



Legislation Details (With Text)

File #: 0886-2007 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/25/2007 **In control:** Zoning Committee

On agenda: 6/25/2007 **Final action:** 6/27/2007

Title: To grant a Variance from the provisions of Section 3353.03, Permitted uses, for the property located at 7949 NORTH HIGH STREET (43235), to permit retail sales of telephones and related products in the CPD, Commercial Planned Development District. (CV07-015)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD #0886-2007 Attachments.pdf, 2. ORD # 0886-2007 Mailing Labels.pdf, 3. ORD # 0886-2007 Data Form.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 6/27/2007 | 2 | CITY CLERK | Attest | |
| 6/26/2007 | 2 | MAYOR | Signed | |
| 6/25/2007 | 1 | Zoning Committee | Approved as Amended | Pass |
| 6/25/2007 | 2 | COUNCIL PRESIDENT | Signed | |
| 6/25/2007 | 1 | Zoning Committee | Amended to Emergency | Pass |
| 6/18/2007 | 1 | Columbus City Council | Read for the First Time | |
| 6/8/2007 | 1 | Dev Reviewer | Reviewed and Approved | |
| 6/8/2007 | 1 | Dev Drafter | Sent for Approval | |
| 6/8/2007 | 1 | DEVELOPMENT DIRECTOR | Reviewed and Approved | |
| 6/8/2007 | 1 | Dev Drafter | Sent to Clerk's Office for Council | |
| 6/7/2007 | 1 | Dev Zoning Reviewer | Reviewed and Approved | |
| 5/25/2007 | 1 | Dev Drafter | Sent for Approval | |

Council Variance Application: CV07-015

APPLICANT: Flexicom LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: To allow retail sales of telephones and related products.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The CPD, Commercial Planned Development District allows C-2 uses on this site. The C-2, Commercial District allows primarily office uses and does not permit retail uses. The applicant is requesting a variance to the CPD to allow limited retail sales of telephones and related products as an accessory use to a telephone company office. The retail sales are limited to 848 square feet of the 5,011 square foot building. Approval of this request, as limited in scale, will not bring an incompatible use to the area.

To grant a Variance from the provisions of Section 3353.03, Permitted uses, for the property located at **7949 NORTH HIGH STREET (43235)**, to permit retail sales of telephones and related products in the CPD, Commercial Planned Development District and to declare an emergency. (CV07-015)

WHEREAS, by application No. CV07-015, the owner of property at **7949 NORTH HIGH STREET (43235)**, is requesting a Council variance to permit retail sales of telephone and related products in the CPD, Commercial Planned Development District; and

WHEREAS, by Ordinance 1149-82 (Rezoning Application Z82-006), Section 3353.03, Permitted uses is utilized to identify the specific uses permitted in the CPD, Commercial Planned Development District; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction and retail use as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3353.03, Permitted uses, prohibits retail sales, while the applicant proposes to permit limited retail sales of telephones and related products; and

WHEREAS, City Departments recommend approval because the request, as limited in scale, will not bring an incompatible use to the area. The CPD, Commercial Planned Development District allows C-2 uses on this site. The C-2, Commercial District allows primarily office uses and does not permit retail uses. The applicant is requesting a variance to the CPD to allow limited retail sales of telephones and related products as an accessory use to a telephone company office. The retail sales are limited to 848 square feet of the 5,011 square foot building; 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 **7949 NORTH HIGH STREET (43235)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. Variance from the provisions of Section 3353.03, Permitted uses, is hereby granted for the property located at **7949 NORTH HIGH STREET (43235)**, insofar that said section prohibits retail sales of telephones and related products as an accessory use; said property being more particularly described as follows:

7949 NORTH HIGH STREET (43235), being 1.3± acres located on the south side of Northwoods Boulevard, 220± feet west of North High Street, being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Farm Lot 44, Section 2, Township 2, Range 18, United States Military lands and being 1.299 acres of land out of Reserve "D" as the same is designated and delineated upon the recorded plat of "NORTHWOODS SECTION 4" of record in Plat Book 61, Page 82, all references being to those of record in the Recorder's Office, Franklin County, Ohio, said 1.299 acres being more particularly bounded and described as follows:

Beginning at an iron pin found in the southerly right-of-way line of North Woods Boulevard, said iron pin being the northwesterly corner of the 0.868 acre tract as conveyed to The Huntington National Bank by deed of record in Official Record 05516G08;

Thence along the westerly line of said 0.868 acre tract, South 5 deg. 07' 10" East, a distance of 200.0 feet to an iron pin found at the southwesterly corner of said 0.868 acre tract;

Thence along the southerly line of said 0.868 acre tract, North 84 deg. 52' 50" East, a distance of 179.76 feet to an iron pin found in the westerly right-of-way line of North High Street (U.S. Route 23);

Thence along the westerly right-of-way line of said North High Street, South 21 deg. 26' 07" West, a distance of 157.44 feet to an iron pin found marking an angle point;

Thence continuing along said westerly right-of-way line, South 4 deg. 36' 14" West, a distance of 132.52 feet to an iron pin found in the southerly line of said Reserve "D" marking the northeasterly corner of the Godman Guild Association 65.232 acre tract of record in Deed Book 806, Page 233;

Thence along the northerly line of said 65.232 acre tract, the southerly line of Reserve "D" North 84 deg. 09' 29" West, a distance of 165.0 feet to an iron pin set;

Thence North 5 deg. 50' 31" East, a distance of 131.44 feet to an iron pin set;

Thence North 5 deg. 07' 10" West, a distance of 311.04 feet to an iron pin set in the southerly right-of-way line of said North Woods Boulevard;

Thence along said southerly right-of-way line, North 84 deg. 52' 50" East, a distance of 50.0 feet to the place of beginning, containing 1.299 acres of land, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of 848 square feet of retail sales of telephone and related products as an accessory use to telephone company office uses within the existing 5,011 square foot building, or those uses permitted by the CPD, Commercial Development District zoning on this property (Z82-006; ORD 1149-82).

SECTION 3. That this ordinance is further conditioned that dumpster be screened on all sides as required by Columbus City Code 3342.09 and that shrubs be placed on the High Street side of the dumpster to further screen it from view.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**