



Legislation Text

File #: 2280-2019, **Version:** 1

Council Variance Application: CV19-047

APPLICANT: Plainsboro Partners III Ltd.; c/o Thomas L. Hart, Atty.; Two Miranova Place, Suite 700; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with an apartment complex zoned in the L-ARLD, Limited Apartment Residential District. The property is located on the north side of Hard Road, and this arterial was widened in 2014, which necessitated the acquisition of additional right-of-way. The right-of-way acquisition has compromised the existing building and signage setbacks thereby creating noncompliant conditions. The requested Council variance has been filed in conjunction with Ordinance #2279-2019 (Z85-076A), which removes limitations to setback commitments. This variance request provides for a building setback of not less than 20 feet and sign setbacks of not less than 10 feet and zero feet for the existing entry signs. The site is within the planning area of the *Northwest Plan* (2016), which recommends medium-high density residential development for this location. Staff supports the proposal as the requested variances were necessitated due to the right-of-way taking along Hard Road. The request adjusts the zoning requirements to match existing site conditions, allowing the applicant to achieve zoning site compliance which is a requirement of their lender.

To grant a Variance from the provisions of Sections 3333.18, Building lines and 3376.04, Residential complex signs, of the Columbus City Codes; for the property located at **2677 COLLINFORD DR. (43016)**, to permit reduced setbacks for a multi-unit residential development in the L-ARLD, Limited Apartment Residential District (Council Variance #CV19-047).

WHEREAS, by application #CV19-047, the owner of property at **2677 COLLINFORD DR. (43016)**, is requesting a Council variance to permit a multi-unit residential development with reduced setbacks in the L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of no less than 50 feet along Hard Road, while the applicant proposes to maintain a reduced building setback line of 20 feet;

WHEREAS, Section 3376.04, Residential complex signs, requires a minimum setback of 15 feet from the right-of-way line, while the applicant proposes to maintain ground sign setbacks of 10 feet and zero feet, as depicted on the attached site plan; and

WHEREAS, the City Departments recommend approval because the requested variances were necessitated due to the right-of-way taking along Hard Road. The request adjusts the zoning requirements to match existing site conditions, allowing the applicant to achieve zoning site compliance; and

WHEREAS, this ordinance requires separate submission for final site compliance plan approval for the existing development, and all applicable permits and a Certificate of Zoning Clearance for the proposed signage; 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 **2677 COLLINFORD DR. (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 3333.18, Building lines; and 3376.04, Residential complex signs, of the Columbus City Codes, is hereby granted for the property located at **2677 COLLINFORD DR. (43016)**, insofar as said section prohibits a multi-unit residential development with a reduced building setback line from 50 feet to 20 feet, and a reduced signage setback from 15 feet to 10 feet and 0 feet; said property being more particularly described as follows:

2677 COLLINFORD DR. (43016), being 15.23± acres located on the north side Hard Road, 327± feet east of Sawmill Road, and being more particularly described as follows:

DESCRIPTION OF 15.232 ACRES AT 7962 CROSSHAVE DRIVE
FOR PLAINSBORO PARTNERS III LIMITED PARTNERSHIP
(OLDE MILL LAKES APARTMENTS)

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 1, Township 2 North, Range 19 West, United States Military Land, in Lot Number Eighteen (18) of Flavel Tuller's Survey of record in Plat Book 3, Page 60, and being all of that 15.277 acre tract of land (15.232 acres by recent survey) conveyed to Plainsboro Partners III limited Partnership by deed of record in Official Record 26712, Page E 14, all references the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for reference at Franklin County Monument No. 7772 found at the intersection of the centerlines of Hard Road and Sawmill Road;

Thence S 87° 39' 06" E along the centerline of Hard Road a distance of 399.69 feet to a point, said point being N 87° 39' 06" W a distance 100.31 feet from Franklin County Monument No. 6651 found in the centerline of Hard Road;

Thence N 2° 55' 31" E a distance of 40.00 feet to a ¾-inch I.D. iron pipe set at a corner in the north right-of-way line of Hard Road, at the northeast corner of a 0.132 acre tract of land conveyed to Franklin County Commissioners as Parcel 26WD by deed of record in Official Record 12318, I 04, at the northwest corner of a 0.410 acre tract of land conveyed to the City of Columbus, Ohio by deed of record in Official Record 6519, Page E14, at the southeast corner of a 0.3755 acre tract of land conveyed to City of Columbus, Ohio by deed of record in Instrument 199905130121125, at the southwest corner of said 15.232 acre tract and at the true place of beginning of the tract herein intended to be described;

Thence continuing N 2° 55' 31" E along the east line of said 0.3755 acre tract, along the east line of an original 1.406 acre tract of land conveyed to WEC 98H-38 LLC as Parcel II by deed of record in Instrument 199901110007656, along the east line of a 1.8596 acre tract of land conveyed to M & E Remainder LLC by deed of record in Instrument 200010180212255 a distance of 337.49 feet to a ¾-inch I.D. iron pipe found at the northeast corner of said 1.8596 acre tract and at a corner of said 15.232 acre tract (passing a ¾-inch I.D. iron pipe found at the northeast corner of said 0.3755 acre tract at 10.00 feet);

