



Legislation Text

File #: 1309-2023, **Version:** 2

Council Variance Application: CV22-122

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

PROPOSED USE: Mixed-use development.

WESTLAND 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 #1308-2023; Z22-089) to the L-AR-1, Limited Apartment Residential District, which permits a multi-unit residential development. Variances to allow commercial traffic on this portion of the site, in addition to reductions in landscaping and screening, building lines, perimeter yard, and increased private garage height, are included in this request. Staff finds the requested variances to be supportable as they will allow a mixed-use development that is consistent with surrounding land uses, and accommodates tree preservation, centralized open space, and interconnectivity between the proposed developments.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21(B)(3), Landscaping and screening; 3333.18, Building lines; 3333.255, Perimeter yard; and 3333.35(G), Private garage, of the Columbus City Codes; for the property located at **795 GALLOWAY RD. (43119)**, to permit commercial access and reduced development standards in the L-AR-1, Limited Apartment Residential District (Council Variance #CV22-122).

WHEREAS, by application #CV22-122, the owner of property at **795 GALLOWAY RD. (43119)**, is requesting a Council variance to permit commercial access and reduced development standards in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits prohibits vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes to establish commercial vehicular access to adjacent properties; and

WHEREAS, Section 3312.21(B)(3), Landscaping and screening, requires that screening be provided for parking lots located within 80 feet of residentially zoned property, while the applicant proposes to eliminate the parking lot screening along the northwest and south sides of the site **and between the two residential developments** as shown on the site plan committed to in Ordinance #1308-2023; Z22-089, which is included with this ordinance for clarity; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 50 feet along Hall Road and 60 feet along Galloway Road, while the applicant proposes reduced building lines of 25 feet along both Hall Road and Galloway Road; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced internal perimeter yard of 0 feet between the two residential developments, ranging from 0-25 feet

along the northwest and south property lines, and ranging from 5-25 feet along the east and north property lines as shown on the site plan committed to in Ordinance #1308-2023; Z22-089, which is included with this ordinance for clarity; and

WHEREAS, Section 3333.35(G), Private garage, restricts the height of a private detached garage to 15 feet, while the applicant proposes to increase the permitted height to 16 feet; and

WHEREAS, the Westland Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances will allow a mixed-use development that is consistent with surrounding land uses, and accomodates tree preservation, centralized open space, and interconnectivity between the proposed developments; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed development; 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 **795 GALLOWAY RD. (43119)**, 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; 3312.21(B)(3), Landscaping and screening; 3333.18, Building lines; 3333.255, Perimeter yard; and 3333.35 (G), Private garage, of the Columbus City Codes, is hereby granted for the property located at **795 GALLOWAY RD. (43119)**, insofar as said sections prohibit commercial vehicular access in the L-AR-1, Limited Apartment Residential District; no parking lot screening along the northwest and south sides of the site **and between the two residential developments**; reduced building lines on Hall Road from 50 feet to 25 feet and on Galloway Road from 60 feet to 25 feet; reduced perimeter yard from 25 feet to 0 feet between the two residential developments, ranging from 0-25 feet along the northwest and south property lines, and ranging from 5-25 feet along the east and north property lines; and increased private garage height from 15 feet to 16 feet; said property being more particularly described as follows:

795 GALLOWAY RD. (43119), being 33.3± acres located at the northwest corner of Galloway Road and Hall Road, From: R, Rural District, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Prairie Township, being in Virginia Military Survey Numbers 5742 and 9221 and also being part of Parcels 1, 2, 3, 4, 5, 6, 7 as all are conveyed to Luther E. Kaderly, Trustee of the Luther E. Kaderly Trust dated November 19, 1992, and Marie E. Kaderly, Trustee of the Marie E. Kaderly Truест dated November 19, 1992 in Official Record 21723, Page A01, all of a 2.672 acre tract (Tract 1) and the remainder of a 2.427 acre tract (Tract 2) as both are conveyed to Julia G. Steward in Instrument Number 201001200006996 as further described as follows;

Commencing at FCGS 1132 at a point of tangent in the centerline of relocated Hall Road, being in the south line of a 1.2665 acre tract (48-WD) as conveyed to Franklin County Commissioners in Official Record 16674, page J12 and being in the south line of Virginia Military Survey Numbers 5742 & 9221 and the north line of Virginia Military Survey Number 1473;

Thence with the centerline of Hall Road, the south line of said 1.2665 acre tract (48-WD), the south line of a 1.9937 acre tract (30-WD) as conveyed to Franklin County Commissioners in Official Record 25690, Page E17, the south line of Virginia Military Survey Numbers 5742 & 9221 and the north line of Virginia Military Survey Number 1473, **S 86° 26' 19" E, 50.6± feet**;

Thence crossing Hall Road right of way and said 1.9937 acre tract (30-WD), **N 03° 33' 41" E, 40.1± feet** to the northerly right of way line of Hall Road, the north line of said 1.9937 acre tract (30-WD), the south line of said Kaderly Parcels 1 to 7 and being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence the following fourteen (14) fourteen courses across said Kaderly Parcels 1 to 7:

