



ZONING DIVISION
 200 S. Hamilton Road
 Gahanna, Ohio 43230
 614-342-4025
 zoning@gahanna.gov
 www.gahanna.gov

CONDITIONAL USE APPLICATION

Project/Property Address or Location: 307 and 319 West Johnstown Road		Project Name/Business Name: Big Sky Realty	
Parcel ID No.(s): 025-000848, 025-000849	Zoning Designation: Current: CC Proposed: MFRD	Total Acreage: +/- 2.65	
Proposed Use: The Applicant proposes redevelopment of the site with a multi-family residential development with 60 dwelling units. Conditional use variances are requested to increase permitted dwelling units per building, increase maximum density, increase maximum height, permit two buildings on a parcel, and permit accessory use building.			
STAFF USE ONLY – Conditional Use: <i>1149.02(a)(1) - Dwelling Buildings</i> <i>1149.02(a)(3) - Dwelling Buildings</i> <i>1149.02(c) - Accessory uses</i> <i>1149.02(a)(2) - Dwelling Buildings</i> <i>1149.02(a)(4) - Dwelling Buildings</i>			
APPLICANT Name-do <u>not</u> use a business name: Mitch Rubin		Applicant Address: P.O. Box 10264, Columbus, Ohio	
Applicant E-mail: mitch@bigskyrealtyohio.com		Applicant Phone No.: 614.681.0200	
BUSINESS Name (if applicable): Big Sky Realty			
ADDITIONAL CONTACTS Please List Primary Contact for Correspondence (please list all applicable contacts)			
Name(s): David Hodge, Attorney for Applicant		Contact Information (phone no./email): Underhill and Hodge 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054 614.335.9320 david@uhlfirm.com	
PROPERTY OWNER Name: (if different from Applicant) Harry Lewis		Property Owner Contact Information (phone no./email):	

APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED (see page 2)

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant/Primary Contact Signature: *David Hodge* Date: *6-25-20*

INTERNAL USE

Zoning File No *CU-0159-2020*

RECEIVED: *LAW*
 DATE: *7-1-20*

PAID: *200.00*
 DATE: *7-1-2020*

AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

PROPERTY OWNER

IF THE PROPERTY OWNER IS THE APPLICANT, SKIP TO NEXT SECTION

As the property owner/authorized owner's representative of the subject property listed on this application, hereby authorize the applicant/representative to act in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the applicant/representative.

Harry N. Lewis

(property owner name printed)
(property owner signature) 4/28/2020
(date)

Subscribed and sworn to before me on this 28th day of April, 2020.

State of Ohio County of Franklin

Notary Public Signature: Anna R Wilder



Anna R. Wilder
Notary Public-State of Ohio
My Commission Expires
November 9, 2021

Applicant/Property Owner/Representative

AGREEMENT TO COMPLY AS APPROVED As the applicant/representative/owner of the subject property listed on this application, I hereby agree that the project will be completed as approved with any conditions and terms of the approval, and any proposed changes to the approval shall be submitted for review and approval to City staff.

AUTHORIZATION TO VISIT THE PROPERTY I hereby authorize City representatives to visit, photograph and post notice (if applicable) on the subject property as described.

APPLICATION SUBMISSION CERTIFICATION I hereby certify that the information on this application is complete and accurate to the best of my knowledge.

Big Sky Realty, LLC - Mitchell Rubin

(applicant/representative/property owner name printed)
(applicant/representative/property owner signature) 6/5/2020
(date)

Subscribed and sworn to before me on this 6 day of June, 2020.

State of Ohio County of Franklin

Notary Public Signature: (Signature)

