



Legislation Text

File #: 0596-2019, **Version:** 2

Council Variance Application: CV18-083

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

PROPOSED USE: 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 # 0595-2019; Z18-061) to the AR-2, Apartment Residential District to allow the development of an apartment complex. The requested variances will reduce the parking setback from 25 feet to 5 feet along Henderson Road, the building setback from 60 feet to 5 feet along Henderson Road, and the perimeter yard from 25 feet to 2 feet on the western perimeter, 0 feet on the southern perimeter, and 3 feet on the eastern perimeter. Staff supports the variances as they will allow flexibility in the site design that include streetscape improvements and expanded greenspace on the site. A site plan commitment is also included with a design that ensures that this proposed development, along a primary corridor, is compatible with surrounding development and logically fits with potential future redevelopment scenarios.

To grant a Variance from the provisions of Sections 3312.27(2), Parking setback line, 3333.18, Building lines, and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **4522 KENNY ROAD (43220)**, to permit the development of an apartment complex with reduced development standards in the AR-2, Apartment Residential District (Council Variance #CV18-083) **and to declare an emergency.**

WHEREAS, by application #CV18-083, the owner of property at **4522 KENNY ROAD (43220)**, is requesting a Council variance to permit the development of an apartment complex with reduced development standards in the AR-2, Apartment Residential District; and

WHEREAS, Section 3312.27(2), Parking setback line, requires a parking setback of no less than 25 feet along Henderson Road, while the applicant proposes a reduced building setback of 5 feet; and

WHEREAS, Section 3333.18(F), requires a building setback of no less than 60 feet along Henderson Road, while the applicant proposes a reduced building setback of 5 feet along the frontage; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 2 feet on the western perimeter, 0 feet on the southern perimeter, and 3 feet on the eastern perimeter; and

WHEREAS, the City Departments recommend approval of the variances as they will allow flexibility in the site design that include streetscape improvements and expanded greenspace on the site. A site plan commitment is also included with a design that ensures that this proposed development, along a primary corridor, is compatible with surrounding development and logically fits with potential future redevelopment scenarios; and

WHEREAS, this 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 **4522 KENNY ROAD (43220)**, in using said property as desired;

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 begin construction 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 3312.27(2), Parking setback line, 3333.18, Building lines, and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **4522 KENNY ROAD (43220)**, insofar as said sections prohibit a multi-unit residential development with a reduction in parking setback from 25 feet to 5 feet along Henderson Road, building setback from 60 feet to 5 feet along Henderson Road, and a reduced perimeter yard from 25 feet to 2 feet on the western perimeter, 0 feet on the southern perimeter, and 3 feet on the eastern perimeter; said property being more particularly described as follows:

4522 KENNY ROAD (43220), being 5.4± acres located on the east side of Kenny Road, 214± feet south of West Henderson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 1, Township 1, Range 19, United States Military District, being a 5.4± acre tract, said 5.4± acre tract being all of a 2.4244 acre tract of land described as Tract I conveyed to 4522 Kenny Road LLC of record in Instrument Number 199812210328301, being all of a 0.6745 acre tract of land conveyed to Sama Management, LLC of record in Instrument Number 201109280122395, being all of Tract I and Tract II as conveyed to Dr. Kvitko Properties, LLC of record in Instrument Number 201506020072460, being all of a 0.702 acre tract of land conveyed to Kathryn A. Schirtzinger Tr. of record in Instrument Number 200405270122380 and all of a 0.702 acre tract of land conveyed to Capital Car Wash LLC of record in Instrument Number 200509010180997, and being more particularly described as follows:

Beginning, at a northwesterly corner of said 2.4244 acre tract, at a southwesterly corner of a tract of land conveyed to ZKR Inc. of record in Instrument Number 200802050017981 and in the easterly right-of-way line of Kenny Road;

Thence S 87° 35' 13" E, along a northerly line of said 2.4244 acre tract, about 254.21± feet to a northwesterly corner thereof;

Thence along the westerly lines of said 2.4244 acre tract the following two (2) courses;

N 02° 42' 06" E, about 110.32± feet to an angle point thereof;

N 02° 38' 33" E, about 104.11± feet to a northwesterly corner thereof and being in the southerly right-of-way line of Henderson Road;

Thence S 87° 51' 05" E, along the northerly line of said 2.4244 acre tract, along the northerly line of said 0.6745 acre tract and along the southerly right-of-way line of said Henderson Road, about 560.89± feet to the northeasterly corner of

said 0.6745 acre tract;

Thence S 02° 16' 16" W, along the easterly line of said 0.6745 acre tract and said Parcel I, about 449.15± feet to the southeasterly corner of said Parcel I and the northwesterly right-of-way line of Old Henderson Road;

Thence along the southerly lines of said Parcel I and Parcel II, along the southerly line of said Schirtzinger tract and said Capital Car Wash LLC tract and along the northerly right-of-way lines of said Old Henderson Road, the following two (2) courses;

S 62° 50' 37" W, about 8.68± feet to an angle point thereof;

N 87° 55' 52" W, about 434.88± feet to the southwesterly corner of said Capital Car Wash LLC tract;

Thence N 02° 32' 09" E, along the westerly line of said Capital Car Wash LLC tract, about 210.21± feet to the northwesterly corner thereof and being in the southerly line of said 2.4244 acre tract;

Thence along the southerly and easterly lines of said 2.4244 acre tract, the following three (3) courses;

N 88° 00' 39" W, about 345.71± feet to the southeasterly corner thereof;

S 03° 02' 14" W, about 24.53± feet to the southeasterly corner thereof;

N 88° 02' 43" W, about 29.40± feet to the southwesterly corner thereof and being in the easterly right-of-way line of said Kenny Road;

Thence N 02° 29' 12" E, along the westerly line of said 2.4244 acre tract and the easterly right-of-way line of said Kenny Road, about 50.75± feet to the True Point of Beginning.

Containing about 5.4± acres, 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 as permitted by the AR-2, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ILLUSTRATIVE PLAN: KENNY & W. HENDERSON RD.**" and elevation drawing "**CONCEPTUAL ELEVATION EXHIBIT,**" both dated, 2/4/2019 and signed by David Hodge, 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 use.

SECTION 5. ~~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.