



City of Columbus

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Legislation Text

File #: 2573-2016, **Version:** 1

Council Variance Application: CV16-051

APPLICANT: Jeff May; c/o Michael J. Maistros, AIA; 4740 Reed Road, Suite 201; Columbus, OH 43220.

PROPOSED USE: Multi-unit residential development.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant previously received a approval for a Council variance (Ordinance No. 1183-2016; CV15-062) and concurrent rezoning (Ordinance No. 1182-2016; Z15-046) to the AR-3, Apartment Residential District to allow the development of a 163-unit apartment complex. This request is to update variances for a new site plan which represents a decrease of 23 units to 140 units. The revised proposal maintains previous variances for commercial access through the AR-3 district, and modifies landscaping and screening requirements, dumpster area requirements, and perimeter yard. These reduced development standards are supportable because they allow for better design and placement of the building on the site and concentrate density near adjacent commercial developments along the Parsons Avenue corridor.

To grant a Variance from the provisions of Sections 3333.03, AR-3, Apartment Residential District use; 3312.21, Landscaping and screening; 3321.01(A), Dumpster area; 3321.07(B), Landscaping; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **587 LEHMAN STREET (43206)**, to permit a 140-unit apartment complex with reduced development standards in the AR-3, Apartment Residential District, and to repeal Ordinance No. 1183-2016, passed May 16, 2016 (Council Variance # CV16-051).

WHEREAS, by application No. CV16-051, the owner of property at **587 LEHMAN STREET (43206)**, is requesting a Council variance to permit a 140-unit apartment complex with reduced development standards in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3, Apartment Residential District use, prohibits vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes to allow commercial access to adjacent properties; and

WHEREAS, Section 3312.21, Landscaping and screening, requires 1 tree per 10 parking spaces, a total of 3 trees for 29 parking spaces, while the applicant proposes providing 0 parking lot trees, but will provide 17 trees dispersed throughout the site and along the street; and

WHEREAS, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster enclosure in the required perimeter yard as shown on the Site Plan; and

WHEREAS, Section 3321.07(B), Landscaping, requires 1 tree per 10 residential units, a total of 17 trees for 140 units, while the applicant proposes providing 0 trees, but will provide 17 trees dispersed throughout the site and along the street; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes perimeter yards of 0 to 19.29 feet to allow driveways, parking, and structures within the required perimeter yard; and

WHEREAS, the Columbus Southside Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances are reflective of higher-density infill development in close proximity to commercial development along the Parsons Avenue corridor; and

WHEREAS, said 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 **587 LEHMAN STREET (43206)**, in using said property as desired; now, therefore:

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

SECTION 1. That variances from the provisions of Sections 3333.03, AR-3, Apartment Residential District use; 3312.21, Landscaping and screening; 3321.01(A), Dumpster area; 3321.07(B), Landscaping; and 3333.255, Perimeter yard, of the Columbus City Codes, are hereby granted for the property located at **587 LEHMAN STREET (43206)**, insofar as said sections prohibit a multi-unit residential development with vehicular access for commercial uses from being located on residentially zoned property; 0 parking lot trees where 3 are required, and 17 trees dispersed throughout the site to count towards parking lot trees and the 1 required tree per 10 residential units (14 total); allowing the dumpster enclosure in the perimeter yard; and a reduced perimeter yard from 25 feet to between 0 and 19.29 feet; said property being more particularly described as follows:

587 LEHMAN STREET (43206), being 3.04± acres located at the southern terminus of Lehman Street, 155± feet south of East Livingston Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 27, Township 5 North, Range 22 West, Refugee Lands, being all of Tracts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 15 (Parcels 1 through 5) and the remainder of Tract 13 as described in a deed to JMM Real Estate Investments, Inc., of record in Instrument No. 201103170037114, also being all of that portion of Kennedy Drive (16.00 feet in width) as vacated by Ordinance 0310-2016, being a 0.071 acre tract of land as described in a deed to said JMM Real Estate Investments, Inc., of record in Instrument No. 201604110043419 and all of the interest in the alleys vacated by Ordinances 774-69, 2229-83 and 2696-94, all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

BEGINNING at a 3/4" iron pipe found at the intersection of the southerly right-of-way line of Jackson Street (40.00 feet in width) and the easterly right-of-way line of South Washington Avenue (28.00 feet in width), also being the northwesterly corner of Lot 5 of "Michael Oestrieher Et Al. Subdivision", a subdivision of record in Plat Book 5, Page 206 and being the northwesterly corner of said Tract 15 (Parcel 5) as described in said deed to JMM Real Estate Investments, Inc.;

Thence South 86° 34' 34" East, along the southerly right-of-way line of said Jackson Street, the northerly line of said Lot 5, the northerly line of Lot 6 of said subdivision and the northerly line of said 0.071 acre tract, passing a 5/8" iron pin

found (Jon Adcock S-8461) at a distance of 181.20 feet, a total distance of 197.20 feet to a MAG nail found in the easterly right-of-way line of said Kennedy Drive, being the westerly line of Lot 17 as shown and delineated on the plat entitled "William F. Lehman's Executors Subdivision", a subdivision of record in Plat Book 3, Page 201;