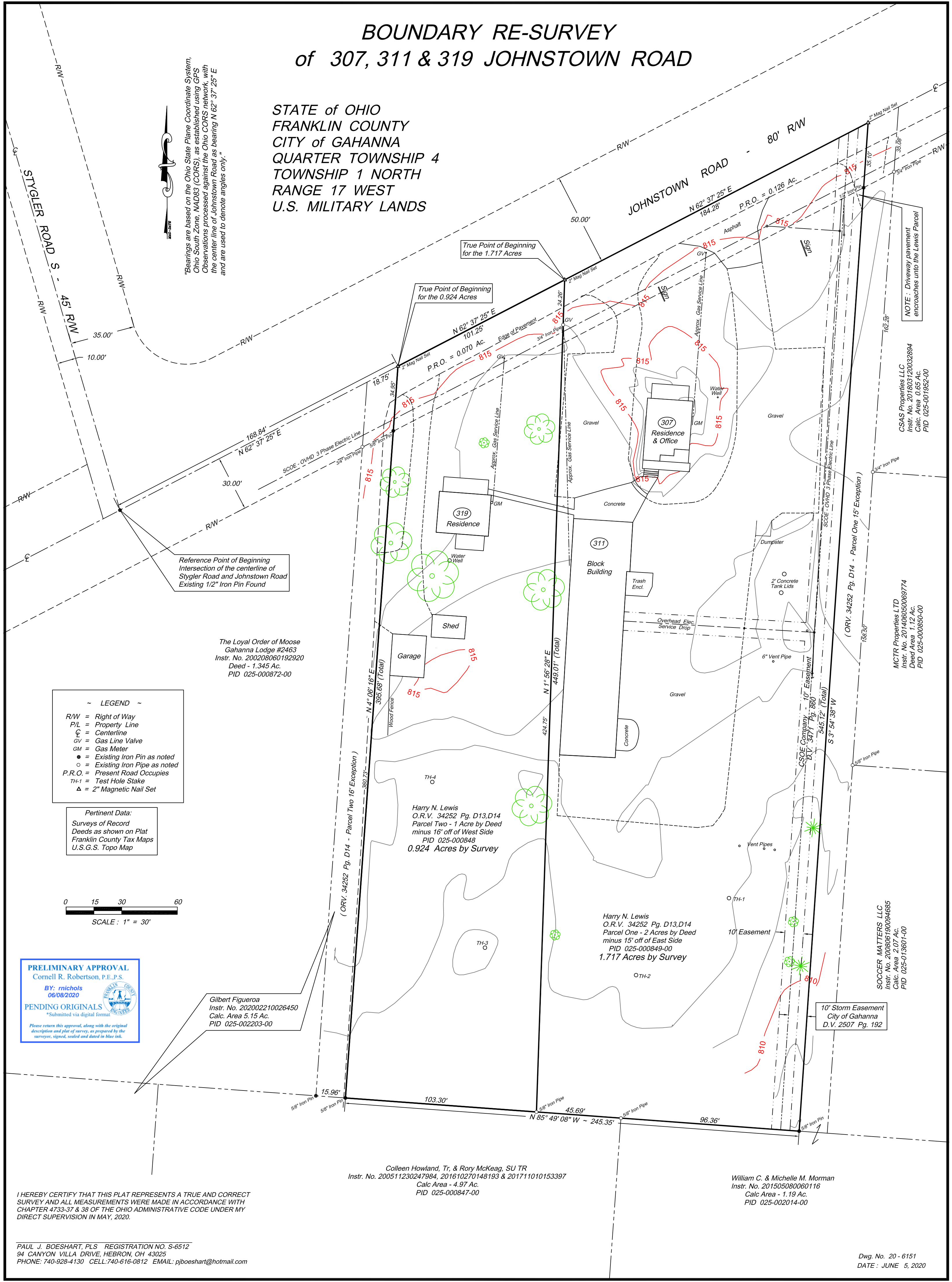


Laura Leggett
Notary Public, State of Ohio
My Commission Expires 10-10-2023

BOUNDARY RE-SURVEY of 307, 311 & 319 JOHNSTOWN ROAD

STATE of OHIO
FRANKLIN COUNTY
CITY of GAHANNA
QUARTER TOWNSHIP 4
TOWNSHIP 1 NORTH
RANGE 17 WEST
U.S. MILITARY LANDS

Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS network, with the center line of Johnstown Road as bearing N 62° 37' 25" E and are used to denote angles only.



