



## Legislation Details (With Text)

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**On agenda:** 2/13/2017      **Final action:** 2/15/2017

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21(B)(3), Landscaping and screening; 3333.16, Fronting; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at 5300 AVERY ROAD (43016), to permit a self-storage facility, commercial vehicular access, and reduced development standards for multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance # CV16-018).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3113-2016\_Attachments, 2. ORD3113-2016\_Labels

Date	Ver.	Action By	Action	Result
2/15/2017	1	CITY CLERK	Attest	
2/15/2017	1	CITY CLERK	Attest	
2/15/2017	1	MAYOR	Signed	
2/13/2017	1	COUNCIL PRESIDENT	Signed	
2/13/2017	1	Zoning Committee	Approved	Pass
2/13/2017	1	Zoning Committee	Taken from the Table	Pass
1/23/2017	1	Zoning Committee	Taken from the Table	Pass
1/23/2017	1	Zoning Committee	Tabled to Certain Date	Pass
12/12/2016	1	Zoning Committee	Tabled to Certain Date	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV16-018**

**APPLICANT:** Edwards Communities Development Company; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Self-storage facility and 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 No. 3112-2016; Z16-016) to the L-AR-1, Limited Apartment Residential District to allow a 550-unit apartment development comprised of five subareas. One of the subareas is proposed as a self-storage facility which will serve the growing population in this area. A variance is necessary because the AR-1, Apartment Residential District does not permit self-storage or the vehicular access for this use and adjacent commercial districts. Furthermore, the applicant requests variances for no frontage on a

public street if the Avery Road frontage is split from the subject site, to reduce the building line along Avery Road to accommodate parking lot prohibitions, to reduce side and rear yard requirements for the proposed self-storage facility, and to eliminate internal perimeter yards. Staff finds the requested variances to be supportable as they will allow a multi-unit residential development with desirable site design elements as they apply to connectivity, building orientation to streets, placement of parking, and incorporation of civic spaces that were negotiated with Rezoning Application No. Z16-016. Staff supports the proposed self-storage facility which will have low traffic counts, and will be compatible with the adjacent residential and commercial uses with the proposed screening, landscaping, and elevation drawings that are incorporated into this request.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21(B)(3), Landscaping and screening; 3333.16, Fronting; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5300 AVERY ROAD (43016)**, to permit a self-storage facility, commercial vehicular access, and reduced development standards for multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance # CV16-018).

**WHEREAS**, by application # CV16-018, the owner of property at **5300 AVERY ROAD (43016)**, is requesting a Council variance to permit a self-storage facility, commercial vehicular access, and reduced development standards for multi-unit residential development in the L-AR-1, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits self-storage facilities and vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes a self-storage facility on Subarea C-1 in accordance with the attached site plan and elevation drawings, and commercial vehicular access to the self-storage facility and for a shared driveway between the subject site and the adjacent CPD, Commercial Planned Development District; 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 to eliminate the parking lot screening in Subarea C-1 for the proposed self-storage along the east side of the parking lot, but will screen the north side of the parking lot per code requirements, and will provide landscaping and fencing within Subareas D and C as shown on the site plan; and

**WHEREAS**, Section 3333.16, Fronting, requires an apartment complex or principal building to have frontage on a public street, while the applicant proposes no frontage on a public street if lot splits occur for individual subareas and/or individual apartment complex developments; and

**WHEREAS**, Section 3333.18, Building lines, requires a building setback line of 80 feet along Avery Road, while the applicant proposes a setback line of not less than 25 feet; and

**WHEREAS**, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20% of the lot width, provided that not more than 16 feet need to be provided, while the applicant proposes a maximum side yard reduced from 16 feet to 12 feet for the self-storage facility in Subarea C-1; and

**WHEREAS**, Section 3333.24, Rear yard, requires 25% of the lot area to be located behind the rear surfaces of the principal building(s), while the applicant proposes to reduce the rear yard to 20% for the self-storage facility in Subarea C-1; and

**WHEREAS**, Section 3333.25, Side or rear yard obstruction, requires side and rear yards to be open to the sky while the applicant proposes to allow maneuvering in the proposed side and rear yards; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant

proposes no interior perimeter yards for Subareas B, C, C-1, and the south side of Subarea D, noting that perimeter yard requirements will be met along the north, east, and south boundaries of the L-AR-1 district; and

**WHEREAS**, City Departments recommend approval of the requested variances because they will allow a multi-unit residential development with desirable site design elements as they apply to connectivity, building orientation to streets, placement of parking, and incorporation of civic spaces. Staff supports the proposed self-storage facility which will have low traffic counts, and will be compatible with the adjacent residential and commercial uses with the proposed screening, landscaping, and elevation drawings that are incorporated into this request; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **5300 AVERY ROAD (43016)**, 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 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21(B)(3), Landscaping and screening; 3333.16, Fronting; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5300 AVERY ROAD (43016)**, insofar as said sections prohibit a self-storage facility and commercial vehicular access in the L-AR-1, Limited Apartment Residential District, with no parking lot screening along the east boundary of Subarea C-1; no frontage on a public street if the current Avery Road frontage is split from the subject site; a reduced building line from 80 feet to 25 feet along Avery Road; a reduced maximum side yard from 16 feet to 12 feet for the self-storage facility in Subarea C-1; a reduced rear yard from 25% to 20% for the self-storage facility in Subarea C-1; obstruction of the side and rear yards by maneuvering areas for the self-storage facility in Subarea C-1; and a reduced perimeter yard from 25 feet to 0 feet along internal property lines; said property being more particularly described as follows:

**5300 AVERY ROAD (43016)**, being 24.62± acres located on the east side of Avery Road, 2,286± feet south of Cara Road, and being more particularly described as follows:

**SUBAREA B**

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 838.56 feet, to a point in the proposed right of way of Avery Road; Thence South 10°44'47" West, with said proposed right of way, a distance of 396.19 feet, to the **POINT OF TRUE BEGINNING**;

Thence through said 30.00 acre tract, the following courses:

South 79°15'13" East, a distance of 318.79 feet, to a point;

South 10°44'47" West, a distance of 481.00 feet, to a point;

North 79°15'13" West, a distance of 318.79 feet, to a point in said proposed right of way;  
North 10°44'47" East, a distance of 481.00 feet, to the **POINT OF TRUE BEGINNING**, and containing 3.520 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

### **SUBAREA C**

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 476.63 feet, to the **POINT OF TRUE BEGINNING**;

Thence North 84°40'31" East, a distance of 26.02 feet, to a point;

Thence through said 30.00 acre tract, the following courses:

South 10°44'47" West, a distance of 315.59 feet, to a point;

South 79°09'11" East, a distance of 187.10 feet, to a point;

North 10°39'56" East, a distance of 164.77 feet, to a point;

South 86°39'37" East, a distance of 283.81 feet, to a point in the common line of said 30.00 acre tract and said 6.379 acre tract;

Thence South 02°21'17" West, partly with the aforesaid common line and partly with the common line of said 30.00 acre tract and that 21.507 acre tract as described in deed to Pines at Tuttle Crossing, a distance of 1074.75 feet, to a point in the common corner of said 30.00 acre tract and said 21.507 acre tract;

Thence South 84°18'43" West, continuing with the common line of said 30.00 acres and said 21.507 acre tract and partly with the common line of said 30.00 acre tract and that 7.000 acre tract as described in deed to Hilliard Pentecostal Church, a distance of 1040.45 feet, to a point in the proposed right of way of Avery Road;

Thence North 10°44'47" East, with said proposed right of way, a distance of 487.57 feet; to a point;

Thence through said 30.00 acre tract, the following courses:

South 79°15'13" East, a distance of 410.79 feet, to a point of curvature;

With a curve to the left having a radius of 240.50 feet, a delta angle of 180°00'00", an arc distance of 755.55 feet, a chord bearing of North 10°44'47" East, and a chord distance of 481.00 feet to a point of tangency;

North 79°15'13" West, a distance of 63.00 feet, to a point;

North 10°44'47" East, a distance of 496.38 feet, to the **POINT OF TRUE BEGINNING**, and containing 15.170 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

### **SUBAREA C1**

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 256.45 feet, to the **POINT OF TRUE BEGINNING**;

Thence through said 30.00 acre tract, the following courses:

South 10°39'56" West, a distance of 369.67 feet, to a point;

North 79°09'11" West, a distance of 187.10 feet, to a point;

North 10°44'47" East, a distance of 315.59 feet, to a point in the common line of said 30.00 acre tract and that 6.167 acre tract;

Thence North 84°40'31" East, with aforesaid common line, a distance of 194.16 feet, to the **POINT OF TRUE BEGINNING**, and containing 1.470 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

#### **SUBAREA D**

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 02°21'17" West, with the common line of said 30.00 acre tract and said 6.379 acre tract, a distance of 241.89 feet, to a point;

Thence through said 30.00 acre tract, the following courses:

North 86°39'37" West, a distance of 283.81 feet, to a point;

North 10°39'56" East, a distance of 204.90 feet, to a point in the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee;

Thence North 84°40'31" East, with aforesaid common line, a distance of 256.45 feet, to the **POINT OF TRUE BEGINNING**, and containing 1.368 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

#### **SUBAREA E**

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 838.56 feet, to a point in the proposed right of way of Avery Road;

Thence South 10°44'47" West, with said proposed right of way, a distance of 396.19 feet, to a point

Thence South 79°15'13" East, through said 30.00 acre tract, a distance of 318.79 feet, to the **POINT OF TRUE BEGINNING**;

Thence continuing through said 30.00 acre tract, the following courses:

South 79°15'13" East, a distance of 92.00 feet, to a point of curvature;

With a curve to the right having a radius of 240.50 feet, a delta angle of 180°00'00", an arc distance of 755.55 feet, a chord bearing of South 10°44'47" West, and a chord distance of 481.00 feet, to a point on tangency;

North 79°15'13" West, a distance of 92.00 feet, to a point;

North 10°44'47" East, a distance of 481.00 feet, to the **POINT OF TRUE BEGINNING**, and containing 3.102 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the 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 self-storage facility, commercial vehicular access, and/or a multi-unit residential development as permitted by the L-AR -1, Limited Apartment Residential District specified by Ordinance No. 3112-2016 (Z16-016).

**SECTION 3.** That this ordinance is further conditioned on general compliance with the site plan titled, "**EDWARDS COMMUNITIES AVERY ROAD COUNCIL VARIANCE PAGE 1,**" and elevation drawings titled "**COUNCIL VARIANCE PAGE 2 TRI-VILLAGE SELF STORAGE,**" both dated November 17, 2016, and signed by Jeffrey L. Brown, Attorney for the Applicant. The site plan and building elevations may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans 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 his or her 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 use.

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