



Legislation Text

File #: 3578-2024, **Version:** 2

Council Variance Application: CV23-019

APPLICANT: MJK Ventures Trabue LLC, et al; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 120; New Albany, OH 43054.

PROPOSED USE: Apartment complex.

WEST SCIOTO COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #3577-2024; Z23-012) to the AR-1, Apartment Residential District. Variances to building setback and perimeter yard, and commitments to develop the site in accordance with the submitted site plan and building rendering, are all included in this request. The proposed site design is consistent with the previously approved CPD district at this location, and remains consistent with the design guidelines in the *Trabue/Robert Area Plan* (2011) that encourage commercial overlay standards, including reduced building setbacks, aimed at creating a development in a less suburban context.

To grant a Variance from the provisions of Sections 3333.18, Building lines and 3333.255, Perimeter yard; of the Columbus City Codes; for the property located at **3451 TRABUE RD. (43204)**, to allow reduced development standards for an apartment complex in the AR-1, Apartment Residential District (Council Variance #CV23-019).

WHEREAS, by application #CV23-019, the owner of property at **3451 TRABUE RD. (43204)**, is requesting a Council variance to allow reduced development standards for an apartment complex in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.18, Building lines, requires a minimum building setback of 60 feet for this section of Trabue Road, while the applicant proposes a reduced building setback of zero feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of five feet, as depicted on the site plan; and

WHEREAS, the West Scioto Commission recommends disapproval; and

WHEREAS, the City Departments recommend approval as the requested variances will allow the proposed development to be closer to Trabue Road, resulting in a less suburban context, consistent with *Trabue/Robert Area Plan* design guidelines; and

WHEREAS, this 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 **3451 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 3333.18, Building lines; and 3333.255, Perimeter yard; of the Columbus City Codes, is hereby granted for the property located at **3451 TRABUE RD. (43204)**, insofar as said sections prohibit a reduced building setback line from 60 to zero feet along Trabue Road; and a reduced perimeter yard from 25 to five feet; said property being more particularly described as follows:

3451 TRABUE RD. (43204), being 11.5± acres located on the southwest corner of Trabue Road and McKinley Avenue, and being more particularly described as follows:

ZONING DESCRIPTION - 11.2± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military District 530, and being: the remainder of a 1.5 acre tract as conveyed to MJK Ventures Trabue LLC (55%); Cliff Speck Trabue LLC (30%); MJK Dynasty Trabue LLC (10%); NIK Dynasty Trabue LLC (5%) in Instrument Number 201909160119765, the remainder of a 1.898 acre tract (parcel I) and the remainder of a 1.102 acre tract (parcel II) as both are conveyed to MJK Ventures Trabue LLC (55%); Cliff Speck Trabue LLC (30%); MJK Dynasty Trabue LLC (10%); NIK Dynasty Trabue LLC (5%) in Instrument Number 201803130033145, a 1 acre tract as conveyed to MJK Ventures Trabue LLC (55%); Cliff Speck Trabue LLC (30%); MJK Dynasty Trabue LLC (10%); NIK Dynasty Trabue LLC (5%) in Instrument Number 202106140103147, parcel II and parcel I as conveyed to William J. Shaffer, Trustee of the William J. Shaffer Trust Agreement dated August 27, 1993, as Amended in Instrument Number 201401160006106, a 2 acre tract as conveyed to MJK Ventures Trabue LLC in Instrument Number 202109150164707, a tract as conveyed to MJK Ventures Trabue LLC in Instrument Number 202011250188327, the remainder of a 2 acre tract as conveyed to MJK Ventures Trabue LLC in Instrument Number 202110060180073, a 1 acre tract as conveyed to MJK Ventures Trabue LLC (55%); Cliff Speck Trabue LLC (30%); MJK Dynasty Trabue LLC (10%); NIK Dynasty Trabue LLC (5%) in Instrument Number 202206070085491 as being further described as follows;

Commencing at the Franklin County Geodetic Survey Number 1636 at the intersection of original centerline of McKinley Avenue (R/W Varies) and Trabue Road (R/W Varies), being in the south line of Norwich Township, the north line of Franklin Township, the south line of Virginia Military Survey Number 544 and the north line of Virginia Military Survey Number 530;

