



## Legislation Details (With Text)

**File #:** 2862-2021      **Version:** 1

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

**File created:** 10/26/2021      **In control:** Zoning Committee

**On agenda:** 11/15/2021      **Final action:** 11/17/2021

**Title:** To grant a Variance from the provisions of Sections 3356.03, Permitted uses; and Section 3311.28(b), Requirements, of the Columbus City Codes; for the property located at 1281 OXLEY RD. (43212), to permit a wholesale packaging operation with reduced distance separation from residentially-zoned property in the C-4, Commercial District (Council Variance #CV21-073).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2862-2021\_Attachments, 2. ORD#2862-2021\_Labels

Date	Ver.	Action By	Action	Result
11/17/2021	1	ACTING CITY CLERK	Attest	
11/16/2021	1	MAYOR	Signed	
11/15/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
11/15/2021	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
11/15/2021	1	Zoning Committee	Approved	Pass
11/15/2021	1	COUNCIL PRESIDENT	Signed	

**Council Variance Application: CV21-073**

**APPLICANT:** Timothy Washington; 1225 Eastview Avenue; Columbus, OH 43212.

**PROPOSED USE:** Wholesale packaging.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a single-unit dwelling and several attached industrial buildings in the C-4, Commercial District. The requested Council variance will permit a wholesale packaging operation for hemp products within a tenant space of an existing commercial building. The variance is necessary because the wholesale packaging of hemp is listed as a more objectionable manufacturing use that must be located in the M, or M-1, Manufacturing district at least 600 feet from residentially-zoned land. A variance to reduce the distance separation requirement to 20± feet is also included, noting that the proposed use will be located along the site's West 3<sup>rd</sup> Avenue frontage approximately 130 feet from the adjacent residential district. The site is located within the boundaries of the 5<sup>th</sup> by Northwest Area Plan (2009), which recommends "Medium Density Mixed Residential" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). While the proposed use is inconsistent with the land use recommendation of the Plan, Planning Division staff recognizes that the existing uses on the site are commercial in nature, and the request is supportive of the existing uses. No site changes are proposed, and the existing building will be reused. Staff supports the distance separation reduction, as the operation is limited to the packaging and wholesale of hemp and does not include more

intensive manufacturing, compounding or treatment processes.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses; and Section 3311.28(b), Requirements, of the Columbus City Codes; for the property located at **1281 OXLEY RD. (43212)**, to permit a wholesale packaging operation with reduced distance separation from residentially-zoned property in the C-4, Commercial District (Council Variance #CV21-073).

**WHEREAS**, by application #CV21-073, the owner of property at **1281 OXLEY RD. (43212)**, is requesting a Council variance to permit a wholesale packaging operation in the C-4, Commercial District with reduced distance separation from residentially-zoned property; and

**WHEREAS**, Section 3356.03, Permitted uses, prohibits wholesale and packaging uses, while the applicant proposes a wholesale packaging operation for hemp products which the Zoning Code categorizes as a more objectionable manufacturing use; 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 hemp wholesale and packaging use in the C-4, Commercial District on a lot that is within 20± feet of residentially-zoned property; and

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because while the proposed wholesale packaging facility is inconsistent with the mixed residential land use recommendation of the 5<sup>th</sup> by *Northwest Area Plan*, the existing uses on the site are commercial in nature and are compatible with the proposed use, which will be contained within the existing industrial building; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **1281 OXLEY RD. (43212)**, in using said property as desired:

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

**SECTION 1.** That a variance from the provisions of Sections 3356.03, Permitted uses; and Section 3311.28(b), Requirements, of the Columbus City Codes, are hereby granted for the property located at **1281 OXLEY RD. (43212)**, insofar as said section prohibits wholesale packaging of hemp in the C-4, Commercial District; with a reduction in the required distance separation from residentially-zoned property from 600 feet to 20 feet; said property being more particularly described as follows:

**1281 OXLEY RD. (43212)**, being 0.41± acres located at the northwest corner of West Third Avenue and Oxley Road, and being more particularly described as follows:

Being Lot No. One (1), Lot No. Two (2) and Lot No. Three (3) in Virginia Place Addition, as the same is numbered and delineated upon the recorded plat thereof, of record In Plat Book 10, pages 372, 373, Recorder's Office, Franklin County, Ohio.

Street Address: 1281 Oxley Road and 1132 West Third Avenue, Columbus, Ohio 43212

Tax Parcel number: 010-062383-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for wholesale packaging, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.