



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/23/2022 **In control:** Zoning Committee

On agenda: 10/17/2022 **Final action:** 10/20/2022

Title: To grant a Variance from the provisions of Sections 3333.03, AR-3 Apartment residential district use; 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(A)(1)(C), Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1138 CHAMBERS RD. (43212), to permit mixed-use development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV22-039).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#2654-2022_Attachments_Amendment, 2. ORD#2654-2022_Attachments

Date	Ver.	Action By	Action	Result
10/20/2022	2	CITY CLERK	Attest	
10/19/2022	2	MAYOR	Signed	
10/17/2022	2	COUNCIL PRESIDENT	Signed	
10/17/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
10/17/2022	1	Zoning Committee	Approved as Amended	Pass
10/17/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
10/17/2022	1	Zoning Committee	Amended as submitted to the Clerk	Pass
10/10/2022	1	Zoning Committee	Postponed to Date Certain	Pass
10/3/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-039

APPLICANT: Preferred Living; c/o David Hodge, Atty; Underhill and Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Mixed-use development.

5TH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and from the Development Commission for a concurrent rezoning request to the AR-3, Apartment Residential District (Ordinance #2651-2022; Z22-030), permitting a multi-unit residential development. The requested Council variance commits to a site plan that demonstrates a mixed-use development containing 180 apartment units and 2,214 2,134 square feet of commercial space. A council variance is necessary because commercial uses are not permitted in the AR-3, Apartment Residential District. The request also includes variances to building height, parking spaces,

maneuvering, bicycle parking location, lot coverage, building setbacks, and rear yard, **some of which are technical variances due to the site being comprised of three parcels which cannot be combined.** The proposal commits to a site plan and building elevations that are consistent with both the *5th by Northwest Area Plan's* (2009) recommendations and with *Columbus City Planning Policies* (C2P2) Design Guidelines (2018).

..Title

To grant a Variance from the provisions of Sections 3333.03, AR-3 Apartment residential district use; 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(A)(1)(C), Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1138 CHAMBERS RD. (43212)**, to permit mixed-use development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV22-039).

WHEREAS, by application #CV22-039, the owner of property at **1138 CHAMBERS RD. (43212)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3 Apartment residential district use, prohibits commercial use in the AR-3, Apartment Residential District, while the applicant proposes ~~2,214~~ **2,134** square feet of commercial space, as shown on the submitted site plan; and

WHEREAS, Section 3309.14, Height districts, requires that within a 60 foot height district, no building or structure shall be erected to a height in excess of 60 feet, while the applicant proposes an increased building height of 70 feet; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through stacked parking spaces **and across parcel lines, with the total required maneuvering area bring provided**, as shown on the submitted site plan; and

WHEREAS, Section 3312.29, Parking space, requires **a parking space to be a rectangular area of not less than 9 feet by 18 feet; and that** stacked parking be located in driveway and does not permit these spaces be counted as required parking spaces, while the applicant proposes **to reduce parking space size for spaces impacted by parcel lines, with the overall the parking spaces meeting the required dimensions; and** stacked parking spaces to count toward the minimum number of required parking spaces, subject to each pair of stacked spaces being assigned to the same dwelling unit; and

WHEREAS, Section 3312.49(A)(1)(C) Minimum numbers of parking spaces required, requires bicycle parking be located in highly visible areas near the intended use, while the applicant proposes the bicycle parking to be located inside of the structure and not visible from Chambers Road **and to waive the minimum parking requirement for individual parcels and to require parking based on the overall site;** and

WHEREAS, Section 3333.15(C), Basis of computing area, limits the building from occupying more than 50 percent of the ~~overall site lot area~~, while the applicant proposes an increased ~~lot~~ coverage of 88 percent for the **overall site and to waive the 50 percent limitation for individual parcels;** and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of 25 feet from Chambers Road, while the applicant proposes a minimum building setback line of zero feet; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the ~~total lot area overall site~~, while the applicant proposes a rear yard of 5 percent of the ~~total lot area overall site~~ **and to waive the 25 percent rear yard requirement for individual parcels;** and

WHEREAS, the 5th by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the proposed mixed-use development is consistent with the development pattern along Chambers road, and the additional landscaping and elevations are consistent with the 5th by Northwest Area Plan's and C2P2 Design Guidelines. The request does not introduce an incompatible use the area; and

WHEREAS, this 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 **1138 CHAMBERS RD. (43212)**, 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 3333.03, AR-3 Apartment residential district use; 3309.14, Height districts; 3312.25, Maneuvering; 3312.29 Parking spaces; 3312.49(A)(1)(C) Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1138 CHAMBERS RD. (43212)**, insofar as said sections prohibit ~~2,214~~ **2,134** square feet of commercial space in the AR-3, Apartment Residential District; with an increased building height from 60 feet to 70 feet; maneuvering over and through stacked parking spaces **and across parcel lines; parking spaces with reduced dimensions impacted by parcel lines;** stacked parking spaces to count towards the minimum number of required parking spaces; bicycle parking which is not visible from Chambers Road; **minimum parking requirement based on the overall site;** an increased ~~lot~~ **overall site** coverage from 50 percent to 88 percent; a reduced building setback line from 25 feet to zero feet along Chambers Road; and a reduced rear yard from 25 percent to 5 percent of the ~~overall site~~ **total lot area**; said property being more particularly described as follows:

