



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(September 27, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/CU-16-13 & C/DS-16-39 (Hawcreek Preserve Senior Apt)
Staff: Ashley Klingler
Applicant: Real America
Property Size: 5.19 Acres
Zoning: CC (Commercial: Community)
Location: 2655 25th Street, in the City of Columbus

Background Summary:

The applicant is proposing to redevelop the site for a 4-story, 70 unit apartment building. The applicant is requesting the following:

- Conditional Use: Conditional use to allow multi-family residential (up to 70 units) in a CC (Commercial: Community) zoning district.
- Variance #1 (Building Height): Variance from Zoning Ordinance Section 3.20(C) for the purpose of having a taller building than permitted. (Max of 40 feet permitted, 60 feet requested).
- Variance #2 (Parking Ratio): Variance from Zoning Ordinance Section 7.1 (Table 7.1) for the purpose of having a smaller parking ratio than required. (1.5 spaces per unit required, 1.0 space per unit requested).
- Variance #3 (Landscaping Buffer): Variance from Zoning Ordinance Section 8.2(F) for the purpose of not installing a landscaping buffer on the southern property line. (15 foot wide Type C Buffer Yard required, no buffer proposed).
- Variance #4 (Drive Separation): Variance from Zoning Ordinance Section 7.3(Part1)(C)(3)(c)(iii) for the purpose of having an access on Midway Street too close to another drive. (100 feet drive separation required, 94.5 ft. proposed).

Preliminary Staff Recommendation:

Conditional Use: Approval. All criteria have been met with the following commitments:

- a) Windows, doors, and building wall projections and recesses shall be used to add architectural interest and variety along all of the building's public street frontages.
- b) The building shall have 360 degree architectural elements, meaning that all sides of the building will have a consistent design, materials, and architectural features. Long, blank building walls shall be prohibited.
- c) The overall design of the building shall be consistent with the example provided by the applicant. Elevations of the buildings shall be submitted for review with the site plan during the Zoning Compliance Certificate review process.

Variance #1 (Building Height): Approval, all criteria have been met.

Variance #2 (Parking Ratio): Approval, all criteria have been met with the following commitment: the property shall be used for senior housing.

Variance #3 (Landscaping Buffer): Approval, all criteria have been met.

Variance #4 (Drive Separation): Approval, all criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CC (Commercial: Community) zoning district is as follows: to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area.

Development Standards:

- **Building Height:** Maximum height for a primary structure is 40 feet. [Section 3.20(C)]
- **Parking Ratio:** 1.5 parking spaces per dwelling unit, plus 1 per employee, plus 1 per 6 seating capacity in a community center. [Section 7.1 (Table 7.1)]
- **Landscaping Buffer:** Buffer Yard Type C shall include a minimum width of 15 feet in addition to the setback otherwise required by the Zoning Ordinance. A minimum of 50 landscaping points shall be provided within every 50 linear feet of buffer yard required. [Section 8.2(F)]
- **Drive Separation:** No two entrances from a public street or road to a property shall be permitted within 100 feet. [Section 7.3(Part1)(C)(3)(c)(iii)]

Current Property Information:	
Land Use:	Vacant Land
Site Features:	Paved Lot, Vacant Grass Lawn, Haw Creek
Flood Hazards:	The western portion of the property has FEMA Zone AE (Floodway), Haw Creek Flow Path, and Haw Creek Inundation Area.
Vehicle Access:	25 th Street (Minor Arterial, Commercial, Urban) Midway Street (Local, Residential, Urban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CC (Commercial: Community)	Eastbrook Plaza
South:	CO (Commercial: Office) RS4 (Residential: Single-Family 4)	Worship Center and School (North Star Montessori) Single-Family Residences
East:	CC (Commercial: Community) RS4 (Residential: Single-Family 4)	Auto-Oriented Use (Jiffy Lube), Office Use (Dr. Tavel-Eye Doctor), Retail Use (Tom Pickett's Music Center) Single-Family Residences
West:	CC (Commercial: Community) P (Public/Semi-Public Facilities)	Retail (Guitar City, Antique Mall) Parks (Hamilton Center, Lincoln Park)

Interdepartmental Review:	
City Engineering:	The two drives on Midway would be acceptable. Midway is a low volume street and the additional drive will provide little conflict. We have no comments on the other requests at this time.
City Utilities:	No comments.
City Fire:	No outstanding comments at this time.
Technical Code Enforcement:	No comments.
Flood Plain Administrator:	<p>As shown on Flood Insurance Rate Map (FIRM) 18005C0132E, effective December 9, 2014, the western portion of the subject property is located within the Flood Zone AE Floodway. New development within the floodway is prohibited by Section 4.7(I) of the Zoning Ordinance.</p> <p>It is my understanding that the developer's intent is to avoid development within the floodway. Therefore, at the time of site plan review, the developer must provide a detailed site plan clearly demonstrating that the structure will be located outside of the Flood Zone AE Floodway. If the structure touches the Flood Zone AE Floodway boundary in any way it is considered in the floodway and the development regulations listed in Zoning Ordinance Section 4.7 will apply.</p> <p>The subject property also includes portions of the Haw Creek Flood Hazard Area's flow path and inundation area. The concept plan indicates that the development will not occur within these areas.</p>

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting an apartment complex for seniors at this location. The apartments are for people 55 years old and older. The complex will have up to 70 units.
2. When determining if multi-family is appropriate at a location, surrounding amenities and services should be considered. The surrounding amenities for this site include the following: There is a designated bus stop 0.3 miles to the south of the subject property. However, the bus can stop anywhere on its route. Route 3 runs along the subject property on Midway Street. There are multiple shopping centers in close proximity to the subject property including Fair Oaks Mall, Eastbrook Plaza, Clover Center, and Columbus Center. Lincoln Park is 0.2 miles west across Haw Creek. There are also pharmacies including CVS and Walgreens in close proximity to this project.
3. Another amenity is the future connection of the People Trail along the western portion of this property. The connection is planned to be in an easement located near Haw Creek. The plans are currently in the process of being finalized. According to Dave Hayward, City Engineer, construction is anticipated to start early 2017.
4. This property is an infill site. The City of Columbus Comprehensive Plan supports the development of "infill" sites as an alternative to the continued outward expansion of the City. This infill development assists with community goals for the protection of farmland, the efficient use of infrastructure investments, the wise use of tax-payer dollars, orderly long-term community growth, and quality neighborhoods.

