



Legislation Text

File #: 0147-2008, **Version:** 2

Council Variance Application: CV07-054

APPLICANT: Connie J. Klema, Attorney; P.O. Box 991; Pataskala, OH 43062.

PROPOSED USE: Ten-unit apartment building.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests a Council variance to permit a ten-unit apartment building in the L-C-2, Limited Commercial District. The C-2, Commercial District allows dwelling units only when located above the permitted uses in the district. The L-C-2 District was established in 1995 (Z94-082A), but the 1± acre site has remained undeveloped. The site is bordered by multi-family residential development to the south and a nursing home to the north. The site is located within the planning area of *The Northland Plan Volume I* (2001) which encourages that new developments comply with the *Northland Development Standards* (1992). The current L-C-2 text commits to several Standards, and the variance is conditioned on the development complying with other applicable Standards that were not included in the L-C-2 text. Additional variances for five (5) required parking spaces and for setback and headlight screening commitments in the limitation text are included in the request. The proposal is consistent with established development patterns and will adhere to applicable *Northland Development Standards*.

To grant a Variance from the provisions of Sections 3353.03, C-2, Office Commercial Uses; 3342.28, Minimum number of parking spaces required; 3370.06, Standards; and 3370.07, Conditions and limitations, of the Columbus City Codes; for the property located at **6367 COOPER ROAD (43081)**, to permit a ten-unit apartment building in the L-C-2, Limited Commercial District with reduced development standards (Council Variance # CV07-054).

WHEREAS, by application No. CV07-054, the owner of property at **6367 COOPER ROAD (43081)**, is requesting a Council Variance to permit a ten-unit apartment building in the L-C-2, Limited Commercial District with reduced development standards; and

WHEREAS, Section 3353.03, C-2, Office Commercial Uses, prohibits first-floor residential uses; while the applicant proposes a ten-unit apartment building with reduced development standards; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per residential unit, while the applicant proposes a total of fifteen (15) parking spaces, a reduction of five (5) required spaces; and

WHEREAS, Section 3370.06, Standards, requires any use to meet or exceed each minimum development standard of the underlying zoning classification unless more limited standards are specifically identified in the limited overlay development plan in which event such more limited standards shall apply, while the applicant requests deviation from some of the standards of the underlying C-2, Commercial District and some of the limitations contained in the limitation text of Z94-082A; and

WHEREAS, Section 3370.07, Conditions and limitations, requires any use to conform to each condition or limitation specifically identified and imposed in the development plan, while the applicant does not wish to comply with the zoning text requirements in Z94-082A that required a parking setback of thirty (30) feet along the southern property line with a landscaping buffer of deciduous or evergreen trees planted at ten (10) foot intervals, and headlight screening from adjacent property to a height of thirty (30) inches; and instead proposes a five (5) foot setback along the southern property line and intermittent, thirty (30) inch high headlight screening along the northeastern property line as shown on the site plan; and

WHEREAS, City Departments recommend approval because the proposed ten-unit apartment building is consistent with the zoning

and development patterns of the area, and the project will be developed in accordance with applicable *Northland Development Standards* (1992); and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **6367 COOPER ROAD (43081)**, 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 3353.03, C-2, Office Commercial Uses; 3342.28, Minimum number of parking spaces required; 3370.06, Standards; and 3370.07, Conditions and limitations, of the Columbus City Codes; is hereby granted for the property located at **6367 COOPER ROAD (43081)**, insofar as said sections prohibit a ten-unit apartment building with a parking space reduction of five (5) required spaces, and changes to the limitation text requirements in Z94-082A to allow a five (5) foot setback along the southern property line and intermittent, thirty (30) inch high headlight screening along the northeastern property line as shown on the site plan; said property being more particularly described as follows:

6367 COOPER ROAD (43081), being ~~1.07~~ **1.04±** acres located on the west side of Cooper Road, 415± feet south of Corporate Exchange Drive, and 374± feet west of Cooper Road, and being more particularly described as follows:

1.068 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 2, Township 2, Range 17, United States Military Lands, being out of the remainder of that 98.906 acre tract as conveyed to P. Ronald Sabatino by deed of record in Official Record 27389C11 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning at the southwesterly corner of that tract conveyed to ACM Realty, Inc. by deed of record in Official Record 33690F06;

Thence with the perimeter of said 98.906 remainder, the following courses and distances:

South 72° 56' 20" West, a distance of 121.34 feet to a point; and

North 52° 48' 22" West, a distance of 236.88 feet to a point;

Thence North 53° 03' 14" West, across said 98.906 acre remainder, a distance of 8.02 feet to a point;

Thence North 36° 56' 46" East, continuing across said 98.906 acre tract and partly with the perimeter of said 98.906 acre tract, a distance of 168.89 feet to a point;

Thence with the perimeter of said 98.906 remainder, the following courses and distances:

North 72° 48' 59" East, a distance of 52.13 feet to a point;

South 31° 18' 37" East, a distance of 266.51 feet to a point; and

South 31° 15' 03" East, a distance of 41.06 feet to the TRUE POINT OF BEGINNING, and containing 1.068 acres of land, more or less.

This description is not to be used for transfer.

