



Legislation Details (With Text)

File #: 2476-2019 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/18/2019 **In control:** Zoning Committee

On agenda: 10/7/2019 **Final action:** 10/10/2019

Title: To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.27, Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at 2455 & 2475 BRICE RD. (43068), to allow a contractor's office and associated storage uses with reduced development standards in the C-4, Commercial District and to declare an emergency (Council Variance #CV19-044).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2476-2019.Attachments, 2. ORD2476-2019.Labels

Date	Ver.	Action By	Action	Result
10/10/2019	2	CITY CLERK	Attest	
10/9/2019	2	MAYOR	Signed	
10/7/2019	2	COUNCIL PRESIDENT	Signed	
10/7/2019	1	Zoning Committee	Amended to Emergency	Pass
10/7/2019	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV19-044

APPLICANT: David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Contractor's office and associated storage uses.

FAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels developed with two vacant restaurant buildings in the R-2F, Residential District. The requested Council variance will permit redevelopment of the site for a contractor's office and associated storage uses. Variances to reduce the parking and building setbacks are also included in this request. The site is located within the boundaries of the *Far East Land Use Plan* (2018), which recommends "Mixed Use 2 (24-45 du/ac)" land uses at this location. Additionally, the Plan includes complete adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. Although this proposal is industrial in nature, Planning Staff recognizes the proposal as appropriate based on neighboring retail and office uses and service road access to the site. Additionally, the landscaping is consistent with C2P2 guidelines as they apply to commercial properties. 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; 3312.27, Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **2455 & 2475 BRICE RD. (43068)**, to allow a contractor's office and associated storage uses with reduced development standards in the C-4, Commercial District **and to declare an emergency** (Council Variance #CV19-044).

WHEREAS, by application #CV19-044, the owner of property at **2455 & 2475 BRICE RD. (43068)**, is requesting a Council variance to permit a contractor's office and associated storage uses with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits contractor's offices, but does not permit storage uses, while the applicant proposes to redevelop the site with a contractor's office that includes interior storage of vehicles and equipment used in the operation; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 10 feet from the street right-of-way line, while the applicant proposes to maintain parking setback lines of 0 feet; and

WHEREAS, Section 3356.11, C-4 district setback lines, requires a building setback line of 80 feet along Brice Road and 25 feet along Lake Club Drive and the freeway ramp, while the applicant proposes a building setback line of zero feet for an 8' tall fence along the perimeter of the property; and

WHEREAS, the Far East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the request is appropriate based on neighboring retail and office uses and service road access to the site, and includes landscaping commitments consistent with the *Columbus Citywide Planning Policies* (C2P2) design guidelines;

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 **2455 & 2475 BRICE RD. (43068)**, in using said property as desired;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore,

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

SECTION 1. That a variance from the provisions of Section 3356.03, C-4, permitted uses of the Columbus City Codes, is hereby granted for the property located at **2455 & 2475 BRICE RD. (43068)**, insofar as said sections prohibit storage uses associated with a contractor's office in the C-4, Commercial District, with a reduced parking setback line from 10 feet to 0 feet; and a reduced building setback line from 80 feet and 25 feet to zero feet for an 8' tall fence along the perimeter of the property; said property being more particularly described as follows:

2455 & 2475 BRICE RD. (43068), being 5.19± acres located on the west side of Brice Road, 920± feet south of Channingway Boulevard, and being more particularly described as follows:

TRACT I:

Situate in the State of Ohio, County of Franklin, City of Columbus, being located in Section 23, Township 12, Range 21, Refugee Lands, and being all of the 1.695 acre tract conveyed to Hanover Trail Steakhouse of Pennsylvania, by deed of record in Deed Book 3622, Page 709 and being 0.108 acre of the 3.500 acre tract conveyed to Hanover Trail Steakhouse

of Pennsylvania, by deed of record in Deed Book 3598, Page 511, all references being to records in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the easterly right-of-way line of Lake Club Drive (60.0 feet in width), at the southwesterly corner of said 3.500 acre tract, the northwesterly corner of said 1.695 acre tract;

thence along the southerly line of said 3.500 acre tract, North 89° 33' 22" East, 132.00 feet to a point;

thence North 0° 26' 38" West, 35.00 feet to a point;

thence North 89° 33' 22" East, 134.00 feet to a point;

thence South 0° 26' 38" East, 35.00 feet to a point in the southerly line of the Hanover Trail Steakhouse of Pennsylvania 3.500 acre tract;

thence along said southerly line, North 89° 33' 22" East, 58.90 feet to the southeasterly corner of said 3.500 acre tract, the northeasterly corner of the Hanover Trail Steakhouse of Pennsylvania 1.695 acre tract;

thence along the southeasterly line of said 1.695 acre tract, being also the northwesterly line of the right-of-way connecting Brice Road with the northerly line of Interstate 70, the following courses and distances:

South 18° 16' 00" West, 51.16 feet to an iron pin;

South 42° 44' 40" West, 274.45 feet to an iron pin;

South 63° 53' 15" West, 276.60 feet to an iron pin; and

South 89° 33' 20" West, 61.67 feet to an iron pin;

thence along the easterly line of said Lake Club Drive and being the arc of a curve to the left (Radius = 330.0 feet, Sub-delta = 65° 01' 09"), a chord bearing and distance of North 32° 00' 54" East, 354.71 feet to an iron pin at the point of tangency of said curve;

thence continuing along the easterly line of said Lake Club Drive, North 0° 29' 40" West, 69.07 feet to the place of beginning, containing 1.803 acres, more or less, according to a survey by Evans, Mechwart, Hambleton & Tilton, Inc., T.D. Sibbalds, Registered Surveyor No. 5908, on June 18, 1979.

