



Legislation Text

File #: 1563-2019, **Version:** 1

Council Variance Application: CV19-003

APPLICANT: The Pines at Tuttle Crossing Limited Partnership, et al.; c/o R. Brian Newcomb, Atty.; 141 East Town Street; Columbus, OH 43215.

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 #1562-2019; Z19-002) to the L-AR-1, Limited Apartment Residential District to permit increased density for an existing apartment complex comprised of three parcels. The applicant requests variances to conform no internal perimeter yards for Phases 1 and 3, to reduce the perimeter yard along the northern property line of Phase 3, and to maintain no frontage for the Phase 3 parcel. Staff supports the requested variances as they conform existing conditions for the apartment complex, and the additional parking in the perimeter yard includes adequate landscaping and screening.

To grant a Variance from the provisions of Sections 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5303 WILCOX RD (43016)**, to permit an apartment complex with reduced development standards in the L-AR-1, Limited Apartment Residential District (Council Variance #CV19-003).

WHEREAS, by application #CV19-003, the owner of property at **5303 WILCOX RD (43016)**, is requesting a Council variance to permit an apartment complex with reduced development standards in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.16, Fronting, requires an apartment complex to have frontage on a public street, while the applicant proposes no frontage for the Phase 3 parcel; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes no interior perimeter yards for Phases 1 and 3, and a reduced the perimeter yard of 4.5 feet along the northern property line of Phase 3; and

WHEREAS, the City Departments recommend approval of the requested variances as they conform existing conditions for an apartment complex comprised of three parcels, and the additional parking in the perimeter yard includes adequate landscaping and screening; 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 **5303 WILCOX RD (43016)**, 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 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5303 WILCOX RD (43016)**, insofar as said sections prohibit an apartment complex with no frontage on a public street for Phase 3; no interior perimeter yards for Phases 1 and 3; and a reduced perimeter yard from 25 feet to 4.5 feet along the north property line of Phase 3, said property being more particularly described as follows:

5303 WILCOX RD (43016), being 28.75± acres located on the west side of Wilcox Road, 920± feet south of Tuttle Crossing Boulevard, and being more particularly described as follows:

Phase 1:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey No. 3012 and containing 21.47+/- acres of land, said 21.47+/- acres being all of that 21.470 acre tract of land as conveyed to The Pines at Tuttle Crossing Limited Partnership of record in Instrument No. 199904300109252, said 21.47+/- acres being more particularly described as follows;

Beginning at a southeasterly corner of said 21.470 acre tract, said corner also being a northwesterly corner of that 12.148 acre tract of land as conveyed to The Pines at Tuttle Crossing Limited Partnership II of record in Instrument No. 200006120115645;

Thence S 84° 13' 52" W, with a southerly line of said 21.470 acre tract and a northerly line of said 12.148 acre tract, 133.9+/- feet to an angle point in the southerly line of said 21.470 acre tract, a northwesterly corner of said 12.148 acre tract and a northeasterly corner of The Vinings, 9th Amendment of record in Condominium Plat Book 132, Page 57;

Thence S 84° 18' 05" W, with a southerly line of said 21.470 acre tract, partially with a northerly line of said 9th Amendment and partially with the northerly line of The Vinings, 10th Amendment of record in Condominium Plat Book 135, Page 72, 526.0+/- feet to a southwesterly corner of said 21.470 acre tract and a southeasterly corner of that 28.603 acre tract of land described as Tract Two and as conveyed to Edwards Avery Road LLC of record in Instrument No. 201705010057599;

Thence N 02° 20' 39" E, with the westerly line of said 21.470 acre tract and the easterly line of said Tract Two, 627.4+/- feet to a northwesterly corner of said 21.470 acre tract and a southwesterly corner of that 6.379 acre tract of land as conveyed to The Pines at Tuttle Crossing III, LLC of record in Instrument No. 201309200160860;

Thence with northerly lines of said 21.470 acre tract, with the southerly line of said 6.379 acre tract and with the southerly line of that 18.965 acre tract of land as conveyed to The Orchard at Wilcox, Ltd. of record in Instrument No. 200103270061621, the following two (2) courses and distances:

