



Legislation Details (With Text)

File #: 1612-2005 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/21/2005 **In control:** Zoning Committee

On agenda: 12/5/2005 **Final action:** 12/8/2005

Title: To grant a variance from the provisions of Section 3361.02, CPD, Commercial Planned Development District of Columbus City Codes; for the property located at 1675 GEORGESVILLE SQUARE DRIVE (43228), to permit limited outdoor storage in the CPD Commercial Planned Development District and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1612-2005site.pdf, 2. ORD1612-2005hshp.pdf, 3. ORD1612-2005zon.pdf, 4. ORD1612-2005gis.pdf, 5. ORD1612-2005WlandAC.pdf, 6. ORD1612-2005PrjDsc1.pdf, 7. ORD1612-2005bls.pdf, 8. City Council Data Form_CV05-019.pdf

Date	Ver.	Action By	Action	Result
12/8/2005	2	ACTING CITY CLERK	Attest	
12/7/2005	2	MAYOR	Signed	
12/5/2005	1	Zoning Committee	Amended to Emergency	Pass
12/5/2005	2	Zoning Committee	Approved as Amended	Pass
12/5/2005	2	COUNCIL PRESIDENT	Signed	
11/28/2005	1	Columbus City Council	Read for the First Time	
11/18/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/18/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/17/2005	1	Dev Zoning Drafter	Sent for Approval	
11/16/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
10/28/2005	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application: CV05-019

APPLICANT: Michael T. Shannon, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Limited outdoor storage in conjunction with a commercial use.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council variance to allow outdoor storage in bulk for a building materials sales facility in the CPD, Commercial Planned Development District. Outdoor storage in bulk is not permitted in Commercial zoning districts. The outdoor storage is primarily for gardening supplies and will be out of view from the public behind an opaque fence in accordance with the attached site plan. The site plan was agreed upon by the City of Columbus Code Enforcement and the Applicants as part of a pending case in the Environmental Court. The Westland Area Commission recommended approval of the revised site plan.

To grant a variance from the provisions of Section 3361.02, CPD, Commercial Planned Development District of Columbus City Codes; for the property located at **1675 GEORGESVILLE SQUARE DRIVE (43228)**, to permit limited outdoor storage in the CPD Commercial Planned Development District **and to declare an emergency.**

WHEREAS, by application #CV05-019 the owner of property at **1675 GEORGESVILLE SQUARE DRIVE (43228)**, is requesting a Council Variance to permit outdoor storage in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3361.02, CPD, Commercial Planned Development District, prohibits outdoor storage, while the applicant proposes to allow limited outdoor storage in conjunction with a commercial use; 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 as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, this proposal would provide for outdoor storage, limited to the areas specified on the site plan titled "**SITE PLAN GARDEN CENTER EXPANSION LOWE'S OF S.W. COLUMBUS COLUMBUS, OH,**" located at 1675 Georgesville Square Drive; and

WHEREAS, the Westland Area Commission recommends approval; and

WHEREAS, Staff recommends approval of this proposal because the agreed upon site plan would alleviate code violations and addresses complaints from citizens; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 owner and tenants of the property located at **1675 GEORGESVILLE SQUARE DRIVE (43228)**, 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 3361.02, CPD, Commercial Planned Development District; of the Columbus City Codes are hereby granted for the property located at **1675 GEORGESVILLE SQUARE DRIVE (43228)**, insofar as said section prohibits outdoor storage by varying the district's permitted use; said property being more particularly described as follows:

LEGAL DESCRIPTION OF 16.35 ACRE TRACT

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Lot 2 of Georgesville Square and Dedication of Holt Road as shown and delineated in Plat Book 87, Page 11-15, Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the northerly line of Holt Road as shown on said plat of Georgesville Square and Dedication of Holt Road marking a corner common to said Lot 2 and Lot 1;

thence along the northerly line of Holt Road and southerly line of Lot 2 and along the arc of a curve to the left (Delta= 15° 09' 53",

Radius= 1014.03 feet), with a chord bearing and distance of North 35° 00' 32" West 267.61 feet, to a point;

thence North 42° 35' 49" West 467.43 feet, continuing along the northerly line of Holt Road and southerly line of Lot 2, to a point;

thence along the arc of a curve to the left (Delta= 19° 34' 52", Radius= 49.00 feet), with a chord bearing and distance of North 57° 17' 26" East 16.66 feet, to a point;

thence North 47° 30' 00" East 154.94 feet, to a point;

thence along the arc of a curve to the left (Delta= 8° 05' 55", Radius= 99.00 feet), with a chord bearing and distance of North 43° 27' 03" East 13.98 feet, to a point;

thence South 42° 30' 00" East 36.99 feet, to a point;

thence North 47° 30' 00" East 266.05 feet, to a point;

thence North 46° 34' 42" East 93.01 feet, to a point;

thence North 47° 30' 00" East 342.00 feet, to a point;

thence North 47° 30' 00" East 104.68 feet, to a point;

thence along the arc of a curve to the right (Delta= 10° 34' 14", Radius= 137.00 feet), with a chord bearing and distance of South 47° 47' 07" East 25.24 feet, to a point;

thence South 42° 30' 00" East 358.87 feet, to a point;;

thence along the arc of a curve to the right (Delta= 89° 59' 60", Radius= 354.00 feet), with a chord bearing and distance of South 02° 30' 00" West 500.63 feet, to a point;

thence South 47° 30' 00" West 463.11 feet, to a point;

thence along the arc of a curve to the right (Delta= 13° 52' 35", Radius= 237.00 feet), with a chord bearing and distance of South 54° 26' 18" West 57.26 feet, to a point;

thence South 61° 22' 35" West 143.10 feet, to a point;

thence along the arc of a curve to the left (Delta= 17° 10' 57", Radius= 49.00 feet), with a chord bearing and distance of South 52° 47' 06" West 14.64 feet, marking the place of beginning, containing an area of 16.35 acres, more or less.

Basis of bearings from Plat Book 87, Page 11, based on the Northerly line of Holt Road being North 42° 35' 49" West.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for outdoor storage and/or those uses permitted in conjunction with the CPD, Commercial Planned Development District (Z02-034A).

Section 3. That this ordinance is further conditioned on the site being developed and operated in accordance with "SITE PLAN GARDEN CENTER EXPANSION LOWE'S OF S.W. COLUMBUS COLUMBUS, OH," signed by Michael T. Shannon, attorney for the Applicant, and dated August 25, 2005.

Section 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.~~ **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.**