



## Legislation Text

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**File #:** 1945-2022, **Version:** 1

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### **Council Variance Application: CV21-020**

**APPLICANT:** Thrive Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Charles Campisano, Atty.; 842 North Fourth Street, Suite 200; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**WEST SCIOTO 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 1944-2022; Z21-017) to the AR-1, Apartment Residential District. The proposed development includes two five-story apartment buildings totaling a maximum of 315 units with a use variance to permit commercial access on a private street within the development to connect to the Quarry Trails mixed-use development and Metro Park to the north of the site. The request also includes standards variances for increased building height from 60 to 65 feet, reduced parking from 473 to 360 spaces, and reduced building setback line and perimeter yard. Staff finds the requested variances to be supportable as they will permit a multi-unit residential development that is consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Additionally, the development will provide a greenway trail connection to the adjacent parkland.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.14(B), Height districts; 3312.29, Parking space; 3312.49(C), 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 **3136 TRABUE RD. (43204)**, to permit commercial vehicular access and reduced development standards for an apartment complex in the AR-1, Apartment Residential District (Council Variance #CV21-020).

**WHEREAS**, by application #CV21-020, the owner of property at **3136 TRABUE RD. (43204)**, is requesting a Council variance to permit commercial vehicular access and reduced development standards for an apartment complex in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, prohibits vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes a shared vehicular access point which also serves the Quarry Trails mixed-use development and Metro Park to the north; and

**WHEREAS**, Section 3309.14(B), Height districts, requires that within a 60 foot height district, no building or structure shall be erected to a height in excess of 60 feet, while the applicant proposes a building height of 65 feet; and

**WHEREAS**, Section 3312.29, Parking space, requires the width of parking spaces to be nine feet wide, while the applicant proposes to reduce the width to eight feet for parallel parking spaces; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 473 required parking spaces for 315 units, while the applicant proposes 360 parking spaces; and

**WHEREAS**, Section 3333.18, Building lines, requires a building setback equal to one-half of the designated right-of-way width, or 50 feet along Dublin Road, while the applicant proposes a reduced building setback line of 45 feet for a trash compactor; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards of zero feet along the north and east property lines; and

**WHEREAS**, the West Scioto Area Commission recommends approval, and

**WHEREAS**, the City Departments recommend approval because the requested variances will allow a multi-unit residential development that is consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Additionally, the development will provide a greenway trail connection to the adjacent parkland, and access to the adjacent Quarry Trials mixed-use development and Metro Park; 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 **3136 TRABUE RD. (43204)**, 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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.14(B), Height districts; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **3136 TRABUE RD. (43204)**, insofar as said sections prohibit commercial vehicular access in the AR-1, Apartment Residential District; with an increased building height from 60 feet to 65 feet; reduced width of parallel parking spaces from 9 feet to 8 feet; a parking space reduction from 473 required to 360 provided spaces; reduced building setback line from 50 feet to 45 feet along Dublin Road for a trash compactor; and reduced perimeter yard from 25 feet to zero feet along the north and east property lines; said property being more particularly described as follows:

**3136 TRABUE RD. (43204)**, being 9.22± acres located at the northeast corner of Trabue Road and Dublin Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, in the City of Columbus, Virginia Military Survey 544, and being a part of a 9.601 acre tract, as conveyed to Marble Cliff Canyon LLC, as recorded in Instrument No. 201802280027721, and part of a 2.298 acre tract, as conveyed to Wagenbrenner Marble Cliff Canyon LLC in Instrument Number 201702280027548, 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), being referenced by Franklin County Monument 1527 at North 48 degrees 06 minutes 00 seconds West, 2029.19 feet, also being the southerly corner of a 1.090 acre tract, as conveyed to the Franklin County Commissioners in Instrument No. 200401140010303, designated parcel 38-WD in Franklin County Engineers roadway

plans for Trabue Road Widening, and easterly corner of a 0.3948 acre tract, as conveyed to the Franklin County Commissioners in Instrument No. 200212200328021, designated parcel 37-WD-2 in said Franklin County Engineers roadway plans for Trabue Road Widening.

