Legislation Details (With Text)

File #:	2082-2018 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
File created:	7/11/2018	**In control:**	Zoning Committee
On agenda:	7/30/2018	**Final action:**	8/3/2018
Title:	To grant a Variance from the provisions of Section 3345.07, Contents of application for establishment of PUD; of the Columbus City codes, for the property located at 3650 SUNBURY ROAD (43219), to permit expansion of an existing school in the PUD-8, Planned Unit Development District, and to repeal Ordinance #2041-2003 (CV02-031A), passed July, 29, 2002 (Council Variance # CV17-052).		
Sponsors:			
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Date	Ver.	Action By	Action	Result
8/3/2018	2	ACTING CITY CLERK	Attest	
8/2/2018	2	MAYOR	Signed	
7/30/2018	2	COUNCIL PRESIDENT	Signed	
7/30/2018	1	Zoning Committee	Approved as Amended	Pass
7/30/2018	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/23/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV17-052

APPLICANT: Allegheny West Conference Corp of Seventh-Day Adventists; c/o Bruce A. Harris; Harris Architects; 985 Schrock Road; Columbus, OH 43229.

PROPOSED USE: Modular classroom building for an existing school.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a church in the R-1, Residential and PUD-8, Planned Unit Development districts, and a school in the PUD-8, Planned Unit Development District. The property is subject to Ordinance #1257-22, passed July 29, 2002, (CV02-031A) which permitted the school use. That variance was necessary because the registered PUD-8 Plan for Ordinance #759-72 (Z72-029), which is binding, indicates multi-unit residential development where the school is situated. The requested Council variance will permit expansion of the school with a modular classroom building. A condition from CV02-031A for the site to be rezoned to an appropriate district will be carried over in this ordinance. The site is located within the boundaries of the *Northeast Area Plan* (2007), which recommends institutional land uses for this location. The site plan depicts the location of the modular buildings and a parking lot expansion, and conditions regarding site access requested by the Department of Public Service have been incorporated into the proposal. The request is consistent with the land use recommendations of the *Northeast Area Plan*, and staff supports the expansion of the school use as a Council variance with the understanding that the applicant will pursue rezoning of the property once they have identified their intended land uses and development needs. Approval of this request will not add new or incompatible uses to the area.

To grant a Variance from the provisions of Section 3345.07, Contents of application for establishment of PUD; of the Columbus City codes, for the property located at **3650 SUNBURY ROAD (43219),** to permit expansion of an existing school in the PUD-8, Planned Unit Development District, and to repeal Ordinance #2041-2003 (CV02-031A), passed July, 29, 2002 (Council Variance # CV17-052).

WHEREAS, by application #CV17-052, the owner of the property at **3650 SUNBURY ROAD (43219),** is requesting a Variance to permit expansion of an existing school with a modular building in the PUD-8, Planned Unit Development District; and

WHEREAS, Section 3345.07, Contents of application for establishment of PUD, permits multi-unit residential development per the registered PUD plan contained within #759-72 (Z72-029), while the applicant proposes to expand an existing school use permitted by Ordinance #1257-22 (CV02-031A) with a modular building in the PUD-8, Planned Unit Development (Z72-029); and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variance because educational uses are consistent with the land use recommendation of the *Northeast Area Plan*, and approval of this request will not add new or incompatible uses to the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed building; 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 **3650 SUNBURY ROAD (43219),** 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 3345.07, Contents of application for establishment of PUD, of the Columbus City codes, is hereby granted for the property located at **3650 SUNBURY ROAD (43219)**, insofar as said sections prohibit school use; said property being more particularly described as follows:

3650 SUNBURY ROAD (43219), being 11.64± acres located at the northeast corner of Sunbury Road and McCutcheon Road, and being more particularly described as follows:

DESCRIPTION OF 11.638 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Township 1, North Range 17 West, Quarter Township 2, United States Military District, and bounded and described as; follows:

Beginning for reference at a point, said point being located in the centerline of Sunbury Road, said point also being the most Northwesterly corner of a 1.00 acre tract of land belonging to Larry and Rosa Craig, of record in Official Record volume 156, Page F03, at the Franklin County, Ohio Recorder's Office. Thence along said centerline, South, 252° 17",

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30", West, a distance of 107.19 feet to a point, said point being the True Point of Beginning:

Thence from said True Point of Beginning along the Southerly boundary of said Craig tract of land, South, 952, 49', 00", East, a distance of 466.07 feet (passing an iron pin at 32.16 feet) to an iron pin:

Thence South, 3°, 42', 18", West, a distance of 797.73 feet (passing an iron pin at 767.73 feet) to a point, said point being located in the centerline of McCutcheon Road;

Thence along said centerline of McCutcheon Road, North, 85° 38', 00", West, a distance of 811.59 feet to a railroad spike, said spike being located at the intersection of Sunbury and McCutcheon Roads;

Thence along centerline of Sunbury Road, North, 27°, 38', 06", East, a distance of 722.28 feet to a railroad spike, said spike being located at the intersection of Old Innis Road and Sunbury Road;

Thence along the centerline of Sunbury Road, North 25°, 23', 25", East, a distance of 142.11 feet to the True Point of Beginning and containing 11.638 acres of land more or less.

Subject to all easements, restrictions and right of ways of previous record.

Known as 3650 Sunbury Road; Columbus, Ohio 43219
Franklin County Parcel Number: 010-146570

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a school, or those uses permitted in the PUD-8, Planned Unit Development District as established by Ordinance #759-72.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled **"SHEET NUMBER Z1,"** dated May 17, 2018, and drawn and signed by Bruce Harris, Architect. 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 plans shall be subject to review and approval by the Director of the Department 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 building.

SECTION 5. That this ordinance is further conditioned upon the applicant filing and completing through action by Columbus City Council a rezoning application to an appropriate zoning district within five years from the date of Columbus City Council passage of this ordinance.

SECTION 6. That this ordinance is further conditioned upon the following unless otherwise approved by the Department of Public Service, Division of Traffic Management:

- The access point to Sunbury Road shall be limited to only right-in right-out turning movements.
- The western-most access point to McCutcheon Road shall be limited to only right-in right-out turning movements.
- The eastern-most access point to McCutcheon Road may be a full access point permitting all turning movements.

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

SECTION 8. That Ordinance #2041-2003 (CV02-031A), passed July, 29, 2002, be and is hereby repealed.

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