Reference Point of Beginning
Intersection of the centerline of
Styler Road and Johnstown Road
Existing 1/2" Iron Pin Found

The Loyal Order of Moose
Gahanna Lodge #2463
Instr. No. 200208060192920
Deed - 1.345 Ac.
PID 025-000872-00

Harry N. Lewis
O.R.V. 34252 Pg. D13,D14
Parcel Two - 1 Acre by Deed
minus 16' off of West Side
PID 025-000848
0.924 Acres by Survey

Harry N. Lewis
O.R.V. 34252 Pg. D13,D14
Parcel One - 2 Acres by Deed
minus 15' off of East Side
PID 025-000849-00
1.717 Acres by Survey

Gilbert Figueroa
Instr. No. 202002210026450
Calc. Area 5.15 Ac.
PID 025-002203-00

Colleen Howland, Tr. & Rory McKeag, SU TR
Instr. No. 200511230247984, 201610270148193 & 201711010153397
Calc Area - 4.97 Ac.
PID 025-000847-00

William C. & Michelle M. Morman
Instr. No. 201505080060116
Calc Area - 1.19 Ac.
PID 025-002014-00

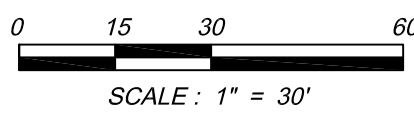
CSAS Properties LLC
Instr. No. 201803120032894
Calc. Area 0.65 Ac.
PID 025-001952-00

MCTR Properties LTD
Instr. No. 201406050069774
Deed Area 1.12 Ac.
PID 025-000850-00

SOCCER MATTERS LLC
Instr. No. 200806150094685
Calc. Area 2.07 Ac.
PID 025-013601-00

- ~ LEGEND ~
- R/W = Right of Way
 - P/L = Property Line
 - C = Centerline
 - GV = Gas Line Valve
 - GM = Gas Meter
 - = Existing Iron Pin as noted
 - = Existing Iron Pipe as noted
 - P.R.O. = Present Road Occupies
 - TH-1 = Test Hole Stake
 - ▲ = 2" Magnetic Nail Set

Pertinent Data:
Surveys of Record
Deeds as shown on Plat
Franklin County Tax Maps
U.S.G.S. Topo Map



PRELIMINARY APPROVAL
Cornell R. Robertson, P.E., P.S.
BY: rnichols
06/08/2020
PENDING ORIGINALS
*Submitted via digital format
Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed and dated in blue ink.

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A TRUE AND CORRECT SURVEY AND ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH CHAPTER 4733-37 & 38 OF THE OHIO ADMINISTRATIVE CODE UNDER MY DIRECT SUPERVISION IN MAY, 2020.

PAUL J. BOESHART, PLS REGISTRATION NO. S-6512
94 CANYON VILLA DRIVE, HEBRON, OH 43025
PHONE: 740-928-4130 CELL: 740-616-0812 EMAIL: pjboeshart@hotmail.com

Dwg. No. 20 - 6151
DATE: JUNE 5, 2020

PAUL J. BOESHART, PLS
Email: pjboeshart@hotmail.com

94 CANYON VILLA DRIVE
HEBRON, OH 43025

Ph: 740-928-4130

June 5, 2020

Job No. 20-6151

Surveyor's Description – All of **Parcel No. 025-000848-00 ~ 0.924 Acres**

The parcel herein described is known as being a part of the same lands conveyed to **Harry N. Lewis** as described in O.R.V. 34252 Pg. D-13, D-14 (Parcel Two) found recorded in the Franklin County Recorder's Office in Columbus, Ohio and is situated in the City of Gahanna and part of the Fourth Quarter of Township 1 North in Range 17 West in the U.S. Military Lands of Franklin County, Ohio and is better described as follows:

Beginning for a reference at an existing 1/2" iron pin at the intersection of the centerline of Stygler Road South (45' R/W) and the center of Johnstown Road (80' R/W);

Thence, with the center of Johnstown Road, North 62 degrees 37 minutes 25 seconds East, 168.84 feet to a set 2" Magnetic Nail and **the true point of beginning** for the herein described 0.924 Acres;

Thence, continuing with the said Road, North 62 degrees 37 minutes 25 seconds East, 101.25 feet to a set 2" Magnetic Nail;

Thence, leaving the said Johnstown Road and with the west line of Harry N. Lewis (O.R.V. 34252 Pg. D13, D14 – Parcel One), South 1 degree 56 minutes 28 seconds West, passing an existing 3/4" iron pipe at 24.26 feet, a total distance of 449.01 feet to an existing 5/8" iron pipe;

Thence, with the north line of Colleen Howland, Tr., & Rory McKeag, SU TR. (Instr. No. 200511230247984, 201610270148193 & 201711010153397), North 85 degrees 49 minutes 08 seconds West, 103.30 feet to an existing 5/8" iron pin;

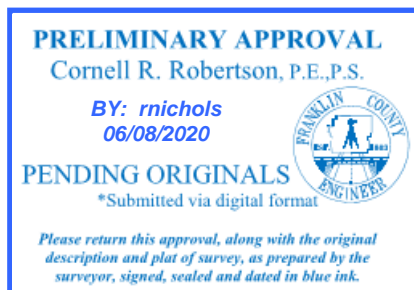
Thence, with the east line of Gilbert Figueroa (Instr. No. 202002210026450), North 4 degrees 06 minutes 16 seconds East, passing an existing 5/8" iron pin at 360.73 feet, a total distance of 395.68 feet to the **true point of beginning**.

