



Legislation Details (With Text)

File #: 1967-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/29/2022 **In control:** Zoning Committee

On agenda: 7/25/2022 **Final action:** 7/27/2022

Title: To grant a Variance from the provisions of Sections 3333.03, AR-3, apartment residential district use; 3312.13, Driveway; 3312.21(A), Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 777 NEIL AVE. (43215), to permit commercial parking spaces and reduced development standards for a multi-unit residential development in the AR -3, Apartment Residential District (Council Variance #CV20-033).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1967-2022.Attachments, 2. ORD1967-2022.Labels

Date	Ver.	Action By	Action	Result
7/27/2022	1	CITY CLERK	Attest	
7/26/2022	1	ACTING MAYOR	Signed	
7/25/2022	1	COUNCIL PRESIDENT	Signed	
7/25/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
7/25/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/25/2022	1	Zoning Committee	Approved	Pass
7/18/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV20-033

APPLICANT: SC Thurber Village Limited; c/o Eric Leibowitz, Agent; 250 Civic Center Drive, #500; Columbus, OH 43215.

PROPOSED USE: Reduced development standards for a 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 #1966-2022; Z20-030) to the AR-3, Apartment Residential, and CPD, Commercial Planned Development districts to allow redevelopment of a shopping center with a mixed-use development. The requested Council variance proposes a 230-unit apartment development (85.82 units/acre) with structured parking and a community center. Variances are included to permit use of the structured parking for up to 48 commercial parking spaces related to the commercial uses on the adjacent CPD, Commercial Planned Development District, and to reduce the driveway width, landscaping and screening, parking setback line, minimum number of parking spaces required, building lines, and rear yard. Staff finds the requested variances to be supportable as they are consistent with the established development pattern of the neighborhood and *Columbus Citywide Planning Policies* (C2P2) Design Guidelines.

To grant a Variance from the provisions of Sections 3333.03, AR-3, apartment residential district use; 3312.13, Driveway; 3312.21(A), Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **777 NEIL AVE. (43215)**, to permit commercial parking spaces and reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District (Council Variance #CV20-033).

WHEREAS, by application #CV20-033, the owner of property at **777 NEIL AVE. (43215)**, is requesting a Council variance to permit commercial parking spaces and reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3, apartment residential district use, prohibits the use as a parking lot for an adjacent commercial site, while the applicant proposes 48 commercial parking spaces for the commercial uses on the adjacent CPD, Commercial Planned Development area in the parking garage, and the use of the new parking developed in the AR-3 area as interim parking for commercial uses to support the phased development of the CPD area, as shown on the illustrative exhibits; and

WHEREAS, Section 3312.13, Driveway, requires a driveway width of twenty feet, while the applicant proposes the driveway width to be 14 feet for two-way travel for the refuse service area; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, with 2 trees being required for the 16-space surface parking lot on the east side of the AR-3 area, and 2 trees being required for the 11-space surface parking lot on the west side of the AR-3 area, while the applicant proposes zero trees, subject to 4 trees being provided within the AR-3 area;

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 10 feet from the street right-of-way line, while the applicant proposes a parking setback line of 5 feet for any parking developed for interim commercial uses; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 345 required parking spaces for up to 230 units, and one parking space per 250 square feet of retail space, while the applicant proposes 312 parking spaces for the 230 dwelling units, and zero parking spaces for Phase 1 development with the existing CVS tenant space remaining in the AR-3 district until Building B is built in the CPD area, with 40 spaces to be provided for this tenant space in the CPD area; said spaces will be off-site of the tenant space if the lot split of the CPD and AR-3 areas occur prior to completion of Building B, as shown on the illustrative exhibits;

WHEREAS, Section 3333.18, Building lines, requires a building line of 25 feet along Buttles Avenue and Thurber Drive East, while the applicant proposes building lines of 15 feet along Buttles Avenue and of 10 feet along Thurber Drive East; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard of 25% of lot area, while the applicant proposes a rear yard of 5% of the lot area; and