1138 CHAMBERS RD. (43212), being 1.90± acres located on the north side of Chambers Road, 800± feet west of Kenny Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Clinton and being in Quarter Township 3, Township 1, Range 18 in the United States Military District, and being 1.9± acres out of the remainder of the 1.37 acre tract as conveyed to Chambers Road Holdings LLC in Instrument Number 202107010115639, the remainder a 0.528 acre tract as conveyed to Evan Davis in Instrument Number 200002220034512 and a 0.491 acre tract as conveyed to DADO, LLC in Instrument Number 201206280092962 as further described as follows;

Beginning at the southeast corner of said 0.419 acre tract, the southwest corner of a 0.981 acre tract as conveyed to Rooster Crowing, LLC in Instrument Number 201807260100128, being in the north line of a 0.345 acre tract as conveyed to the City of Columbus, Ohio in Instrument Number 201005210062761, and being in the centerline of Chambers Road (60° R/W) and also being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the south line of said 0.419 acre tract, the north line of said 0.345 acre tract and the centerline of Chambers Road, **N 86° 13' 09" W, 100.0± feet** to the southwest corner of said 0.419 acre tract and the southeast corner of a 0.074 acre tract (1-WD) as conveyed to the Franklin County Commissioners in Instrument Number 202203090038587;

Thence with a portion of the west line of said 0.419 acre tract and with the east line of said 0.074 acre tract (1-WD), **N 04° 01' 51" E, 30.0± feet** to the northeast corner of said 0.074 acre tract (1-WD), the southeast corner of the remainder of said 0.528 acre tract;

Thence with the north line of said 0.074 acre tract (1-WD) and the south line of the remainder of said 0.528 acre tract, **N 86° 13' 09" W, 107.6± feet** to the northwest corner of said 0.074 acre tract (1-WD), the southwest corner of the remainder of said 0.528 acre tract and being in the east line of the remainder of said 1.37 acre tract;

Thence with the west line of said 0.074 acre tract and a portion of the east line of the remainder of said 1.37 acre tract, **S 04° 01' 51" W, 30.0± feet** to the southwest corner of said 0.074 acre tract (1-WD), the southeast corner of the remainder of said 1.37 acre tract, the north line of said 0.345 acre tract, and being in the centerline of Chamber Road;

Thence with the south line of the remainder of said 1.37 acre tract, the north line of said 0.345 acre tract and the centerline of Chamber Road, **N 86° 13' 09" W, 194.8± feet** to the southwest corner of the remainder of said 1.37 acre tract and the southeast corner of a 0.059 acre tract as conveyed to the City of Columbus, Ohio in Instrument Number 201106130073661;

Thence with the west line of the remainder of said 1.37 acre tract, the east line of said 0.059 acre tract, the east line of a 0.144 acre tract (known as parcel no. 2) as conveyed to Todd A. Meister in Instrument Number 202012110197462, **N 04° 01' 51" E, 213.8± feet** to the northwest corner of the remainder of said 1.37 acre tract, the northeast corner of said 0.144 acre tract and being in the south line of Somerset Square as recorded in Condo Plat Book 13, Page 81;

Thence with the north line of the remainder of said 1.37 acre tract, the north line of the remainder of said 0.528 acre tract, the north line of said 0.491 acre tract, the south line of said Somerset Square and the south line of the remainder of a 3.695 acre tract as conveyed to Somerset Partners, LLC in Instrument Number 202110190189421, **S 86° 13' 09" E, 402.5± feet** to the northeast corner of said 0.491 acre tract and the northwest corner of said 0.981 acre tract;

Thence with the east line of said 0.491 acre tract and the west line of said 0.981 acre tract, **S 04° 01' 51" W, 213. 8± feet** to the **TRUE POINT OF BEGINNING**, containing **1.9± acres**, more or less.

The above description was prepared by Advanced Civil Design Inc. and is based on existing County Auditor records, County Recorder records.

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

This description is not to be used in the transfer of land.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development containing up to 2,214 square feet of commercial space and up to 180 apartment units, or those uses permitted in the AR-3, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plans and building elevation titled, ~~"PRELIMINARY COMMERCIAL SITE PLAN SHEETS 1-3,"~~ **"SITE PLAN"** dated August 17, 2022, signed by Eric Zartman, Attorney for the Applicant. The plans 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 plan shall be subject to review and approval 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 uses.

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