Then N 87° 04' 29" W along a north line of said 1.8596 acre tract and along a south line of said 15.232 acre tract a

distance of 100.10 feet to a $\frac{3}{4}$ -inch I.D. iron pipe set at a corner of said 1.8596 acre tract and at a corner of said 15.232 acre tract;

Thence N 1° 57' 01" E along an east line of said 1.8596 acre tract and along a west line of said 15.232 acre tract a distance of 19.94 feet to a $\frac{3}{4}$ -inch I.D. iron pipe set at a corner of said 1.8596 acre tract and at a corner of said 15.232 acre;

Thence N 10° 30' 29" W along an east line of said 1.8596 acre tract and along a west line of said 15.232 acre tract a distance of 70.96 feet to a point in Billingsly Ditch, at a corner of said 1.8596 acre tract and at a corner of said 15.232 acre tract;

Then N 9° 09' 31" E along an east line of said 1.8596 acre tract, along an east line of a 1.3250 acre tract of land conveyed to Thomas Group Property Management, LLC by deed of record in Instrument 200004210078512 and along a west line of said 15.232 acre tract a distance of 129.16 feet to a point in Billingsly Ditch, at a corner of said 1.3250 acre tract and at a corner of said 15.232 acre tract;

Thence N 2° 49' 29" W along an east line of said 1.3250 acre tract and along a west line of said 15.232 acre tract a distance of 54.31 feet to a point in Billingsly Ditch, at a corner of said 1.3250 acre tract and at a corner of said 15.232 acre tract;

Thence N 25° 43' 01" E along an east line of said 1.3250 acre tract and along a west line of said 15.232 acre tract a distance of 102.09 feet to a point in Billingsly Ditch, at the northeast corner of said 1.3250 acre tract, in the south line of Lot Number Thirty (30) of said Flavel Tuller's Survey, in the north line of said Lot Number Eighteen (18), in the south line of "Olde Sawmill On The Lake Condominium" as shown of record in Condominium Plat Book 27, Page 74 and as recorded in Official Record 3886, Page C 10, and at the northwest corner of said 15.232 acre tract;

Thence S 87° 23' 27" E along the south line of said "Olde Sawmill On The Lake Condominium", along the south line of said Lot Number Thirty (30), along the north line of said Lot Number Eighteen (18), along a portion of a south line of a 7.600 acre tract of land conveyed to Sawmill Commons L.P. by deed of record in Instrument 199910010247158 and along the north line of said 15.232 acre tract a distance of 957.65 feet to a $\frac{3}{4}$ -inch I.D. iron pipe set at the northeast corner of said 15.232 acre tract and at the northwest corner of a 0.905 acre tract of land conveyed to Mara Enterprises, Inc. as Parcel Two by deed of record in Official Record 25574, Page G 06;

Then S 2° 21' 24" W along the west line of said 0.905 acre tract, along a portion of the west line of "Millrun Condominium" as shown of record in Condominium Plat Book 32, Page 33 and as recorded in Official Record 5611, Page A 01, and along the east line of said 15.232 acre tract a distance of 699.29 feet to a $\frac{3}{4}$ -inch I.D. iron pipe found in the north right-of-way of Hard Road, at the northeast corner of said 0.410 acre tract and at the southeast corner of said 15.232 acre tract;

Thence N 87° 39' 06" W parallel with and 40 feet northerly by perpendicular measurement from the centerline of Hard Road, along the north line of said 0.410 acre tract and along the south line of said 15.232 acre tract a distance of 895.83 feet to the place of true beginning;

containing 15.232 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in February, 2004. Basis of bearings is the centerline of Hard Road, being S 87° 39' 06" E, as transferred from the GPS Survey of Franklin County Monuments Number 7772 and Number 2218 and is based on the NAD 83 Ohio State Plane Coordinate System, South Zone.

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 #2279-2019 (Z85-076A).

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plans titled, "**OLDE MILL LAKES ROW VARIANCE SHEETS 1 - 5**," dated September 4, 2019, drawn by Ralph Kramer, III, Professional Engineer, and signed by Thomas L. Hart, 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 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 final site compliance plan approval for the existing development, and all applicable permits and a Certificate of Zoning Clearance for the proposed signage.

SECTION 5. That this ordinance is further conditioned on the following: The granting of the right-of-way dedication exception in relation to Rezoning Application #Z85-076A (Ordinance #2279-2019) and/or Council Variance Application #CV19-047 (Ordinance #2280-2019), in no way releases the property owner from compliance with then applicable right-of-way dedication requirements and other city regulations should the owner seek to rezone, redevelop, or change the approved land uses on the property in the future.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.