1. **N 15° 21' 48" E, 41.4± feet**;
2. **N 29° 03' 58" E, 189.3± feet**;
3. **N 26° 01' 21" E, 88.8± feet**;
4. Along a curve to the left having a central angle of **44° 10' 11"**, a radius of **330.61 feet**, an arc length of **254.9± feet**, and a chord bearing and distance of **N 01° 32' 35" E, 248.6± feet**;
5. Along a curve to the left having a central angle of **26° 13' 55"**, a radius of **495.34 feet**, an arc length of **226.8± feet**, and a chord bearing and distance of **N 36° 03' 08" W, 224.8± feet**;
6. Along a curve to the left having a central angle **14° 38' 06"**, a radius of **1302.39 feet**, an arc length of **332.7± feet**, and a chord bearing and distance of **N 56° 29' 08" W, 331.8± feet**;
7. **N 68° 05' 13" W, 451.7± feet**;
8. **N 62° 41' 37" W, 334.2± feet**
9. Along a curve to the right having a central angle of **32° 58' 31"**, a radius of **237.22 feet**, an arc length of **136.5± feet**, and a chord bearing and distance of **N 46° 12' 22" W, 134.7± feet**;
10. Along a curve to the right having a central angle of **51° 20' 26"**, a radius of **113.75 feet**, an arc length of **101.9± feet**, and a chord bearing and distance of **N 04° 02' 53" W, 98.6± feet**;
11. Along a curve to the right having a central angle of **09° 47' 10"**, a radius of **457.32 feet**, an arc length of **78.1± feet**, and a chord bearing and distance of **N 26° 30' 55" E, 78.0± feet**;
12. **N 34° 07' 19" E, 185.2± feet**;
13. **N 39° 03' 39" E, 187.0± feet**
14. **N 41° 04' 49" E, 390.2± feet** to the north line of said Kaderly Parcels 1 to 7, the south line of The Village at Galloway Run Forty-Seventh Amendment to Condominium in Condominium Plat Book 216, Page 35, the north line of Virginia Military Survey Numbers 5742 and 9221 and the south line of Virginia Military Survey Number 5242;

Thence with the north line of said Kaderly Parcels 1 to 7, the south line of said Village at Galloway Run Forty-Seventh Amendment to Condominium in Condominium, the south line of a 6.326 acre tract as conveyed to Columbia Heights United Methodist Church in Instrument Number 200602270036905, the north line of Virginia Military Survey Numbers 5742 and 9221 and the south line of Virginia Military Survey Number 5242, **S 39° 06' 16" E, 1275.7± feet** to an angle point in the north line of said Kaderly Parcels 1 to 7, the southwest corner of said 6.326 acre tract and the northwest corner of said 2.672 acre tract;

Thence with the south line of said 6.326 acre tract, the north line of said 2.672 acre tract and the south line of a 2.076 acre tract as conveyed to Karen Basel in Instrument Number 200311130363739, **S 76° 20' 01" E, 687.4± feet** to the northeast corner of said 2.672 acre tract, the southeast corner of said 2.076 acre tract, the southwest corner of a 0.296 acre tract (38-WD) as conveyed to Franklin County Commissioners in Official Record 25166, Pg. H11, the northwest corner of a 0.038 acre tract (36-WD) as conveyed to Franklin County Commissioners in Official Record 26753, Page B05 and being in the westerly right of way line of Galloway Road;

Thence with the east line of said 2.672 acre tract, the west line of said 0.038 acre tract (36-WD) and the westerly right of way line of Galloway Road, **S 13° 08' 36" W, 186.9± feet** to the southeast corner of said 2.672 acre tract, the northeast corner of the remainder of said 2.427 acre tract and being an angle point in the westerly right of way line of Galloway Road;

Thence with the east line of the remainder of said 2.427 acre tract, the west line of said 0.038 acre tract and the westerly right of way line of Galloway Road, **S 12° 23' 00" W, 117.2± feet** to the southeast corner of the remainder of said 2.427 acre tract, the southwest corner of said 0.038 acre tract, the northwest corner of a 1.9937 acre tract (30-WD) as conveyed to Franklin County Commissioners in Official Record 25690, Page E17 and being an angle point in the northeast corner of said Kaderly Parcels 1 to 7;

Thence with the east line of said Kaderly Parcels 1 to 7, the west line of said 1.9937 acre tract (30-WD) and the westerly right of way line of Galloway Road, **S 12° 23' 00" W, 70.1± feet**;

Thence the following six (6) courses across said Kaderly Parcels 1 to 7:

1. **N 77° 37' 00" W, 57.2± feet**;
2. Along a curve to the left having a central angle of **21° 05' 21"**, a radius of **62.00 feet**, an arc length of **22.8± feet**, and a chord bearing and distance of **S 48° 34' 45" W, 22.7± feet**;
3. Along a curve to the left having a central angle of **57° 11' 36"**, a radius of **87.00 feet**, an arc length of **86.8± feet**, and a chord bearing and distance of **S 09° 26' 16" W, 83.3± feet**;
4. Along a curve to the right having a central angle of **15° 40' 38"**, a radius of **113.00 feet**, an arc length of **30.9± feet**, and a chord bearing and distance of **S 11° 19' 13" E, 30.8± feet**;
5. **N 82° 13' 57" W, 196.9± feet** ;
6. **S 17° 10' 36" W, 510.4± feet** to the south line of said Kaderly Parcels 1 to 7, the north line of said 1.9937 acre tract (30-WD) and the northerly right of way line of Hall Road;

Thence with the south line of said Kaderly Parcels 1 to 7, the north line of said 1.9937 acre tract (30-WD) and the northerly right of way line of Hall Road, **N 88° 30' 17" W, 157.6± feet** to an angle point in said line;

Thence continuing with the south line of said Kaderly Parcels 1 to 7, the north line of said 1.9937 acre tract (30-WD) and the northerly right of way line of Hall Road, **N 86° 26' 06" W, 239.0± feet** to the **TRUE POINT OF BEGINNING**, containing **33.3± acres**, more or less.

The above description was prepared by Advanced Civil Design Inc. and is based on existing County Auditor records, County Recorder records.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for commercial vehicular access, and those uses permitted in the L-AR-1, Limited Apartment Residential District, in accordance with Ordinance # 1308-2023 (Z22-089).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed development.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.