Containing **0.924 ACRES**, of which, the Present Road occupies 0.070 Acres and being subject to all legal roads, easements and restrictions of record.

"Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS network, with the center line of Johnstown Road as bearing North 62 degrees 37 minutes 25 seconds East, and are used to denote angles only."

I, Paul J. Boeshart, (Reg. No. S-6512), hereby certify that the above description represents a true and correct survey and all measurements were made under my direct supervision in accordance with Chapter 4733-37 of the Ohio Administration Code in May, 2020.

Paul J. Boeshart, P.L.S.
Registration No. S-6512



PAUL J. BOESHART, PLS
Email: pjboeshart@hotmail.com

94 CANYON VILLA DRIVE
HEBRON, OH 43025

Ph: 740-928-4130

June 5, 2020

Job No. 20-6151

Surveyor's Description – All of **Parcel No. 025-000849-00 ~ 1.717 Acres**

The parcel herein described is known as being a part of the same lands conveyed to **Harry N. Lewis** as described in O.R.V. 34252 Pg. D-13, D-14 (Parcel One) found recorded in the Franklin County Recorder's Office in Columbus, Ohio and is situated in the City of Gahanna and part of the Fourth Quarter of Township 1 North in Range 17 West in the U.S. Military Lands of Franklin County, Ohio and is better described as follows:

Beginning for a reference at an existing 1/2" iron pin at the intersection of the centerline of Stygler Road South (45' R/W) and the center of Johnstown Road (80' R/W);

Thence, with the center of Johnstown Road, North 62 degrees 37 minutes 25 seconds East, passing a set 2" Magnetic Nail at 168.84 feet, a total distance of 270.09 feet to a set 2" Magnetic Nail and **the true point of beginning** for the herein described 1.717 Acres;

Thence, continuing with the said Road, North 62 degrees 37 minutes 25 seconds East, 184.28 feet to a set 2" Magnetic Nail;

Thence, leaving the said Johnstown Road and with the west line of William C. & Michelle M. Morman (Instr. No. 201505080060116), South 3 degrees 54 minutes 38 seconds West, passing an existing 1/2" iron pin at 35.10 feet, a total distance of 545.12 feet to an existing 5/8" iron pin;

Thence, with the north line of the said Morman parcel, North 85 degrees 49 minutes 08 seconds West, 96.36 feet to an existing 5/8" iron pipe;

Thence, with the north line of Colleen Howland, Tr., & Rory McKeag, SU TR. (Instr. No. 200511230247984, 201610270148193 & 201711010153397), North 85 degrees 49 minutes 08 seconds West, 45.69 feet to an existing 5/8" iron pipe;

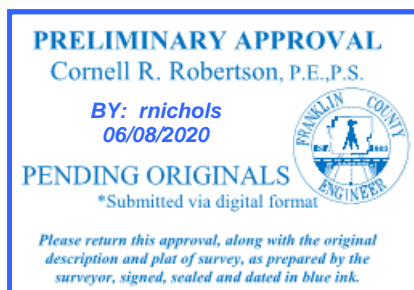
Thence, with the east line of Harry N. Lewis (O.R.V. 34252 Pg. D13, D14 – Parcel Two), North 1 degree 56 minutes 28 seconds East, passing an existing 3/4" iron pipe at 424.75 feet, a total distance of 449.01 feet to the **true point of beginning**.

Containing **1.717 ACRES**, of which, the Present Road occupies 0.126 Acres and being subject to all legal roads, easements and restrictions of record.

"Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS network, with the center line of Johnstown Road as bearing North 62 degrees 37 minutes 25 seconds East, and are used to denote angles only."

