Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	2/26/2020	**In control:**	Zoning Committee
On agenda:	7/27/2020	**Final action:**	7/30/2020
Title:	To grant a Variance from the provisions of Sections 3312.25, Maneuvering; 3312.29, Parking space; 3312.27(2), Parking setback line; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at 4407 TRABUE RD. (43228), to permit a multi-unit residential development with reduced development standards in the L-ARLD, Limited Apartment Residential District (Council Variance #CV19-103).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD0576-2020_Attachments, 2. ORD0576-2020_Labels, 3. ORD0576-2020_DataSheet		

Date	Ver.	Action By	Action	Result
7/30/2020	2	CITY CLERK	Attest	
7/29/2020	2	MAYOR	Signed	
7/27/2020	2	COUNCIL PRESIDENT	Signed	
7/27/2020	1	Zoning Committee	Approved as Amended	Pass
7/27/2020	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/20/2020	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV19-103

APPLICANT: Metro Development, c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

WEST SCIOTO AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #0575-2020; Z19-049) to the L-ARLD, Limited Apartment Residential District for a multi-unit residential development with a maximum of ~~312~~ **264** dwelling units. The requested variances are to reduce parking and building setbacks, to permit maneuvering and parking spaces to cross an internal parcel line, and to eliminate the perimeter yard along an internal parcel line. The variances for maneuvering, parking space, and perimeter yard are supported due to the site being comprised of two separate parcels which cannot be combined because of different taxing districts, and the setback variances are supported because stream corridor protection zones are within the property, and the site design provides a greater capacity to preserve natural features and provide centralized open space as reflected on the site plan included with Rezoning Application #Z19-049.

To grant a Variance from the provisions of Sections 3312.25, Maneuvering; 3312.29, Parking space; 3312.27(2), Parking

setback line; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **4407 TRABUE RD. (43228)**, to permit a multi-unit residential development with reduced development standards in the L-ARLD, Limited Apartment Residential District (Council Variance #CV19-103).

WHEREAS, by application #CV19-103, the owner of property at **4407 TRABUE RD. (43228)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3312.25, Maneuvering, requires sufficient maneuvering area on the parcel for the parking spaces for which it serves, while the applicant proposes parking spaces to maneuver over a parcel line, but with the minimum maneuvering area being met; and

WHEREAS, 3312.29, Parking space, requires 90-degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces that are divided by a parcel line, but with the overall parking space meeting the required 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 a parking setback line of 10 feet along Trabue Road; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 60 feet along Trabue Road, while the applicant proposes a building line of 25 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet for an apartment complex, while the applicant proposes no perimeter yard along the interior lot lines of the two parcels that will comprise the proposed development; and

WHEREAS, the West Scioto Area Commission recommends disapproval; and

WHEREAS, City Departments recommend approval of the requested variances because they will allow a multi-unit residential development with a site design that provides a greater capacity to preserve natural features and centralized open space, and because the two parcels which will comprise the site cannot be combined due to of different taxing districts; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **4407 TRABUE RD. (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 Sections 3312.25, Maneuvering; 3312.29, Parking Space; 3312.27 (2), Parking setback line; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **4407 TRABUE RD. (43228)**, insofar as said sections prohibit maneuvering over a parcel line; parking spaces divided by a parcel line; a reduced parking setback line from 25 feet to 10 feet along Trabue

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Road; a reduced building setback line from 60 feet to 25feet along Trabue Road; and a reduced interior perimeter yard from 25 feet to zero feet; said property being more particularly described as follows:

4407 TRABUE RD. (43228), being 25.6± acres located on the south side of Trabue Road, 800± feet west of Arlingate Lane, and being more particularly described as follows:

TRACT I
4.2± acres

Situated in the State of Ohio, County of Franklin, Township of Franklin, Virginia Military Survey No. 3316, being 4.2± acres, said 4.2± acre tract of land being part of a 1.766 acre tract of land conveyed to John E. Gagnon of record in Instrument Number 201111290154946, part of a 1.836 acre tract of land conveyed to Pierre and Sherry Johnson of record in Instrument Number 200602280037620 and part of a 1.86 acre tract of land conveyed to Millicent D. Johnson of record in Deed Book 3264, Page 442 and Instrument Number 201712110174146, and being more particularly described as follows:

Beginning for Reference, at a northwesterly corner of said 1.766 acre tract, at a northeasterly corner of a 1.724 acre tract of land conveyed to Holly W. and Winnie K. Yee of record in Deed Book 3549, Page 52, said corner being in the northerly line of said Franklin Township and the southerly line of Norwich Township and also being in the centerline of Trabue Road (C.R. 27);

