thence across said 4.925 acre tract and said 5.772 acre tract and along a line parallel with the centerline of said McNaughton Road South, 293.92 feet to a point;

Thence across said 5.772 acre tract and along a line 50 feet Northerly of (as measured at right angles) the Northerly line of the W.J. Bennett 5.02 acre tract (Deed Book 3169, Page 617), South 87 degrees 50 minutes 30 seconds. West, 707.06 feet to a point in the centerline of said McNaughton Road;

Thence along the Westerly lines of the 5.772 acre tract and the 4.925 acre tract and along the centerline of said McNaughton Road, North, 322.71 feet to the place of beginning, containing 5.001 acres, subject however to all legal highways, easements, restrictions and agreements of record and of records in the respective utility offices.

Franklin County Auditor Parcel Numbers: 550-146753-00 and 550-146754-00.

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 L-AR-12, Limited Apartment Residential District in accordance with Ordinance #3308-2022 (Z19-043).

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

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