I, Paul J. Boeshart, (Reg. No. S-6512), hereby certify that the above description represents a true and correct survey and all measurements were made under my direct supervision in accordance with Chapter 4733-37 of the Ohio Administration Code in May, 2020.

Paul J. Boeshart, P.L.S.
Registration No. S-6512



CONDITIONAL USE STATEMENT

ADDRESS: 307 and 319 West Johnstown Road
PARCEL: 025-000848, 025-000849
SIZE: +/- 2.65 acres
CURRENT: CC
PROPOSED: MFRD
OWNER: Harry Lewis
APPLICANT: Big Sky Realty
ATTORNEY: David Hodge, Underhill & Hodge, LLC
DATE: June 25, 2020

Applicant respectfully submits this statement in support of its conditional use request.

I. Statement of the Proposed Use

The site is located south of West Johnston Road in Gahanna's West Gateway Focus Area. The site is currently zoned CC, Community Commercial and operates as a motor vehicle body shop. The Applicant proposes rezoning the property from CC to Multi-Family Residential District (MFRD) to permit the development of a multifamily residential development. The Applicant proposes 60 dwelling units on +/- 2.65 acres for a density of 22.64 dwelling units per acre.

The Applicant requests conditional uses pursuant to Gahanna Code of Ordinances Section 1149.02(a)(1) to permit the development of a multifamily residential development with buildings containing more than 8 dwelling units, Section 1149.02(a)(2) to permit more than one residential building on the same lot, Section 1149.02(a)(3) to permit an average density of 23 dwelling units per acre, Section 1149.02(a)(4) to permit buildings above 2 stories, and Section 1149.02(c) to permit accessory buildings in association with permitted dwellings.

II. Statement of Desirability

Gahanna conducted a survey in preparation for the recently adopted *2019 Gahanna Land Use Plan*. The survey participants generally believe that Gahanna is in need of more apartment and mixed-use developments. Notably, at least 60% of respondents in each age category believe that more apartments are needed. These results align with *Insight 2050* which projects Central Ohio's population to increase by a half a million to a million people by 2050. The proposed development will provide the desirable apartment use and spur commercial development in the immediate area.

The Applicant proposes a project that addresses the stated needs of the community, which were adopted and incorporated into the *2019 Gahanna Land Use Plan*. The requested conditional uses will allow the Applicant to develop the property in a manner which provides the needed apartments while maintaining quality development standards.

The Plan recommends MDR, Medium Density Residential for the site. This is a land use type which recommends a mix of residential uses including multifamily residential up to 20 dwelling units per acre. The Applicant's proposed development is generally consistent with the Plan's recommended land use.

III. Conditional Use Criteria

The Applicant respectfully submits that the proposed development complies with appropriate development standards under the requested zoning category and specific to these requested conditional uses. Gahanna Zoning Code Section 1169.04 provides the criteria for consideration of conditional use requests, each condition is hereafter stated in italics and individually addressed.

(1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.

The proposed use is a conditional use of the MFRD district, and appropriate applicable development standards are either met or warranted variances are incorporated to address unique specifics of the property, use, and surrounding circumstances. The density and height requested are appropriate in this location and given the thoughtful planning and building placement on the property.

(2) The proposed development is in accord with appropriate plans for the area.

The Plan recommends MDR, Medium Density Residential for the site. This is a land use type which recommends a mix of residential uses including multifamily residential at 20 dwelling units per acre. The Applicant's proposed development is generally consistent with the Plan's recommended land use.

(3) The proposed development will not have undesirable effects on the surrounding area.

The proposed development will be an asset to the surrounding area. It will provide needed apartments and will contribute to the immediate medium density and mixed use properties. These are specifically stated goals of the area as detailed by the Plan.

(4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.

The proposed development will be in keeping with the existing land use character and physical development potential of the area. The proposed use is the perfect use of the property, the plan and architecture are thoughtful to the surrounding area, and there will be no undue burden on public infrastructure.

