



Legislation Text

File #: 1972-2020, **Version:** 1

Council Variance Application: CV20-051

APPLICANT: Moody Engineering; c/o Mark Larrimer; 300 Spruce Street, Suite 200; Columbus, OH 43215.

PROPOSED USE: Child day care center.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a 72-unit apartment complex zoned in the ARLD, Apartment Residential District. The applicant proposes the infill development of an early learning center and 8 additional apartment units for a total of 80 dwelling units (10 du/acre). A Council variance is necessary because the current zoning district prohibits commercial day care uses. Variances for reduced interior parking lot landscaping, building line, perimeter yard, and a parking space reduction from 149 spaces to 135 spaces are included in this request. The site is within the boundaries of the *Hilltop Land Use Plan C2P2* (2019), which recommends Low to Medium Density Residential (6-10 du/ac), Open Space, and Private Open Space land uses at this location, and includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). While the Plan recommends Private Open Space for the portion of the site being developed, the Planning Division recognizes that there is a significant amount of open space on the site and the proposed use is otherwise appropriate. The request is compatible with the zoning and development pattern of the surrounding area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21(A), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1383 VIDA WAY (43288)**, to permit a child day care center within an existing apartment complex with reduced development standards in the ARLD, Apartment Residential District (Council Variance #CV20-051).

WHEREAS, by application #CV20-051, the owner of the property at **1383 VIDA WAY (43288)**, is requesting a Variance to permit a child day care center within an existing apartment complex with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits a child day care center in the ARLD, Apartment Residential District, while the applicant proposes the construction of child day care facility and 8 additional apartment units within an existing apartment complex; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, with 14 trees being required for 135 spaces, while the applicant proposes to eliminate the interior landscaping requirement for the existing 124 parking spaces and the proposed 11 new parking spaces; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 500 square feet of day care facility space and 1.5 parking spaces per dwelling unit for a total of 149 spaces, while the applicant proposes 135 parking spaces; and

WHEREAS, Section 3333.18, Building lines, requires buildings to have a minimum setback of 40 feet along Demorest Road, while the applicant proposes a 9 foot setback for a dumpster, as shown on the submitted site plan; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a parking area that encroaches 6 feet into the perimeter yard along the northern property line, as depicted on the submitted site plan; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request does not introduce an incompatible use to the surrounding area and is consistent with *C2P2* Design Guidelines; and

WHEREAS, said 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 **1383 VIDA WAY (43288)**, 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 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21(A), Landscaping and screening; 3312.49 Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1383 VIDA WAY (43288)**, insofar as said sections prohibit a child day care facility in the ARLD, Apartment Residential District; with no interior landscaping for the existing and proposed parking areas; a parking space reduction from 149 spaces to 135 spaces; a reduced building line from 40 feet along Demorest Road to 9 feet for a dumpster; and a parking area that encroaches 6 feet into the required perimeter yard along the northern property line; said property being more particularly described as follows:

1383 VIDA WAY (43288), being 8.0± acres located at the southwest corner of Demorest Road and Bonnie Court, and being more particularly described as follows:

PARCEL NO. 570-138784-00 AND FURTHER DESCRIBED AS:

SITUATED IN THE COUNTY OF FRANKLIN, STATE OF OHIO, CITY OF COLUMBUS, AND BOUNDED AND DESCRIBED AS FOLLOWS LOT NUMBER THREE (3) OF BONNIE RIDGE HEIGHTS NUMBER TWO, OF RECORD IN PLAT BOOK 41, PAGE 64, RECORDERS OFFICE, FRANKLIN COUNTY, OHIO, AND BEING 7.997 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 child day care center and multi-unit residential development in accordance with the submitted site plan, or those uses permitted in the ARLD, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and renderings titled, "**SITE PLAN**," dated July 29, 2020, and signed by Mark Larrimer, 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 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 a Certificate 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.