



Legislation Text

File #: 1779-2021, **Version:** 1

Council Variance Application: CV20-129

APPLICANT: Granaz Real Estate LLC; c/o Aaron Underhill, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Mixed-use development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1778-2021; Z20-115) to the L-C-4, Limited Commercial, and L-ARLD, Limited Apartment Residential districts for a mixed-use development with 33,900± square feet of commercial space and 72± apartment units in three subareas. The requested variances are for reduced parking lot landscaping, screening, aisle, maneuvering, fronting, and to eliminate the perimeter yard along interior parcel lines. A parking space reduction from 223 required to 133 provided spaces is included for Subareas A and B, the commercial subareas. The variances are supported due to the site being comprised of three separate parcels with a stream corridor protection zone along the western boundary and a gas easement along the eastern boundary. The site design provides a greater capacity to preserve natural features and provides connectivity between all subareas as reflected on the site plan included with Rezoning Application #Z20-115. The parking space reduction is supported as it is expected that the tenants of the apartment units will patronize the commercial uses, which lessens the over-all parking demand, and a parking study has been reviewed and approved by the Division of Parking Services.

To grant a Variance from the provisions of Sections 3312.09, Aisle; 3312.21(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3321.09, Screening; 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5949 CENTRAL COLLEGE RD. (43054)**, to permit reduced development standards for a mixed-use development in the L-C-4, Limited Commercial District and L-ARLD, Limited Apartment Residential District (Council Variance #CV20-129).

WHEREAS, by application #CV20-129, the owner of property at **5949 CENTRAL COLLEGE RD. (43054)**, is requesting a Council variance to permit reduced development standards for a mixed-use development in the L-C-4, Limited Commercial District and L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3312.09, Aisle, requires a minimum width of 20 feet for parking spaces located at a 90 degree angle to the drive aisle, while the applicant proposes drive aisles that are divided by parcel lines, subject to applicable total code required minimum aisle width being provided; and

WHEREAS, Section 3312.21(B)(3), Landscaping and screening, requires that screening be provided for parking lots located within 80 feet of residentially zoned property, while the applicant proposes no parking lot screening along the southern boundary of Subareas A and B where they abut Subarea C; and

WHEREAS, Section 3312.25, Maneuvering, requires sufficient maneuvering area on the parcel for the parking spaces for which it serves, while the applicant proposes parking spaces to maneuver over a parcel line, but with the minimum maneuvering area still being met; and

WHEREAS, Section 3312.49(B), Minimum number of parking spaces required, requires off-street parking at various ratios depending on use, while the applicant proposes to reduce the required parking in Subarea A from 70 to 39 spaces and in Subarea B from 153 to 94 spaces; and

WHEREAS, Section 3321.09, Screening, requires screening for nonresidential zoning districts abutting residential zoning districts, while the applicant proposes no screening between the L-C-4 District (Subareas A and B) and the L-ARLD District (Subarea C); and

WHEREAS, 3333.16, Fronting, requires each principle building to front on a public street, while the applicant proposes an apartment complex in Subarea C on a parcel that does not front on a public street; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet for an apartment complex, while the applicant proposes no perimeter yard along the north boundary of Subarea C; and

WHEREAS, City Departments recommend approval of the requested variances because they will allow a mixed-use development with a site design that provides a greater capacity to preserve natural features and includes connectivity between all subareas; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed 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 **5949 CENTRAL COLLEGE RD. (43054)**, 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 3312.09, Aisle; 3312.21(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3321.09, Screening; 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5949 CENTRAL COLLEGE RD. (43054)**, insofar as said sections prohibit a drive aisle divided by a parcel line, subject to applicable total code required minimum aisle width being provided; no parking lot screening on Subareas A and B where it abuts Subarea C; maneuvering over a parcel line; a parking space from 70 to 39 spaces in Subarea A, and from 153 to 94 spaces in Subarea B; no screening on Subareas A and B where it abuts Subarea C; no fronting on a public street for Subarea C; and no perimeter yard for Subarea C where it abuts Subareas A and B; said property being more particularly described as follows:

5949 CENTRAL COLLEGE RD. (43054), being 6.17± acres located on the south side of Central College Road, 650± feet west of New Albany Road West, and being more particularly described as follows:

**SUBAREA A
1.417 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 14, Quarter Township 2, Township 2, Range 16, USML, and being part of a 6.170 acre tract as conveyed to Benchmark New Albany LLC., by deed of record in IN # 200705160085903, as recorded in the Franklin County Recorder's office and being more particularly described as follows:

BEGINNING at a point at the Northwest corner of said 6.170 acre tract, the Northeast corner of a 38.118 acre tract as conveyed to Gramercy New Albany LLC., by deed of record in IN # 201909250125841, and the South right-of-way of Central College Road, of record in PB 103, PG 32-33, and the South line of a 3.419 acre tract conveyed to The Board of Franklin County Commissioners by deed of record in IN # 200309290311698, thence;

S 85° 59' 39" E, a distance of 203.685 feet, along the North line of said 6.170 acre tract, the said South right- of-way line, and the South line of said 3.419 acre tract, to a point;

Thence going through said 6.170 acre tract, the following courses and distances:

S 03° 51' 47" W, a distance of 310.91 feet, to a point;

N 86° 08' 13" W, a distance of 64.38 feet, to a point;

N 71° 16' 25" W, a distance of 43.64 feet, to a point;

N 62° 08' 48" W, a distance of 121.57 feet, to a point on the West line of said 6.170 acre tract, and the East line of said 38.118 acre tract, thence;

N 07° 03' 09" E, a distance of 251.19 feet, along the West line of said 6.170 acre tract, the East line of said 38.118 acre tract to the TRUE POINT OF BEGINNING and containing 1.417 acres, subject to all and subject to all legal easements and rights-of-way of record.

