



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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On agenda: 7/29/2019 **Final action:** 7/31/2019

Title: To grant a Variance from the provisions of Section 3361.03(D), Development plan, for the property located at 40 HUTCHINSON AVE. (43235), to permit a roof sign subject to Graphics Commission approval in the CPD, Commercial Planned Development District (Council Variance #CV19-062).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1979-2019_Attachments, 2. ORD1979-2019_Labels

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Zoning Committee	Approved	Pass
7/22/2019	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV19-062

APPLICANT: Lincoln Pointe LLC; c/o Jill Tangeman, Atty.; 52 East Gay Street; Columbus, OH 43215.

PROPOSED USE: Roof-mounted graphic for existing development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a mixed-use development in the CPD, Commercial Planned Development District (Ordinance #1459-91; Z91-014). The requested Council variance will allow the applicant to complete Graphics Commission Application #GC19-012 in order to comply with a zoning code violation for a roof-mounted sign that was installed on the building. The variance is necessary because the CPD text specifically prohibits roof-mounted graphics, and the Graphics Commission does not have the authority to waive a requirement of the CPD text. Planning Division staff is not supportive of the request as the *Far North Area Plan (2014)* discourages roof signs and excessively large signs that interfere with visual character in mixed use developments. Zoning staff considers signage restrictions of this nature to be inappropriate within zoning texts, and considers the Graphics Commission, where GC19-012 will be under consideration, to be the appropriate venue for deliberation of signage issues.

To grant a Variance from the provisions of Section 3361.03(D), Development plan, for the property located at **40 HUTCHINSON AVE. (43235)**, to permit a roof sign subject to Graphics Commission approval in the CPD, Commercial Planned Development District (Council Variance #CV19-062).

WHEREAS, by application #CV19-062, the owner of property at **40 HUTCHINSON AVE. (43235)**, is requesting a Council variance to permit a roof sign subject to Graphics Commission approval in the CPD, Commercial Planned

Development District; and

WHEREAS, Section 3361.03(D), Development plan, reports the overall concept of a proposed development, which for this property specifically prohibited roof-mounted graphics per Ordinance #1459-91, while the applicant proposes to bring a roof-mounted sign into compliance by completing a graphics plan through Graphics Commission Application #GC19-012; and

WHEREAS, the City Departments recommend approval as the requested variance will allow the applicant to complete Graphics Commission Application #GC19-012 in order to comply with a zoning code violation for a roof-mounted sign that was installed on the building. Although Planning Division staff is not supportive of the request because it is inconsistent with the recommendations of the *Far North Area Plan*, Zoning staff considers signage restrictions of this nature to be inappropriate within zoning texts, and considers the Graphics Commission to be the appropriate venue for deliberation of signage issues; and

WHEREAS, said ordinance requires separate submission for all applicable permits for the roof-mounted graphic; 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 **40 HUTCHINSON AVE. (43235)**, 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 Section 3361.03(D), Development plan, is hereby granted for the property located at **40 HUTCHINSON AVE. (43235)**, in that said development plan prohibits roof-mounted graphics in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

40 HUTCHINSON AVE. (43235), being 3.22± acres located at the northeast intersection of Hutchinson Avenue and Vantage Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 2, Township 2, Range 18, United States Military Lands and being all of Lot 20 of "CROSSWOODS CENTER SECTION THREE", of record in Plat Book 62 Pages 52 and 53, all of Lot 6 and part of Lots 4 and 7 of "HAZEL PARK", of record in Plat Book 27 Page 47 and being part of those tracts of land conveyed to Campus Corporate Center, by deeds of record in Official Record 01906A13 and Official Record 01906A15, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded arid described as follows:

Beginning at an iron pin in the northerly right-of-way line of Hutchinson Avenue, that is a point of curvature of a curve to the right, said iron pin being in southerly line of said Lot 6 of "HAZEL PARK";

Thence along the arc of said curve (Delta = 91° 10' 46", Radius = 310.00 feet), a chord bearing and distance of North 40° 52' 46" West, 442.90 feet to an iron pin at an angle point in the easterly right-of-way line of Vantage Drive;

Thence South 85° 17' 22" East, continuing along said right-of-way line of Vantage Drive, a distance of 10.00 feet to an iron pin;

Thence continuing along said right-of-way line of Vantage Drive, being the arc of a curve to the right (Sub Delta= 0° 50' 40", Radius = 5689.58 feet), a chord bearing and distance of North 5° 07' 57" East, 83.86 feet to an iron pin;

Thence South 86° 28' 09" East, a distance of 392.59 feet to an iron pin;

Thence South 3° 31' 51" West, a distance of 400.00 feet to an iron pin in the northerly right-of-way line of Hutchinson Avenue;

Thence North 86° 28' 09" West, along said right-of-way line of Hutchinson Avenue, a distance of 95.00 feet to the place of beginning, containing 3.224 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Bearings contained herein are based on the same meridian as bearings on Plat of record in Plat Book 62 Page 53.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property includes a roof-mounted graphic as an aspect of its development.

SECTION 3. That this ordinance is further conditioned upon the applicant completing a graphics plan through the Graphics Commission and obtaining all applicable permits for the roof-mounted graphic.

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