Thence **S 09° 34' 59" E,** along the westerly line of said 1.766 acre tract and the easterly line of said 1.724 acre tract, **132.0± feet** to a point, the **True Point of Beginning;**

Thence **N 79° 51' 45" E,** across said 1.766 acre tract, said 1.836 acre tract and said 1.86 acre tract, **449.9± feet** to the easterly line of said 4.2± acre tract and being in the westerly line of City of Columbus Corporation Line (Case No. 99-88, Ord. No. 633-89, O.R. 13294B09);

Thence along the easterly lines of said 4.2± acre tract and said 1.86 acre tract and along the westerly line of said City of Columbus Corporation Line, the following two (2) courses;

S 09° 34' 59" E, 440.0± feet to an angle point thereof;

S 11° 47' 21" W, 12.0± feet to the southeasterly corner of said 4.2± and said 1.86 acre tract;

Thence along the southerly lines of said 4.2± acre tract, said 1.86 acre tract, said 1.836 acre tract and said 1.766 acre tract and along the northerly line of said City of Columbus Corporation Line, the following two (2) courses;

N 83° 56' 35" W, 152.4± feet to an angle point thereof;

S 87° 05' 31" W, 300.8± feet to the southwesterly corner of said 4.2± acre tract and said 1.766 acre tract;

Thence **N 09° 34' 54" W,** along the westerly line of said 4.2± acre tract and said 1.766 acre tract, **370.8± feet** to the **True Point of Beginning,** and containing **4.2± acres**, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on March 14, 2019 and is based on existing records from the Franklin County Auditor's Office and the Franklin County Recorder's Office. A drawing of the above description is attached hereto and made a part thereof.

The total length of the annexation perimeter is about 1,726± feet, of which about 905± feet are contiguous with existing City of Columbus Corporation Lines, being 52.4%± contiguous. This annexation does not create any islands of township property.

Bearings shown hereon are based on GIS line work provided by the Franklin County Auditor's Office.

This description is to be used for annexation purposes only and not to be used in the transfer of land.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

TRACT II
21.4± acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military District 3316 and being the remainder of a 47 acre and three rods tract as conveyed to Millicent D. Johnson in Instrument Number 201706300089379, Instrument Number 201809200127702, and 201809200127703 as further described as follows;

Commencing at a magnail set at the northeast corner of the remainder of said 47 acre and three rods tract, the northwest corner of the remainder of a tract as conveyed to Mildred M. McFarland in Deed Book 2343, Page 470 (1/2 interest), Deed Book 2870, Page 99 (1/3 interest), Deed Book 2988, Page 386 (2/9 interest), and also to Malcolm McFarland (2/9 interest) and Richard McFarland Jr. (2/9 interest) in Deed Book 2870, Page 99, being the northeast corner of a 0.800 acre highway easement, designated as Parcel 1069-2, to the State of Ohio in Deed Book 2909, Page 12, the northwest corner of a 0.317 acre highway easement, designated as Parcel 1068-D, to the State of Ohio in Deed Book 2811, Page 86, and being within a 2.794 acre highway easement to the Board of County Commissioners of Franklin County in Deed Book 3151, Page 671, being in the centerline of right of way of Trabue Road (R/W Varies) delineated on the ODOT Right of Way plan set designed FRA-270-0.00N/0.00S, and being in the north line of Franklin Township and the south line of Norwich Township, also being the **TRUE POINT OF BEGINNING** of the land herein described as follows;

Thence with the east line of the remainder of said 47 acre and three rods tract, the west line of the remainder of said McFarland tract, the east line of said 0.800 acre highway easement, the west line of said 0.317 acre highway easement, the west line of Brookhollow Section 1 as recorded in Plat Book 85, Page 2, the west line of Brookhollow Section 2 as recorded in Plat Book 86, Page 71 and the west line of a 32.616 acre tract as conveyed to Star Leasing Co. in Instrument Number 201211010165739, **S 11° 37' 53" W, 2078.13 feet** to an iron pin set at the southeast corner of said 47 acre and three rods tract and being an angle point in the west line of said 32.616 acre tract;

Thence with the south line of the remainder of said 47 acre and three rods tract and the west line of said 32.616 acre tract, **N 76° 49' 26" W, 408.85 feet** to a 1" rebar at the southwest corner of the remainder of said 47 acre and three rods tract, being an angle point in the west line of said 32.616 acre tract, and being in a common point of the southeast corner of an 11.815 acre tract as conveyed to State of Ohio in Deed Volume 2909, Page 12 known as Parcel 1069-WL, and the northeast corner of a 66.908 acre tract as conveyed to the State of Ohio in Deed Book 2759, Page 423, known as Parcel 1067-WL, and being in the easterly right of way line of Interstate Route 270 as delineated on the ODOT Right of Way plan set designated FRA-270-0.00N/0.00S;