Thence along the centerline of Dublin Road, and along the southwesterly line of said 1.090 acre tract, and northeasterly line of said 0.3948 acre tract, North 48 degrees 06 minutes 00 seconds West, 150.57 feet to a point on said centerline;

Thence leaving said centerline perpendicularly, across said 1.090 acre tract and across a 0.783 acre tract, as conveyed to Marble Cliff Canyon LLC, as recorded in Instrument No. 201802280027721, North 41 degrees 54 minutes 00 seconds East, passing the northeasterly line of said 1.090 acre tract at 25.00 feet, a total distance of 30.00 feet to the northeasterly line of said Dublin Road, being the westerly corner of said 9.601 acre tract and being the southerly corner of a 62.035 acre tract, as conveyed to Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District, as recorded in Instrument Number 201802280027722, said pin being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence along the northwesterly lines of said 9.601 acre tract and the southeasterly lines of said 62.035 acre tract, the following courses:

North 48 degrees 12 minutes 58 seconds East, 177.55 feet;

North 58 degrees 07 minutes 36 seconds East, 538.63 feet;

North 04 degrees 18 minutes 16 seconds West, 114.42 feet;

North 45 degrees 29 minutes 55 seconds East, 391.86 feet;

North 54 degrees 01 minutes 09 seconds East, 138.41 feet;

Along a curve to the left having a radius of 477.50 feet, a delta angle of 06°11'45", an arc length of 51.64 feet, and a chord bearing and distance of North 48 degrees 48 minutes 18 seconds West, 51.61 feet;

North 58 degrees 36 minutes 08 seconds East, 53.03 feet;

Along a curve to the right having a radius of 527.50 feet, a delta angle of 12°43'55", an arc length of 117.22 feet, and a chord bearing and distance of South 43 degrees 31 minutes 08 seconds East, 116.98 feet to a point in the aforesaid line;

Thence across said 9.601 acre tract, South 53 degrees 37 minutes 02 seconds West, 9.17 feet, to a point;

Thence continuing across said 9.601 acre tract and across said 2.298 acre tract, along a curve to the right having a radius of 712.50 feet, a delta angle of 05°30'52", an arc length of 68.58 feet, and a chord bearing and distance of South 33 degrees 37 minutes 32 seconds East, 68.55 feet to a point of tangency within said 2.298 acre tract;

Thence across said 2.298 acre tract, South 30 degrees 52 minutes 06 seconds East, 342.59 feet to a point on the westerly line of a 1.970 acre tract, as conveyed to Franklin County Commissioners by Franklin County Court of Common Pleas in Case No. 73CV-07-2497, Judgment Entry recorded in Deed Book 3443 Page 342, designated parcel 1-WD in Franklin County Engineers Right-of-Way plans for Trabue Road Relocation, and the westerly line of said Trabue Road Right-of-Way;

Thence along the northwesterly line of said 1.970 acre tract and said Trabue Road Right-of-Way and along the southeasterly line of said 2.298 acre tract, South 60 degrees 45 minutes 15 seconds West, 286.23 feet to the southwesterly corner of said 2.298 acre tract and a westerly corner of said 1.970 acre tract;

Thence along the southwesterly line of said 1.970 acre tract, and said Right-of-Way, and the easterly line of said 9.601 acre tract, South 24 degrees 29 minutes 44 seconds East, 20.00 feet to an iron pin set on the northeasterly corner of said 1.090 acre tract;

Thence along the northerly line of said 1.090 acre tract, and said Right-of-Way, and southerly line of said 9.601 acre tract, the following courses:

South 65 degrees 30 minutes 16 seconds West, 978.32 feet;

North 82 degrees 40 minutes 41 seconds West, 56.58 feet;

North 59 degrees 24 minutes 37 seconds West, 25.49 feet to an iron pin set;

North 48 degrees 06 minutes 00 seconds West, 75.57 feet to the POINT OF BEGINNING, containing 9.22, more or less.

The bearings shown on this plat are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). 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.

This description is based on field observations and written by E.P. Ferris & Associates in February 2021 and is intended to be used for zoning purposes only.

