



## Legislation Text

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**File #:** 1933-2017, **Version:** 2

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### **Council Variance Application: CV17-020**

**APPLICANT:** Preferred Living; c/o David Hodge, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Multi-unit residential development.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance # 1932-2017; Z17-008) to the L-AR-2, Limited Apartment Residential District to allow a 614-unit apartment development. The requested variance will accommodate building, parking, and south perimeter yard setback variances, and will permit potential lot splits into three parcels for financing purposes, necessitating technical variances for landscaping, interior perimeter yard, and parking-related standards. Staff finds the requested variances to be supportable as they will allow a higher-density multi-unit residential development that is consistent with the "Mixed Use 2" land use recommendation of the *Northwest Plan* (2016). The reduced building and parking setbacks are supported because the site has frontage on three public streets, and central open space is being provided. The south perimeter yard variance is negligible because an existing large retention pond that will serve this development and adjacent commercial properties is located directly south of the site. The technical variances required for potentially splitting the property into three separate lots are routine, with similar requests being approved by City Council and the Board of Zoning Adjustment.

To grant a Variance from the provisions of Sections 3312.09, Aisle; 3312.13, Driveway; 3312.21(A)(B), Landscaping and screening; 3312.25, Maneuvering; 3312.27(2), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.07(B), Landscaping; 3333.13, AR-2 area district requirements; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City codes; for the property located at **7000 BENT TREE BOULEVARD (43235)**, to permit reduced development standards for a multi-unit residential development in the L-AR-2, Limited Apartment Residential District (Council Variance # # CV17-020) **and to declare an emergency.**

**WHEREAS**, by application # CV17-020, the owner of property at **7000 BENT TREE BOULEVARD (43235)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the L-AR-2, Limited Apartment Residential District; and

**WHEREAS**, Section 3312.09, Aisle, requires dimensional standards for aisles that must be met for each property, while the applicant proposes aisles across property lines, subject to the aisle meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

**WHEREAS**, Section 3312.13, Driveway, requires dimensional standards for driveways that must be met for each property, while the applicant proposes driveways across property lines, subject to the driveways meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

**WHEREAS**, Section 3312.21(A)(B), Landscaping and screening, requires interior parking lot trees at a ratio of one tree per ten parking spaces, and perimeter screening for parking lots located within eighty (80) feet of residentially-zoned property, while the applicant proposes that the over-all development shall meet these requirements, but individual lots

may not. Landscaping shall occur as generally depicted on the Landscape Concept and Open Space Plan committed to as part of the companion rezoning legislation for the subject property (Ordinance # 1932-2017; Z17-008); and

**WHEREAS**, Section 3312.25, Maneuvering, requires maneuvering area for parking spaces to be located on-site, while the applicant proposes vehicle maneuvering across property lines, as may be applicable with splitting the property into separate parcels, subject to the maneuvering area meeting minimum code dimensions; and

**WHEREAS**, Section 3312.27(2), Parking setback line, requires the parking setback line to be 25 feet along public streets, while the applicant proposes parking setback lines of 10 feet along Bent Tree Boulevard, and of 13 feet along Sawmill Place Boulevard; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, while the applicant proposes to meet this requirement for the over-all development, but individual lots may not; and

**WHEREAS**, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of 62 trees for a 614-unit development, while the applicant proposes to meet this requirement for the over-all development, but individual lots may not. Landscaping shall occur as generally depicted on the Landscape Concept and Open Space Plan committed to as part of the companion rezoning legislation for the subject property (Ordinance # 1932-2017; Z17-008); and

**WHEREAS**, Section 3333.13, AR-2 area district requirements, requires 800 square feet in area per dwelling unit if an interior lot, or 2.93 acres for 168 units, while the applicant proposes 2.9 acres for potential Lot 3 if the site is split into three separate parcels; and

**WHEREAS**, Section 3333.18, Building lines, requires building lines of no less than 38 feet along Federated Boulevard, and 25 feet along Sawmill Place Boulevard and Bent Tree Boulevard, while the applicant proposes building lines of 3 feet along Federated Boulevard, 10 feet along Sawmill Place Boulevard, and 20 feet along Bent Tree Boulevard; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet for an apartment complex, while the applicant proposes a perimeter yard of zero feet, and with planned lot splits, proposes individual apartment buildings on two future parcels, and no perimeter yard along interior lot lines; and

**WHEREAS**, the City Departments recommend approval of the requested variances to be supportable because they will allow a higher-density multi-unit residential development that is consistent with the “Mixed Use 2” land use recommendation of the *Northwest Plan* (2016). The reduced building and parking setbacks are supported because the site has frontage on three public streets, and central open space is being provided. The south perimeter yard variance is supported because an existing large retention pond that will serve this development and adjacent commercial properties is located directly south of the site. The technical variances required for potentially splitting the property into three separate lots are routine, with similar requests being approved by City Council and the Board of Zoning Adjustment; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **7000 BENT TREE BOULEVARD (43235)**, in using said property as desired; and

