



Legislation Details (With Text)

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On agenda: 7/18/2016 **Final action:** 7/21/2016

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3349.03, Permitted uses; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 2241 NORTH CASSADY AVENUE (43219), to permit a shared living facility with accessory on-site counseling, crisis intervention, and general office areas with a reduction in the required number of parking spaces in the ARLD, Apartment Residential District and I, Institutional District (Council Variance # CV16-028) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1918-2016.Attachments

Date	Ver.	Action By	Action	Result
7/21/2016	2	CITY CLERK	Attest	
7/20/2016	2	MAYOR	Signed	
7/18/2016	2	COUNCIL PRESIDENT	Signed	
7/18/2016	1	Zoning Committee	Amended to Emergency	Pass
7/18/2016	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV16-028

APPLICANT: Lutheran Social Services of Central Ohio; c/o James M. Groner, Atty.; Bailey Cavalieri LLC; 10 West Broad Street, Suite 2100; Columbus, OH 43215.

PROPOSED USE: Shared living facility and associated offices.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of an undeveloped parcel zoned ARLD, Apartment Residential District, and I, Institutional District. The requested Council variance will permit a 56,000± square-foot, 120-bed shared living facility for victims of domestic violence. The facility will also provide on-site counseling, crisis intervention, office areas, a children's play area, and other support services. A variance is necessary because shared living facilities, although permitted in higher-density apartment residential districts, are prohibited in the ARLD district. The accessory office and support uses are also prohibited in the ARLD district. A shared living facility of this type is also not permitted in the I district even though facilities such as assisted living, nursing, and rest homes are permitted. The site is located within the *Northeast Area Plan* (2007), which recommends low density residential uses for this location. Given the existing zoning which could potentially allow for a site density significantly higher (17.4 units/acre), this proposal is supported because it produces less residential density and is more consistent with the Plan's land use recommendation. The proposal also includes significant setbacks and open space as reflected in the site plan. A parking space reduction of 70 required parking spaces has been incorporated into the request, and is supported because the proposed office and

accessory space will serve only the residents of the facility and will not generate additional parking demands.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3349.03, Permitted uses; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **2241 NORTH CASSADY AVENUE (43219)**, to permit a shared living facility with accessory on-site counseling, crisis intervention, and general office areas with a reduction in the required number of parking spaces in the ARLD, Apartment Residential District and I, Institutional District (Council Variance # CV16-028) **and to declare an emergency.**

WHEREAS, by application No. CV16-028, the owner of the property at **2241 NORTH CASSADY AVENUE (43219)**, is requesting a Variance to permit a shared living facility with accessory on-site counseling, crisis intervention, and general office areas with a reduction in the required number of parking spaces in the ARLD, Apartment Residential District and I, Institutional District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits shared living facility and accessory office uses in the ARLD, Apartment Residential District, while the applicant proposes a 56,000± square-foot, 120-bed shared living facility with accessory on-site counseling, crisis intervention, and general office areas; and

WHEREAS, Section 3349.03, Permitted uses, only permits shared living facilities for assisted living, nursing and rest homes, while the applicant proposes a 56,000± square-foot, 120-bed shared living facility for victims of domestic violence with accessory on-site counseling, crisis intervention, and general office areas; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 400 square feet for a shared living facility, and 1 parking space per 450 square feet of general office space; a minimum total requirement of 136 parking spaces for 35,426 square feet of shared living facility space and 20,766 square feet of office space, while the applicant proposes 66 parking spaces; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed shared living facility produces less residential density than the underlying ARLD and I zoning districts, and is more consistent with the *Northeast Area Plan*'s land use recommendation for low density residential development. The proposal also includes significant setbacks and open space; and

WHEREAS, said 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 **2241 NORTH CASSADY AVENUE (43219)**, in using said property as desired;

WHEREAS, Emergency exists so that the organization may proceed with the project and receive funding so that shelter services they provide are not interrupted,

