



Legislation Details (With Text)

File #: 1291-2013 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/21/2013 **In control:** Zoning Committee

On agenda: 6/10/2013 **Final action:** 6/12/2013

Title: To grant a Variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; for the property located at 6845 COMMERCE COURT (43004), to permit 12,000 square feet of retail space in conjunction with an office/warehouse in the M-2, Manufacturing District and to declare an emergency (Council Variance # CV13-019).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1291-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130610

Date	Ver.	Action By	Action	Result
6/12/2013	2	CITY CLERK	Attest	
6/11/2013	2	MAYOR	Signed	
6/10/2013	2	COUNCIL PRESIDENT	Signed	
6/10/2013	1	Zoning Committee	Approved as Amended	Pass
6/10/2013	1	Zoning Committee	Amended to Emergency	Pass
6/3/2013	1	Columbus City Council	Read for the First Time	

Council Variance Application CV13-019

APPLICANT: Comfy Couch Company; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Retail sales in conjunction with office/warehouse use.

FAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council Variance will allow 12,000 square feet of retail space in conjunction with an office/warehouse in the M-2, Manufacturing District. The M-2, Manufacturing District only allows wholesale operations. The site is located within the boundaries of the *Broad-Blacklick Plan* (2011), which recommends light industrial uses for this location. For this subarea, the Plan also recommends "Mixed use development incorporating office and retail uses may be supported if these uses are ancillary in nature and supportive of the broader employment base." Staff supports this proposal because the retail sales area will be used in conjunction with the office/warehouse use.

To grant a Variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; for the property located at **6845 COMMERCE COURT (43004)**, to permit 12,000 square feet of retail space in conjunction with an office/warehouse in the M-2, Manufacturing District **and to declare an emergency** (Council Variance # CV13-019).

WHEREAS, by application No. CV13-019, the owner of property at **6845 COMMERCE COURT (43004)**, is requesting a Council Variance to permit 12,000 square feet of retail space in conjunction with an office/warehouse in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, Manufacturing district, only allows wholesale operations, while the applicant proposes 12,000 square feet of retail space in conjunction with an office/warehouse; and

WHEREAS, the Far East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance for 12,000 square feet of ancillary retail space is consistent with the land use recommendations of the *Broad-Blacklick Plan*; 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 owner of the property located at **6845 COMMERCE COURT (43004)**, in using said property as desired; 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; now, therefore:

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

SECTION 1. That a variance from the provisions of Section 3367.01, M-2, Manufacturing district of the Columbus City Codes; is hereby granted for the property located at **6845 COMMERCE COURT (43004)**, insofar as said section prohibits 12,000 square feet of retail space in conjunction with an office/warehouse; said property being more particularly described as follows:

6845 COMMERCE COURT (43004), being 3.3± acres located at the southwest corner of Commerce Court and North Reynoldsburg-New Albany Road, and being more particularly described as follows:

Being Lot Number Three (3), in RESUBDIVISION OF LOT NUMBER 2, EAST BROAD STREET BUSINESS CENTER, as the same is numbered and delineated upon the recorded plat, thereof, of record in Plat Book 80, page 69, Recorder's Office, Franklin County, Ohio.

Being known as 6845 Commerce Court, Columbus, Ohio
Parcel No. 010-229132

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for retail sales with a maximum square footage of 12,000 square feet in conjunction with the existing office/warehouse user.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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.