**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 AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**ZONING PLAN**," dated June 20, 2022, and signed by David B. Perry, Agent for the Applicant, and Charles Campisano, Attorney for the Applicant. The plan 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 adjustment to the plans shall be reviewed and may be approved 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 all applicable permits and Certificates of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the following:

The traffic-related commitments contained in Council Variance Application CV21-016, which were adopted via Ordinance #1943-2022, shall also be applicable and binding upon the area of this application. Appropriate proportional sharing of costs between the developers of the areas subject to Council Variance Application #CV21-016 and Council Variance Application #CV21-020 shall occur in an equitable and reasonable manner to implement and fulfill the traffic-related commitments identified within Council Variance Application #CV21-016.

Traffic-related commitments are as follows:

1. At the intersection of Dublin Road and Quarry Site Drive 4, the developer shall install a westbound left turn lane with a length of 235 feet (inclusive of diverging taper length of 60 feet) and an eastbound right turn lane with a length of 225 feet (inclusive of diverging taper length of 50 feet).
2. The developer shall be responsible for a contribution of \$450,000 to the Department of Public Service to be applied toward future roadway improvements at the intersection of Dublin Road and Dunlavin Glen Road/Scioto

Darby Creek Road.

3. At the intersection of Dublin Road and Roberts Road/Quarry Site Drive 3, the developer shall install an eastbound left turn lane with a length of 475 feet (inclusive of diverging taper length of 60 feet) and a westbound left turn lane with a length of 225 feet (inclusive of diverging taper length of 60 feet).
4. At the intersection of Dublin Road and Old Dublin Road, the developer shall install a traffic signal at this intersection, as approved by the Department of Public Service.
5. At the intersection of Trabue Road and North Hague Avenue/Mapleway Drive, the developer is responsible to enter into an agreement with the Franklin County Transportation Improvement District (FCTID) to contribute towards the Franklin County Engineer's Office future project at this intersection. This contribution will be based on a cost estimate and schematic, as approved by the Franklin County Engineer. The developer will be responsible for their 10.1% site percentage through the intersection. The developer shall provide a letter of credit within 60 days of City Council approval for a not to exceed amount of \$404,000 (10.1% of \$4,000,000). After the final FCTID contribution amount is approved by the Franklin County Engineer's Office, the letter of credit can be adjusted to that amount.
6. The developer shall be responsible for a contribution of \$3,859,655.44 to the Department of Public Service to be applied toward the Dublin Road River Crossing to Riverside Drive and the Dublin Road & Builders Place/Dublin Road Realignment or other regional improvements defined within the limits east of North Hague Avenue in the Renner Road-Trabue Road-McKinley Avenue Corridor (RTMC) Mobility Study.
7. The developer shall be responsible for a contribution of \$210,300 to the Department of Public Service to be applied toward future roadway improvements at the intersection of McKinley Avenue and West Fifth Avenue.
8. At the intersection of Trabue Road and Lake Shore Drive/Quarry Trails Drive, the developer shall be responsible for the installation of a westbound right turn lane with the maximum length feasible or an approximate length of 175 feet (inclusive of diverging taper length of 50 feet).
9. The developer shall be responsible for the construction of a second eastbound left turn lane and a westbound left turn lane at the intersection of Riverside Drive and Trabue Road/Cambridge Boulevard, as approved by the City of Upper Arlington.
10. Developer commitments identified in Item 2, Item 6 and Item 7 to particular contribution amounts and the required developer improvements shall only be required once a determination has been made by the Department of Public Service that a particular improvement is necessary based on the Renner Road-Trabue Road-McKinley Avenue Corridor (RTMC) Mobility Study. Further, developer monetary contributions are an "up to" maximum. For improvement commitments in Item 2 and Item 7, the developer contribution shall be reduced if the identified contribution amount is greater than fifteen percent (15%) of the actual costs for improvements. For improvement commitments in Item 6, the developer contribution shall be reduced if the identified contribution amount is greater than 7.7125 percent (7.7125%) of the actual costs for improvements.
11. With regards to Items 1 through 4 and Items 6 through 8 above, these requirements may be modified or amended with the approval of the Director of the Department of Public Service without requiring City Council approval.

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