Respectfully submitted,

David Hodge

David Hodge



*NOTE: per section 1163.01(a) of the Gahanna Zoning Code, the site's off-street parking will have the minimum rectangular dimensions as follows:
 25' drive aisle width
 9'x19' parking space size

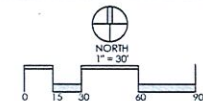
SITE DATA	
TOTAL ACRES	±2.65 ACRES
TOTAL UNITS	60 UNITS
TOTAL PARKING	105 SPACES
PARKING DENSITY	±1.75 SPACE/UNIT
OPEN SPACE	±1.04 ACRES (39.2%)

SITE PLAN

307 AND 319 W. JOHNSTOWN ROAD

PREPARED FOR BIG SKY REALTY

DATE: 7/28/20



Faris Planning & Design

LAND PLANNING LANDSCAPE ARCHITECTURE
 242 N. 5th Street Suite 401 Columbus, OH 43215
 P (614) 437-1764 www.farisplanninganddesign.com

307 - 319 W. Johnstown Road Apartment Proposal

Legend
📌 PROPOSED SITE



307 - 319 W. Johnsntown Road Apartment Proposal

Comparable apartment properties dwelling units per acre.

Legend

- Yellow Pin: Apartment Comparables
- Red Pin: PROPOSED SITE



Property Name	Address	Acres	Units	Units/Acre
Villa Nova	235 W Johnstown Road	5.89	117	19.86
Gahanna Crossing	135 Stygler	1.35	39	28.89
80 Shull	80 Shull	0.85	35	41.18
The Parc	419 Laurel Ln	7.71	180	23.35
The Huntley Gahanna	136 Town Street	1.63	32	19.63
Jefferson Pointe	882 Taylor Station Road	3	72	24.00
Residences at Central Park	800 Ellington Circle	9.98	220	22.04
101 N High Street	101 N High Street	0.35	12	34.29
131 N High Street	131 N High Street	0.26	16	61.54
Hunters Ridge	384 Morrison Road	14.29	336	23.51
Taylor Pointe	785 Cross Pointe Rd	4.141	96	23.18
AVERAGE				26.00

Conceptual











APPLICANT:

Big Sky Realty
P.O. Box 10264
Columbus, OH 43201

PROPERTY OWNER:

Harry Lewis
311 West Johnstown Road
Columbus, OH 43230

ATTORNEY:

David Hodge
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, OH 43054

SURROUNDING PROPERTY OWNERS:

SKC Holdings II LLC
152 Raccoon Ravine Court
Johnstown, OH 43031

FREA Ltd. LLC
6835 Taggart Road
Delaware, OH 43015

MCTR Properties Ltd.
7840 Graphics Way
Lewis Center, OH 43035

Soccer Matters LLC
or current occupant
277 West Johnstown Road
Columbus, OH 43230

CSAS Properties LLC
or current occupant
287 West Johnstown Road
Columbus, OH 43230

William and Michele Morman
or current occupant
295 West Johnstown Road
Columbus, OH 43230

Loyal Order of Moose
Gahanna Lodge #2463
or current occupant
335 West Johnstown Road
Columbus, OH 43230

Anna McKeag, Tr., et al.
or current occupant
327 West Johnstown Road
Columbus, OH 43230

Gilbert Figueroa
or current occupant
329 West Johnstown Road
Columbus, OH 43230

JR Management Group LLC
14 West Main Street
Alpine, NJ 07620



August 20, 2020

Mitchell Rubin
PO Box 10264
COLUMBUS, OH 43201

RE: Project 307-319 W Johnstown Rd Conditional Use

Dear Mitchell Rubin:

The following comments were generated from the review of the submitted plans and documents for the referenced project.

Building

1. Building permits and inspections will be required and the building and site will be required to comply with the Ohio Building Code and Codified Ordinances of the City of Gahanna.

Parks

2. No Comment Per Julie Prederi

Community Development

3. Informational Comment - Staff has reviewed the applications and code. It appears that four conditional uses are required as stated in the applicant's materials. No issues with the requests at this time, however, staff would recommend to planning commission that a cap on height or stories be identified. From the renderings it appears that three stories is proposed.

Engineering

4. No comments at this time.

Fire District

5. No Comment Received.

Public Safety

6. No Comment Received.

If you have any comments or questions, please contact me at kelly.wicker@gahanna.gov or (614) 342-4025.

Sincerely,

Kelly Wicker
Administrative Assistant



PLANNING STAFF REPORT

Summary

A rezoning from Community Commercial (CC) to Multiple Family Residential (MFRD) has been requested in order to develop the site with multifamily for the property located at 307 and 319 West Johnstown Road. The request is to rezone 2.65 acres to permit 60 apartments. Requested density is 22.64 units per acre. A conditional use and variance application have also been filed. See below for additional details regarding those applications.

