



Legislation Text

File #: 2216-2020, **Version:** 1

Council Variance Application: CV20-022

APPLICANT: Metro Development, c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2215-2020; Z20-020) to the L-ARLD, Limited Apartment Residential District for a multi-unit residential development with a maximum of 480 dwelling units. The requested variances are to permit maneuvering and parking spaces to cross a parcel line, to allow increased density on certain parts of the development, to reduce parking and building setbacks, and to eliminate the perimeter yard along interior parcel lines. The variances are supported due to the site being comprised of parcels with different taxing districts which cannot be combined, and because of the presence of a no-build easement over the existing pond in the center of the property. The site design provides a greater capacity to preserve natural features and provide centralized open space as reflected on the site plan included with Rezoning Application #Z20-020.

To grant a Variance from the provisions of Sections 3312.25, Maneuvering; 3312.29, Parking space; 3312.27(2), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3333.11, ARLD area district requirements; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **2546 STELZER RD. (43219)**, to permit reduced development standards for a multi-unit residential development in the L-ARLD, Limited Apartment Residential District (Council Variance #CV20-022).

WHEREAS, by application #CV20-022, the owner of property at **2546 STELZER RD. (43219)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3312.25, Maneuvering, requires sufficient maneuvering area on the parcel for the parking spaces for which it serves, while the applicant proposes parking spaces to maneuver over a parcel line, but with the minimum maneuvering area still being met; and

WHEREAS, 3312.29, Parking space, requires 90-degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces that are divided by a parcel line, but with the overall parking space still meeting the required dimensions; and

WHEREAS, Section 3312.27(2), Parking setback line, requires the parking setback line to be 25 feet along public streets, while the applicant proposes a parking setback line of 15 feet along Codet Road, and of 10 feet along I-270; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, while the applicant proposes parking for individual parcels possibly being provided on other parcels within the development (which cannot be combined due to different taxing districts), noting that the overall minimum parking

requirement for the proposed development is still met; and

WHEREAS, Section 3333.11, ARLD area district requirements, prohibits residential densities in excess of 17.4 units per acre, while the applicant proposes a maximum of 480 dwelling units with the possibility that individual parcels within the development (which cannot be combined due to different taxing districts) may exceed the maximum density permitted within the ARLD district, noting that the density for the overall development is still less than the maximum permitted; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 60 feet along Stelzer Road, and of no less than 25 feet along Codet Road and I-270, while the applicant proposes the following building lines: along Stelzer Road, 25 feet for buildings, and 13 feet for porches and balconies; along Codet Road, 15 feet for buildings, and 10 feet for air conditioning units; and along I-270, 10 feet for garages; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet for an apartment complex, while the applicant proposes no perimeter yard along the interior lot lines of the parcels that will comprise the proposed development; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variances because they will allow a multi-unit residential development with a site design that provides a greater capacity to preserve natural features and centralized open space, and because the parcels which will comprise the site cannot be combined due to different taxing districts; and

WHEREAS, this 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 **2546 STELZER RD. (43219)**, 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 3312.25, Maneuvering; 3312.29, Parking space; 3312.27 (2), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3333.11, ARLD area district requirements; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **2546 STELZER RD. (43219)**, insofar as said sections prohibit maneuvering over a parcel line; parking spaces divided by a parcel line; a reduced parking setback line from 25 feet to 15 feet along Codet Road, and to 10 feet from I-270; reduced parking for individual parcels within the development subject to the overall minimum number of required parking spaces still being met; reduced building lines as follows: from 60 feet along Stelzer Road to 25 feet for buildings and 13 feet for porches and balconies; from 25 feet along Codet Road to 15 feet for buildings and 10 feet for air conditioning units; and from 25 feet along I-270 to 10 feet for garages; and a reduced interior perimeter yard from 25 feet to zero feet; said property being more particularly described as follows:

2546 STELZER RD. (43219), being 33.9± acres located at the southeast corner of Stelzer Road and Codet Road, and being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Quarter Township 1, Township 1, Range 17, United States Military Lands and being all of Franklin County Parcel Number 520-134005, Parcel Number 010-255294, Parcel Number 010-255292, Parcel Number 010-255288, Parcel Number 010-255291, Parcel Number 010-255287, Parcel Number 010-255297, Parcel Number 191-003169, Parcel Number 010-255298, Parcel Number 191-003179, Parcel Number 191-003175, Parcel Number 010-255301 and Parcel Number 010-255299, being a 33.896 acres out of an original 34.926 acre tract (combined) as conveyed to New Salem Missionary of record in Instrument Number 200507110135048, all deed references refer to the records of the Recorder's Office Franklin County Ohio and described as follows:

Beginning at the intersection of the Easterly right-of-way line of Stelzer Road with the Southerly right-of-way line of Codet Road;

Thence South 87° 08' 49" East, along said Southerly right-of-way line a distance of 1680.59 feet to a point in the Westerly line of that 0.184 acre tract as conveyed to The State of Ohio, by deed of record in Deed Book 3106, page 433;

Thence South 18° 54' 21" East, along the Westerly line of said 0.184 acre tract, a distance of 66.59 feet to a point in the Southwesterly corner of said 0.184 acre tract;

Thence South 86° 19' 38" East, along the Southerly line of said 0.184 acre tract, a distance of 75.97 feet to a point in the Westerly limited access right-of-way of interstate-270;

Thence South 02° 56' 01" West, along said Westerly limited access right-of-way line, a distance of 764.71 feet to a point in said limited access right-of-way line;

Thence North 87° 13' 15" West, along a portion of said limited access right-of-way line and the Northerly lines of those tracts as conveyed to Jack B and Alice F Myers by deed of record in deed book 3064, page 375 and deed book 3265, page 448, Michael H. and Kathy F. Myers by deed of record in deed book 3423, page 896, 3888 Agler Road LLC by deed of record in Instrument Number 201301290014860, Jeffrey L. Patton by deed of Record in Official Record 33215f13, GEP Properties Too LLC by deed of record in Instrument Number 201211190175587, HRM-Columbus LLC be deed of record in Instrument Number 201801170006863, Lynn T. and Doris J. Kitzmiller by deed of Record in Official Record 13278h09, 3790 Agler Road LLC by deed of record in Instrument Number 201412110164778, Agler Properties LLC by deed of record in Instrument Number 201407010083489, and Robert L. and Mary E. Mathews by deed of record in Official Record 5405e04, a distance of 1795.05 feet to a point on the Easterly right-of-way of said Stelzer Road, being the Southeasterly corner of a tract of land conveyed to Franklin County of Record in Instrument Number 200408250199065;

Thence North 03° 52' 51" East, along said Easterly right-of-way line and the westerly line of said 33.896 acre tract, a distance of 830.09 feet to the Point of Beginning, and containing 33.896 acres of land, more or less, and subject to all easements, encumbrances, covenants, restrictions and matters of Record affecting the subject parcel.

Bearings are based on record information.

This description was prepared from existing Records for zoning purposes and is not intended for deed transfer purposes.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-ARLD, Limited Apartment Residential District, specified by Ordinance #2215-2020; Z20-020.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a

Certificate of Occupancy 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.