



Legislation Details (With Text)

File #: 0166-2008 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/17/2008 **In control:** Zoning Committee

On agenda: 2/11/2008 **Final action:** 2/14/2008

Title: To grant a Variance from the provisions of Sections 3356.03, Permitted uses and 3342.29, Minimum number of loading spaces required, for the property located at 2115 MORSE ROAD (43229), to permit a wholesale florist in the L-C-4, Limited Commercial District and to declare an emergency.
(Council Variance # CV07-052)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD # 0166-2008 Attachments.pdf, 2. ORD # 0166-2008 Mailing Labels.pdf, 3. ORD # 0166-2008 Data Form.pdf

Date	Ver.	Action By	Action	Result
2/14/2008	2	CITY CLERK	Attest	
2/12/2008	2	MAYOR	Signed	
2/11/2008	1	Zoning Committee	Amended to Emergency	Pass
2/11/2008	2	Zoning Committee	Approved as Amended	Pass
2/11/2008	2	COUNCIL PRESIDENT	Signed	
2/4/2008	1	Columbus City Council	Read for the First Time	
1/25/2008	1	Dev Drafter	Sent for Approval	
1/25/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
1/25/2008	1	Dev Drafter	Sent to Clerk's Office for Council	
1/23/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
1/23/2008	1	Dev Reviewer	Reviewed and Approved	
1/18/2008	1	Dev Drafter	Sent for Approval	

Council Variance Application: CV07-052

APPLICANT: Dreisbach Commercial Real Estate of Columbus, LLC; c/o William L. Loveland, Attorney; 50 West Broad Street, Suite 3300; Columbus, Ohio 43215.

PROPOSED USE: Wholesale florist.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.37± acre site is zoned in the L-C-4, Limited Commercial District and developed with a vacant retail building. The applicant is requesting a council variance to allow a wholesale florist business, which is not permitted by the L-C-4 district. The applicant has committed to the construction of a fence along the south and portions of the west property lines, adjacent to multi-family residential uses. Approval of this request will not introduce an incompatible use to the area but will permit an adaptive re-use of a vacant retail building.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses and 3342.29, Minimum number of loading spaces required, for the property located at **2115 MORSE ROAD (43229)**, to permit a wholesale florist in the L-C-4, Limited Commercial District **and to declare an emergency.**

(Council Variance # CV07-052)

WHEREAS, by application No. CV07-052, the owner of property at **2115 MORSE ROAD (43229)**, is requesting a Council Variance to permit a wholesale florist in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted uses, prohibits wholesale florists, while the applicant proposes to utilize the site for a wholesale florist; 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 due to the applicant's agreement, plan to purchase and re-develop the subject project is scheduled to expire and financing will not be available for planning, design, permitting and construction, all for the immediate preservation of the public peace, property, health and safety; and**

WHEREAS, Section 3342.29, Minimum number of loading spaces required, requires two (2) loading spaces for the 16,000 square foot building utilized for wholesale and retail uses, while the applicant proposes to maintain the one (1) existing loading space; and

WHEREAS, City Departments recommend approval because this request will not introduce an incompatible use to the area but will permit an adaptive re-use of a vacant retail building; and

WHEREAS, said ordinance requires separate submission for all applicable permits 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 owners of the property located at **2115 MORSE ROAD (43229)**, in using said property as desired; now, therefore:

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

SECTION 1. That variances from the provisions of Sections 3356.03, Permitted uses and 3342.29, Minimum number of loading spaces required, for the property located at **2115 MORSE ROAD (43229)**, insofar as said sections prohibit a wholesale florist with one (1) loading space; said property being more particularly described as follows:

2115 MORSE ROAD (43229), being 1.37± acres located on the south side of Morse Road, 260± feet west of Walford Street, and being more particularly described as follows:

PROPERTY AT 2115 MORSE ROAD, COLUMBUS, OHIO 43229
PARCEL NO. 010-103716

Being situated in the State of Ohio, County of Franklin, City of Columbus in Quarter Township 1, Township 1, Range 18, United States military Lands, and being part of the 23.20 Acre tract conveyed to Angelina R. Demana in Deed Book 2479, Page 135, Recorder's office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin (found) at the Northeast corner of Lot 8 of Davis Morse Road Subdivision #1 as recorded in Plat Book 40, Page 58, said pin being in the southerly right-of-way line of Morse Road and in the southerly line of the City of Columbus 0.139 Acre Tract (Deed Book 2884, Page 129);

Thence, South 86 degrees 21 minutes 17 seconds East, along the southerly right-of-way line of Morse Road and along the southerly line of the said 0.139 Acre tract, a distance of 32.14 feet to an iron pin;

Thence, North 03 degrees 38 minutes 43 seconds East, along the said southerly right-of-way line and along a line of the said 0.139 Acre tract, a distance of 5.00 feet to an iron pin;

Thence, South 86 degrees 21 minutes 17 seconds East, along the said southerly right-of-way line of Morse Road, and along the said southerly line of the said 0.139 Acre tract, a distance of 102.83 feet to an iron pin (found) at the southeasterly corner of the said 0.139 Acre tract and 2 in the East line of the said 23.20 Acre tract, and also being the northwest corner of the 2.52 Acre tract

conveyed to Dukeson Partners in Official Records Volume 11581 C-10;

Thence, South 03 degrees 14 minutes 50 seconds West, along the West line of the said 2.52 Acre tract, and along part of the east line of the said 23.20 Acre tract, a distance of 444.62 feet to an iron pin found at the southwest corner of the said 2.52 Acre tract and the northeast corner of Lot 6 of said Davis Morse Road Subdivision #1;

Thence, North 86 degrees 21 minutes 17 seconds West, along a northerly line of said lot 6, a distance of 135.00 feet to a found iron pipe at a corner of said Lot 6;

Thence, North 03 degrees 14 minutes 50 seconds East, along an easterly line of said Lot 6, an easterly line of Lot 7, said Davis Morse Road Subdivision #1 and the easterly line of said Lot 8, a distance of 439.62 feet to the place of beginning, **CONTAINING 1.374 ACRES**, subject to all legal highways, easements, restrictions, leases and agreements of record and of records in the respective utility offices.

This description was prepared from a survey of the premises in February, 1990. The basis of bearing is south line of Morse Road as South 86 degrees 21 minutes 17 seconds East per Deed Book 2884, Page 129. Set iron pipes are 30" X 1" O.D. with an orange plastic plug inscribed "P.S. 6579."

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a wholesale florist, or those uses permitted in the L-C-4, Limited Commercial District.

SECTION 3. That this ordinance is further conditioned on the construction of a minimum 14-foot tall fence along the entire south property line and the west property line from the rear of the applicant's building to the rear property line. The fence shall be built in a manner to discourage sounds from delivery trucks reaching the adjacent residential units.

SECTION 4. That this ordinance is further conditioned on compliance for all graphics with the Morse Road Graphics Overlay.

SECTION 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits for the proposed use.

SECTION 6. ~~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.**