



Legislation Details (With Text)

File #: 0581-2018 **Version:** 1

Type: Ordinance **Status:** Passed

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On agenda: 4/9/2018 **Final action:** 4/12/2018

Title: To grant a Variance from the provisions of Sections 3355.03, C-3 permitted uses; 3372.604, Setback requirements; 3372.605, Building design standards; 3372.607, Landscaping and screening; 3372.608, Lighting; and 3372.609, Parking and circulation, of the Columbus City codes; for the property located at 2172 CLEVELAND AVENUE (43211), to permit automobile sales, leasing and rental with reduced development standards in the C-3, Commercial District (Council Variance # CV17-071).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0581-2018_Attachments, 2. ORD0581-2018_Labels

Date	Ver.	Action By	Action	Result
4/12/2018	1	CITY CLERK	Attest	
4/11/2018	1	MAYOR	Signed	
4/9/2018	1	COUNCIL PRESIDENT	Signed	
4/9/2018	1	Zoning Committee	Taken from the Table	Pass
4/9/2018	1	Zoning Committee	Approved	Pass
3/5/2018	1	Zoning Committee	Tabled Indefinitely	Pass
2/26/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV17-071

APPLICANT: Tahani Al-Saadi; c/o Omar Tarazi, Atty.; 5635 Sandbrook Lane; Hilliard, OH 43026.

PROPOSED USE: Automobile sales, leasing, and rental.

SOUTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is subject to Zoning Code violation orders for establishing an automobile sales use without obtaining zoning clearance. The site is zoned in the C-3, Commercial District, and lies within the Cleveland Avenue Urban Commercial Overlay (UCO). The requested Council variance will permit the use which is not a permitted use of the C-3 district and will also grant variances to existing site conditions that do not comply with the setback, building design, landscaping and screening, and parking requirements of the UCO. A variance is necessary because automotive uses are only permitted in the C-4, Commercial District. The site is located within the planning area of the *South Linden Neighborhood Plan Amendment* (2012), which recommends "Neighborhood Mixed Use" for this location. That designation envisions a mix of uses, built to UCO design standards, serving the neighborhood and reinforcing a walkable environment. The preponderance of automobile-oriented uses is inconsistent with the broader mix envisioned by the Plan. Consequently, staff does not support additional automobile-oriented uses along this corridor. Any decision to support a proposal allowing such uses on this site should include commitments to UCO standards, including graphics, screening and landscaping.

To grant a Variance from the provisions of Sections 3355.03, C-3 permitted uses; 3372.604, Setback requirements; 3372.605, Building design standards; 3372.607, Landscaping and screening; 3372.608, Lighting; and 3372.609, Parking and circulation, of the Columbus City codes; for the property located at **2172 CLEVELAND AVENUE (43211)**, to permit automobile sales, leasing and rental with reduced development standards in the C-3, Commercial District (Council Variance # CV17-071).

WHEREAS, by application # CV17-071, the owner of the property at **2172 CLEVELAND AVENUE (43211)**, is requesting a Council variance to permit automobile sales, leasing and rental with reduced development standards in the C-3, Commercial District; and

WHEREAS, Section 3355.03, C-3 permitted uses, prohibits automotive-related uses, while the applicant proposes to continue automobile sales, leasing and rental uses on the property; and

WHEREAS, Section 3372.604, Setback requirements, requires a parking setback of no less than five feet, while the applicant proposes to maintain a zero foot setback along Cleveland Avenue; and

WHEREAS, Section 3372.605, Building design standards, requires certain design standards for the building frontage, while the applicant proposes to maintain the existing building which does not comply with these standards; and

WHEREAS, Section 3372.607, Landscaping and screening, requires perimeter landscaping, screening, and interior landscaping for commercial parking lots in the Urban Commercial Overlay, while the applicant proposes to maintain chain link fencing and no perimeter or interior landscaping on the property; and

WHEREAS, Section 3372.608, Lighting, requires the height of parking lot lighting to not exceed 18 feet in height and to not exceed 14 feet in height within 25 feet of residentially-zoned property, while the applicant proposes to maintain the existing light poles on the property that do not meet these limitations; and

WHEREAS, Section 3372.609, Parking and circulation, requires parking to be located to the rear of a principle building, while the applicant proposes to maintain the current configuration of the property with parking and maneuvering in front of the sales office building; and

WHEREAS, the South Linden Area Commission recommends approval; and

WHEREAS, City Departments recommend disapproval of the requested Council variance because the proposed automobile-oriented use is inconsistent with the broader mix of uses envisioned by the *South Linden Neighborhood Plan Amendment*. Consequently, staff does not support higher intensity automobile-oriented uses along this corridor and prefers the more neighborhood-scale commercial uses that are permitted by the existing predominant C-3 zoning district and the complementary standards of the UCO. Any decision to support a proposal allowing such uses on this site should include commitments to UCO standards, including graphics, screening and landscaping; and

WHEREAS, said ordinance does not alleviate requirements of the Columbus Graphics Code. Any variances to applicable graphics code requirements for existing unapproved and prohibited graphics must be considered by the Columbus Graphics Commission; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **2172 CLEVELAND AVENUE (43211)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3355.03, C-3 permitted uses; 3372.604, Setback requirements; 3372.605, Building design standards; 3372.607, Landscaping and screening; 3372.608, Lighting; and 3372.609, Parking and circulation, of the Columbus City codes, is hereby granted for the property located at **2172 CLEVELAND AVENUE (43211)**, insofar as said sections prohibit automobile sales, leasing, and rental uses in the C-3, Commercial District and noncompliance with the Urban Commercial Overlay requirements for a reduced parking setback line from 5 feet to 0 feet; a building that does not meet the required design standards; no parking lot landscaping or screening and a chain link fence; lighting that exceeds height limitations; and parking and maneuvering that is in advance of the building; said property being more particularly described as follows:

2172 CLEVELAND AVENUE (43211), being 0.19± acres located on the east side of Cleveland Avenue, 35± feet south of Cordell Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being Lots Numbered Twenty-Five (25) and Twenty-Six (26) of Innis Crest Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 8, Page 158, Recorder's Office, Franklin County, Ohio.

Property Address: 2172 Cleveland Avenue; Columbus, OH 43211
Parcel Number: 010-060285

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an automobile sales facility, or those uses permitted in the C-3, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**ZONING SITE PLAN**," drawn by Andrew M. Vogel, Architect, dated February 9, 2018, and signed by Omar Tarazi, Attorney for the Applicant. 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 plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned upon the following: The automobile display area shall not exceed 5,000 square feet. Final location will be reflected on the Final Site Compliance Plan.

SECTION 6. That this ordinance is further conditioned upon compliance with Urban Commercial overlay requirements upon redevelopment of the subject site.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.