N 84° 42' 02" E, 1076.7+/- feet to an angle point thereof;

N 72° 40' 27" E, 668.6+/- feet to a northeasterly corner of said 21.470 acre tract, a northwesterly corner of that 0.186 acre tract of land as conveyed to the City of Columbus, Ohio of record in Instrument No. 199903120062415 and being in the westerly right-of-way line of Wilcox Road (R/W Varies);

Thence S 06° 02' 51" E, with an easterly line of said 21.470 acre tract, a westerly line of said 0.186 acre tract and along

said westerly right-of-way line, 538.2+/- feet to a southeasterly corner of said 21.470 acre tract, a southwesterly corner of said 0.186 acre tract and in the northerly line of that 1.00 acre tract of land as conveyed to Evelyn K. Fladt of record in Instrument No. 200101300019372;

Thence with southerly and easterly lines of said 21.470 acre tract, a northerly line of said 1.00 acre tract and with northerly and westerly lines of said 12.148 acre tract, the following six (6) courses and distances:

S 84° 13' 52" W, 370.7+/- feet to a point of curvature;

with a curve to the right having a central angle of 50° 38' 33" and a radius of 703.23 feet, an arc length of 621.57 feet and a chord bearing and distance of S 80° 56' 32" W, 601.53+/- feet to a point of reverse curvature;

with a curve to the left having a central angle of 48° 31' 37" and a radius of 251.26 feet, an arc length of 212.81 feet and a chord bearing and distance of S 82° 00' 00" W, 206.50+/- feet to a point of tangency;

S 57° 44' 11" W, 39.8+/- feet to an angle point thereof;

S 35° 41' 54" E, 100.9+/- feet to an angle point thereof;

S 05° 41' 55" E, 60.9+/- feet to the True Point of Beginning and containing 21.47+/- acre more or less.

The above description was prepared by Advanced Civil Design Inc. on 12/3/2018 and is based on existing County Auditor records, County Recorder records and field surveys completed in July and August of 2018.

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

Phase 3:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey No. 3012 and containing 6.38+/- acres of land, said 6.38+/- acres being all of that 6.379 acre tract of land as conveyed to The Pines at Tuttle Crossing III, LLC of record in Instrument No. 201309200160860, said 6.38+/- acres being more particularly described as follows;

Beginning at the northeasterly corner of said 6.379 acre tract of land, said corner being the northwesterly corner of that 18.965 acre tract of land as conveyed to The Orchard at Wilcox, Ltd. of record in Instrument No. 200103270061621 and being in the southerly line of that 9.606 acre tract of land as conveyed to Gage Crossing LLC of record in Instrument No. 201702220024904;

Thence S 05° 11' 12" E, with the easterly line of said 6.379 acre tract and with the westerly line of said 18.965 acre tract, 683.3+/- feet to a common corner thereof and in a northerly line of that 21.470 acre tract of land as conveyed to The Pines at Tuttle Crossing Limited Partnership of record in Instrument No. 199904300109252;

Thence S 84° 42' 02" W, with a southerly line of said 6.379 acre tract and a northerly line of said 21.470 acre tract, 451.9+/- feet to a common corner thereof and in the easterly line of that 28.603 acre tract of land described as Tract Two in the deed to Edwards Avery Road LLC of record in Instrument No. 201705010057599;

Thence N 02° 20' 39" E, with the westerly line of said 6.379 acre tract and the easterly line of said Tract Two, 689.2+/- feet to a common corner thereof and in the southerly line of said 9.606 acre tract;

Thence N 84° 39' 53" E, with a northerly line of said 6.379 acre tract and a southerly line of said 9.606 acre tract, 361.6+/- feet to the True Point of Beginning and containing 6.38+/- acre more or less.

The above description was prepared by Advanced Civil Design Inc. on 11/30/2018 and is based on existing County Auditor records, County Recorder records and field surveys completed in July and August of 2018.

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 an apartment complex as permitted by the L-AR-1, Limited Apartment Residential District specified by Ordinance #1562-2019 (Z19-002).

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

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