WHEREAS, the City Departments recommend approval because the requested variances will allow a residential development with reduced development standards that is consistent with the established development pattern of the neighborhood and *Columbus Citywide Planning Policies* (C2P2) 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 **777 NEIL AVE. (43215)**, 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 3333.03, AR-3, apartment residential district use; 3312.13, Driveway; 3312.21(A), Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **777 NEIL AVE. (43215)**, insofar as said sections prohibit 48 commercial parking spaces in the AR-3, Apartment Residential District for the commercial uses on the adjacent CPD, Commercial Planned Development District, and the use of the new parking developed in the AR-3 district as interim parking for commercial uses to support the phased development of the CPD district; with a reduced driveway width from 20 feet to 14 feet for the refuse service area; zero parking lot trees where four are required, but with those four trees being located elsewhere within the AR-3 development area rather than in islands or peninsulas; reduced parking setback from 10 feet to 5 feet; reduced number of parking spaces from 345 required to 312 provided, and no parking spaces for the retail tenant space which will temporarily remain, subject to 40 parking spaces being provided in the adjacent CPD district; reduced building lines from 25 feet to 15 feet along Buttles Avenue and 10 feet along Thurber Drive East; and reduced rear yard from 25% to 5% of lot area; said property being more particularly described as follows:

777 NEIL AVE. (43215), being 2.68± acres located at the southwest corner of Neil Avenue and Buttles Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 9 Township 5 North, Range 22 West, Scofield's Survey of the Refugee Lands being part of Parcel G-1 & all of Parcel G-2 as delineated in Re-subdivision of Goodale Urban Renewal Plat Number 1 as recorded in Plat Book 37 Page 19A, conveyed to SC Thurber Village Limited in Instrument Number 200503160048524, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a point, being the northwesterly corner of said parcel G-2 also being the intersection of the easterly right-of-way line of Thurber Drive East (60') as delineated in said Plat and the southerly right-of-way line of Buttles Avenue (70') as delineated in said Plat;

Thence along the southerly right-of-way line of said Buttles Avenue and the northerly line of said Parcels G-1 & G-2, South 86°50'47" East, 295.00 feet to a point;

Thence across said Parcel G-1, South 03°06'43" West, 332.00 feet to a point;

Thence continuing across said Parcel G-1, South 26°50'47" East, 108.90 feet to a point, being on the southerly line of said Parcel G-1 and the northerly line of Collins Avenue (60') as delineated in said Plat;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, South 61°07'14" West, 163.19 feet to a point;

Thence along the southerly line of said Parcel G-1, being the intersection of the northerly line of said Collins Avenue and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 10.00 feet, a delta angle of 89° 58'58", an arc length of 15.70 feet, and a chord bearing and distance of North 73°52'46" West, 14.14 feet to a point, being the southwesterly corner of said Parcel G-1;

Thence along the westerly line of said Parcel G-1 tract and the easterly line of said Thurber Drive East Avenue, North 28° 52'46" West, 244.57 feet to a point;

Thence continuing along the westerly line of said 5.025 acre tract, and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 445.00 feet, a delta angle of 19°52'47", an arc length of 154.40 feet, and a chord bearing and distance of North 18°56'23" West, 153.63 feet to a point being the southwesterly corner of said Parcel G-2, and a northwesterly corner of said Parcel G-1;

Thence along the westerly line of said Parcel G-2, and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 445.00 feet, a delta angle of 12°04'15", an arc length of 93.75 feet, and a chord bearing and distance of North 02°57'54" West, 93.58 feet to a point;

Thence continuing along the westerly line of said Parcel G-2 and the easterly line of said Thurber Drive East, North 03° 04'14" East, 67.00 feet to a point said point being the POINT OF BEGINNING, containing 2.7 acre, more or less.

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 and parking for 48 commercial parking spaces related to the commercial uses on the adjacent CPD, Commercial Planned Development area and the use of the new parking developed as interim parking for commercial use to support the phased development of the CPD area, or those uses permitted in the AR-3, Apartment Residential District.

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

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