5. This site is called out in the Infill Site Profiles document created by the Planning Department. This document was developed to assist in the consistent identification of the infill sites in the community in response to on-going inquiries from developers and a diversity of community groups. The most suitable uses for this site, according to the Infill Site Profile, are multi-family residential, neighborhood commercial, general commercial, or public facility. The proposed apartment complex is consistent with this analysis. The area surrounding the subject property is not very urban in nature, but having an apartment complex at this location would be a good transition between the commercial to the north and the single-family residential to the south.
6. In order to provide a good transition between the commercial and residential areas, and to promote a pedestrian oriented building, the following design strategies should be implemented.
 - d) Windows, doors, and building wall projections and recesses shall be used to add architectural interest and variety along all of the building's public street frontages.
 - e) The building shall have 360 degree architectural elements, meaning that all sides of the building will have a consistent design, materials, and architectural features. Long, blank building walls shall be prohibited.
 - f) The overall design of the building shall be consistent with the example provided by the applicant. Elevations of the buildings shall be submitted for review with the site plan during the Zoning Compliance Certificate review process.
7. The western portion of the property has FEMA Zone AE (Floodway), Haw Creek Flow Path, and Haw Creek Inundation Area. This leaves approximately 1.42 acres of the 5.19 acre subject property not in a flood zone.
8. This property has significant limitations for development. The applicant is requesting increased height to compensate for the limited developable area. This results in a request for a 4-story building that is up to 60 feet tall. The Zoning Ordinance requires a maximum height of 40 feet in the CC (Commercial: Community) zoning district. The applicant is requesting a variance to have a building 20 feet taller than permitted by the Zoning Ordinance.
9. The Zoning Ordinance requires 1.5 parking spaces per unit, plus 1 per employee, plus 1 per 6 seating capacity in a community center. According to the applicant, the common room area is for residents only, and will not be rented out to the public. Thus, the Planning Department staff has determined that the community center parking requirements do not apply in this case. This complex, is intended for senior living. According to the study provided by the applicant, their cliental have an average of 0.5 vehicles per dwelling. The applicant is requesting 1 parking space per dwelling unit for this project. The applicant is requesting a lower ratio than required by the Zoning Ordinance, while still providing more parking than their average cliental uses. The applicant is requesting a variance to allow 73 parking spaces while 105 parking spaces are required by the Zoning Ordinance.
10. The Zoning Ordinance requires a landscaping Buffer Yard Type C on the southern property line. This buffer is required between the CC (Commercial: Community) and CO (Commercial: Office) zoning districts. A Buffer Yard Type C shall include a minimum width of 15 feet in addition to the 10 foot building setback required by the Zoning Ordinance. A minimum of 50 landscaping points shall be provided within every 50 linear feet of buffer yard required. This equates to approximately 768 total points required (31 trees or 103 shrubs). At least 50% of this buffer needs to be evergreen trees or shrubs. The applicant has indicated they may wish to sell the southern portion of the property to the church. If this is done, the above landscaping points would be altered. The intent behind this requirement is to protect incompatible uses. For example, protecting a day-care from a fast food restaurant. In this case an apartment complex would be next to a worship center. The proposed use of an apartment complex is similar in nature to the existing worship facility. The applicant is requesting a variance to not install the Buffer Yard Type C required by the Zoning Ordinance.
11. This property has frontage on 25th Street and Midway Street. There are currently three existing drives; one along 25th Street, and two along Midway Street. When this site is redeveloped, all site features must come into compliance with the Zoning Ordinance including access drives. There is nowhere a drive could be installed along 25th Street or Midway Street that meets the required drive separation (400 feet and 100 feet respectively). The applicant is allowed at least one legal access to their property from the lowest classification street, in this case Midway Street. The applicant is requesting two drives on Midway Street. The applicant is requesting the southern drive be their legal access and that the northern drive be their second drive. This northern drive will be 94.5 ft. from the nearest drive, 5.5 ft. less than required. According to the City Engineering Department, Midway

Street is a low volume street and the additional drive will provide little conflict. The applicant is requesting a variance to have a driveway that does not meet the required 100 feet drive separation.

Comprehensive Plan Consideration(s):

The Comprehensive Plan designates the future land use of properties in this area as Floodway/Sensitive Area. The property is also adjacent to a Commercial area.

