



Legislation Text

File #: 2277-2019, **Version:** 2

Council Variance Application: CV19-023

APPLICANT: Wagenbrenner Development; c/o Dave Perry, Agent, David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Joseph M. Reidy, Atty.; 842 North Fourth Street, Suite 200; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

WEST SCIOTO AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site consists of single parcel formally used as part of a quarry operation in the M, Manufacturing District. The requested Council variance will permit a mixed-use development that is adjacent to a future Metro Park, which will include 864 residential units (329 single-unit dwellings and 535 apartment units) and 80,500 square feet of commercial development. The request establishes five subareas (Subareas A-E) with development standards proposed for each, as well as use restrictions requested by the West Scioto Area Commission. Variances for increased building height (60 feet in H-35), reduced interior parking lot landscaping (one tree per 20 parking spaces), loading space, and to permit maneuvering and parking spaces over parcel lines are included in the request. A parking space reduction from 371 required to 54 provided spaces is proposed for Subarea D, with shared parking for the commercial uses proposed in Subarea C, a multi-unit residential subarea with an 88-space surplus. The site is within the planning area of the *Trabue-Roberts Area Plan* (2011), which recommends “Quarry” for this location, but also states that, “Reuse of quarry should be restored in a manner that is compatible with the community and maximize recreational reuse potential where appropriate.” Staff supports the proposed uses, but a project of this magnitude should be rezoned to an appropriate zoning district with a concurrent Council variance application for standards variances. There is no justification for maintaining manufacturing zoning for such a large scale, high density residential and commercial development. Other similar residential redevelopments of nearby former quarry sites were rezoned to appropriate zoning districts. The inappropriate use of a Council variance circumvents due process provided for in the rezoning process and the associated public hearing and recommendation of the Development Commission, avoids compliance with monetary Parkland Dedication requirements, may expose future residents to potential nearby incompatible and intense industrial development that would be prohibited if the site was rezoned to a residential district, and may expose the City to potential and costly administrative appeals that are not available to rezoning decisions.

To grant a Variance from the provisions of Sections 3363.01, M -manufacturing districts; 3309.014(A), Height districts; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(B), Minimum number of parking spaces required; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at **2400 OLD DUBLIN RD. (43228)**, to permit mixed-use development with reduced development standards in the M, Manufacturing District (Council Variance #CV19-023).

WHEREAS, by application #CV19-023, the owner of the property at **2400 OLD DUBLIN RD. (43228)**, is requesting a Variance to permit mixed-use development with reduced development standards in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M-manufacturing districts, prohibits dwelling units except for a dwelling unit for a resident security person and specified residential uses of an institutional nature, while the applicant proposes a maximum of 864 residential units consisting of detached and attached dwelling units and multi-unit residential development; and

WHEREAS, Section 3309.14(A), Height districts, limits building height in a 35 foot height district to 35 feet, with height defined in Section 3303.08, Height, and subject to the provisions of Section 3309.142, Height district exceptions, while the applicant proposes maximum building heights of 60 feet in Subareas B, C, D, and E; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires one parking lot tree for every ten parking spaces, while the applicant proposes one parking lot tree for every 20 spaces in Subareas C and D; and

WHEREAS, Section 3312.25, Maneuvering, requires maneuvering to be located on the same parcel as the parking space or loading space for which it is maneuvering area, while the applicant proposes to permit maneuvering areas to be divided by property lines on Subareas C and D, subject to applicable total code required maneuvering being provided for parking spaces; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be 9 feet in width and 18 feet in length, while the applicant proposes to permit parking spaces to be divided by property lines in Subarea C, subject to applicable total code required parking space dimensions being provided; and

WHEREAS, Section 3312.49(B), Minimum number of parking spaces required, requires off-street parking at various ratios depending on use, while the applicant proposes to reduce the required parking in Subarea D from 371 spaces to 54 spaces, with shared parking for Subarea D available in Subarea C which contains a surplus of 88 parking spaces; and

WHEREAS, Section 3312.53, Minimum number of loading spaces required, requires loading spaces based on type of use and size of building, while the applicant proposes to reduce code required loading spaces to zero, with loading areas being provided as needed and subject to design approval by the Department of Public Service, Division of Traffic Management; and

WHEREAS, construction of uses is limited to the Phase 1 area until a regional traffic study is approved, with traffic improvements required for the Phase 1 development as specified in the ordinance attachment file; and

