



## Legislation Details (With Text)

**File #:** 1557-2007      **Version:** 1

**Type:** Ordinance      **Status:** Defeated

**File created:** 9/24/2007      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/19/2018

**Title:** To grant a Variance from the provisions of Sections 3356.03, Permitted uses and 3361.02, Permitted uses for the property located at 2333 NORTH WILSON ROAD (43204), to permit ethanol storage and distribution in the CPD, Commercial Planned Development District. (CV07-033)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1557-2007 Attachments.pdf, 2. ORD # 1557-2007 Mailing Labels.pdf, 3. ORD # 1557-2007 Data Form.pdf

Date	Ver.	Action By	Action	Result
11/19/2018	1	Zoning Committee	Taken from the Table	Pass
11/19/2018	1	Zoning Committee	Defeated	Fail
11/5/2007	1	Zoning Committee	Waive the 2nd Reading	Pass
11/5/2007	1	Zoning Committee	Tabled Indefinitely	Pass
10/17/2007	1	Dev Drafter	Sent for Approval	
10/17/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/17/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
10/16/2007	1	Dev Reviewer	Reviewed and Approved	
9/28/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
9/24/2007	1	Dev Drafter	Sent for Approval	

**Council Variance Application: CV07-033**

**APPLICANT:** Thornton's, Inc.; c/o David L. Hodge, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** Above-ground tank for ethanol storage and distribution.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The CPD, Commercial Planned Development District (Ord # 0949-2005/Rezoning Application Z05-012) allows C-4 uses and a convenience store with gas sales and a car wash. The applicant is requesting a variance to the CPD to allow one above-ground tank for ethanol storage and distribution. The proposed use is permitted in M, M-1, and M-2, Manufacturing Districts. Approval of this request will not bring an incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses and 3361.02, Permitted uses for the property located at **2333 NORTH WILSON ROAD (43204)**, to permit ethanol storage and distribution in the CPD, Commercial Planned Development District. (CV07-033)

**WHEREAS**, by application No. CV07-033, the owner of property at **2333 NORTH WILSON ROAD (43204)**, is requesting a Council variance to permit ethanol storage and distribution in the CPD, Commercial Planned Development District; and

**WHEREAS**, by Ordinance 0949-2005 (Rezoning Application Z05-012), Section 3356.03, Permitted uses, along with a convenience store with gas sales and a car wash, is utilized to identify the specific uses permitted in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3356.03, Permitted uses, does not permit ethanol storage and distribution, while the applicant proposes to permit ethanol storage and distribution; and

**WHEREAS**, Section 3361.02, Permitted uses, prohibits M, Manufacturing uses, including bulk storage of oils, petroleum and similar flammable liquids in the CPD, Commercial Planned Development District, while the applicant propose ethanol storage and distribution in a CPD district; and

**WHEREAS**, City Departments recommend approval because the request, as limited, will not bring an incompatible use to the area; 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 **2333 NORTH WILSON ROAD (43204)**, 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 Sections 3356.03, Permitted uses, and 3361.02, Permitted uses, is hereby granted for the property located at **2333 NORTH WILSON ROAD (43204)**, insofar that said sections prohibit ethanol storage and distribution; said property being more particularly described as follows:

**2333 NORTH WILSON ROAD (43204)**, being 1.49± acres located at the southwest corner of Wilson and Roberts Road, being more particularly described as follows:

**Legal Description**

Description of a 1.492 Acre Parcel South of Roberts Road, West of Wilson Road, City of Columbus, County of Franklin,

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military District Survey No.547 and being part of the 1.138 acre tract and part of the 35.354 acre tract conveyed to Richard J. Solove and John J. Chester by Deed of Record in Deed Book 3799, Page 826 and Deed Book 2712, Page 429, respectively, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning, for reference, at a railroad spike at a point of curvature in the center line of Wilson Road, the westerly line of said Virginia Military Survey No. 547, that is located North 7°10'27" West, 171.15 feet from the southwesterly corner of said Virginia Military Survey No. 547;

Thence along the arc of a curve to the right (sub Delta - 50°36'36", Radius - 716.20 feet), a chord bearing and distance of North 18°07'51" East 612.26 feet to the point of tangency on the centerline of Wilson Road;

Thence North 43°26'09" West, along said centerline, a distance of 416.60 feet to a point; Thence North 46°33'51" West, a distance of 50.09 feet to a point on the westerly right-of-way line of Wilson Road and the TRUE PLACE OF BEGINNING;

Thence North 46°33'51" West, a distance of 183.86 feet to a point;

Thence North 43°26'09" East, a distance of 69.13 feet to a point;

Thence North 03°20'51" East, a distance of 128.04 feet to a point on the southerly right-of-way line of Roberts Road;

Thence South 88°19'14" East, along said right-of-way line, a distance of 318.68 feet to a point on the westerly right-of-way line of Wilson Road;

Thence along the arc of a curve to the right (sub Delta - 27°40'14", Radius - 250.00 feet), along said right-of-way line, a chord bearing and distance of South 29°36'05" West 119.57 feet to the point of tangency on the westerly right-of-way line of Wilson Road;

Thence South 43°26'09" West, along said right-of-way line, a distance of 263.22 feet to the POINT OF BEGINNING, containing 1.492 ACRES, more or less.

Bearings contained herein are based on the same meridian as the westerly line of Virginia Military Survey No. 547 (North 7°10'27" West) of record in Deed Book 2712, Page 429.

This description was prepared by M•E Companies, Inc., Robert S. Wynd, P.S., Registered Surveyor no. 6872.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ethanol storage and distribution and/or those uses permitted by the CPD, Commercial Development District zoning on this property (Z05-012; ORD 0949-2005).

**SECTION 3.** That this ordinance is further conditioned to permit one (1) above-ground tank, maximum 20,000 gallons, for storage and distribution of ethanol.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and meeting all applicable requirements for the proposed use.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.