



## Legislation Details (With Text)

**File #:** 1203-2019      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/24/2019      **In control:** Zoning Committee

**On agenda:** 5/13/2019      **Final action:** 5/16/2019

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3311.28(b), Requirements, of the Columbus City Codes; for the property located at 3720 WEST BROAD STREET (43228), to permit mattress manufacturing and a retail showroom in the L-C-4, Limited Commercial District with reduced distance separation from residentially-zoned property (Council Variance #CV19-029).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1203-2019.Attachments, 2. ORD1203-2019.Labels

Date	Ver.	Action By	Action	Result
5/16/2019	1	CITY CLERK	Attest	
5/14/2019	1	ACTING MAYOR	Signed	
5/13/2019	1	COUNCIL PRESIDENT	Signed	
5/13/2019	1	Zoning Committee	Approved	Pass
5/6/2019	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV19-029**

**APPLICANT:** SC Real Estate Group LLC; c/o Dwight McCabe; 7361 Currier Road; Plain City, OH 43064.

**PROPOSED USE:** Mattress manufacturing and retail showroom.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant retail building in the L-C-4, Limited Commercial District. The requested Council variance will permit mattress manufacturing in conjunction with a retail showroom. The variance is necessary because mattress manufacturing is listed as a more objectionable manufacturing use that must be located within the M, or M-1, Manufacturing districts at least 600 feet from residentially-zoned property. A variance to reduce the distance separation requirement to 245± feet is also included. The site is located within the boundaries of the *Greater Hilltop Plan Amendment* (2010), which recommends "Mixed Use - Community" land uses at this location. The Plan also recommends that in the event that the investment in retail usage declines in this portion of West Broad Street, the conversion to Employment Center uses consistent with urban design guidelines should be supported. The proposed mattress manufacturing use is a small-scale operation within an existing 134,600± square-foot building that will include a retail showroom component. The building is located approximately 288 feet from an apartment building to the northeast. For these reasons, Staff supports the distance separation reduction, and finds that the request is consistent with the Plan's land use recommendation for Employment Center uses. Approval of this request will not add an incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3311.28(b), Requirements, of the Columbus City Codes; for the property located at **3720 WEST BROAD STREET (43228)**, to permit mattress manufacturing and a retail showroom in the L-C-4, Limited Commercial District with reduced distance separation from residentially-zoned property (Council Variance #CV19-029).

**WHEREAS**, by application #CV19-029, the owner of property at **3720 WEST BROAD STREET (43228)** is requesting a Council variance to permit mattress manufacturing and a retail showroom in the L-C-4, Limited Commercial District with reduced distance separation from residentially-zoned property; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit manufacturing uses, while the applicant proposes mattress manufacturing in conjunction with a retail showroom within an existing retail building; and

**WHEREAS**, Section 3311.28(b), Requirements, requires that more objectionable uses are to be conducted within the M or M-1, Manufacturing districts, and within not less than 600 feet from any residential districts, while the applicant proposes a mattress manufacturing use in the L-C-4, Limited Commercial District on a lot that is within 245± feet of residentially-zoned property; and

**WHEREAS**, City Departments recommend approval because the proposed mattress manufacturing use is a small-scale operation within an existing 134,600± square-foot building that will include a retail showroom component; and the building is located approximately 288 feet from an apartment building to the northeast. For these reasons, Staff supports the distance separation reduction, and finds that the request is consistent with the Plan's land use recommendation for Employment Center uses. Approval of this request will not add an incompatible use to the area; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 **3720 WEST BROAD STREET (43228)**, 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 Sections 3356.03, C-4 permitted uses; and 3311.28(b), Requirements, of the Columbus City Codes, is hereby granted for the property located at **3720 WEST BROAD STREET (43228)**, insofar as said sections prohibit mattress manufacturing in the L-C-4 district within 245± feet of residentially-zoned property; said property being more particularly described as follows:

**3720 WEST BROAD STREET (43228)**, being 12.41± acres located on the north side of West Broad Street, 1,500± feet west of North Wilson Road, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and being located in Virginia Military Survey Nos. 1482 and 3315, being part of the same 39.531 acre tract conveyed to BAI Consumer Square West LLC, by Instrument Number 201108010095188 and being more particularly described as follows:

Beginning at a found ¾" pipe on the Northerly right-of-way line of West Broad Street (U.S. Route 40) being in the northerly line of the residue of a 39.121 acre tract as conveyed to the Yassenoff Foundation in Deed Book 3434, page 116, at the Southwest corner of a 5.659 acre tract conveyed to JDB Broad Street LLC, by Instrument No. 201103280041202 of Franklin County Records, said point being located South 88°02'00" West, 958.71 feet from the intersection of said right-of-way line with the Westerly right-of-way line of Dwight Avenue (25 feet wide) at the True Point of Beginning;

Thence South 88°02'00" West, along said Yassenoff Foundation tract in right-of-way line of West Broad Street (being 70 feet Northerly, as measured at right angles and parallel with the centerline of West Broad Street), a distance of 135.91 feet to a found  $\frac{3}{4}$ " pipe at the East line of a 1.438 acre tract conveyed to Mohammed Ghiath Ammar & Arlan Midabi, by Instrument No. 201305020072230 of Franklin County Records;

Thence North 02°06'39" West, along the Easterly line of said Mohammed Ghiath Ammar & Arlan Midabi 1.438 acre tract and the Easterly line of a 13.725 acre tract conveyed to DPM Columbus Supercenter, KG Properties Ohio, LLC, by Instrument No. 201405120058613 and the Easterly line of a 143.775 acre tract conveyed to Big Lots Stores Inc., by Official Record 8778 117 (See also Instrument No. 200407120161032) of Franklin County Records, a distance of 1527.11 feet to a found  $\frac{5}{8}$ " iron pin at 0.51 feet north and 0.86 feet east at the Southwesterly corner of a 82.1862 acre tract conveyed to Consolidated Stores Corp., by Official Record 7142 C09 of Franklin County Records;

Thence South 77°31'00" East, along the Southerly line of a said Consolidated Stores Corp. 82.1862 acre tract, a distance of 502.00 feet to a  $\frac{5}{8}$ " iron pin;

Thence with a new division line through said BAI Consumer Square West LLC 39.531 acre tract the following five (5) courses:

1. South 02°09'03" East, a distance of 148.56 feet to a set mag nail;
2. South 87°50'57" West, a distance of 9.44 feet to a set mag nail;
3. South 02°09'03" East, a distance of 211.85 feet to a set cross notch;
4. North 87°53'21" East, a distance of 13.71 feet to a set cross notch;
5. South 02° 06' 39" East, a distance of 547.13 feet to a set  $\frac{5}{8}$ " iron pin on the Northerly line of said JDB Broad Street LLC 5.659 acre tract;

Thence South 88°02'00" West, along the Northerly line of JDB Broad Street LLC 5.659 acre tract, a distance of 312.85 feet to a found  $\frac{5}{8}$ " iron pin;

Thence South 22°32'00" West, along the Westerly line of JDB Broad Street LLC 5.659 acre tract, a distance of 97.22 feet to a found  $\frac{5}{8}$ " iron pin;

Thence South 01°58'00" East, along the Westerly line of JDB Broad Street LLC 5.659 acre tract, a distance of 405.84 feet to the True Point of Beginning, containing 12.422 acres.

Of the above described 12.422 acres, 12.409 acres are contained with Franklin County Auditor Parcel Number 010-220112 and 0.013 acres are contained with Franklin County Auditor Parcel Number 010-111024.

Basis of bearings for this survey is the Northerly right-of-way line of West Broad Street, bearing South 88°02'00" West as recorded in Instrument No. 201108010095188 of Franklin County Recorders.

All set pins are  $\frac{5}{8}$  inch diameter x 30 inches in length rebar with a plastic cap bearing the number 7911.

Parcel No.: 010-296338

Also known as: 3720 West Broad Street, Columbus, Ohio 43228

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for mattress manufacturing in conjunction with a retail showroom, or those uses permitted in the L-C-4, Limited Commercial District contained in Ordinance #1564-88 (Z88-1961).

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.