Parcel No.: 010-019424-00 (Carried on the Auditor's Duplicate as 2.089 acres)

TRACT II:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 23, Township 12, Range 21, Refugee Lands and being a strip of land across part of the 3.500 acre tract of land conveyed to Hanover Trail Steakhouse of Pennsylvania, by deed of record in Deed Book 3598, Page 511, all references being to records in the Recorder's Office, Franklin County, Ohio, said strip being bounded and described as follows:

Beginning at a point in the easterly right-of-way line of Lake Club Drive (60.0 feet in width), at the southwesterly corner of said 3.500 acre tract, the northwesterly corner of the 1.695 acre tract conveyed to Hanover Trail Steakhouse of Pennsylvania, by deed of record in Deed Book 3622, Page 709;

thence along said right-of-way line, North 0° 29' 40" West, 65.00 feet to a point;

thence North ~~99~~ 89° 33' 22" East, 346.97 feet to a point in the westerly limited access right-of-way line of Brice Road;

thence along said right-of-way line, South 18° 16' 00" West, 68.63 feet to the northeasterly corner of the Hanover Trail Steakhouse of Pennsylvania 1.695 acre tract;

thence along the northerly line of said 1.695 acre tract, South 89° 33' 22" West, 58.90 feet to a point;

thence North 0° 26' 39" West, 35.00 feet to a point;

thence South 89° 33' 22" West, 134.00 feet to a point;

thence South 0° 26' 38" East, 35.00 feet to a point in the northerly line of Hanover Trail Steakhouse of Pennsylvania 1.695 acre tract;

thence along said northerly line, South 89° 33' 22" West, 132.00 feet to the place of beginning, containing 0.394 acre more or less.

Parcel No.: 010-182944-00 (Carried on the Auditor's duplicate as 0.108 acre)

TRACT III:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being that part of Section 23, Township 12, Range 21, Refugee Lands, and being 2.999 acres of land, more or less of the 3.500 acre tract conveyed to Hanover Trail Steakhouse of Pennsylvania, Inc., by deed of record in Deed Book 3598, Page 511, all references being to the Recorder's Office, Franklin County, Ohio, described as follows:

Beginning at an iron pin found, located North 00° 29' 40" West a distance of 65.00 feet from the southwesterly corner of said 3.500 acre tract and the northwesterly corner of the Bob Evans Farm Foods, Inc., 1.803 acre tract of record in Deed Book 3763, Page 292, being in the easterly right of way line of Lake Club Drive (60.00 feet in width) as dedicated and recorded in Plat Book 46, Page 84;

Thence along said line of said Drive, North 00° 29' 40" West, a distance of 234.64 feet to an iron pin found at the southwesterly corner of the Red Roof Columbus East Company's 1.980 acre tract of record in Deed Book 3598, Page 519, and being the northwesterly corner of said 3.500 acre tract;

Thence along the southerly and easterly lines of said 1.980 acre tract, also being the northerly and westerly lines of said 3.500 acre tract the following five (5) courses and distances:

North 89° 33' 22" East a distance of 181.00 feet to a point, from which an iron pin found bears South 4° 0' 03" East a distance of 1.03 feet.

North 00° 29' 40" West a distance of a 75.00 feet to a point from which an iron pin found bears South 6° 02' 33" East a distance of 0.63 feet.

North 89° 33' 22" East a distance of 198.48 feet to a point from which an iron pin found bears South 0° 30' 57" West a distance of 0.54 feet

North 08° 28' 40" East a distance of 131.59 feet to a PK nail found.

North 00° 29' 40" West a distance of 55.00 feet to a point from which an iron pin found bears North 30° 29' 07" West a distance of 0.94 feet, said point being at the northwesterly corner of said 1.980 acre tract, being a northwesterly corner of said 3.500 acre tract and being a point in the southerly line of the LQ-LNCDC Joint Venture 2.317 acre tract.

Thence easterly along said southerly line of said 2.317 acre tract being the northerly line of said 3.500 acre tract, North 89° 33' 22" East a distance of 93.45 feet to an iron pin found at the northeasterly corner of said 3.500 acre tract and being the northwesterly corner of those lands conveyed to the State of Ohio for limited access right of way connecting the westerly right of way line of Brice Road with the northerly right of way line of Interstate Route 70.

Thence southerly, westerly and southwesterly along the said land of the State of Ohio, being the easterly line of said 3.500 acre tract the following five (5) courses and distances:

South 00° 29' 40" East a distance of 59.07 feet to an iron pin found

South 08° 28' 40" West a distance of 192.35 feet to a point from which an iron pin found bears South 35° 48' 00" East a distance of 0.30 feet

South 00° 29' 40" East a distance of 35.00 feet to an iron pin found

South 89° 30' 20" West a distance of 45.00 feet to a PK nail found

South 18° 16' 00" West a distance of 222.24 feet to a point from which an iron pin found bears South 47° 6' 34" East a distance of 0.45 feet, said point being located North 18° 16' 00" East a distance of 68.63 feet from the southeastern corner of said 3.500 acre tract and a northeasterly corner of said 1.800 acre tract.

Thence westerly along a line 65.00 feet northerly from, parallel with and perpendicular to a portion of the southerly line of said 3.500 acre tract, South 89° 33' 22" West a distance of 346.97 feet to the point of beginning, containing 2.999 acres of land, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a contractor's office and associated storage uses, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**," signed by David Hodge, Attorney for the Applicant, and dated September 20, 2019. 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 conditioned on this site participating in an access management plan with adjacent properties upon redevelopment of the adjacent property immediately to the north in accordance with the Division of Traffic Management.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.