



Legislation Text

File #: 0256-2018, Version: 2

Council Variance Application: CV17-066

APPLICANT: The WODA Group, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

GREATER HILLTOP 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 request to the L-ARLD, Limited Apartment Residential District (Ordinance # 0255-2018; Z17-039) to allow a multi-unit residential development containing 51 dwelling units. Variances are requested to reduce the parking lot screening and perimeter yard requirements. Staff recognizes the potential benefits of locating the proposed buildings in association with the adjacent senior housing development, and finds the requested variances to be supportable because the site is being designed in a manner that mitigates its impact on nearby lower density residential uses. It should be noted that the R, Rural District to the east and the residual NG, Neighborhood General District to the south contain no residential uses.

Emergency Justification: This ordinance is being submitted as an emergency in order to meet OHFA funding deadlines.

To grant a Variance from the provisions of Sections 3312.21(D), Landscaping and screening; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **158 NORTH WHEATLAND AVENUE (43204)**, to permit a multi-unit residential development with reduced development standards in the L-ARLD, Limited Apartment Residential District (Council Variance # CV17-066), **and to declare an emergency.**

WHEREAS, by application # CV17-066, the owner of property at **158 NORTH WHEATLAND AVENUE (43204)**, 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 3312.21(D), Landscaping and screening, requires screening of parking lots within 80 feet of residentially zoning districts to be four feet in width, while the applicant proposes to reduce the width of screening areas along the north, south, and east property lines to 0 feet, as shown on the site plan committed to in Ordinance # 0255-2018 (Z17-039) which is included in the attachment file for this ordinance for clarity; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard ranging from 6-23 feet along the property lines, as shown on the site plan committed to in Ordinance # 0255-2018 (Z17-039) which is included in the attachment file for this ordinance for clarity; and

WHEREAS, the Greater Hilltop Area Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances will allow a multi-unit residential development with desirable site design elements which mitigate its impact on nearby lower density residential; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **158 NORTH WHEATLAND AVENUE (43204)**, in using said property as desired; ~~now, therefore:~~

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to meet OHFA funding application deadlines as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3312.21(D), Landscaping and screening; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **158 NORTH WHEATLAND AVENUE (43204)**, insofar as said sections prohibit a multi-unit residential development with reduced landscaping screening width from 4 feet to 0 feet, and a reduced perimeter yard from 25 feet to 6-23 feet; said property being more particularly described as follows:

158 NORTH WHEATLAND AVENUE (43204), being 3.50± acres located on the east side of North Wheatland Avenue, 1,200± feet north of West Broad Street, 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 Number 2668, and being 3.037 acres out of that original 20.098 acre tract conveyed to City of Columbus by a Governor's Deed of record in Instrument Number 200307020202150, 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:

Commencing for reference at a $\frac{3}{4}$ inch iron pipe found at the intersection of the west right-of-way line for Wheatland Avenue (40 feet wide) and the south right-of-way line for Steele Avenue (40 feet wide), both as established by the Highland Park Subdivision, of record in Plat Book 4, page 326, and being the northeast corner of Lot 42 of said Highland Park Subdivision;

Thence North 81 degrees 36 minutes 13 seconds East, along a line perpendicular to the right-of-way lines for said Wheatland Avenue, a distance of 40.00 feet to a point on the east right-of-way line for said Wheatland Avenue, being on the west line of said 20.098 acre tract;

Thence South 08 degrees 23 minutes 47 seconds East, along the east right-of-way line for said Wheatland Avenue, along the west line of said 20.098 acre tract, a distance of 43.18 feet to an iron pin set at the TRUE POINT OF BEGINNING for this description;

Thence North 08 degrees 23 minutes 47 seconds West, along the east right-of-way line for said Wheatland Avenue, along the west line of said 20.098 acre tract, a distance of 442.24 feet to an iron pin set at the southwest corner of that 3.098

acre tract described in a deed to Wheatland Crossing Limited Partnership, of record in Instrument Number 201611070153952;

Thence crossing said original 20.098 acre tract along property line for said 3.098 acre tract along the following six (6) described courses:

1. North 81 degrees 36 minutes 13 seconds East, a distance of 204.65 feet to an iron pin set;
2. South 08 degrees 23 minutes 47 seconds East, a distance of 178.91 feet to an iron pin set;
3. North 81 degrees 36 minutes 13 seconds East, a distance of 120.97 feet to an iron pin set;
4. South 53 degrees 26 minutes 57 seconds East, a distance of 21.23 feet to an iron pin set;
5. South 08 degrees 23 minutes 47 seconds East, a distance of 74.38 feet to an iron pin set;
6. North 81 degrees 36 minutes 13 seconds East, a distance of 150.77 feet to an iron pin set at the southeast corner of said 3.098 acre tract, being on the east line of said original 20.098 acre tract, and being on the west line of the remainder of that original 300 acre tract described in a deed to State of Ohio, of record in Deed Book 101, Page 390;

Thence South 08 degrees 23 minutes 47 seconds East, along the east line of said original 20.098 acre tract, along the west line of the remainder of said original 300 acre tract, a distance of 173.95 feet to an iron pin set;

Thence South 81 degrees 36 minutes 13 seconds West, across said original 20.098 acre tract along a new division line, a distance of 491.42 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 3.499 acres out of Franklin County Auditor's parcel number 010-267201.

The bearings described herein are based on the bearing of North 08 degrees 23 minutes 47 seconds West for the east right-of-way line for Wheatland Avenue, which is measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and NGS OPUS solution.

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-ARLD, Limited Apartment Residential District, in accordance with Ordinance # 0255-2018 (Z17-039).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**