



Legislation Text

File #: 1504-2024, **Version:** 1

Council Variance Application CV24-031

APPLICANT: First Merchant Bank; c/o Scott Clark; 200 East Jackson Street; Muncie, IN 47305; and David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Commercial development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a bank zoned in the CPD, Commercial Planned Development District, as approved by Ordinance #2271-78 (Z78-085). The requested Council variance will allow C-3, Commercial District uses on the property. A Council variance is necessary because only C-2, Commercial District uses (predominantly office uses) are allowed in the approved CPD district at this location. The site is located within the boundaries of *The Northwest Plan* (2016), which recommends "Mixed Use 1" land uses at this location. The requested variance will allow expanded commercial uses that are not considered to be an introduction of an incompatible use to the area, and is consistent with the Plan's land use recommendation. Staff is supportive of the Council variance request because the site is located within the boundaries of the initial focus area of the Zone-In Columbus initiative.

To grant a Variance from the provisions of Section 3361.02, Permitted uses, for the property located at **5811 SAWMILL RD. (43017)**, to allow C-3, Commercial District uses in the CPD, Commercial Planned Development District (Council Variance #CV24-031).

WHEREAS, by application #CV24-031, the owner of property at **5811 SAWMILL RD. (43017)**, is requesting a Council variance to allow commercial development including C-3, Commercial District uses in the CPD, Commercial Planned Development District; and

WHEREAS, Section 3361.02, Permitted uses, only allows C-2, Commercial District uses under the established CPD, Commercial Planned Development District as approved with Ordinance #2271-78 (Z78-085), while the applicant proposes to allow all C-3, Commercial District uses in this CPD district; and

WHEREAS, City Departments Recommend approval because the requested variance will allow expanded commercial uses that are not considered to be an introduction of an incompatible use to the area, and is consistent with *The Northwest Plan's* land use recommendation for "Mixed Use 1" land uses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **5811 SAWMILL RD. (43017)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance from the provisions of Section 3361.02, Permitted uses, is hereby granted for the property located at **5811 SAWMILL RD. (43017)**, insofar as said section prohibits C-3, Commercial District uses in this CPD, Commercial Planned Development District, said property being more particularly described as follows:

5811 SAWMILL RD. (43017), being 1.40± acres at the northwest corner of Sawmill Road and Cranston Drive, and being more particularly described as follows:

TRACT 1:

Situate in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 2, Range 19, United States Military Lands, and being 0.565 acre of the Planned Communities, Inc., 155.202 acre tract of record in Deed Book 3233, page 320, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point in the Southerly line of Cranston Drive (60.0 feet in width), that is located South 84° 50' 37" East, 10.0 feet from the northeasterly corner of Lot 75 of "RIVERSIDE HILLS SECTION 2," as the plat of same is shown of record in Plat Book 51, page 52;

Thence along the southerly line of said Cranston Drive, South 84° 50' 37" East, 123.0 feet to a point;

Thence South 4° 13' 28" West 200.26 feet to a point in the southerly line of said Planned Communities, Inc., 155.202 acre tract;

Thence along said line, North 84° 50' 37" West, 123.0 feet to a point;

Thence North 4° 13' 28" East (being 10.0 feet Easterly at right angles from the Easterly line of Lot No. 75), 200.26 feet to the place of beginning, containing 0.565 acre, more or less.

TRACT 2:

Real property situate in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 2, Range 19, United States Military Lands, and being 0.861 acre of the Planned Communities, Inc. 155.202 acre tract of record in Deed Book 3233, Page 320, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point in the southerly line of Cranston Drive (60.0 feet in width) that is located South 84° 50' 37" East, 133.0 feet from the northeasterly corner of Lot No, 75 of "RIVERSIDE HILLS SECTION 2," as the plat of same is shown of record in Plat Book 51, Page 52;

thence along the southerly line of said Cranston Drive, South 84° 50' 37" East, 167.81 feet to a point of curvature of a curve to the right;

thence along the arc of said curve connecting the southerly line of Cranston Drive with the westerly line of Sawmill Road (Radius= 20.0 feet, Delta= 89° 01' 43"), a chord bearing and distance of South 40° 19' 45" East, 28.04 feet to the point of tangency of said curve;

thence South 4° 11' 06" West (being 50.0 feet Westerly at right angles from the centerline of Sawmill Road), 180.60 feet

to a point in the southerly line of said Planned Communities, Inc. 155.202 acre tract:

thence along said line, North 84° 50' 37" West, 187.61 feet to a point;

thence North 4° 13' 28" East (along easterly line of a 0.565 acre tract), 200.26 feet to the place of beginning, containing 0.861 acre, more or less.

Parcel No.: 590-138000

Property Address: 5811 Sawmill Road, Columbus, OH 43017

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for C-3, Commercial District uses, or those uses permitted in the CPD, Commercial Planned Development District in accordance with Ordinance #2271-78 (Z78-085).

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

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.