The Comprehensive Plan includes this property in the National Road Commercial Corridor character area. The following planning principles for that character area apply to this application:

1. Encourage continued commercial development, but only in suburban business centers or business parks, not as individual lots with curb cuts.
2. Encourage entrances and parking on all sides of buildings, rather than just in front, to reduce expanses of asphalt and to buffer buildings from adjacent residential areas.
3. In order to enhance the unique architectural quality of Columbus, establish simple and effective standards for the design of large commercial buildings and areas.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **POLICY A-1-1:** Encourage mixing of housing prices in all geographic areas of the city. *This policy is intended to provide choice of housing locations; it does not mean that houses of greatly differing price will be mixed in the same neighborhood.*
2. **POLICY A-2-10:** Keep residential neighborhoods at a "human" scale, preventing high-rise or massive buildings. *The character of a neighborhood can be destroyed by introducing a building that doesn't fit, such as a five-story apartment building in a neighborhood of one-story, single-family houses.*
3. **POLICY A-2-11:** Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood-by-neighborhood basis. *New development should be designed in a manner that is sensitive to the surroundings.*
4. **POLICY A-2-16:** Promote simple, objective design standards (not an architectural review committee) for commercial, industrial, and institutional development. *Because the appearance of the community is important, the city needs to promote design standards that will lead to attractive development. These standards might include such things as variations in roof lines or building facades, requirements for windows, or standards for the placement of buildings on their lots.*
5. **GOAL A-4:** Promote wise and efficient use of limited resources and nonrenewable resources, including but not limited to capital and land.
6. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located. *Vacant parcels represent lost opportunities, and they can become neighborhood nuisances. These parcels should be used, either for development, or for other neighborhood assets such as parks or community gardens. It is less expensive to develop these parcels than to create new subdivisions.*
7. **POLICY A-4-4:** Encourage residential clustering and other development types that conserve open space and natural resources and reduce infrastructure costs. *Regulations should encourage development which saves trees, wetlands, flood plains, natural topography, and other natural features and development which includes open space. The city's ordinances need to provide flexibility and incentives for developers to use creative subdivision layouts.*
8. **POLICY B-1-1:** Protect floodway areas from development to prevent runoff which could pollute streams and rivers. *Soil disturbing activity in floodway areas destroys the natural vegetation and causes siltation of our waterways. In addition, stormwater runoff from parking areas, streets, and lawns contains pollutants which will decrease the water quality.*
9. **GOAL D-1:** Develop new housing where adequate public services can be provided economically.
10. **POLICY D-1-1:** Promote orderly housing expansion in locations where the city's infrastructure and services have the capacity to accommodate the growth. *New neighborhoods should have adequate infrastructure and services. Road networks should be safe, there should be adequate sewage disposal and a safe drinking water supply, there should be adequate police and fire protection and trash pick-up. The city should guide new development to areas where these services will be available at reasonable cost.*

11. **POLICY D-1-3:** Encourage development adjacent to already developed areas. *Compact development contiguous to already developed areas is the most economical and convenient urban form, and the city should encourage that type of development.*
12. **GOAL D-2:** Encourage development of a sufficient supply of diverse housing types, sizes, and price ranges in the community
13. **POLICY D-2-1:** Encourage housing which is affordable to those whose incomes are below the median, particularly those significantly below the median. *A thriving community needs socio-economic diversity which in turn requires a range of housing prices. The city should encourage the development of housing in a variety of price ranges so that all citizens will have decent, safe, and sanitary housing at prices they can afford.*
14. **POLICY D-2-2:** Allow for various housing types. *A diverse population needs diverse housing. The city should encourage a variety of housing types, including single-family detached houses, townhouses, and apartments.*
15. **POLICY D-2-6:** Encourage development of a sufficient supply of housing in all price ranges so that all citizens of the community can enjoy decent, safe, and sanitary housing in desirable neighborhood settings. *A diversity of housing prices and types accommodates a diverse population and differing preferences.*
16. **POLICY F-1-1:** Reduce points of traffic conflict on public streets through driveway and intersection separation requirements. *Traffic flows more smoothly and safely when there are fewer points of conflict and fewer places where turning movements take place. Proper spacing of driveways and intersections reduces these conflict points and improves traffic safety.*
17. **POLICY F-5-1:** Require new developments to construct sufficient but not excessive parking for their demand. *When businesses, apartments, and other uses do not have sufficient parking, the customer and tenant base is affected. In addition, the surrounding neighborhoods may be disrupted by on-street parking by customers of businesses with inadequate parking. At the same time, parking lots use large amounts of land, the pavement surface causes increased stormwater runoff and "heat islands," and expanses of asphalt are generally unattractive. Sizing parking lots to meet peak demand can waste land. Other approaches, such as using grassed areas for overflow parking, should be considered.*

The Bicycle and Pedestrian Plan element of the Comprehensive Plan shows a proposed multi-use path across the subject property. Multi-use paths are intended to provide uninterrupted or minimally interrupted movement over distances of a mile or more for a variety of purposes and users. Multi-use paths serve bicycle commuters as well as recreational users. They are frequently part of, or connect to, a regional path system.

Provisional Findings of Fact/Decision Criteria (Conditional Use):

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose reasonable conditions as part of an approval.

1. The proposal will not be injurious to the public health, safety, and general welfare of the community.

Provisional Findings: The proposed senior apartments will not have a large traffic volume. This property is also a corner lot; any traffic from this development will likely remain close to the corner, and not cause concern for the neighborhood to the south. The proposed apartment will be designed to remain out of the floodway and therefore minimizes safety concerns regarding flooding. The design and layout of the project will meet all fire code requirements. The design of the parking lot and access drives will meet all drive aisle requirements. An apartment complex at this location would provide a good transition between the commercial to the north, and the single-family residential to the south. This proposal will not be injurious to the public health, safety, and general welfare of the community. *This criterion has been met.*

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

Provisional Findings: With the commitments regarding the design of the building, the apartment will be consistent with other new multi-family units in Columbus. With the approval of the attached variances, this project will be consistent with the development standards established by the Zoning Ordinance. *This criterion has been met.*

- 3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

Provisional Findings: Having an apartment at this location would provide a good transition between the commercial to the north, and the single-family residential to the south. This is consistent with the general purposes served by the Zoning Ordinance to separate incompatible uses. Making this an apartment complex will not alter the commercial nature and use of the properties across 25th Street and along US 31. The proposed apartment complex will not permanently injure other properties and uses in the vicinity. *This criterion has been met.*