WHEREAS, the West Scioto Area Commission recommends disapproval; and

WHEREAS, City Departments recommend disapproval of the requested variances despite supporting a mixed-use project at this location because a project of this magnitude should be rezoned to an appropriate zoning district with a concurrent Council variance application for standards variances. There is no justification for maintaining manufacturing zoning for such a large scale, high density residential and commercial development. Other similar residential redevelopments of nearby former quarry sites were rezoned to appropriate zoning districts. The inappropriate use of a Council variance circumvents due process provided for in the rezoning process and the associated public hearing and recommendation of the Development Commission, avoids compliance with monetary Parkland Dedication requirements, may expose future residents to potential nearby incompatible and intense industrial development that would be prohibited if the site was rezoned to a residential district, and may expose the City to potential and costly administrative appeals that are not available to rezoning decisions; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed uses; 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 **2400 OLD DUBLIN RD. (43228)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3363.01, M -manufacturing districts; 3309.014(A), Height districts; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(B), Minimum number of parking spaces required; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at **2400 OLD DUBLIN RD. (43228)**, insofar as said sections prohibit 864 residential units in the M, Manufacturing District, with increased building heights up to 60 feet in Subareas B-E; reduced interior parking lot trees from one per 10 parking spaces to one per 20 parking spaces in Subareas C-D; maneuvering areas to be divided by property lines in Subareas C-D, subject to applicable total code required maneuvering being provided for parking spaces; parking spaces to be divided by property lines in Subarea C, subject to applicable total code required parking space dimensions being provided by easement, as applicable; a parking space reduction in Subarea D from 371 required to 54 provided parking spaces, with shared parking provided in Subarea C; and to reduce code required loading spaces to zero, with loading areas being provided as needed and subject to design approval by the Department of Public Service, Division of Traffic Management; said property being more particularly described as follows:

2400 OLD DUBLIN RD. (43228), being 69.99± acres located on the north side of Old Dublin Road, 1,950± feet east of Grandview Avenue, and being more particularly described as follows:

LEGAL DESCRIPTION
69.989 ACRES

Situated in the State of Ohio, County of Franklin, in the City of Columbus, Virginia Military Survey 544, and being a part of a 608.923 acre tract, as conveyed to Trabue Dublin, LLC, as recorded in Instrument No. 201802130021213, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows: Commencing at Franklin County Monument 1638 at the intersection of the centerlines of Trabue Road (Width Varies), and Dublin Road (Width Varies);

Thence, along the centerline of Dublin Road, and along the southwesterly line of said 608.923 acre tract, North 48 degrees 06 minutes 00 seconds West, 2067.88 feet to a mag spike set, passing Franklin County Monument 1527 at 2029.19 feet;

Thence leaving the centerline of Dublin Road and along the centerline of old Dublin Road, and the westerly line of said 608.923 acre tract, North 15 degrees 09 minutes 50 seconds West, 79.94 feet to a mag spike set;

Thence continuing along the centerline of old Dublin Road, and the westerly line of said 608.923 acre tract, North 07 degrees 11 minutes 45 seconds West, 76.71 feet to a railroad spike found;

Thence continuing along the centerline of old Dublin Road, and the westerly line of said 608.923 acre tract, North 07 degrees 25 minutes 42 seconds West, 672.81 feet to a railroad spike found;

Thence continuing along the centerline of old Dublin Road, and the westerly line of said 608.923 acre tract, North 06 degrees 53 minutes 16 seconds West, 718.60 feet to a railroad spike found;

Thence continuing along the centerline of old Dublin Road, and the southwesterly line of said 608.923 acre tract, along a curve to the left having a radius of 287.68 feet, a central angle of 80 degrees 23 minutes 55 seconds, an arc length of 403.68 feet, and a chord which bears North 47 degrees 05 minutes 13 seconds West, 371.36 feet to a mag spike set;

Thence continuing along the centerline of old Dublin Road, and the southerly line of said 608.923 acre tract, North 87 degrees 18 minutes 38 seconds West, 589.52 feet to a point;

Thence perpendicularly across old Dublin Road and said 608.923 acre tract, North 02 degrees 41 minutes 22 seconds East, 30.00 feet to an iron pin set on the northerly line of said old Dublin Road, said pin being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence across the 5, 33.33, 57, 80, and 72 ¾ acre tracts, as conveyed to Trabue Dublin, LLC, as recorded in Instrument No. 201008260109792, which are a part of said 608.923 acre tract, the following thirty-eight (38) courses:

North 42 degrees 56 minutes 22 seconds East, 509.34 feet to a mag spike set;

