



Legislation Text

File #: 1943-2022, **Version:** 2

Council Variance Application: CV21-016

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

PROPOSED USE: Mixed-use 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 #1942-2022; Z21-011) to the R-3, Residential, AR-3, Apartment Residential, and CPD, Commercial Planned Development districts. The requested variances will permit shared parking, a community center as a principal use, and eating and drinking establishment space the AR-3, Apartment Residential District, and reduced development standards for a mixed-use development spanning five subareas (the CPD Subarea D is not included in this request), as demonstrated on the submitted site plans. The requested variances are supportable as they do not represent a significant change to those previously granted with Ordinance #2277-2019 (CV19-023), are consistent with those of similar mixed-use developments, and will not add incompatible uses to the neighborhood.

To grant a Variance from the provisions of Sections 3333.03, AR-3, apartment residential district use; 3312.09, Aisle; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; 3333.16, Fronting; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **2400 OLD DUBLIN RD. (43228)**, to permit shared parking, a community center as a principal use, commercial uses, and reduced development standards for a mixed-use development in the R-3, Residential District and AR-3, Apartment Residential District (Council Variance #CV21-016). **(REPEALED BY ORD. 2968-2023 PASSED OCTOBER 30, 2023) BA**

WHEREAS, by application #CV21-016, the owner of property at **2400 OLD DUBLIN RD. (43228)** is requesting a Council variance to permit shared parking, a community center as a principal use, commercial uses, and reduced development standards for a mixed-use development in the R-3, Residential District and AR-3, Apartment Residential District; and

The following variances apply to Subarea A (R-3 Apartment Residential District):

WHEREAS, Section 3312.25, Maneuvering, requires the maneuvering area for 90 degree parking spaces to be 20 feet which can include a public alley, while the applicant proposes to reduce maneuvering area for garage parking spaces to zero feet subject to a minimum of 20 feet of maneuvering being provided on private alleys adjacent to the garage parking; and

WHEREAS, Section 3312.29, Parking space, requires the width of parking spaces to be 9 feet wide, while the applicant

proposes to reduce the width to 8 feet for parallel parking spaces located on private streets; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot of no less than 50 feet wide, while the applicant proposes no individual lots for the single-unit dwellings as every dwelling will be a condominium unit of Quarry Trails; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes no individual lots; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling to have frontage on a public street, while the applicant proposes no frontage on a public street with each dwelling fronting on private streets within Quarry Trails; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes no rear yard, as no individual lots are provided; and

The following variances apply to Subarea B (AR-3 Apartment Residential District):

WHEREAS, Section 3312.29, Parking space, requires the width of parking spaces to be 9 feet wide, while the applicant proposes to reduce the width to 8 feet for parallel parking spaces located on private streets; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit or 420 parking spaces for up to 280 dwelling units, while the applicant proposes 1.45 spaces/dwelling unit or 412 parking spaces for 280 dwelling units; and

WHEREAS, Section 3333.16, Fronting, requires an apartment complex to have frontage on a public street, while the applicant proposes no frontage on a public street with each apartment unit fronting on private streets within Quarry Trails; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard 25 feet for this subarea, while the applicant proposes a reduced perimeter yard of zero feet with private streets abutting all sides; and

The following variances apply to Subarea C (AR-3 Apartment Residential District):

WHEREAS, Section 3333.03, AR-3, apartment residential district use, prohibits the use as a parking lot for an adjacent commercial site, while the applicant proposes a 561-space parking lot to be shared with multi-unit residential uses in Subarea B, commercial uses in Subarea D, and the community center in Subarea E; and

WHEREAS, Section 3312.09, Aisle, requires a minimum width of 20 feet for parking spaces located at a 90 degree angle to the drive aisle, while the applicant proposes to permit division of aisles by property lines, subject to a 20 foot wide aisle being provided across subarea and/or property lines; 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, while the applicant proposes one tree per 20 parking spaces; and

WHEREAS, Section 3312.25, Maneuvering, requires the maneuvering area for 90 degree parking spaces to be 20 feet, while the applicant proposes to reduce maneuvering area of zero feet due to property lines of Subarea D in the parking lot, subject to applicable total code required maneuvering being provided across subarea and/or property lines; and

WHEREAS, Section 3312.29, Parking space, requires 90-degree parking spaces be a rectangular area not less than 9 by 18 feet, while the applicant proposes to reduce the width to 8 feet for parallel parking spaces located on private streets,

and to reduce the length and/or width of parking spaces divided by subarea and/or property lines, subject to the total code required size being provided; and

WHEREAS, Section 3333.16, Fronting, requires an apartment complex to have frontage on a public street, while the applicant proposes no frontage on a public street with each apartment unit fronting on private streets within Quarry Trails; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard 25 feet for this subarea, while the applicant proposes a reduced perimeter yard of 5 feet; and

