



## Legislation Text

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**File #:** 3117-2017, **Version:** 2

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### **Council Variance Application: CV17-050**

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

**PROPOSED USE:** Multi-unit residential development.

**WEST SCIOTO AREA COMMISSION RECOMMENDATION:** ~~Disa~~Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance # 3116-2017; Z16-080) to the L-AR-1, Limited Apartment Residential District to allow up to 481 dwelling units. Variances are requested to permit commercial vehicular access through the site which is prohibited in residential districts, and to reduce parking lot landscaping and screening, parking-related standards, setbacks, and perimeter yard. Staff finds the requested variances to be supportable as they will achieve the desired mixed-use, interconnected neighborhood with the adjacent CPD, Commercial Planned Development District, as recommended by the adjoining *Trabue/Roberts Area Plan* (2011). The request will allow a multi-unit residential development with desirable site design elements as they apply to interconnectivity, building orientation, placement of parking, and incorporation of open space that were negotiated with Rezoning Application # Z16-080.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.09, Aisle; 3312.13, Driveway; 3312.21(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **3241 MCKINLEY AVENUE (43204)**, to permit commercial vehicular access and reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance # CV17-050).

**WHEREAS**, by application # CV17-050, the owner of property at **3241 MCKINLEY AVENUE (43204)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards 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 vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes to establish commercial vehicular access to adjacent properties; and

**WHEREAS**, Section 3312.09, Aisle, requires dimensional standards for aisles that must be met for each property, while the applicant proposes aisles across property lines, subject to the aisle meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

**WHEREAS**, Section 3312.13, Driveway, requires dimensional standards for driveways that must be met for each property, while the applicant proposes driveways across property lines, subject to the driveways meeting minimum code dimensions, thereby allowing cross access maneuvering, 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 for the internal parcels; and

**WHEREAS**, Section 3312.25, Maneuvering, requires maneuvering area for parking spaces to be located on-site, while the applicant proposes vehicle maneuvering across property lines, as may be applicable with splitting the property into separate parcels, subject to the maneuvering area meeting minimum code dimensions; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a minimum 25 foot parking setback line, while the applicant proposes a 7.5 foot parking setback along McKinley Avenue; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, while the applicant proposes to meet this requirement for the over-all development, but individual lots may not; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes no perimeter yard to the north, south, and west of the site to promote shared access to Trabue Road, and no perimeter yard between separate phases of the multi-unit residential development; and

**WHEREAS**, the West Scioto Area Commission recommends ~~disapproval~~; and

**WHEREAS**, the City Departments recommend approval because the requested variances will allow a multi-unit residential development with desirable site design elements and interconnectivity. The proposed development is appropriate as part of a larger mixed-use town center development with the adjacent CPD, Commercial Planned Development District; 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 **3241 MCKINLEY AVENUE (43204)**, 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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.09, Aisle; 3312.13, Driveway; 3312.21(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **3241 MCKINLEY AVENUE (43204)**, insofar as said sections prohibit commercial vehicular access within a multi-unit residential development in the L-AR-1, Limited Apartment Residential District; prohibit aisles and driveways to be divided by parcel lines; no parking lot screening to separate the internal parcels created within the development; maneuvering across property lines; reduced number of parking spaces due to lot splits; reduced parking setback line from 25 feet to 7.5 feet along McKinley Avenue; and no perimeter yard to the north, south, and west of the property or between separate phases; said property being more particularly described as follows:

**3241 MCKINLEY AVENUE (43204)**, being 18.2± acres located on the west side of McKinley Avenue, 180± feet south of Trabue Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Franklin, being in Virginia Military Survey No. 530 and being all of the remainder of an Original 0.408 acre tract of land as conveyed to Angelo J. Dallas, Trustee of record in Instrument No. 199804100085907, all of the remainder of an Original 3.31 acre tract of land of record in Instrument No. 199804100085907, part of that tract of land as conveyed to Joseph Dallas, Trustee of record in Instrument No. 200103260060473, part of that tract of land as conveyed to Dallas Mobile Home Village, Inc., of record in Official Record 2606, Page 331 and part of the remainder of an Original 1.477 acre tract of land as conveyed to Joseph S. Dallas and Angelo J. Dallas III, Trustees of record in Instrument No. 200103260060487, and more particularly described as follows;

**Beginning** at the northeasterly corner of the remainder of said 0.408 acre tract, said corner also being a southwesterly corner of Parcel 30WD as described in the deed to Franklin County Commissioners of record in Instrument No. 200207100169721 and in the westerly right-of-way line of McKinley Avenue;

Thence with the easterly lines of said Original 0.408 acre tract, 3.31 acre tract, across said Joseph Dallas, Trustee tract, said Dallas Mobile Home Village tract and with the westerly line of said Parcel 30WD and said westerly right-of-way line, the following five (5) courses and distances:

**S 65° 37' 31" E, 200.0+/- feet;**

With a curve to the right having a central angle of **08° 13' 04"** and a radius of **1402.39+/- feet**, an arc length of **201.14+/- feet** and a chord bearing and distance of **S 61° 30' 59" E, 200.97+/- feet;**

**S 57° 24' 27" E, 109.7+/- feet;**

**S 56° 12' 12" E, 135.5+/- feet;**

**S 35° 47' 21" E, 355.8+/- feet** to a point in the southerly line of said Dallas Mobile Home Village tract, the northerly line of a tract of land as conveyed to City of Columbus, Ohio of record in Official Record 3357, Page 215 and in the said westerly right-of-way line;

Thence with the southerly line of said Dallas Mobile Home Village tract, **S 66° 51' 43" W, 1594.5+/- feet** to the southwesterly corner of said tract and in the easterly right of way line of the railroad;

Thence with the westerly line of said Dallas Mobile Home Village tract and said Joseph Dallas, Trustee tract, **N 39° 17' 52" W, 552.4+/- feet** to a point;

Thence with the northerly lines of said Joseph Dallas, Trustee tract, the following two (2) courses and distances:

With a curve to the left having a central angle of **41° 07' 57"** and a radius of **459.34+/- feet**, an arc length of **329.76+/- feet** and a chord bearing and distance of **S 82° 17' 40" E, 322.72+/- feet;**

**N 66° 51' 43" E, 778.7+/- feet** to the southwesterly corner of said Original 1.477 acre tract;

Thence with the westerly line of said Original 1.477 acre tract, **N 23° 24' 07" W, 467.0+/- feet** to a point;

Thence across said Original 1.477 acre tract, **N 66° 36' 20" W, 94.9+/- feet** to the westerly line of said Original 1.477 acre tract and the northwesterly corner of said 0.408 acre tract;

Thence with the northerly line of said 0.408 acre tract the following two (2) courses and distances:

**N 57° 08' 53" E, 121.8+/- feet** to an angle point;

**N 39° 54' 10" E, 7.0+/- feet** to the ***True Point of Beginning*** and containing **18.2+/- acre** more or less.

The above description was prepared by Advanced Civil Design Inc. on 8/9/2017 and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

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 a multi-unit residential development, or those uses permitted in the L-AR-1, Limited Apartment Residential District, in accordance with Ordinance # 3116-2017 (Z16-080).

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed development.

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