- 4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

Provisional Findings: With the commitments regarding the design of the building, the apartment will be aesthetically broken up to avoid large blank walls. These design elements will make the proposed taller building look more pedestrian in scale. Having an apartment at this location would be consistent with the Comprehensive Plan to provide a good transition between the commercial to the north, and the single-family residential to the south. This project is also an “infill” development which is consistent with the recommendations of the Comprehensive Plan to building internal to Columbus and conserve open space. By building out of the floodway, this project is also consistent with the Comprehensive Plan to protect floodway areas. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for conditional use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Provisional Findings of Fact/Decision Criteria (Variance #1-Building Height):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The final building design and location will be determined to make sure all fire code and building codes have been met. The Fire Department and Building Department do not have any concerns with the structure being 20 feet taller than permitted by the Zoning Ordinance. Having a taller building will not be injurious to the public health, safety, moral, and general welfare of the community. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: With the commitments regarding the design of the building, the apartment will be aesthetically broken up to avoid large blank walls. These design elements will make the proposed taller building look more pedestrian in scale. *This criterion has been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: Much of the subject property is designated as Floodway. This leaves approximately 1.42 acres of the 5.19 acre subject property not in a flood zone. Between the flood areas and building setbacks, the applicant is requesting increased height to compensate for the limited developable area. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #2-Parking Ratio):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The proposed parking ratio is larger than the applicant anticipates the client will use. Enough parking will be provided on the property so there will be no need for on-street parking in the area. The proposed smaller parking ratio will not be injurious to the public health, safety, morals, and general welfare. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The proposed parking ratio is larger than the applicant anticipates the client will use. Enough parking will be provided on the property so there will be no need for on-street parking in the area. The proposed smaller parking ratio will not affect the use and value of the area adjacent to the property in a substantially adverse manner. *This criterion has been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: Much of the subject property is designated as Floodway. This leaves approximately 1.42 acres of the 5.19 acre subject property not in a flood zone. Between the floodway and building setbacks, this leaves a smaller site for construction. The proposed senior housing with a smaller parking ratio allows the applicant to develop the site while still working around setbacks and odd angles of the trapezoid shaped property. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #3-Landscaping Buffer):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The intent behind the buffering requirement is to protect incompatible land uses by providing a buffer between them. In this case, the two uses (apartment complex and worship facility) are similar in intensity. Not having a buffer will not be injurious to the public health, safety, moral, and general welfare of the community. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The intent behind the buffering requirement is to protect incompatible land uses by providing a buffer between them. In this case, the two uses (apartment complex and worship facility) are similar in intensity. Not having a buffer will not affect the neighboring property in a substantially adverse manner. *This criterion has been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: Much of the subject property is designated as Floodway. This leaves approximately 1.42 acres of the 5.19 acre subject property not in a flood zone. Between the floodway and building setbacks, this leaves a smaller site for construction. The addition of a 15 foot wide landscaping area would result in an even smaller buildable area. The buffer would be on the southern portion, taking up the most open area of the trapezoid shaped property. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #4-Drive Separation):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: Midway Street is a low volume road. According to the City Engineering Department, having a second drive on Midway Street will provide little conflict. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: Midway Street is a low volume road. According to the City Engineering Department, having a second drive on Midway Street will provide little conflict. *This criterion has been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is nowhere a drive could be installed along 25th Street or Midway Street that meets the required drive separation (400 feet and 100 feet respectively). The applicant is allowed at least one legal access to their property from the lowest classification street, in this case Midway Street. The applicant is requesting two drives on Midway Street to allow for better traffic flow and to improve access for emergency equipment. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request(s) for development standards variance(s) the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Conditional Use Application

RECEIVED
AUG 23 2016
BY: AKK & AEC

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: CC

Docket No.: C/CU-16-13

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Conditional Use Application:

Note: It is recommended that all conditional use applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that meeting.

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: RealAmerica Development, LLC (Hawcreek Preserve Senior Apts.) 8/23/16

Address 10711 America Way, Suite 200, Fishers, IN 46038
(number) (street) (city) (state) (zip)

Phone No.: (317) 815-5929 Fax No.: (317) 815-5930 E-mail Address: mlang@realamericallc.com

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: Craig E. Fenneman

Address 2902 E. Morgan Street, Martinsville, IN 46151
(number) (street) (city) (state) (zip)

Phone No.: 765-315-0277 Fax No.: N/A E-mail Address: _____

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: Michael A. Lang

Address 10711 America Way, Suite 200, Fishers, IN 46038
(number) (street) (city) (state) (zip)

Phone No.: (317) 815-5929 Fax No.: (317) 815-5930 E-mail Address: mlang@realamericallc.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used.

Email Fax Mail

Property Information:

Address 2655 25th Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Conditional Use Requested:

I am requesting a conditional use as listed by Section 3.20(C) of the Zoning Ordinance to allow the following:

The development, construction, and ongoing operation of a multi-family housing community with no more than seventy (70) dwelling units, with associated management and amenity uses.

Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

- 1. The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community.**

We intend to build a high-quality, amenity rich multi-family housing community similar to developments we have developed in the past. We will have on-site management and maintenance to ensure that the property is managed at a high level and is a safe, visually pleasing property that Columbus can proud of. Also, our project will provide clean and safe housing for the residents, many of whom will be at a point in their life where they do not want to keep maintaining their own properties. Finally, we will build an energy-efficient building that meets the Emerald National Green Building Standard.

- 2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

We will comply with all development standards for multi-family housing applicable to the CC Zoning District, except as modified by any applicable variance. We intend to construct an attractive, amenity-rich development on this site, that is attractively landscaped in a manner that provides buffering from less intense uses. Also, our proposed development will provide attractive in-fill development that will serve as a transition from single family residential to the south of the site and the adjacent retail uses.

