



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2713-2012, **Version:** 2

Council Variance Application: CV12-042

APPLICANT: Costco; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Gasoline sales.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is applying for a Council variance to allow gasoline sales in the CPD, Commercial Planned Development District. The site lies within *The Northeast Area Plan (2007)*, which proposes Mixed Use Regional Retail / Office / Light industrial uses for the site. The applicant has filed this due to concerns regarding timing and has agreed to file a follow-up rezoning. Staff approves of the proposal as it is consistent with *The Northeast Area Plan*, the existing zoning and development patterns in the area.

To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **3940 STELZER ROAD (43219)**, to permit gasoline sales in the CPD, Commercial Planned Development District **and to declare an emergency (CV12-042)**.

WHEREAS, by application No. CV12-042, the owner of property at **3940 STELZER ROAD (43219)**, is requesting a Council variance to permit gasoline sales in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit gasoline sales at this site, while the applicant proposes to allow gasoline sales at this site in conformance with the submitted site plan; and

WHEREAS, Section 3356.03, this CPD district permits uses that are allowed in the C-4, Commercial District while gasoline sales are permitted only in the C-5, Commercial and M, Manufacturing districts; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval as it is consistent with *The Northeast Area Plan*, the existing zoning and development patterns in the area and because the applicant has agreed to file a follow up rezoning; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **3940 STELZER ROAD (43219)**, 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 3356.03, C-4 permitted uses, of the Columbus City Codes; are hereby granted for the property located at **3940 STELZER ROAD (43219)**, insofar as said sections prohibit gasoline sales, said property being more particularly described as follows:

3940 STELZER ROAD (43219), being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, and being more particularly described as follows:

1.902 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Townships 1 and 2, Township 1, Range 17, United State Military Lands, being out that 46.400 acre tract as conveyed to Morso Holding Co. by deed of record in Instrument Number 200902170020898 and part of that tract conveyed as Parcel 10 to Morso Holding Co. by deed of record in Official Record 30846G11 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, in the easterly right-of-way line of Stelzer Road at the southeasterly corner of said Parcel 10;

thence with a curve to the left in said easterly right-of-way line, said westerly line, having a central angle of 03° 20'57", a radius of 1499.92 feet, an arc length of 87.67 feet and a chord bearing and distance of South 06°25'11" East, 87.66 feet to the TRUE POINT OF BEGINNING;

thence continuing with said easterly right-of-way line, the westerly line of said Parcel 10 and said 46.400 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 00°31'07", a radius of 1499.92 feet, an arc length of 13.57 feet and a chord bearing and distance of North 08°21'13" West, 13.57 feet to a point;

North 04°43'23" East, a distance of 10.60 feet to a point; and

with the arc of a curve to the left, having a central angle of 08°11'14", a radius of 1502.40 feet, an arc length of 214.68 feet and a chord bearing and distance of North 13°05'59" West, 214.50 feet to a point;

thence across said 46.400 acre tract, the following courses and distances:

South 87°41'33" East, a distance of 309.10 feet to a point;

North 02°18'27" East, a distance of 40.00 feet to a point;

South 87°41'33" East, a distance of 55.00 feet to a point;

South 02°18'27" West, a distance of 310.10 feet to a point;

North 76°10'47" West, a distance of 69.90 feet to a point;

with the arc of a curve to the left, having a central angle of 02°34'47", a radius of 349.80 feet, an arc length of 15.75 feet and a chord bearing and distance of North 80°57'30" West, 15.75 feet to a point;

North 76°39'37" West, a distance of 56.07 feet to a point;

North 82°17'35" West, a distance of 130.78 feet to a point;

with the arc of a curve to the left, having a central angle of 07°20'59", a radius of 228.00 feet, an arc length of 29.25 feet and a chord bearing and distance of North 86°59'26" West, 29.23 feet to a point; and

with the arc of a curve to the right, having a central angle of 09°16'18", a radius of 40.00 feet, an arc length of 6.47 feet and a chord bearing and distance of North 86°01'46" West, 6.47 feet to the TRUE POINT OF BEGINNING, containing 1.902 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 gasoline sales and/or those uses permitted in the CPD, Commercial Planned Development District.

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 is further conditioned on the Subject Site being developed in general conformance with the plan titled, "**COSTCO WHOLESALE PRELIMINARY LANDSCAPE PLAN,**" signed by Jeffrey L. Brown, Attorney for the Applicant, dated November 7, 2012. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the Site Plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or his or her designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 5. That this ordinance is conditioned on the applicant filing an application to rezone this property to an appropriate commercial district within one (1) one month of passage of this ordinance and being placed on the Agenda of the Columbus City Council for consideration by no later than September 30, 2013.

~~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.