Legislation Details (With Text)

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File created:	1/22/2019	**In control:**	Zoning Committee
On agenda:	2/11/2019	**Final action:**	2/13/2019
Title:	To grant a Variance from the provisions of Section 3332.03, R-1, residential district, of the Columbus City Codes; for the property located at 2450 WALCUTT ROAD (43228), to permit multi-unit residential development in the R-1, Residential District (Council Variance #CV18-095).		
Sponsors:			
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Date	Ver.	Action By	Action	Result
2/13/2019	1	CITY CLERK	Attest	
2/12/2019	1	MAYOR	Signed	
2/11/2019	1	COUNCIL PRESIDENT	Signed	
2/11/2019	1	Zoning Committee	Approved	Pass
2/4/2019	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV18-095

APPLICANT: WODA Cooper Companies, Inc., c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of three parcels each developed with a single-unit dwelling in the R-1, Residential District. The requested variance would permit redevelopment of the site with two 32-unit apartment buildings, for a total of 64 units. A Council variance is necessary because the R-1 district lists single-unit dwellings as the only permitted residential use. The site is within the boundaries of the *Trabue Roberts Area Plan* (2011), which recommends "Neighborhood Commercial" land uses at this location. Staff recognizes that this site is located on a primary corridor and that the revised site plan included a concept for a comprehensive redevelopment strategy for the entire block, as requested by staff. The site plan represents a high level of design and is consistent with the Plan's design guidelines. Staff believes that multi-unit residential development of this density should be rezoned to an appropriate apartment residential zoning district and afforded the full review process applicable to rezoning applications, including a public hearing and review by the Development Commission. For that reason, this ordinance is conditioned on a follow-up rezoning to an appropriate zoning designation within one year of its effective date.

To grant a Variance from the provisions of Section 3332.03, R-1, residential district, of the Columbus City Codes; for the property located at **2450 WALCUTT ROAD (43228),** to permit multi-unit residential development in the R-1, Residential District (Council Variance #CV18-095).

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WHEREAS, by application #CV18-095, the owner of property at **2450 WALCUTT ROAD (43228),** is requesting a Council variance to permit multi-unit residential development in the R-1, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a multi-unit residential development totaling 64 dwelling units as shown on the submitted site plan; and

WHEREAS, City Departments recommend approval because the requested variance allows residential redevelopment on a primary corridor that includes a site plan that is consistent with the *Trabue Roberts Area Plan's* design guidelines; 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 **2450 WALCUTT ROAD (43228),** 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 Section 3332.03, R-1, residential district, of the Columbus City Codes, is hereby granted for the property located at **2450 WALCUTT ROAD (43228),** insofar as said sections prohibit multi-unit residential development in the R-1, residential district; said property being more particularly described as follows:

2450 WALCUTT ROAD (43228), being 4.47± acres located on the east side of Walcutt Road, 560± feet south of Roberts Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey No. 287, being all of that 1.561 acre parcel described in a deed to Danelle Sheppard, of record in Instrument Number 201109010109835, and being all of those 1.561 acre and 1.561 acre tracts described in deeds to Gerald Sheppard and Deborah Sheppard, of record in Official Record 8156 Page F06 and Instrument Number 200205300133123, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Beginning at the southwest corner of said 1.561 acre tract (Official Record 8156 Page F06), being the northwest corner of that tract described in a deed to Hilliard Post 4931 VFW, and being on the existing east right-of-way line for Walcutt Road;

Thence North 06 degrees 10 minutes 00 seconds West, along the west line of said 1.561 acre, 1.561 acre, and 1.561 acre tracts, a distance of 302.55 feet to the northwest corner of said 1.561 acre tract (Instrument Number 201109010109835), being the southwest corner of that tract described in a deed to Andrew T. Topping;

Thence North 83 degrees 56 minutes 17 seconds East, along the north line of said 1.561 acre tract, and along the south line of said Topping tract, those tracts described in a deed to Julia A. Penwell, that tract described in a deed to Wilbur J. Miller and Patricia M. Wilbur, that tract described in a deed to James R. Bibler, Jr., Donna S. B. Kvitko, and Thomas A.

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Rees, Jr., and that tract described in a deed to James V. Thomas, a distance of 641.08 feet to the northeast corner of said 1.561 acre tract, being the southeast corner of said Thomas tract, and being on the west line of that tract described in a deed to Advanced Business Center;

Thence South 06 degrees 19 minutes 25 seconds East, along the east line of said 1.561 acre, 1.561 acre, and 1.561 acre tracts, and along the west line of said Advanced Business tract, a distance of 305.06 feet to the southeast corner of said 1.561 acre tract (Official Record 8156 Page F06), being the northeast corner of said VFW tract;

Thence South 84 degrees 09 minutes 41 seconds West, along the south line of said 1.561 acre tract, and along the north line of said VFW tract, a distance of 641.93 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 4.474 acres, of which:

1.472 acres is located within Franklin County Auditor's parcel number 560-158120,
1.522 acres is located within Franklin County Auditor's parcel number 560-158119, and
1.480 acres is located within Franklin County Auditor's parcel number 560-158118.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential development as shown on the submitted Site Plan, which consists of two 32-unit apartment buildings, or those uses permitted in the R-1, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE LAYOUT EXHIBIT FOR 2450 WALCUTT ROAD,**" dated January 18, 2019, and signed by Dave Perry, Agent for the Applicant, and 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 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned on the combination of Franklin County parcels 560-158118, 560 -158119, and 560-158120 into one parcel prior to site compliance review.

SECTION 6. That this ordinance is further conditioned upon the applicant filing a rezoning application upon issuance of an approved Site Compliance Plan or within one year from the date of Columbus City Council passage of this ordinance, whichever occurs first.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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