Thence with the centerline of Trabue Road, the south line of Norwich Township, the north line of Franklin Township, the south line of Virginia Military Survey Number 544, the north line of Virginia Military Survey Number 530, the north line of a 0.3779 acre tract (20-WD) as conveyed to Franklin County Commissioners in Instrument Number 200207240181458, the north line of a 0.1108 acre tract (19-WD) as conveyed to Franklin County Commissioners in Instrument Number 200204030083714, the north line of a 0.1010 acre tract (18-WD) as conveyed to Franklin County Commissioners in Instrument Number 200204030083709, the north line of a 0.1813 acre tract (17-WD) as conveyed to Franklin county Commissioners in Instrument Number 200204030083711, S 66° 35' 53" W, 476.9± feet to the northwest corner of said 0.1813 acre tract (17-WD), the northeast corner of said 1 acre tract as conveyed in Instrument Number 202106140103147 and being the TRUE POINT OF BEGINNING for land herein described as follows;

Thence with the east line of said 1 acre tract as conveyed in Instrument Number 202106140103147, the west line of said 0.1813 acre tract (17-WD) and a portion of the southerly right of way line of Trabue Road, S 23° 24' 07" E, 40.0± feet to

the southwest corner of said 0.1813 acre tract (17-WD), the northwest corner of the remainder of said 1.102 acre (Parcel II) and being an angle point in the southerly right of way line of Trabue Road;

Thence with the south line of said 0.1813 acre tract (17-WD), the north line of the remainder of said 1.102 acre tract (Parcel II) and the southerly right of way line of Trabue Road, N 66° 35' 53" E, 70.0± feet to the northeast corner of the remainder of said 1.102 acre tract (Parcel II) as conveyed in Instrument Number 201803130033145, the northwest corner of the remainder of said 1.898 acre tract as (Parcel I) as conveyed in Instrument Number 201803130033145, being an angle point in the south line of said 0.1813 acre tract (17-WD) and being an angle point in the southerly right of way line of Trabue Road;

Thence with the north line of the remainder of said 1.898 acre tract as (Parcel I) as conveyed in Instrument Number 201803130033145, the south line of said 0.1813 acre tract (17-WD) and the southerly right of way line of Trabue Road, N 68° 59' 07" E, 120.0± feet to the northeast corner of the remainder of said 1.898 acre tract as (Parcel I) as conveyed in Instrument Number 201803130033145, the northwest corner of the remainder of said 1.5 acre tract as conveyed in Instrument Number 201909160119765, the southeast corner of said 0.1813 acre tract (17-WD), the southwest corner of said 0.1010 acre tract (18-WD) and being an angle point in the southerly right of way line of Trabue Road;

Thence with the north line of the remainder of said 1.5 acre tract as conveyed in Instrument Number 201909160119765, the south line of said 0.1010 acre tract (18-WD) and the southerly right of way line of Trabue Road, N 69° 41' 16" E, 92.8± feet to the northeast corner of the remainder of said 1.5 acre tract as conveyed in Instrument Number 201909160119765, the southeast corner of said 0.1010 acre tract (18-WD), the northwest corner of the remainder of an 8.887 acre tract as conveyed to Belmont House LLC in Instrument Number 201809040119402, the southwest corner of said 0.1108 acre tract (19-WD) as conveyed to Franklin County in Instrument Number 200204030083714 and being an angle point in the southerly right of way line of Trabue Road;

Thence with the east line of the remainder of said 1.5 acre tract as conveyed in Instrument Number 201909160119765, the west line of the remainder of said 8.887 acre tract, the west line of a 0.022 acre tract as conveyed to Hanover park LLC in Instrument Number 202007280108933, Parcel III, S 23° 24' 07" E, 636.4± feet to the southeast corner of the remainder of said 1.5 acre tract as conveyed in Instrument Number 201909160119765, the southwest corner of said 0.022 acre tract and being in the north line of the remainder of a 10.188 acre tract as conveyed to Hanover Park LLC in Instrument Number 202007280108933, Parcel II;