North 14 degrees 46 minutes 05 seconds East, 92.08 feet to a mag spike set;
Along a curve to the right having a radius of 540.61 feet, a central angle of 50 degrees 46 minutes 18 seconds, an arc length of 479.05 feet, and a chord which bears South 50 degrees 03 minutes 27 seconds East, 463.53 feet to a mag spike set;
Along a curve to the left having a radius of 1142.05 feet, a central angle of 18 degrees 36 minutes 32 seconds, an arc length of 370.92 feet, and a chord which bears South 32 degrees 50 minutes 50 seconds East, 369.29 feet to a mag spike set;
North 68 degrees 39 minutes 31 seconds East, 62.95 feet to an iron pin set;
North 78 degrees 41 minutes 33 seconds East, 1392.33 feet to an iron pin set, passing an iron pin set at 1266.40 feet;
South 55 degrees 48 minutes 56 seconds East, 75.90 feet to an iron pin set;
South 33 degrees 35 minutes 42 seconds East, 109.48 feet to an iron pin set;
South 60 degrees 13 minutes 18 seconds West, 63.37 feet to an iron pin set;
Along a curve to the right having a radius of 230.00 feet, a central angle of 47 degrees 50 minutes 36 seconds, an arc length of 192.06 feet, and a chord which bears South 33 degrees 43 minutes 42 seconds East, 186.52 feet to an iron pin set;
Along a curve to the left having a radius of 732.83 feet, a central angle of 27 degrees 32 minutes 24 seconds, an arc length of 352.24 feet, and a chord which bears South 23 degrees 34 minutes 36 seconds East, 348.86 feet to an iron pin set;
South 39 degrees 54 minutes 20 seconds East, 388.60 feet to an iron pin set;
Along a curve to the right having a radius of 1380.00 feet, a central angle of 27 degrees 56 minutes 58 seconds, an arc length of 673.18 feet, and a chord which bears South 25 degrees 55 minutes 50 seconds East, 666.53 feet to an iron pin set;
Along a curve to the left having a radius of 773.78 feet, a central angle of 21 degrees 04 minutes 35 seconds, an arc length of 284.64 feet, and a chord which bears South 22 degrees 29 minutes 39 seconds East, 283.03 feet to an iron pin set;
North 69 degrees 21 minutes 37 seconds East, 78.71 feet to an iron pin set;
South 35 degrees 44 minutes 52 seconds East, 14.68 feet to an iron pin set;
South 51 degrees 15 minutes 44 seconds East, 133.83 feet to an iron pin set;
South 17 degrees 20 minutes 07 seconds East, 131.24 feet to an iron pin set;
South 12 degrees 01 minutes 06 seconds West, 263.36 feet to an iron pin set;
South 58 degrees 37 minutes 36 seconds West, 161.16 feet to an iron pin set;
North 66 degrees 17 minutes 48 seconds West, 53.97 feet to an iron pin set;
South 75 degrees 31 minutes 21 seconds West, 154.01 feet to a mag spike set;
North 80 degrees 00 minutes 25 seconds West, 195.89 feet to a mag spike set;
North 63 degrees 54 minutes 23 seconds West, 306.12 feet to a mag spike set;
North 27 degrees 16 minutes 06 seconds East, 90.16 feet to a mag spike set;
North 25 degrees 12 minutes 38 seconds West, 129.28 feet to a mag spike set;
North 77 degrees 41 minutes 44 seconds West, 90.98 feet to a mag spike set;
North 15 degrees 31 minutes 14 seconds West, 46.57 feet to a mag spike set;
Along a curve to the left having a radius of 477.50 feet, a central angle of 12 degrees 18 minutes 32 seconds, an arc length of 102.58 feet, and a chord which bears North 81 degrees 14 minutes 46 seconds West, 102.38 feet to a mag spike set;
Along a curve to the right having a radius of 522.50 feet, a central angle of 49 degrees 01 minutes 03 seconds, an arc length of 447.01 feet, and a chord which bears North 62 degrees 53 minutes 30 seconds West, 433.50 feet to a mag spike set;
North 38 degrees 22 minutes 59 seconds West, 861.06 feet to a mag spike set;
North 39 degrees 40 minutes 37 seconds West, 846.43 feet to a mag spike set;
North 41 degrees 28 minutes 43 seconds West, 17.98 feet to a mag spike set;
Along a curve to the left having a radius of 15.00 feet, a central angle of 84 degrees 57 minutes 00 seconds, an arc length of 22.24 feet, and a chord which bears North 83 degrees 57 minutes 13 seconds West, 20.26 feet to a mag spike set;
South 53 degrees 34 minutes 16 seconds West, 104.06 feet to an iron pin set on the easterly line of old Dublin Road;
Along the northeasterly line of old Dublin Road and Along a curve to the left having a radius of 317.67 feet, a central angle of 75 degrees 02 minutes 31 seconds, an arc length of 416.07 feet, and a chord which bears North 49 degrees 48 minutes 45 seconds West, 386.96 feet to an iron pin set;
Along the northerly line of old Dublin Road, North 87 degrees 18 minutes 38 seconds West, 589.52 feet to an iron pin set,

said pin being the POINT OF BEGINNING, containing 69.989 acres (3,048,721 Sq. Ft.), more or less.

Subject to all legal rights-of-way and/or easements, if any, of previous record.

The bearings shown on this plat are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2012A).

