



Legislation Text

File #: 0276-2010, Version: 1

Council Variance Application: CV09-034

APPLICANT: Pet Suites of America; c/o Jeffrey L. Brown, Attorney; 37 West Broad Street; Columbus, OH 43215.

PROPOSED USE: To allow pet boarding with outside runs in the CPD, Commercial Planned Development District.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is applying for a Council variance to allow a pet boarding facility with outside runs in a 2.11 acre undeveloped portion of a 16.7 acre CPD, Commercial Planned Development District. While pet daycare is a permitted use in the C-3 District, outdoor runs and boarding are not permitted, making a Council Variance necessary. The applicants are also applying for a parking variance to only provide 30 parking spaces where 80 would be required. Staff supports the request now that the applicant has complied with Staff's request that the outdoor runs be relocated from the east side of the building away from the existing residences. The proposed outdoor runs will be over 120 feet from the existing residences and will be screened with an eight foot high wall and trees within the detention area to the east. These measures should minimize any noise impacts on the existing nearby dwellings. Staff finds the parking requirement of 80 parking spaces to be excessive for this use and supports the reduction to 30 parking spaces.

To grant a Variance from the provisions of Section 3361.02, Permitted uses, and 3342.28, Minimum number of parking spaces required of the Columbus City Codes for the property located at **8712 NORTH HIGH STREET (43035)**, to permit pet boarding with outside runs with reduced development parking in the CPD, Commercial Planned Development District. (Council Variance #CV09-034).

WHEREAS, by application #CV09-034, the owner of property at **8712 NORTH HIGH STREET (43035)**, is requesting a Variance to permit pet boarding with outdoor runs with reduced parking in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3361.02, Permitted uses, permits pet daycare in the CPD, Commercial District only if they do not have outside runs, while the applicant proposes to allow pet boarding with outside runs in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires eighty (80) parking spaces for the proposed use, while the applicant proposes thirty (30) parking spaces; and

WHEREAS, City Departments recommend approval because the applicant is applying for a Council variance to allow a pet boarding facility with outside runs in a 2.11 acre undeveloped portion of a 16.7 acre CPD, Commercial Planned Development District. While pet daycare is a permitted use in the C-3 District, pet boarding and outdoor runs are not permitted, making a Council Variance necessary. The applicants are also applying for a parking variance to only provide 30 parking spaces where 80 would be required. Staff supports the request now that the applicant has complied with Staff's request that the outdoor runs be relocated from the east side of the building away from the existing residences. The proposed outdoor runs will be over 120 feet from the existing residences and will be screened with an eight foot high wall and trees within the detention area to the east. These measures should minimize any noise impacts on the existing nearby dwellings. Staff finds the parking requirement of 80 parking spaces to be excessive for this use and supports the reduction to 30 parking spaces; 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 of the property located at **8712 NORTH HIGH STREET (43035)**, in using said property as desired; now, therefore:

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

SECTION 1. Variance from the provisions of Sections 3361.02, Permitted Uses; and 3342.28, Minimum number of parking spaces required of the Columbus City codes is hereby granted for the property located at **8712 NORTH HIGH STREET (43035)**, insofar as said sections prohibit pet boarding with outdoor runs and a parking space reduction from 80 spaces to 30 spaces; said property being more particularly described as follows:

8712 NORTH HIGH STREET (43035), being 2.11± acres located at the east side of North High Street, 745± feet south of Olentangy Meadows Drive, and being more particularly described as follows:

LAND DESCRIPTION (PER TITLE COMMITMENT 0911016-SRAM)

DESCRIPTION OF 2.110 ACRES
EAST SIDE OF U.S. ROUTE 23
SOUTH OF OLENTANGY MEADOWS DRIVE
CITY OF COLUMBUS, DELAWARE COUNTY, OHIO

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF COLUMBUS, BEING LOCATED IN FARM LOT 8, QUARTER TOWNSHIP 3, TOWNSHIP 3, RANGE 18, UNITED STATES MILITARY LANDS, BEING PART OF THAT 11.138-ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO ORANGE LAND CORPORATION, OF RECORD IN OFFICIAL RECORD BOOK 913, PAGE 932, ALL REFERENCES HEREIN BEING TO THE RECORDS OF THE RECORDER'S OFFICE, DELAWARE COUNTY, OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET AT THE SOUTHWESTERLY CORNER OF SAID 11.138-ACRE TRACT, IN THE NORTHERLY LINE OF THAT 3.0918-ACRE TRACT (THIRD TRACT) AS DESCRIBED IN A DEED TO RENNOB INC., OF RECORD IN DEED BOOK 458, PAGE 298 (BEING ALSO THE CITY OF COLUMBUS CORPORATION LINE) AND IN THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 23 (3.390-ACRE TRACT) AS DESCRIBED IN A DEED TO THE CITY OF COLUMBUS, OHIO, OF RECORD IN OFFICIAL RECORD BOOK 934, PAGE 2153, SAID IRON PIN BEING LOCATED SOUTH 3°01'06" EAST, A DISTANCE OF 960.22 FEET AND SOUTH 87°35'12" EAST, A DISTANCE OF 95.43 FEET (PASSING A 1" IRON PIPE FOUND (BENT, NO CAP) AT AN ANGLE POINT IN THE EXISTING RIGHT-OF-WAY LINE OF U.S. ROUTE 23 AT 70.32 FEET) FROM THE NORTHWESTERLY CORNER OF FARM LOT 8;

THENCE NORTH 3°01'06" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 197.83 FEET TO AN IRON PIN SET;

THENCE SOUTH 87°35'12" EAST, CROSSING SAID 11.138-ACRE TRACT WITH A NEW DIVISION LINE, A DISTANCE OF 476.11 FEET TO AN IRON PIN SET IN THE EASTERLY LINE OF SAME AND IN THE WESTERLY LINE OF THE VILLAGE AT OLENTANGY MEADOWS SECTION 1 PART 2, A SUBDIVISION OF RECORD IN PLAT CABINET 3, SLIDES 651 AND 651A;

THENCE SOUTH 2°24'09" WEST, ALONG SAID EASTERLY AND WESTERLY LINES, A DISTANCE OF 196.95 FEET TO AN IRON PIN SET IN THE NORTHERLY LINE OF THE AFOREMENTIONED 3.0918-ACRE TRACT;

THENCE NORTH 87°35'12" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 457.42 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.110 ACRES OF LAND.

BEARINGS HEREIN ARE BASED ON NORTH 3°01'06" WEST FOR THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 23 AS ESTABLISHED BY THE REFERENCED DEED IN OFFICIAL RECORD BOOK 934, PAGE 2153.

IRON PINS SET CONSIST OF A 1" (O.D.) PIPE, 30" LONG WITH A PLASTIC CAP INSCRIBED "M-E COMPANIES/S-6872".

THIS DESCRIPTION WAS PREPARED BY M-E COMPANIES, INC., CIVIL ENGINEERING GROUP, BASED ON INFORMATION OBTAINED FROM AN ACTUAL FIELD SURVEY PERFORMED IN FEBRUARY 2009.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for pet boarding with outdoor runs or those uses permitted in CPD, Commercial Planned Development District, Z03-046, Ordinance# 2631-2003.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**PETSUITES OF AMERICA - COLUMBUS**," signed by Jeffrey L. Brown, attorney for the Applicant, and dated February 2, 2010. The Site 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 Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 5. That this ordinance is further conditioned upon 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.