Thence with the north line of the remainder of said 10.188 acre tract, the south line of said remainder of a 1.5 acre tract as conveyed in Instrument Number 201909160119765, the south line of said remainder of a 1.898 acre tract (parcel I) and the remainder of a 1.102 acre tract (parcel II) as conveyed in Instrument Number 201803130033145, the south line of said 1 acre tract as conveyed in Instrument Number 202106140103147, the south line of said Parcel II and Parcel I as conveyed in Instrument Number 201401160006106, the south line of said 2 acre tract as conveyed Instrument Number 202109150164707, the south line of said tract as conveyed in Instrument Number 202011250188327, the south line of said 2 acre tract as conveyed in Instrument Number 202110060180073, the south line of said 1 acre tract as conveyed in Instrument Number 202206070085491, S 66° 51' 43" W, 729.4± feet to the southwest corner of the remainder of said 1 acre tract as conveyed in Instrument Number 202206070085491 and the southeast corner of a 1 acre tract as conveyed to Julie M. Dallas and Angelo J. Dallas in Instrument Number 200610050200058;

Thence with the west line of said 1 acre tract as conveyed in Instrument Number 202206070085491 and the east line of said 1 acre tract as conveyed to Julie M. Dallas and Angelo J. Dallas in Instrument Number 200610050200058, N 23° 24' 07" W, 683.1± feet to the northwest corner of said 1 acre tract as conveyed in Instrument Number 202206070085491, the northeast corner of said 1 acre tract as conveyed to Julie M. Dallas and Angelo J. Dallas in Instrument Number 200610050200058, the north line of Virginia Military District 530, the south line of Virginia Military District 544, the north line of Franklin Township, the south line of Norwich Township and being in the centerline of Trabue Road;

Thence with the centerline of Trabue Road, the south line of Norwich Township, the north line of Franklin Township, the south line of Virginia Military District 544, the north line of Virginia Military District 530, the north line of said 1 acre

tract as conveyed in Instrument Number 202206070085491, the north line of said 2 acre tract as conveyed in Instrument Number 202110060180073, the north line of said tract as conveyed in Instrument Number 202011250188327, the north line of said 2 acre tract as conveyed Instrument Number 202109150164707, the north line of said Parcel I and Parcel II as conveyed in Instrument Number 201401160006106, the north line of said 1 acre tract in Instrument Number 202106140103147, N 66° 35' 53" E, 446.8± feet to the TRUE POINT OF BEGINNING, containing 11.2± 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 those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "ILLUSTRATIVE PLAN," and building rendering titled, "CONCEPTUAL RENDERING," both dated October 15, 2024 and signed by Eric Zartman, Attorney for the 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 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 a Certificate of Occupancy for the proposed development.

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

1. Upon initial development of this site, the access configuration is proposed to be one direct full access point to Trabue Road and one emergency-only access point to Trabue Road located opposite Builders Place, and utilizing an available easement on the property to the west of the site per Instrument Number 201301170005091 on file with the Franklin County Recorder. However, the direct full site access point to Trabue Road shall be converted to right-in/right-out only, and the emergency-only access point to Trabue Road shall be converted to a full access point, upon a determination by the Department of Public Service that such access reconfiguration would promote the health, safety, and welfare of the traveling public in conjunction with either a roadway improvements project initiated by the City of Columbus along Trabue Road between Builders Place and McKinley Avenue, or in conjunction with development of the area west of this site that is currently subject to Rezoning Application #Z17-057.

2. The developer will be responsible for mitigating impacts associated with the westbound left turn movement into this site by means of reallocation and associated resurfacing of the existing Trabue Road pavement to provide one eastbound lane and two westbound lanes with a two-way left turn lane in the vicinity of the site.

3. The developer will be responsible for an amount not to exceed ~~\$164,300.00~~ **\$153,500.00** contribution toward potential future improvements at the intersection of Trabue Road and Hague Avenue based on 5.3% of the feasibility study's 2022 Construction Cost Estimate. This contribution will need to go through the FCTID process to formalize the agreement/contribution.

4. The developer shall be responsible for a contribution to be determined by the Department of Public Service to the City of Columbus to be applied toward future roadway improvements that would address traffic operations at the intersections of Trabue Road and McKinley Avenue and Trabue Road and Dublin Road / Marblevista Boulevard. **The contribution is to be the lesser of 9.41% of the estimated future improvements at the intersections of Trabue Road and McKinley Avenue and Trabue Road and Dublin Road / Marblevista Boulevard or \$1,144,256.00.**

5. With regards to items 1 through 4 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.