Thence the following four (4) courses along the west line of the remainder of said 47 acre and three rods tract, the east line of said Parcel 1069-WL and the easterly right of way line of Interstate Route 270:

1. **N 20° 31' 12" W, 129.80 feet** to a 1/2" rebar;
2. **N 04° 16' 14" W, 457.74 feet** to a 3/4" pipe;
3. **N 02° 57' 19" E, 600.08 feet** to an iron pin set;
4. **N 01° 48' 05" E, 514.61 feet** to the northwest corner of the remainder of said 47 acre and three rods tract and being in the west line of a 1.724 acre tract as conveyed to Holly K. Yee in Deed Volume 3549, Page 52, reference a 1 1/2" pipe, south 4.24 feet, east 1.95 feet;

Thence with the north line of the remainder of said 47 acre and three rods tract and the west line of said 1.724 acre tract, **S 09° 38' 30" E, 399.57 feet** to an iron pin set at an angle point in the north line of the remainder of said 47 acre and three rods tract and being the southwest corner of said 1.724 acre tract;

Thence with the north line of the remainder of said 47 acre and three rods tract and the south line of said 1.724 acre tract, **N 89° 20' 13" E, 151.64 feet** to a 5/8" rebar at an angle point in the north line of the remainder of said 47 acre and three rods tract and being the southeast corner of said 1.724 acre tract;

Thence with the north line of the remainder of said 47 acre and three rods tract and the east line of said 1.724 acre tract, **N 09° 36' 57" W, 11.30 feet** to an iron pin set at an angle point in the north line of the remainder of said 47 acre and three rods tract, being in the east line of said 1.724 acre tract, and being the southwest corner of a 1.766 acre tract as conveyed to John E. Gagnon in Instrument Number 201111290154946;

Thence with the north line of the remainder of said 47 acre and three rods tract, the south line of said 1.766 acre tract and the south line of a 1.836 acre tract as conveyed to Pierre Johnson and Sherry Johnson in Instrument Number 200602280037620, **N 87° 03' 38" E, 301.99 feet** to an iron pin set at the southeast corner of said 1.836 acre tract and the southwest corner of a 1.86 acre tract as conveyed to Millicent D. Johnson in Instrument Number 201809200127704;

Thence with the north line of the remainder of said 47 acre and three rods tract and the south line of said 1.86 acre tract, **S 83° 51' 31" E, 151.20 feet** to an iron pin set at the southeast corner of said 1.86 acre tract and being an angle point in the north line of said 47 acre and three rods tract;

Thence with the north line of the remainder of said 47 acre and three rods tract and the east line of said 1.86 acre tract, **N 11° 53' 03" E, 12.00 feet** to an iron pin set at an angle point in the east line of said 1.86 acre tract and being an angle point in the north line of said 47 acre and three rods tract;

Thence with the north line of the remainder of said 47 acre and three rods tract, the east line of said 1.86 acre tract, the west line of said 0.800 acre highway easement, the east line of a 0.467 acre highway easement, designated as Parcel 1068 -D, to the State of Ohio in Deed Book 2811, Page 106, and crossing said 2.794 acre highway easement, **N 09° 36' 57" W, 576.52 feet** to a magnail set at the northeast corner of said 1.86 acre tract, an angle point in the north line of said 47 acre and three rods tract, the northwest corner of said 0.800 acre highway easement, the northeast corner of said 0.467 acre highway easement and being in the centerline of right of way of Trabue Road;

Thence with the north line of the remainder of said 47 acre and three rods tract, the north line of said 0.800 acre highway easement and the centerline of right of way of Trabue Road across said 2.794 acre highway easement, **N 79° 15' 20" E, 279.69 feet** to the **TRUE POINT OF BEGINNING**, containing **21.401 acres**, more or less, 0.800 acre being in Present Road Occupied (PRO).

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with an actual field survey performed March, 2019. A drawing of the above description is attached hereto and made a part thereof.

Iron pins set are 3/4" diameter, 30" long pipe with plastic cap inscribed "Advanced 7661".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation and determine a portion of the centerline of right of way of Trabue Road having a bearing of N79°15'20"E.

All references used in this description can be found at the Recorder's Office Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-ARLD, Limited Apartment Residential District, specified by Ordinance #0575-2020; Z19-049.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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