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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; 3312.13, Driveway; 3312.21(A)(B), Landscaping and screening; 3312.25, Maneuvering; 3312.27(2), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.07(B), Landscaping; 3333.13, AR-2 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 **7000 BENT TREE BOULEVARD (43235)**, in so far as said sections prohibit aisles and driveways to be divided by parcel lines; reduced parking lot trees and no landscaping or screening of internal parking lots due to lot splits; maneuvering across property lines; reduced number of parking spaces due to lot splits; reduced number of dwelling unit trees due to lot splits; reduced minimum lot size from 2.93 to 2.09 acres for future Lot 3; reduced building lines from 38 feet to 3 feet along Federated Boulevard, from 25 feet to 10 feet along Sawmill Place Boulevard, and from 25 feet to 20 feet along Bent Tree Boulevard, and a reduction in the required perimeter yard from 25 feet to zero feet along the south property line and along internal property lines due to lot splits; said property being more particularly described as follows:

**7000 BENT TREE BOULEVARD (43235)**, being 16.75± acres located at the southeast corner of Bent Tree Boulevard and Sawmill Place Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 19, U.S.M.D., being all of Lot Four (4) of Sawmill Place, a subdivision of record in Plat Book 66, Page 76, Recorder's Office, Franklin County, Ohio, said Lot 4 being in the name of Andersons as originally conveyed by Official Record 7762, Page E02 and more particularly described as follows:

Beginning at the southeasterly corner of said Lot 4, said corner also being the northeasterly corner of Lot 5 of said subdivision, the northeasterly corner of that tract of land as conveyed to AH-Ohio Columbus Owner of record in Instrument No. 200004280083348 and in the westerly right-of-way line of Federated Boulevard (75') as dedicated upon Plat Book 64, Page 19.

Thence N 78°05'24" W, with the southerly line of said Lot 4 and the northerly line of said Lot 5, 657.08+/- feet to the southwesterly corner of said Lot 4, the northwesterly corner of said Lot 5 and in a point of curvature in the easterly right-of-way line of Sawmill Place Boulevard (62') as dedicated upon said record plat for Sawmill Place;

Thence with the westerly line of said Lot 4 and said easterly right-of-way line, the following two (2) courses and distances:

with a curve to the left having a central angle of 12°38'48" and a radius of 931.00 feet, an arc length of 205.50+/- feet and a chord bearing and distance of N 06°09'38" W, 205.08+/- feet to a point of tangency;

N 12°29'02" W, 380.74+/- feet to a point of curvature at the right-of-way intersection of said Sawmill Place Boulevard (62') and Bent Tree Boulevard (62') as dedicated upon said plat for Sawmill Place;

Thence with northerly lines of said Lot 4 and along the southerly right-of-way line of said Bent Tree Boulevard (62'), the following five (5) courses and distances:

with a curve to the right having a central angle of 90°00'00" and a radius of 50.00 feet, an arc length of 78.54+/- feet and a chord bearing and distance of N 32°30'59" E, 70.71+/- feet to a point of tangency;

N 77°30'58" E, 19.00+/- feet to a point of curvature;

with a curve to the left having a central angle of 27°54'15" and a radius of 531.00 feet, an arc length of 258.61+/- feet and a chord bearing and distance of N 63°33'51" E, 256.06+/- feet to a point of curvature;

with a curve to the left having a central angle of 09°35'47" and a radius of 1831.00 feet, an arc length of 306.67+/- feet and a chord bearing and distance of N 44°48'51" E, 306.31+/- feet to a point of tangency;

N 47°52'33" E, 65.81+/- feet to a point of curvature at the right-of-way intersection of said Bent Tree Boulevard (62') and said Federated Boulevard (75');

Thence with the easterly lines of said Lot 4 and with the westerly right-of-way line of said Federated Boulevard (75'), the following three (3) courses and distances:

with a curve to the right having a central angle of 92°48'17" and a radius of 50.00 feet, an arc length of 80.99+/- feet and a chord bearing and distance of N 86°25'22" E, 72.42+/- feet to a point of curvature;

with a curve to the right having a central angle of 71°56'14" and a radius of 865.00 feet, an arc length of 1086.04+/- feet and a chord bearing and distance of S 11°12'08" E, 1016.10+/- feet to a point of tangency;

S 24°45'59" W, 174.21+/- feet to the True Point of Beginning;

Containing 16.749 +/- acres, more or less. Subject to all legal highways, easements and restrictions. The above description was prepared by Advanced Civil Design, Inc. on April 19, 2017 and is based on existing Franklin County Auditor's and Recorder's records and an actual field survey in April 2017.

This description is not to be used for the transfer of land.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development, or those uses permitted in the L-AR-2, Limited Apartment Residential District in accordance with Ordinance # 1932-2017 (Z17-008).

**SECTION 3.** That this ordinance is further conditioned on general conformance with the lot split exhibit titled, "**REZONING EXHIBIT FOR DRESDEN VILLAGE**," signed by David Hodge, Attorney for the Applicant, and dated July 5, 2017. 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 adjustment to the plan shall be reviewed and may be approved 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 upon the following: The development is subject to applicable code-required minimum aisle, driveway, maneuvering area, parking lot trees, number of parking spaces, and number of dwelling unit trees being provided for the development as a whole in accordance with the plans committed to with Ordinance # 1932-2017 (Z17-008).

**SECTION 5.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 6.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**