



City of Columbus

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

Legislation Text

File #: 1210-2005, **Version:** 2

Council Variance: CV05-025

APPLICANT: Giant Eagle, Inc.; c/o Jackson B. Reynolds, III, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Motor vehicle fuel sales within an existing shopping center.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will allow the removal of existing parking spaces that are not code required to add motor vehicle fuel sales to an existing shopping center zoned in the L-C-4, Limited Commercial District. This Council variance proposal is consistent with a citywide zoning and development pattern that has added gasoline sales to shopping centers anchored by grocery stores. A Variance request was filed to save time and permit installation of fueling station as soon as possible. The applicant will file a follow-up rezoning application within six (6) months to rezone the fuel station site to the CPD, Commercial Planned Development District.

To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, for the property located at **6867 EAST BROAD STREET (43213)**, to permit motor vehicle fuel sales on a lot zoned in the L-C-4, Limited Commercial District **and to declare an emergency.** (Council Variance CV05-025)

WHEREAS, by application No. CV05-025, the owners of property at **6867 EAST BROAD STREET (43213)**, are requesting a Council Variance to add motor vehicle fuel sales to an existing shopping center zoned in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit motor vehicle fuel sales, while the applicant proposes to develop a motor vehicle fuel station; 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, City Departments recommend approval because this Council variance proposal is consistent with a citywide zoning and development pattern that has added gasoline sales as a commercial use to shopping centers anchored by grocery store; 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 owners of the property located at **6867 EAST BROAD STREET (43213)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is granted from the provisions of Section 3356.03, C-4 permitted uses, for the property located at **6867**

EAST BROAD STREET (43213), to permit commercial motor vehicle fuel sales in the L-C-4, Limited Commercial District; said property being more particularly described as follows:

LEGAL DESCRIPTION FOR 0.583± ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Section 4, Township 1, Range 16, United States Military Lands and being part of the 21.979 acre tract as conveyed to Broad Street Retail LLC by deed of record in Instrument Number 199710300131357, (all references to the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning for Reference at a point marking the centerline intersection of East Broad Street and Rose Hill Road;

Thence North 81° 48' 10" East, a distance of 470.53 feet, with said centerline of East Broad Street, to a point;

Thence South 08° 44' 50" East, a distance of 50.00 feet, across said East Broad Street right-of-way, to a point in the southerly right-of-way line of East Broad Street, the TRUE POINT OF BEGINNING;

Thence North 81° 48' 10" East, a distance of 183.62 feet, with said southerly right-of-way line of East Broad Street, to a point;

Thence across said 21.979 acre tract the following courses and distances:

1. South 08° 11' 50" East, a distance of 130.50 feet, to a point;
2. South 81° 48' 10" West, a distance of 18.00 feet, to a point;
3. South 73° 30' 37" West, a distance of 24.25 feet, to a point;
4. South 81° 48' 10" West, a distance of 148.98 feet, to a point;
5. North 08° 11' 50" West, a distance of 110.83 feet, to a point;
6. North 09° 24' 38" East, a distance of 24.31 feet, to the TRUE POINT OF BEGINNING and containing 0.583 acres, more or less.

This description was prepared from existing records and is for zoning purposes only.

EVANS, MECHWART HAMBLETON & TILTON, INC.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for commercial motor vehicle fuel sales, or those uses permitted in the L-C-4, Limited Commercial District on this site.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the registered site plan titled, "**GIANT EAGLE MARKET #6513**," signed on June 23, 2005, by Jackson B. Reynolds, III, attorney for the applicant. Any minor revision(s) to said site plan are subject to review and approval by the Director of Development Department, or his or her designee.

SECTION 4. That this ordinance is further conditioned by the requirement that the applicant file an application to rezone the subject site to the CPD, Commercial Planned Development District, said application to be filed within six (6) months of the date that this Council variance becomes effective.

SECTION 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.**