1.044 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 2, Township 2, Range-17, of the United States Military Lands, and being a part of the property conveyed to P. Ronald Sabatino as recorded in O.R. 33565 J16 in the Franklin County Recorder's office, (all deed, plat book and official record volume references being to records in the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning for reference at an existing 3/4" I.D. pipe with a "Hockaden" identification cap on the south right of way of Corporate Exchange Drive as shown on the Dedication of Corporate Exchange Drive, Cooper Road and Easements as recorded in Plat Book 60, Page 23 at the southwest property corner of Linclay's 0.243 acre tract as recorded in Official Record 7361 106 on the north line of Blendon township and south line of the City of Columbus;

Thence South 87°55'30" East a distance of 308.06 feet, along the south property line of said Linclay, to an existing railroad spike in the centerline of Cooper Road;

Thence along a curve to the left ($\Delta=06^{\circ}53'25''$, radius 5055.51 feet, length = 607.96 feet) a chord bearing South 30°52'46" East a distance of 607.60 feet, along the centerline of said Cooper Road, to a point;

Thence South 70°50'24" West a distance of 405.78 feet, passing over an existing iron pin at 31.08 feet along a northerly property line of T & R Communities, Inc. (O.R. 30061 A12), to an iron pin set at the southwest property corner of T & R Properties, Inc. (O.R. 29598 B01) being the Point of Beginning;

Thence South 70°50'24" West a distance of 121.34 feet, along a northerly property line of said T & R Communities, Inc. to an iron pin set;

Thence North 54°55'34" West a distance of 236.90 feet, along a northerly property line of said T & R Communities, Inc., to an iron pin set;

Thence North 35°04'26" East a distance of 170.39 feet to an iron pin set;

Thence North 70°50'24" East a distance of 52.12 feet to an iron pin set at the northwesterly property corner of said T & R Properties, Inc.;

Thence South 32°32'34" East a distance of 299.96 feet, along the Westerly property line of said T & R Properties, Inc. to the Point of Beginning containing 1.044 acres more or less and is based upon an actual field survey made by Hockaden & Associates, Inc. in June of 1995.

Bearings are based upon Corporate Exchange Drive as shown on the Dedication of Corporate Exchange Drive, Cooper Road and Easements as recorded in Plat Book 60, Page 22 in the Franklin County Recorder's Office.

HOCKADEN & ASSOCIATES, INC.
Consulting Engineers

Frank C. Long
Professional Surveyor No. 6615

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a ten-unit apartment building, or those uses permitted in the L-C-2, Limited Commercial District established by application No. Z94-082A.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**PRELIMINARY PLAN FOR CREATIVE HOUSING**," drawn by EMH&T, dated January 7, 2008, and signed by Steven D. Scheil, Engineer. The Site 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 Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the project being in compliance with the following development

standards in addition to the development standards contained within Z94-082A except as varied above:

Development Standards:

The site shall be developed in accordance with the following March 1992 Northland Standards (*Northland Development Standards*), specifically the following:

Street Standards

(1) A through street network shall not be required. The property has no frontage on a public right of way but is accessible by a common access drive shared by surrounding property owners. Previously planned use of the property was for forty (40) additional parking spaces for an adjacent parcel. Use of this common access by tenants and care givers shall not promote congested arterials and collectors, and the City of Columbus Fire Department has approved this site with the turn-around area on the east portion of the site plan in lieu of a through street.

Accessibility

A common access drive, owned by others, provides access from the public right-of-way/street (Cooper Road) to the property.

Pedestrian and Handicapped Accessibility Standards

- (1) A pedestrian sidewalk shall be provided on site.
- (2) Minimum sidewalk width shall be four (4) feet allowing passage of wheelchairs.

Adjacencies

Compatibility Standards

Outside speakers shall not be used.

Buffering and Setback Standards

- (1) The intent of the Northland Community Standards shall be met: including defining the edge of property; the screening of headlights and parking, etc. The minimum building setback shall be twenty-five (25) as shown on the site plan. The minimum parking setback shall be five (5) feet. To compensate for the reduced setback, there shall be denser plantings of trees and shrubs which shall not materially obscure the visibility of the proposed building as shown on the site plan.
- (2) Headlights of cars shall be screened from adjacent property and streets to a height of 30 inches. Exception: reduced spacing in plantings/screening along the property line adjacent to the existing Parcel 010-237240, as shown on the site plan, as required by the Columbus Fire Prevention Bureau to provide direct view of the building and site from Cooper Road.

Internal Site Design

Lot Coverage Standard

For structures and paved areas, lot coverage shall not exceed eighty percent (80%).

Landscaping Standards

- (1) *General:* A minimum five (5) inches of cumulative tree trunk size shall be provided. In addition, one inch of trunk size shall be provided for each 4,000 square feet of building and parking ground coverage, up to 100,000 square feet.
- (2) *Maintenance:* All shrubs, trees, grass, ground covers, and other plantings shall be well-maintained, properly weeded, mulched and kept free of trash and other unsightly material and debris. Plant material which does not survive shall be replaced within six (6) months.

Lighting Standards

- (1) Down lighting shall be used for exterior general lighting areas including parking lots. Exception: Not more than 4,000 lumens shall be provided at less intense pedestrian level lighting areas, and globe lighting may be used.
- (2) In parking lots, lights shall be placed in raised islands or medians to protect lights and vehicles from possible damage.

Structure

- (1) The structure will have the following finishes: a) double lap vinyl siding on all sides, b) brick wainscot on all sides, and c) asphalt composite shingles.

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

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