SUBAREA B

1.849 ACRES

L-C-4, LIMITED COMMERCIAL DISTRICT

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 14, Quarter Township 2, Township 2, Range 16, USML, and being part of a 6.170 acre tract as conveyed to Benchmark New Albany LLC., by deed of record in IN # 200705160085903, as recorded in the Franklin County Recorder's office and being more particularly described as follows:

BEGINNING at a point at the Northeast corner of said 6.170 acre tract, the Northwest corner of a 2.881 acre tract as conveyed to Granaz Real Estate LLC., by deed of record in IN # 201908290111219, and the South right- of-way of Central College Road, of record in PB 103, PG 32-33, and the South line of a 3.419 acre tract conveyed to The Board of Franklin County Commissioners by deed of record in IN # 200309290311698, thence;

S 04° 00' 21" W, a distance of 254.81 feet, along the East line of said 6.170 acre that and the West line of said 2.881 acre tract to a point of curvature, thence;

With said curve to the left, having a central angle of 17°01'40", a radius of 75.00 feet, an arc length of 22.29 feet, a chord bearing of S 04°30'29" E, and chord distance of 22.21 feet, to a point;

Thence going through said 6.170 acre tract, the following courses and distances:

S 53° 38' 41" W, a distance of 28.58 feet, to a point;

N 86° 08' 13" W, a distance of 254.02 feet, to a point;

N 03° 51' 47" E, a distance of 295.91 feet, to a point on the North line of said 6.170 acre tract, the said South right-of-way line, and the South line of said 3.419 acre tract, thence;

S 85° 59' 39" E, a distance of 273.25 feet, along a North line of said 6.170 acre tract, the said South right-of-way line, and the South line of said 3.419 acre tract to the TRUE POINT OF BEGINNING and containing 1.849 acres, subject to all and subject to all legal easements and rights-of-way of record.

SUBAREA C
2.903 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 14, Quarter Township 2, Township 2, Range 16, USML, and being part of a 6.170 acre tract as conveyed to Benchmark New Albany LLC., by deed of record in IN # 200705160085903, as recorded in the Franklin County Recorder's office and being more particularly described as follows:

BEGINNING at a point at the Easterly most corner of said 6.170 acre tract, and a Westerly corner of a 2.881 acre tract as conveyed to Granaz Real Estate LLC., by deed of record in IN # 201908290111219, thence;

S 53° 38' 25" W, a distance of 20.02 feet, along a Southerly line of said 6.170 acre tract, a Southerly line of said 2.881 acre tract, to a point being on the Southerly line of said 6.170 acre tract, a Westerly corner of said 2.881 acre tract, and the Northerly corner of a 37.391 acre tract as conveyed to Epcon Sugar Run LLC., by deed of record in IN # 200512160265331, thence;

S 53° 38' 27" W, a distance of 514.48 feet, along a Southerly line of said 6.170 acre tract, and a Northerly line of said 37.391 acre tract, to a point, being the South corner of said 6.170 acre tract, thence;

N 36° 22' 03" W, a distance of 332.61 feet, along a Southerly line of said 6.170 acre tract, and a Northerly line of said 37.391 acre tract, to a point, at a Westerly corner of said 6.170 acre tract, a Northerly corner of said 37.391 acre tract, and on the Easterly line of a 38.118 acre tract as conveyed to Gramercy New Albany LLC., by deed of record in IN # 201909250125841, thence;

N 38° 06' 21" E, a distance of 187.79 feet, along a West line of said 6.170 acre tract, and the East line of said 38.118 acre tract, to a point;

Thence going through said 6.170 acre tract, the following courses and distances:

S 62° 08' 48" E, a distance of 121.57 feet, to a point;

S 71° 16' 25" E, a distance of 43.64 feet, to a point;

S 86° 08' 13" E, a distance of 64.38 feet, to a point;

N 03° 51' 47" E, a distance of 15.00 feet, to a point;

S 86° 08' 13" E, a distance of 254.02 feet, to a point;

N 53° 38' 41" E, a distance of 28.58 feet, to a point on a non-tangent curve being on the East line of said 6.170 acre tract, and the West line of said 2.881 acre tract, thence;

With said curve to the left, having a central angle of 25°44'42", a radius of 75.00 feet, an arc length of 33.70 feet, a chord bearing of S 25°53'40" E, and chord distance of 33.42 feet, to a point, being on the East line of said 6.170 acre tract, and the West Line of said 2.881 acre tract, thence;

S 38° 46' 01" E, a distance of 10.65 feet, along the West line of said 6.170 acre tract, the East line of said 2.881 acre tract

to the TRUE POINT OF BEGINNING and containing 2.903 acres, subject to all and subject to all legal easements and rights-of-way of record.

This description was prepared from record information only and should be used for zoning purposes only.

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-C-4, Limited Commercial District and L-ARLD, Limited Apartment Residential District, specified by Ordinance #1778-2020; Z20-115.

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

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