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3349.03, Permitted uses; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **2241 NORTH CASSADY AVENUE (43219)**, insofar as said sections prohibit a 56,000± square-foot, 120-bed shared living facility with accessory on-site counseling, crisis intervention, and general office areas in the ARLD, Apartment Residential and I, Institutional districts, with a parking space reduction from 136 required spaces to 66 spaces; said property being more particularly described as follows:

2241 NORTH CASSADY AVENUE (43219), being 10.43± acres located on the west side of North Cassady Avenue, across from the intersection with Leon Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military Lands, being all of a 10.425 acre tract conveyed to the Advent United Church of Christ in Official Record 30743 F-05, Franklin County Recorder's Office.

All records referred to are those of record in the Franklin County Recorder's Office, unless otherwise noted;

Beginning at a set "Mag" nail at the intersection of the centerline of Cassady Ave. (width variable) and Leon Ave. (50' wide), as shown on the plat of Cassady Farms Subdivision No. 1, Plat Book 45, pg. 89, being a point on the east line of the said 10.425 acre tract;

THENCE South 03 degrees 07 minutes 03 seconds West, a distance of 146.85 feet, along the centerline of the said Cassady Ave. and the east line of the said 10.425 acre tract, to a set "Mag" nail, being the southeast corner of the said 10.425 acre tract and the northeast corner of 2.39 acre tract (Parcel 5) conveyed to Leo Rice in Instrument (Instr.) No. 201510190148030;

THENCE North 86 degrees 04 minutes 01 seconds West, a distance of 618.11 feet, along the south line of the said 10.425 acre tract and the north line of the said 2.39 acre tract, passing a found 3/4" iron pin with cap stamped "Hockaden & Assoc" at 435.66 feet, to a set iron pin, being the southwest corner of the said 10.425 acre tract and the southeast corner of a 8.133 acre tract conveyed to Emily A. Humbird and Julian Matthews in Instr. No. 201601070002018;

THENCE North 03 degrees 07 minutes 03 seconds East, a distance of 733.92 feet, along the west line of the said 10.425 acre tract, the east line of the said 8.133 acre tract, and the east line of a 5.000 acre tract conveyed to Charles P. Cook in Instr. No. 200807010100917, to a point referenced by a found 3/4" iron pin with cap stamped "Hockaden & Assoc" (S 3° 7'3" W, 0.05 feet), said point being the northwest corner of the said 10.425 acre tract, the northeast corner of the said 5.000 acre tract, and a point in the south line of the said 5.001 acre tract conveyed to the Advent United Church of Christ in Instr. No. 201506150079456;

THENCE South 86 degrees 15 minutes 41 seconds East, a distance of 618.09 feet, along the north line of the said 10.425 acre tract and the south line of the said 5.001 acre tract, to a set "Mag" nail, being the northeast corner of the said 10.425 acre tract, the southeast corner of the said 5.001 acre tract, and a point on the centerline of the said Cassady Ave.;

THENCE South 03 degrees 07 minutes 03 seconds West, a distance of 589.17 feet, along the east line of the said 10.425 acre tract and the centerline of the said Cassady Ave., to the point of beginning, having an area of 454,246 square feet or 10.428 acres, according to a survey by J&J Surveying Services, Inc. in January of 2016, under the direct supervision of Raymond J. Wood, P.S. 7745;

The parcel described herein is part of Parcel No. 010-233703;

The bearings described herein are based on the Ohio State Plane coordinate system, south zone, NAD83 (2011). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The portion

of the centerline of Cassady Ave., having a bearing of South 03 degrees 07 minutes 03 seconds West and monumented as described herein, is designated the "Basis of Bearing" for this survey.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 56,000± square-foot, 120-bed shared living facility with accessory on-site counseling, crisis intervention, and general office areas, or those uses permitted in the ARLD, Apartment Residential, and I, Institutional districts.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE DEVELOPMENT PLAN**," dated June 1, 2016, and signed by James M. Groner, 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 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 applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. ~~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.**