Please be aware that additional applications will be required if the rezoning, conditional use, and variance(s) are approved. Specifically a final development plan (FDP) and design review (DR) are required. This means that site layout, setbacks, building design, landscaping, etc are further refined through these applications. The rezoning, conditional use, and variance do not approve these elements.

Land Use Plan

The Comprehensive Land Use Plan designates the property as medium density residential. Density is recommended at between 5-20 units per acre and building height at a maximum of 40 feet. Multifamily is a permitted use.

The property is also located with the West Gateway Focus Area. Residential uses that create a neighborhood character and feel are encouraged within the Gateway. Multiuse paths are encouraged to create a connection to Creekside.

The Land Use Plan makes recommendations. It does not mandate a specific use or intensity. The applicant has provided information regarding densities of similar development in the area. Densities of this project and those of surrounding developments exceeds the Land Use Plan recommendations.

Rezoning

Planning Commission shall consider the following elements, among other criteria, when deciding the proposed change:

1. Consistency with the goals, policies and comprehensive land use plan of the City of Gahanna, including any corridor plans, or subarea plans.

The proposed rezoning to MFRD is consistent with the recommendations of the Land Use Plan. The proposed density of 22 units per acre does exceed the density recommended by the Plan of 20 units per acre.

2. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return in investment through developing the property with one of the uses permitted under the current zoning.
4. Availability of sites elsewhere in the City that are already zoned for the proposed use.

Staff is not aware of many, if any, properties that are zoned MFRD and available for development. The Land Use Plan identified that 55.6% of all city properties are used for residential purposes and of those properties approximately 10% of those properties are multifamily. The land use plan also identified that housing trends in the region are shifting from traditional large lot single family to smaller lots and multifamily.

5. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence in the value of existing abutting lands or approved developments.
6. The capacity of City infrastructure and services to accommodate the uses permitted in the requested district without compromising the “health, safety, and welfare” of its citizens.
7. The apparent demand for the type of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

The majority of inquiries that staff receives for development opportunities are for multifamily. These inquiries typically don't result in a development application as the City has few opportunities for development. It is staff's opinion that demand is high for multifamily and the availability of land is low.

Conditional Use

Several conditional uses are required to permit the application as presented. All of the conditional uses are related to multifamily uses. The MFRD code is written differently than most of the zoning code in that density, number of buildings, building height, accessory buildings, and number of units per building are all regulated by conditional use.

- Chapter 1149.02(a)(1) – Buildings containing more than eight dwelling units
- Chapter 1149.02(a)(2) – Two or more residential buildings on the same lot
- Chapter 1149.02(a)(3) – Additional density averaging six units per acre up to an average density of 18 units per acre
- Chapter 1149.02(a)(4) – Buildings may exceed two stories
- Chapter 1149.02(c) – Accessory buildings and uses

Requests for a conditional use shall be approved if the following four conditions are met:

1. The proposed use is a conditional use of the zoning district and the applicable development standards established in this zoning ordinance are met.
2. The proposed development is in accord with the appropriate plans for the area.
3. The proposed development will not have undesirable effects on the surrounding area.
4. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

Variance

The applicant has requested the following variances in order to permit the development. It should be noted that the variance to Chapter 1109.08 requires City Council approval. Therefore, Planning Commission would only provide a recommendation on that variance request.

- Chapter 1109.08 – Public areas
 - The code requires that multifamily projects donate land for recreation as part of the rezoning process. This requirement is in addition to requirements to pay a \$500 park fee and set aside land for open space. The applicant proposes to provide a dog park that is open to the public.
 - *Staff and the applicant have had numerous conversations regarding this unique provision. This code provision has been in place for roughly forty years. Forty years ago the City had a need for additional parkland. That is not necessarily the case today. These small pocket parks often times require the City to maintain while providing little benefits to the City as a whole.*
- Chapter 1149.03(b)(1) – Lot width
 - MFRD requires lot width based on the number of units. 675' of lot width is required and 285' of lot width is provided.
 - *Staff does not object to this variance as the correlation between multifamily density and frontage is highly unusual to be addressed in a zoning code. Lot width is typically associated with single family development in order to ensure properties are large enough to support a residential unit while providing appropriate setbacks. Multifamily developments typically don't have a specific lot frontage requirement. It should be noted that other development parameters such as setbacks and open space are required in order to ensure compatibility.*
- Chapter 1149.02(a)(3)/1149.03(f) – Density
 - Maximum density of 18 units per acre. Applicant has requested a density of 22.64 units per acre. The application materials contain densities of similar projects in the area.
- Chapter 1149.03(1)(5) – Parking location
 - Parking shall not be closer than 25' to the front or rear of a main building. 10' is proposed.
- Chapter 1163.02 – Minimum parking
 - The code requires a minimum of 120 parking spaces (two per unit). The applicant has provided 105 spaces.