- 3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

Our proposed community will allow our residents to live in a healthful environment. It will be adjacent to a People Trail extension that will provide access to a nearby park. Additionally, our residents will have pedestrian connections to nearby amenities such as grocery stores, a pharmacy, banking, and ample shopping. Developing this long-vacant in-fill site with an attractive development is expected to enhance nearby property values and may serve as a catalyst for future neighborhood improvement, which RealAmerica has observed in other in-fill and redevelopment projects that it has opened.

- 4. The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

This development will be consistent with nearby residential development and will serve as a buffer for the residential areas into the more intense retail areas. This site is appropriate for multi-family residential as it does not have substantial frontage on 25th Street, considering the size of the lot. Also, our community will provide connections to the People Trail and nearby Lincoln Park and feature no buildings in the adjacent floodway. No undue concentration of multi-family housing will occur because of this development given its proximity to nearby 25th Street and US 31, which can easily handle any traffic, which we anticipate to be low.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

(Multiple Variances)



Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: CC

Docket No.: C/D5-16-39

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Development Standards Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: RealAmerica Development, LLC (Hawcreek Preserve Senior Apt.) ^{AEK} 8/23/16

Address 10711 America Way, Suite 200, Fishers, IN 46038
(number) (street) (city) (state) (zip)

Phone No.: (317) 815-5929 Fax No.: (317) 815-5930 E-mail Address: mlang@realamericallc.com

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: Craig E. Fenneman

Address 2902 E. Morgan Street, Martinsville, IN 46151
(number) (street) (city) (state) (zip)

Phone No.: 765-315-0277 Fax No.: N/A E-mail Address: _____

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: Michael A. Lang

Address 10711 America Way, Suite 200, Fishers, IN 46038
(number) (street) (city) (state) (zip)

Phone No.: (317) 815-5929 Fax No.: (317) 815-5930 E-mail Address: mlang@realamericallc.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used.

Email Fax Mail

Property Information:

Address 2655 25th Street, Columbus, IN 47201
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Variance Requested:

I am requesting a variance from Section 3.20(C) of the Zoning Ordinance to allow the following:

The construction of a four (4) story multi-family building that is up to sixty (60) feet in height.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

We propose to build an age-restricted senior community in which one resident must be at least 55 years old. The immediately adjacent uses are institutional and retail, although there are nearby residential areas. The overall public health, safety, morals and welfare of the community will be improved by providing infill construction on this site with an attractive, amenity rich multi-family community. Additionally, this development will provide additional buffering for the residential areas to the nearby retail along 25th Street.

- 2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

The site we are proposing to develop will be infill development of a long-vacant site. Redeveloping this site with an attractive, amenity-rich multi-family community will spur property improvement in the area and will enhance property values in the area. Additionally, our project will provide a buffer against the nearby retail uses and that buffer will enhance the use and enjoyment of the neighboring properties. Given that nearby institutional and retail uses provide a buffer from the nearby residential properties, a four story building in this location is appropriate.

- 3. **The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.**

Much of the subject site is located in a floodway and some will be subject to an easement for the People Trail. The normal height limitation would make it very difficult to provide an attractive development that takes advantage of the natural features of the property, including the views of Haw Creek and Lincoln Park, while still providing adequate parking. A shorter building with a larger foundation will make it very difficult to lay out the site in a way that makes the best use of the buildable area of the site.

Variance Requested:

I am requesting a variance from Section 7.1 Table 7.1 of the Zoning Ordinance to allow the following:

A parking ratio of 1.0 space for each dwelling unit and that the requirement to provide additional parking spaces for non-resident employees be waived.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

We propose to build an age-restricted senior community in which one resident must be at least 55 years old. Because only about one third of the proposed apartments will be two bedroom units, with the rest being one bedroom units, we anticipate a lower need for parking. At our Willow Manor Senior Apartments in Nashville, Indiana, we have found a vehicle to unit ratio of approximately 0.5 to 1. A lower parking ratio will protect the community by allowing more of this real estate to be used for productive use as opposed to being set aside for parking that we are confident will not be needed.

- 2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

As mentioned above, a 1.0 to 1 parking ratio will provide more parking than our residents will need. Because there will be substantial parking, even with visitors, our development will be able to easily handle all cars, and the nearby streets and neighbors won't be burdened by on-street or illegal parking.

- 3. **The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.**

Much of the property that our development will be built upon lies within a floodway, which we cannot build on. Additionally, some of the buildable area of the lot is being acquired for the construction of the People Trail, which will be an asset to our community. However, given the configuration of the site and in order to build a building that takes advantage of the views of Lincoln Park and Haw Creek, we can only fit a parking lot that features a 1.0 to 1 parking ratio on the site and still have a building that is attractive and makes the best use of the natural features of the property.

8.2(F)
AEK 8.25.16

Variance Requested:

I am requesting a variance from Section 8.2(E) of the Zoning Ordinance to allow the following:

The development of the subject property without including a fifteen (15) foot buffer strip between the subject site and the south adjoining property that is zoned CO--Professional Office.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

We propose to build an age-restricted senior community in which one resident must be at least 55 years old. The property to the south that is zoned CO--Professional Office is a church. These are uses of similar intensity and are complimentary and should not require separation and screening beyond the required ten (10) foot setback, which would remain. Given that we are proposing to build a senior multi-family community and given that much of the common boundary will be located within a floodway, we expect very little impact to our southern neighbor's use of their property. We expect our development to enhance the overall health, safety, morals, and welfare of the community.

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The site we are proposing to develop will be infill development of a long-vacant site. Redeveloping this site with an attractive, amenity-rich multi-family community may spur property improvement in the area and will enhance property values in the area. Additionally, our project will provide a buffer against the nearby retail uses and that buffer will enhance the use and enjoyment of the neighboring properties.

