



Legislation Text

File #: 1869-2015, **Version:** 1

Council Variance Application: CV15-021

APPLICANT: VanTrust Real Estate; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development with ground-floor residential uses in the L-C-4 District.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The development plan for the site includes a wide range of commercial uses and residential development. This Council variance is necessary to permit ground floor residential uses for two apartment buildings in Phase 1 of the proposed development, and to permit additional ground floor residential uses in Phase 2. The C-4, Commercial District permits residential uses above certain commercial uses, but does not permit ground floor residential uses. Because the site development will occur in phases, lot splits are anticipated to accommodate the multi-year build out and financing. Therefore, variances to permit aisles, driveways, maneuvering areas, parking spaces, loading spaces, and dumpster areas to be divided by parcel lines are included in the request, as well as a reduction to the overall number of required parking spaces by fifteen (15) percent. The applicant also requests to reduce the on-site parking spaces to zero (0) for individual parcels, as all uses and buildings will have access to parking structures and surface parking throughout the development. The site is within the planning area of the *Far North Plan* (2014), which recommends regional mixed uses for this location. Staff supports this request because it will add compatible uses to the area that are consistent with the Plan's land use recommendation for mixed uses.

To grant a variance from the provisions of Sections 3356.03, C-4, Permitted uses; 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; 3312.53, Minimum number of loading spaces required; and 3321.01, Dumpster area, of the Columbus City Codes; for the property located at **8886 LYRA DRIVE (43240)**, allow a mixed-use development with reduced development standards and to permit ground floor residential uses in the L-C-4, Limited Commercial Districts (Council Variance # CV15-021).

WHEREAS, by application No. CV15-021, the owner of property at **8886 LYRA DRIVE (43240)**, is requesting a Council variance to permit ground floor residential uses for a mixed-use development with reduced development standards in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes ground floor residential uses as part of a mixed-use development; 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 parcel lines within Phase 1 and Phase 2 of the proposed development; and

WHEREAS, Section 3312.13, Driveway, requires driveways serving commercial developments to have a minimum width of twenty (20) feet, while the applicant proposes to allow driveways to be divided by parcel lines; 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 parcel lines; 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 parcel lines; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires code-required parking to be calculated based on use, while the applicant requests a fifteen (15) percent reduction in the total required number of parking spaces for the 21.2± acre site, and to reduce required on-site parking per parcel to zero (0) spaces, as each parcel will have access to the total number of provided parking spaces across Phase 1 and Phase 2 of 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 to instead design service areas as needed for each building subject to the approval of the Public Service Department; and,

WHEREAS, Section 3312.53, Minimum number of loading spaces required, requires loading spaces to be provided based on square footage, while that applicant proposes to waive the requirement and to provide loading spaces based on operational need, as approved by the Public Service Department; 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 areas to be divided by parcel lines; and

WHEREAS, City Departments recommend approval because the request to allow a mixed-use development with ground floor residential uses is consistent with the land use recommendations of the *Far North Plan*. The proposed development will not add incompatible uses to the area; 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 **8886 LYRA DRIVE (43240)**, in using said property as desired; and

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

SECTION 1. That a variance from the provisions of Sections 3356.03, C-4, Permitted uses; 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; 3312.53, Minimum number of loading spaces required; 3321.01, Dumpster area, of the Columbus City Codes, is hereby granted for the property located at **8886 LYRA DRIVE (43240)**, insofar as said sections prohibit ground floor residential development in the L-C-4, Limited Commercial District, with reductions to development standards to permit parcel lines to cross through aisles, driveways, maneuvering areas, parking spaces, and dumpster areas; with a fifteen (15) percent reduction in the overall required number of parking spaces; and to eliminate the requirement for loading space(s) and/or code-required dimensions as deemed appropriate by the Department of Public Service; said property being more particularly described as follows:

8886 LYRA DRIVE (43240), being 21.2± acres located at the southeast corner of Lyra Drive and Gemini Place, and being more particularly described as follows:

Situated in the City of Columbus, County of Delaware, State of Ohio; also being a part of Farm Lots 13 and 14, Quarter-Township 4, Township 3, Range 18, United States Military Lands; also being a 12.089 acre tract, the remainder of a 13.460 acre tract as conveyed to 8900, LLC as described in Official Record 1234 Page 2543, and 7.687 acre tract, the remainder of a 9.095 acre tract as conveyed to Polaris 8900, LLC as described in Official Record 861 Page 470, and a 1.420 acre portion of a 2.776 acre tract as conveyed to Polaris AL, LLC as described in Official Record 1243 Page 592; being more particularly described as follows:

Commencing at the intersection of the centerline of Lyra Drive (right-of-way varies) and the centerline of Gemini Place (right-of-way varies); thence,