Control for the bearings was from coordinates of monuments FCGS 1638 and FCGS 1527, as established by the Franklin County Engineering Department, using Global Positioning procedures and equipment, with a bearing of N48°06'00"W for a portion of the centerline of Dublin Road and is designated the "basis of bearing" for this description.

All monuments found are in good condition unless otherwise noted.

Iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top.

Mag spikes set are set in solid rock and are 3" long, 3/8" shaft diameter magnetic spikes with a 1" diameter head with a 2" diameter brass washer with "EP FERRIS SURVEYOR 8342" inscribed on top.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342 and is based on field surveys conducted by E. P. Ferris & Associates, Inc. from November 1, 2017 through November 14, 2017 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342.

Known as Address: 2400 Old Dublin Road (43228)

Parcel Number: 560-298029

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development as reflected on the submitted site plan, or those uses permitted in the M, Manufacturing district.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**ZONING PLAN QUARRY TRAILS DEVELOPMENT - SHEETS 1 - 6,**" dated August 20, 2019 and page one signed by David B. Perry, Agent for the Applicant and Joseph M. Reidy, 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 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 upon the following:

~~The developer has completed a traffic impact study (TIS) for Phase 1 development. Traffic improvements required by the Phase 1 TIS will be completed as specified on the attached Phase 1 study traffic improvement text. The Phase 1 development area is depicted on these drawings and shall consist of a maximum of 415 multi-family dwelling units, 50 single-family dwelling units, 57,000 square feet of office uses, 20,000 square feet of restaurant and/or retail uses, 3,500 square feet of accessory outdoor dining patio for the restaurant(s), the community center, the street extension from Trabue Road to the site, site grading outside of the Phase 1 development area and construction of private roads outside of the Phase 1 development area. There shall be no construction of buildings on the 69.99± acre site outside of the Phase 1 area until a regional traffic study has been completed by the developer and approved by the City of Columbus.~~

1. Prior to submittal and approval of a site compliance plan for any area of development beyond Phase 1, which is defined as 415 multi-family dwelling units, 50 single-family dwelling units, 57,000 square feet of office uses, 20,000 square feet of restaurant and/or retail uses, 3,500 square feet of accessory outdoor dining patio for the restaurant (s), the community center, the street extension from Trabue Road to the site, site grading outside of the Phase 1 development area and construction of private roads outside of the Phase 1 development area, a revised traffic impact study shall be prepared to determine the impacts of the full development of this site. This revised traffic impact study will need to evaluate all site access points as well as off-site intersections, as determined by the City of Columbus, Department of Public Service. Coordination will occur with the City of Upper Arlington and the Franklin County Engineer's Office, as applicable. This revised traffic impact study will also need to include the areas of development subject to rezoning application Z16-080 passed via Ordinance 3116-2017 and rezoning application Z17-057 passed via Ordinance 2358-2018. For the purposes of this future analysis, all site traffic generated from this development, including Phase 1, shall be considered site-generated traffic and not considered

background traffic at off-site intersections. If the revised traffic study identifies improvements necessary to mitigate impacts of the full development of this site, these improvements shall be implemented in conjunction with the submittal of a site compliance plan for any area of development beyond Phase 1, as determined by the Department of Public Service.

2. At the intersection of Trabue Road & Lake Shore Drive, the developer shall be responsible for the installation of a traffic signal, as approved by the Department of Public Service.

3. At the intersection of Trabue Road & Lake Shore Drive, the developer shall be responsible for the installation of an eastbound left turn lane with a length of 305 feet, which is inclusive of a diverging taper of 60 feet.

4. At the intersection of Trabue Road & Lake Shore Drive, the developer shall enter into a traffic signal maintenance contract with the Department of Public Service and shall be responsible for a proportional share of 75% of the ongoing maintenance costs of the traffic signal at this intersection.

5. At the intersection of Trabue Road & Lake Shore Drive, the developer shall be required to remove foliage within the right-of-way on the north side of Trabue Road to maintain adequate sight distance for southbound vehicles at this intersection.

6. The developer shall be responsible for constructing an additional lane to the westbound approach of the intersection of Riverside Drive & Trabue Road/Cambridge Boulevard to include a left turn lane, a through lane, and a through-right lane. These are Build improvements required with the proposed Quarry development.

SECTION 5. That this ordinance is further conditioned upon the following use prohibitions:

- a). Extended stay hotels,
- b). Adult entertainment and/or adult store,
- c). all C-5, Commercial District Uses,
- d). all uses of the M, Manufacturing District, Sections 3363.02 - 3363.17, inclusive;

SECTION 6. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 7. That this ordinance is further conditioned on the applicant or property owner submitting an application to rezone this property to the appropriate zoning district(s) along with a concurrent Council variance (if applicable) for reduced development standards within one year of the effective date of this ordinance.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.