- 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

Much of the subject site is located in a floodway and some will be subject to an easement for the People Trail. Dedicating fifteen (15) feet of buffer space will make it very difficult to provide an attractive development that takes advantage of the natural features of the property, including the views of Haw Creek and Lincoln Park, while still providing adequate parking.

Variance Requested:

I am requesting a variance from Section 7.3(Part 1)(C)(3)(c)(iii) of the Zoning Ordinance to allow the following:

two drive entrances at least 100 feet apart, both of which shall be on Midway Street, and neither of which shall be closer than 100 feet to 25th Street.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

We are proposing two drive entrances to be allowed to protect the safety of our residents and the community. Having two drive entrances will make access to the site more convenient for the fire department and other first responders. By allowing these first responders to get out of the property more quickly, these first responders can more quickly get to another run or remove an injured or ill person from the site more quickly, which protects the public health safety, morals, and general welfare of the community. .

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Midway Street is a low traffic street and our project is only anticipated to add one half vehicle for each unit. We do not anticipate adding substantial additional traffic or harming property values. Rather, the property will be easier to access, which will reduce any traffic impact from the proposed development.

- 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

The shape of the buildable area of the site necessitates a second drive in order to have efficient traffic circulation in the parking lot and still maintain a drive entrance that is sufficiently south of 25th Street. There is no single drive entrance point that meets the standards of the zoning ordinance, but allowing the 2 drive entrances, as described in this application, strikes an appropriate balance between traffic safety on a low-traffic street and the ability of first responders to access this site.

Applicant's Signature:

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Michael A. Lang
(Applicant's Signature)

8/22/16
(Date)

Michael A. Lang, Development Associate

Owner's Signature (the "owner" does not include tenants or contract buyers):

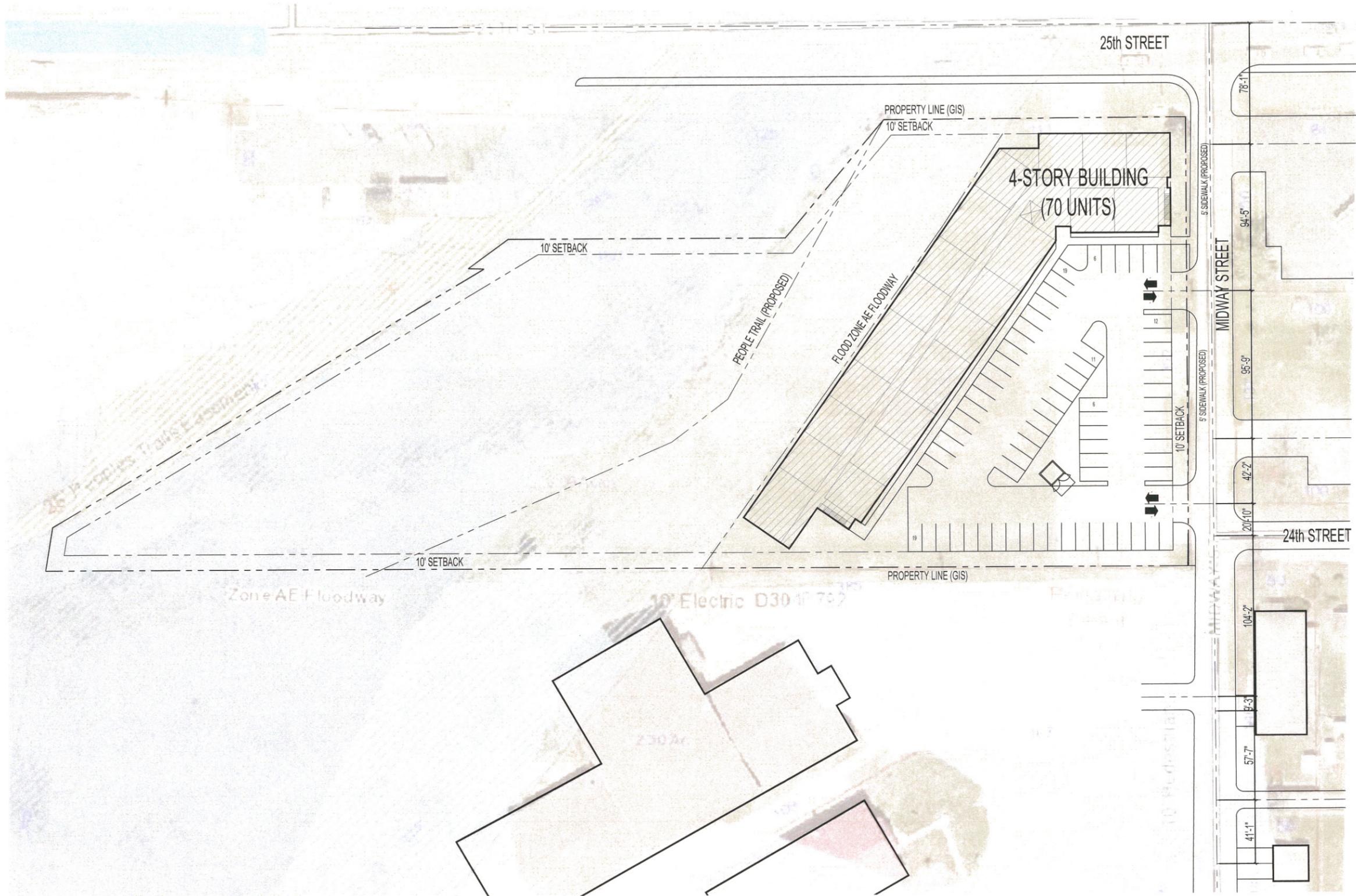
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Craig E. Fenneman
(Owner's Signature)

8/22/16
(Date)

Craig E. Fenneman
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.