Along the centerline of Lyra Drive, *South 03° 19' 09" West, for a distance of 84.70'* to a point; thence,

Along a line perpendicular to the centerline of Lyra Drive, *South 86° 40' 51" East, for a distance of 72.00'* to an iron pin set, said point being along the easterly right-of-way line of Lyra Drive at a point of curvature, said point also being a northwesterly corner of said 12.089 acre tract, said point also being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along the easterly right-of-way line of Lyra Drive, also being along a northwesterly line of said 12.089 acre tract, following a curve to the right having a *radius of 30.00'*, *an arc length of 42.11'*, *a central angle of 80° 25' 10"* and a *chord that bears North 43° 31' 44" East for a distance of 38.74'* to a 1" iron pipe found; thence the following four courses along southerly right-of-way lines of Gemini Place, also being along northerly lines of said 12.089 acre tract,

North 83° 44' 19" East, for a distance of 67.27' to a point; thence,

South 87° 03' 39" East, for a distance of 29.82' to a point; thence,

South 02° 56' 21" West, for a distance of 25.00' to a 5/8" iron pin found; thence,

South 82° 56' 41" East, for a distance of 623.42' to an iron pin set, said point being along the westerly right-of-way line of Interstate 71; thence,

Along the westerly right-of-way line of Interstate 71, also being along an easterly line of said 12.089 acre tract, *South 15° 18' 53" East, for a distance of 295.81'* to a 5/8" iron pin found, said point being a northeasterly corner of said 7.687 acre tract; thence the following three courses along westerly right-of-way lines of Interstate 71, also being along easterly lines of said 7.687 acre tract,

South 09° 30' 04" West, for a distance of 89.43' to a 5/8" iron pin found; thence,

South 18° 39' 55" East, for a distance of 296.98' to a 5/8" iron pin found; thence,

South 09° 16' 48" East, for a distance of 238.52' to a 5/8" iron pin found, said point being the northerly corner of a 1.035 acre tract as conveyed to N.P. Limited Partnership as described in Official Record 874 Page 1536; thence,

Along an easterly line of said 7.687 acre tract, also being along a westerly line of said 1.035 acre tract, *South 11° 34' 03" West, for a distance of 169.69'* to a 1" iron pipe found, said point being the northeasterly corner of a 8.606 acre tract, the remainder of a 9.975 acre tract as conveyed to 8800 Lyra, LLC as described in Official Record 752 Page 1210; thence,

Along a southerly line of said 7.687 acre tract, also being along a northerly line of said 8.606 acre tract, and then along a line through said 2.776 acre tract, *North 81° 58' 15" West, for a distance of 997.76'* to a 1" iron pipe found, said point

being along the easterly right-of-way line of Lyra Drive; thence,

Along the easterly right-of-way line of Lyra Drive, also being along a portion of a westerly line of said 2.776 acre tract, following a curve to the left, non-tangent to the previous course, having a *radius of 1,550.00'*, *an arc length of 127.34'*, *a central angle of 4° 42' 26"*, and *a chord that bears North 05° 40' 22" East for a distance of 127.31'* to a 1" iron pipe found at a point of tangency; thence,

Along the easterly right-of-way line of Lyra Drive, also being along a westerly line of said 2.776 acre tract and then along a westerly line of said 12.089 acre tract, *North 03° 19' 09" East, for a distance of 411.68'* to a 1" iron pipe found; thence the remaining courses along easterly right-of-way lines of Lyra Drive, also being along westerly lines of said 12.089 acre tract,

North 15° 43' 41" East, for a distance of 51.19' to a 1" iron pipe found; thence,

North 03° 19' 09" East, for a distance of 50.00' to a 1" iron pipe found; thence,

North 15° 43' 32" East, for a distance of 51.20' to a 1" iron pipe found; thence,

North 03° 19' 09" East, for a distance of 299.14' to the point of beginning, containing 21.196 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in March, 2015.

Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio North Zone (NAD83-2011), with a portion of the centerline of Lyra Drive being South 03° 19' 09" West as determined by a VRS-GPS survey incorporating CORS Station "COLB" and monuments "WEST 2A" and "FRANK 86 AZ MK".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a mixed use development including ground floor residential development, or those uses permitted in the L-C-4, Limited Commercial District (Ordinance No. 1413-01, Rezoning Application Z91-018C).

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plans titled "**VARIANCE SITE PLAN 1/3**," "**VARIANCE SITE PLAN 2/3**," and "**VARIANCE SITE PLAN 3/3**" drawn by Kleingers, dated June 26, 2015, and signed by 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 Plans 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 applicant obtaining all applicable permits and Certificates of Occupancy for the proposed new uses.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.