The following variances apply to Subarea E (AR-3 Apartment Residential District):

WHEREAS, Section 3333.03, AR-3, apartment residential district use, permits a clubhouse/community center and related uses for an apartment complex as accessory use on the same parcel as the complex, while the applicant proposes a community center with swimming pool as a principal use; and

WHEREAS, Section 3312.29, Parking space, requires the width of parking spaces to be 9 feet wide, while the applicant proposes to reduce the width to 8 feet for parallel parking spaces located on private streets; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 30 square feet of community center assembly area, 1 parking space per 500 square feet for all other community center building space, and 1 parking space per 50 square feet of water surface area for the swimming pool, a total requirement of 49 spaces, while the applicant proposes 12 parking spaces, noting that the spaces would not be required if the community center was on the same lot as an apartment complex; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 10 percent of the total lot area; and

The following variances apply to Subarea F (AR-3 Apartment Residential District):

WHEREAS, Section 3333.03, AR-3, apartment residential district use, prohibits commercial uses, while the applicant proposes 4,000 square feet of eating and drinking establishment space and 1,000 square feet of outside dining space within a 500-unit apartment development; and

WHEREAS, Section 3312.29, Parking space, requires the width of parking spaces to be 9 feet wide, while the applicant proposes to reduce the width to 8 feet for parallel parking spaces located on private streets; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment space, 1 parking space per 150 square feet of outside dining space, and 1.5 parking spaces per dwelling unit for a total of 811 required parking spaces for a 4,000 square feet of eating and drinking establishment space, 1,000 square feet of outside dining space, and 500 apartment units, while the applicant proposes 600 parking spaces; and

WHEREAS, Section 3333.16, Fronting, requires an apartment complex to have frontage on a public street, while the applicant proposes no frontage on a public street with each apartment unit fronting on private streets within Quarry Trails; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard 25 feet for this subarea, while the applicant proposes a reduced perimeter yard of 10 feet; and

WHEREAS, the West Scioto Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the variances will allow a mixed-use development that is consistent with the previously approved variances for this project and other recent mixed-use development projects, and will not add incompatible uses to the neighborhood; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates 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 from the provisions of Sections 3333.03, AR-3, apartment residential district use; 3312.09, Aisle; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; 3333.16, Fronting; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **2400 OLD DUBLIN RD. (43228)**, to:

- a) permit the following uses in the AR-3, Apartment Residential District: a 561-space parking lot in Subarea C to be shared with multi-unit residential uses in Subarea B, commercial uses in Subarea D, and the community center in Subarea E; permit a community center with swimming pool as a principal use in Subarea E; and permit 4,000 square feet of eating and drinking establishment space and 1,000 square feet of outside dining space in Subarea F;
- b) permit division of aisles by property lines in Subarea C, subject to a 20 foot wide aisle being provided across the subarea and property lines;
- c) permit reduced parking lot trees from 1 tree per 10 spaces to 1 tree per 20 spaces in Subarea C;
- d) permit reduced maneuvering area for garage parking spaces to zero feet subject to a minimum of 20 feet of maneuvering being provided on private alleys adjacent to the garage parking in Subarea A; and reduced maneuvering areas of zero feet in Subarea C due to property line divisions of Subarea D, subject to applicable total code required maneuvering being provided across subarea and/or property lines;
- e) permit reductions in parallel parking space width from 9 feet to 8 feet in Subareas A, B, C, E, and F, and parcel lines to divide parking spaces in Subarea C, subject to the total code required parking space size being provided;
- f) permit a reduction in the required number of parking spaces **from 420 to 412 in Subarea B**, from 49 to 12 in Subarea E, and from 811 to 600 in Subarea F;
- g) permit no lot width, lot area, frontage on a public street, or rear yard for detached single-unit dwellings in Subarea A;
- h) permit no frontage on a public street for apartment buildings in Subareas B, C, and F;
- i) permit a reduced rear yard from 25 percent to 10 percent in Subarea E;

j) permit reduced perimeter yards from 25 feet to as follows: zero feet with private streets abutting all sides in Subarea B; 5 feet in Subarea C; and 10 feet in Subarea F;

Said property being more particularly described as follows:

2400 OLD DUBLIN RD. (43228), being ~~69.99~~ **66.96±** acres located on the northeast side of Old Dublin Road, 1,600± feet north of Dublin Road, and being more particularly described as follows:

(SEE ATTACHMENT FILE ORD1943-2022_Legal Descriptions)

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for mixed-use development as demonstrated with the submitted site plans, or those uses in the R-3 Residential District and AR-3, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the plans titled, “**ZONING PLAN - QUARRY TRAILS 2,**” signed by David Perry, Agent for the Applicant, and Charles Campisano, Attorney for the applicant, dated June 27, 2022 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 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 uses.

SECTION 5. That this ordinance is further conditioned on the following traffic-related commitments:

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.