Planning Commission shall not grant a variance unless it finds that all of the following conditions apply:

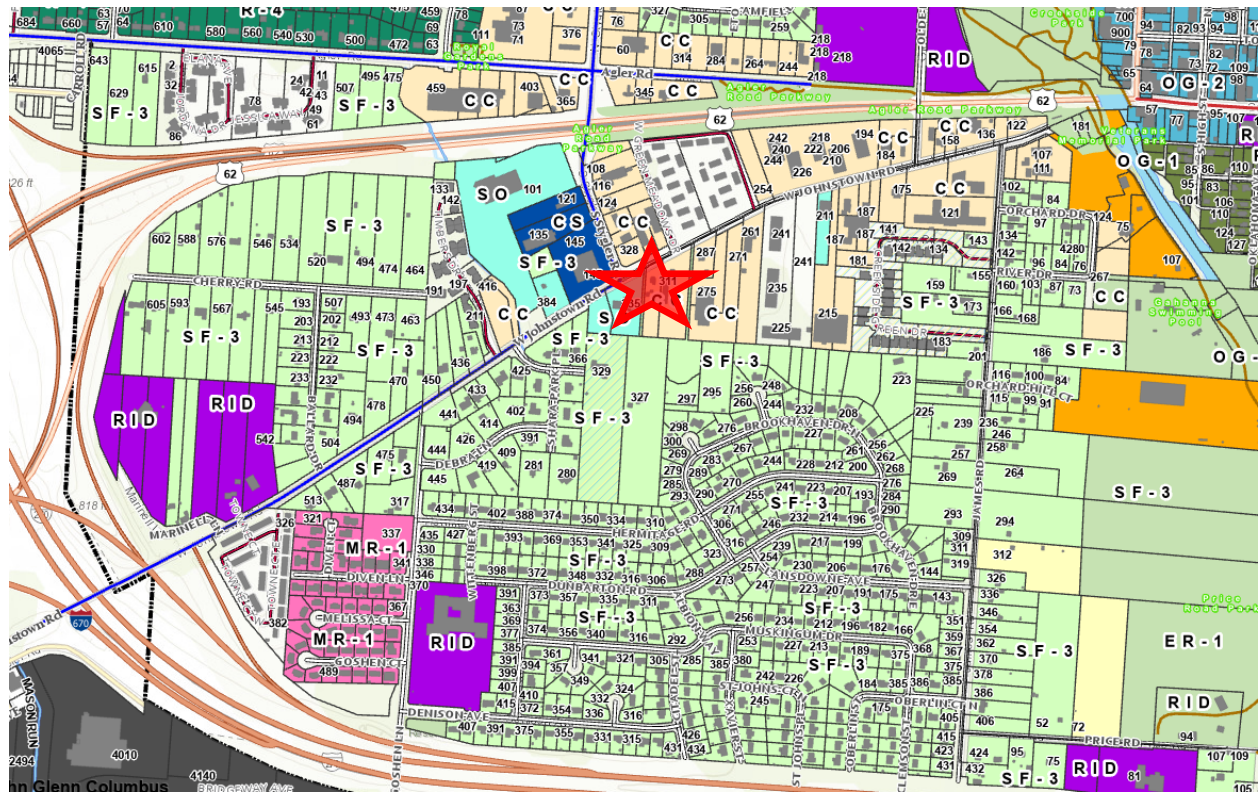
- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially

detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Recommendation

Staff recommends approval of the applications. The Land Use Plan identified a need in the City for new residential housing opportunities. New multifamily developments were identified as a priority for the City. This particular area of the City contains a wide variety of uses with several properties developed with multifamily development. The proposed rezoning appears to be in character with existing development and consistent with the recommendations of the Land Use Plan.

Location/Zoning Map



Respectfully Submitted By:
Michael Blackford, AICP
City Planner/Zoning Administrator