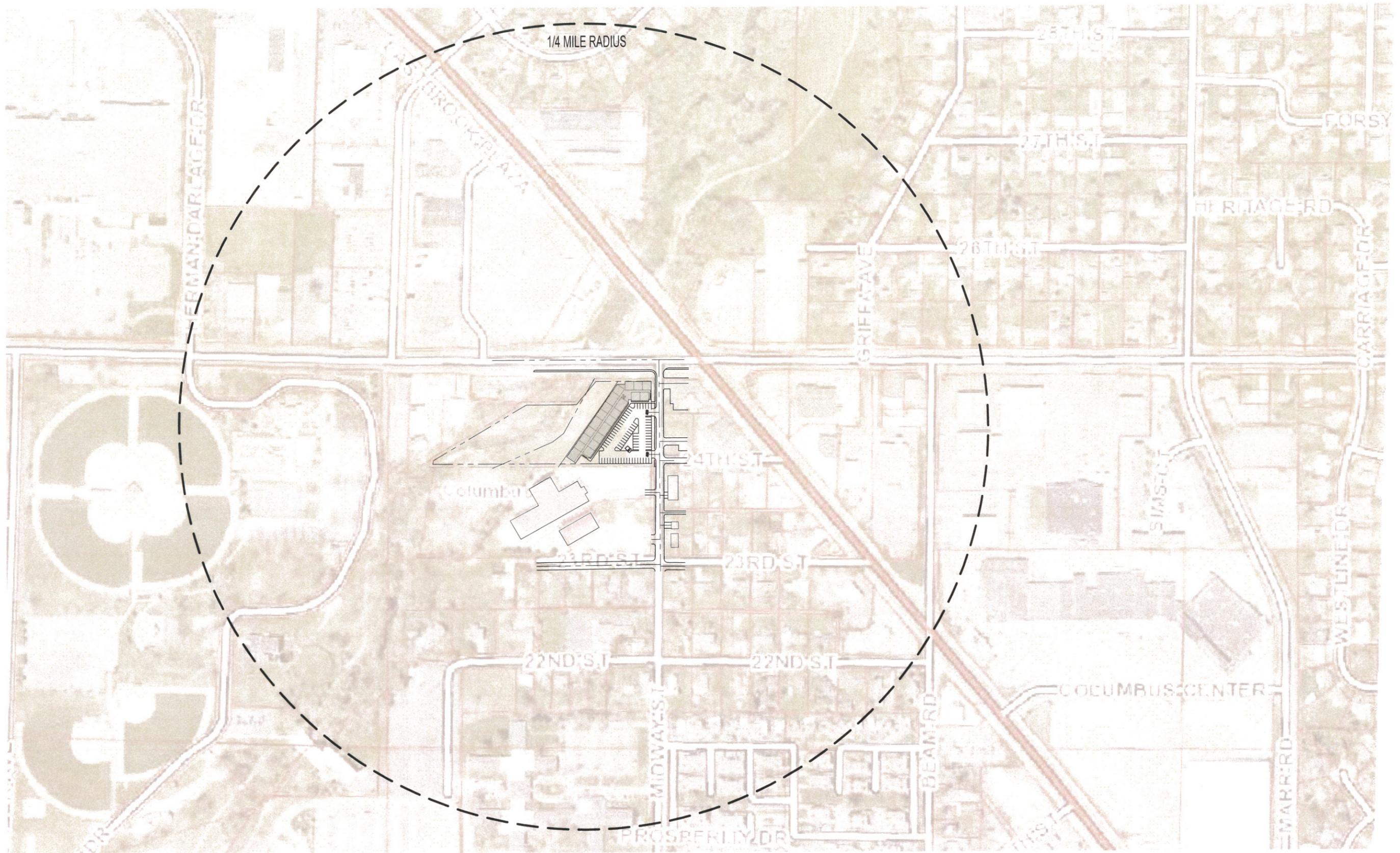


DEVELOPMENT SUMMARY	
UNITS:	70
PARKING SPACES:	73
ZONING	
ZONE:	COMMERCIAL (CC)
MAX LOT COVERAGE:	65%
FRONT SETBACK:	10'
SIDE SETBACK:	10'
REAR SETBACK:	10'
MIN. LIVING AREA DWELLING:	500 SF
MAX HEIGHT:	40'

HAWCREEK PRESERVE SENIOR APARTMENTS



09.09.2016 PROPOSED
1 SITE PLAN
 1" = 30'-0"



HAWCREEK PRESERVE SENIOR APARTMENTS





Development | Design | Construction | Management

10711 America Way
Suite 200
Fishers, IN 46038
317.815.5929
Fax 317.815.5930

RealAmerica Development is very excited about its proposed Haw Creek Preserve Senior Apartments and providing high-quality affordable senior homes in Columbus! RealAmerica has been developing, constructing, designing, and building multi-family housing for over 20 years. While most of our work has been in northeast Indiana, we have three properties within half hour from downtown Columbus in Brown County. We're excited about the opportunity to bring much needed senior housing to Columbus!

The Haw Creek Preserve Senior Apartments are designed to allow those 55 and older to stay living in Columbus as they get to the point in their lives where they either can't or don't want to continue maintaining of their home or they are at a point where they want to downsize. At the same time, these apartment homes allow seniors to continue living in Columbus and be close to their family, friends, church, healthcare providers, and support network. Our project will be attractively designed and fit in well with the area near US 31 and 25th Street. However, what sets Haw Creek Preserve apart are the amenities that we will provide to our residents to help them stay sharp and active. Haw Creek Preserve will feature a fitness studio to help our residents stay physically fit, the Mind-Fit room to give our residents the tools to stay mentally active, and an arts and crafts room for our residents to bring out their creative side. We'll also provide a dog grooming station so the residents can keep their furry friends clean. The development will also feature a large community room with full kitchen so our residents can entertain their family and friends.

