



Legislation Details (With Text)

File #: 2329-2020 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/8/2020 **In control:** Zoning Committee

On agenda: 10/26/2020 **Final action:** 10/29/2020

Title: To grant a Variance from the provisions of Sections 3312.09, Aisle; 3312.11, Drive-up stacking area; 3312.13, Driveway; 3312.27, Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes for property located at 1328 HARRISBURG PIKE (43223), to permit reduced development standards for a commercial development in the C-4, Commercial District (Council Variance #CV20-055) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#2329-2020_Attachments, 2. ORD#2329-2020_Labels

Date	Ver.	Action By	Action	Result
10/29/2020	2	CITY CLERK	Attest	
10/28/2020	2	MAYOR	Signed	
10/26/2020	2	COUNCIL PRESIDENT	Signed	
10/26/2020	1	Zoning Committee	Approved as Amended	Pass
10/26/2020	1	Zoning Committee	Amended to Emergency	Pass
10/19/2020	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV20-055

APPLICANT: Thompson Thrift Development, Inc., c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor, Columbus, OH 43215.

PROPOSED USE: Commercial development.

SOUTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels, including one zoned in the C-4, Commercial District (Lot A) and two annexed recently from Franklin Township (Lot B). The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the C-4, Commercial District (Ordinance #2328-2020; Z20-051) for Lot B to permit commercial development. The proposed variance will permit the construction of a retail bank with Community Commercial Overlay design standards as recommended by the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018), with the building placed closer to Harrisburg Pike and parking placed to the sides of the building. The request includes variances to reduce parking and building setbacks, to allow a parcel line to divide a driveway, aisle, and drive-up stacking area, and includes a commitment to a site plan. The variances are supported due to the site being comprised of parcels with different taxing districts which cannot be combined, and because desired design elements as recommended by C2P2 are incorporated.

To grant a Variance from the provisions of Sections 3312.09, Aisle; 3312.11, Drive-up stacking area; 3312.13, Driveway; 3312.27, Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes for property located at **1328 HARRISBURG PIKE (43223)**, to permit reduced development standards for a commercial development in the C-4, Commercial District (Council Variance #CV20-055) **and to declare an emergency.**

WHEREAS, by application #CV20-055, the owner of property at **1328 HARRISBURG PIKE (43223)**, is requesting a Council variance to permit reduced development standards for a commercial development in the C-4, Commercial District; and

WHEREAS, Section 3312.09, Aisle, requires a minimum 20 foot wide aisle width for 90 degree parking spaces, while the applicant proposes to reduce the aisle width to 0 to 10 feet related to proposed internal property lines and the City of Columbus/Franklin Township corporation line, subject to total code required aisle width being provided, as depicted on the submitted site plan; and

WHEREAS, Section 3312.11; Drive-up stacking area, requires a total of 6 stacking spaces for 2 automatic teller machine units, while the applicant proposes 4 stacking spaces, with 2 stacking spaces being divided by the property line; and

WHEREAS, Section 3312.13, Driveway, requires a driveway width of 20 feet at the street right of way on each lot, while the applicant proposes the driveway width to be 6 feet wide on Lot A and 18 feet wide on Lot B for a combined width of twenty-four (24) feet; and

WHEREAS, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 10 feet along Harrisburg Pike, while the applicant proposes a parking setback line of 7 feet for the parking area on the north side of the proposed bank building, as shown on the site plan; and

WHEREAS, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 60 feet, while the applicant proposes a setback line of 10 feet from Harrisburg Pike; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed use; and

WHEREAS, the Southwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances will permit commercial development that incorporates desired design elements that are recommended by C2P2 Design Guidelines; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to 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; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **1328 HARRISBURG PIKE (43223)**, 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 Sections 3312.09, Aisle; 3312.11; Drive-up stacking area; 3312.13,

Driveway; 3312.27, Parking setback line; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for property located at **1328 HARRISBURG PIKE (43223)**, insofar as said sections prohibit reduced aisle width from 20 feet to between 0 to 10 feet, subject to the total width being 24 feet, but divided by a property line; a drive-up stacking area being divided by a property line; a reduced driveway width from 20 feet to 6 feet on Lot A and 18 feet on Lot B for a combined width of 24 feet; a reduced parking setback line from 10 feet to 7 feet; and a reduced building setback line from 60 feet to 10 feet; said property being more particularly described as follows:

1328 HARRISBURG PIKE (43223), being 0.75± acres located at the southeast corner of Harrisburg Pike and Little Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 717, and being 0.749 acres being all of that tract conveyed to Robert R. Cook by the instrument filed as Instrument Number 200809240143757 and all of that tract conveyed to Thomas B. Fritz, Trustee of the Margaret D. Fritz Revocable Trust Agreement u/a/d 10/28/1997, as amended, by the instrument filed as Instrument Number 201906210074949, all deed references refer to the Recorder's Office Franklin County Ohio, said 0.749 acre parcel also being more particularly described as follows:

BEGINNING at the southwesterly corner of said Fritz tract and being on the southeasterly right-of-way line of Harrisburg Pike;

Thence along said southeasterly right-of-way line, North 44 degrees 18 minutes 21 seconds East for a distance of 167.64 feet to a point;

Thence continuing along said southeasterly right-of-way line and with a curve to the right, said curve having a central angle of 84 degrees 26 minutes 47 seconds, a radius of 45.00 feet, an arc length of 66.32 feet, and a long chord which bears North 86 degrees 31 minutes 45 seconds East for a distance of 60.48 feet to a point on the southwesterly right-of-way line of Little Avenue;

Thence along said southwesterly right-of-way line and with a curve to the left, said curve having a central angle of 12 degrees 50 minutes 42 seconds, a radius of 545.92 feet, an arc length of 122.39 feet, and a long chord which bears South 57 degrees 40 minutes 13 seconds East for a distance of 122.13 feet to a point in the northwesterly right-of-way line of an unnamed alley;

Thence along said northwesterly right-of-way line, South 44 degrees 18 minutes 21 seconds West for a distance of 210.12 feet to a point at the southerly corner of said Fritz tract;

Thence along the southwesterly line of said Fritz tract, North 55 degrees 29 minutes 30 seconds West for a distance of 162.49 feet to the TRUE POINT OF BEGINNING, containing 0.749 acres, 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 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 ZONING PLAN**," dated September 28, 2020, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, 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 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.