Thence North 3° 37' 09" East, along the easterly right-of-way line of said Kennedy Drive, the westerly line of said Lot 17, the westerly line of Lots 15, 13, 11 and 9 and the westerly line of a vacated alley between said Lots 9 and 11, all as shown and delineated on said "William F. Lehman's Executors Subdivision", a distance of 210.19 feet to a MAG nail set in the southerly line of a 15 foot alley, being the northwesterly corner of said Lot 9;

Thence South 86° 34' 41" East, along the southerly right-of-way line of said 15 foot alley, the northerly line of said Lot 9 and the northerly line of a 0.380 acre tract of land described as Tract 9 in the previously mentioned deed to JMM Real Estate Investments, Inc., a distance of 177.07 feet to a MAG nail set in the easterly right-of-way line of Lehman Street (40.00 feet in width), also being a point in the westerly line of a 1.955 acre tract as described in a deed to JMM Real Estate Investments, Inc., of record in Instrument No. 201103170037114, said Tract 9 being a portion of said Lehman Street vacated by Ordinance 2344-96;

Thence South 3° 39' 26" West, along the easterly line of said 0.380 acre tract and the westerly line of said 1.955 acre tract, a distance of 109.16 feet to a MAG nail found at the southwesterly corner of said 1.955 acre tract, being a point on the westerly line of Lot 14 of said "William F. Lehman's Executors Subdivision";

Thence South 86° 17' 58" East, along the southerly line of said 1.955 acre tract and through Lot 14, a distance of 54.69 feet to a MAG nail found at the northwesterly corner of a 1.991 acre tract of land as described in a deed to JMM Real Estate Investments, Inc., of record in Instrument No. 201604150046314;

Thence South 3° 32' 28" West, along the westerly line of said 1.991 acre tract, through Lots 14, 16, 18, 20, 22, 24, 26, 28 and through a portion of a 16 foot alley as vacated by Ordinance No. 774-69, a distance of 299.93 feet to a MAG nail found on the northerly right-of-way line of South Lane (20 feet in width), also being the southwesterly corner of said 1.991 acre tract and a point in the southerly line of said Lot 28;

Thence along the northerly right-of-way line of South Lane the following courses;

1. North 86° 46' 06" West, along the southerly line of said Lot 28, the southerly line of said 0.380 acre tract and the southerly line of Lot 27, all as shown and delineated on said "William F. Lehman's Executors Subdivision", a distance of 232.10 feet to an iron pin set at the southwesterly corner of said Lot 27;
2. North 3° 37' 09" East, along the westerly line of said Lot 27, a distance of 8.00 feet to an iron pin found (Jon Adcock S-8461) in the northerly right-of-way line of South Lane (28.00 feet in width), also being the southeasterly corner of the previously mentioned 0.071 acre tract;
3. North 86° 46' 06" West, along said northerly right-of-way line and the southerly line of said 0.071 acre tract, a distance of 8.00 feet to a MAG nail set in the centerline of Kennedy Drive and the easterly line of Lot 13 as shown and delineated on the plat entitled "Joseph Schwartz Subdivision", of record in Deed Book 32, Page 109;

Thence South 3° 37' 09" West, along the centerline of Kennedy drive and the easterly line of said Lot 13, a distance of 18.00 feet to a MAG nail set in the centerline of South Lane;

Thence North 86° 46' 06" West, along the centerline of said South Lane and the southerly line of said Lot 13, a distance of 201.89 feet to a MAG nail set in the centerline of South Washington Avenue;

Thence North 3° 15' 36" East, along said centerline, through said Lot 13 a distance of 169.64 feet to a MAG nail set in the northerly line of said Lot 13;

Thence South 86° 34' 34" East, along the northerly line of said Lot 13, a distance of 14.00 feet to an iron pin set in the easterly right-of-way line of said South Washington Avenue, also being the southwesterly corner of 16.00 foot wide alley vacated by Ordinance No. 774-69 and 2229-83;

Thence North 3° 15' 36" East, along said easterly right-of-way line, the westerly line of said vacated alley and the westerly line of Lot 7 and Lot 5 of the previously mentioned "Michael Oestrieher Et. Al. Subdivision", a distance of 41.00 feet to the PLACE OF BEGINNING and containing 3.044 acres 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 140-unit apartment complex, 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 titled, "**THE ARBOR - NEW APARTMENT BUILDING, SHEETS SP1.01 AND A5-01 - A5-04;**" and "**THE ARBOR - NEW TOWNHOME BUILDINGS, SHEETS SP1.1 AND A3.1;**" drawn by New Avenue Architects-Engineers, dated September 23, 2016 and September 9, 2016, respectively, and signed by Michael J. Maistros, Architect 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 plans 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 a Certificate of Occupancy for the proposed use.

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

SECTION 6. That Ordinance No. 1183-2016 passed May 16, 2016, be and is hereby repealed.