The site at 2655 25th Street is ideal for senior living. We love this site because of its proximity to Lincoln Park, Fair Oaks Mall, and the shopping along US 31. Within walking distance our residents can quickly and conveniently get their groceries at Marsh, they can pick up their prescriptions at Walgreens or CVS, and they can enjoy the nearby restaurants and shopping. Also, with the upcoming completion of the People Trail and the installation of the former Newborn Bridge over Haw Creek, our residents will have pedestrian access to Lincoln Park and its ice rink, tennis courts, and grilling areas.

The site will allow the residents to be part of the vibrant and architecturally amazing downtown Columbus, which can be accessed with the ColumBUS stop that is just a short walk from our apartments. Easy access to downtown will allow the residents to enjoy independent restaurants and shop at several smaller specialty shops. Our location will allow residents to enjoy the modern amenities located on 25th Street and US 31 and at the same time have the easy ability to enjoy life at a different pace downtown!

Aside from providing a way for more seniors to stay in Columbus and live an active and engaged life, the wins for the City of Columbus extend well beyond that great result. For starters, this site is an infill site located along Haw Creek. The current site has been undeveloped for over 10 years. Much of the site is undevelopable because it is located within the Haw Creek Floodway. The buildable area of the site is an odd shape and only a little bit more than an acre in size. Other uses that require more parking, more frontage on 25th Street, and more first floor space wouldn't work on the site. Senior apartments, which don't require as much parking or as much ground floor space, is a perfect use for this property. This site a great site for development and there's simply no reason for the city to continue to have this undeveloped hole in a well-developed area. We have the ability to develop a high quality community on this site that will add immeasurable value to the city.

Another win for Columbus is that our property will minimize our impact on the environment. We will construct the community to the Emerald National Green Building Standard, which means we will have energy efficient homes for the seniors to live in. We will also reduce our impact on the city's storm system by retaining a large amount of our rain water on site and using it for irrigation. Also, we plan to construct our project with a significant amount of new products made with recycled materials. We will install new landscaping in the floodway areas with native plants and flowers and other softscape materials, which will provide attractive views for the users of the People Trail instead of the grass field that is currently located there.

RealAmerica is a Women's Business Enterprise (WBE) entity formed over 20 years ago for the purpose of developing and constructing affordable housing. We have developed and maintain ownership and management of over 1,800 affordable and market rate units at 28 sites and provide consulting, development, construction and management services to non-profit entities with special needs populations. We currently have 109 units under construction and anticipate breaking ground on three additional projects by October. We have never sold a project that we developed and constructed for ourselves. Because we have skin in the game, we make sure we build high quality apartments that are built well and we lease and manage our communities so that we can be proud of them.

RealAmerica's owner, Ronda Shrewsbury Weybright, created RealAmerica Management and RealAmerica Design to oversee the day-to-day operations, compliance and management of the properties and design the projects based on our years of experience in knowing what our residents like and desire. She has been fortunate to bring together a team of well-regarded individuals in the industry to earn awards and the highest accolades from IHEDA, investors, lenders, mayors and leaders in the communities where our properties are located. In many instances over the years, what started out as a NIMBY battle turned in to requests for multiple developments based on RealAmerica's commitment to doing what we say we will do and earning the support and trust of the community. In fact, two of our recent developments, in Nashville and Shelbyville, are a result of the mayor and town officials approaching us for second phases. Our portfolio enjoys a 97.1% occupancy rate, receives consistently high REAC scores from HUD (in the past 2 years

we have had 8 REAC inspections, with seven receiving a score above 95 and only one at 89, which is a 15 year old property), has an excellent compliance tax record with the Indiana Housing and Community Development Authority and is the leader in the State of Indiana for perfect pre-8609 inspections. RealAmerica is a recipient of the 2016 Novogradac Developments of Distinction Award and of the Lt. Governor's Award for Excellence in the Rural Category for a 65-unit senior community that looks similar to what we plan for the Haw Creek Preserve Senior Apartments, among other awards.

We're very excited about the Haw Creek Preserve Senior Apartments and the opportunity to do build high quality senior housing in Columbus. This is a great opportunity to put an infill site to productive use and, more importantly, give Columbus seniors and opportunity to remain in Columbus as they age.

August 23, 2016

City of Columbus
Board of Zoning Appeals
123 Washington St
Columbus, IN 47201

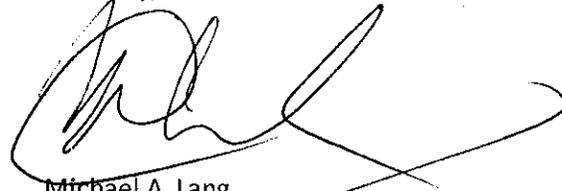
Re: Haw Creek Preserve Senior Apartments

Dear Board of Zoning Appeals Members:

Following are pictures of our Willow Manor Senior Apartments in Nashville, Indiana. We intend for the Haw Creek Preserve Senior Apartments to look similar to Willow Manor, although our stone, brick, and color choices will be made during the design process to complement the surrounding area and we are proposing to build a four-story building due to site constraints, as opposed to a three-story building.

Please feel free to visit Willow Manor Senior Apartments, its sister property Hawthorne Hills Senior Apartments, which is across the street from Willow Manor or any of our other properties. You don't need an appointment to visit these properties, but if you'd like to make one, please contact me at the number above.

Sincerely,



Michael A. Lang
Development Associate











Willow Street





