



Legislation Text

File #: 1745-2015, **Version:** 2

Council Variance Application: CV15-025

APPLICANT: DealPoint Merrill, LLC; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Self-storage.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned CPD, Commercial Planned Development District (Ordinance No. 0497-85; Rezoning Application Z84-138), permitting C-4 district and gas station uses, and is developed with two retail centers. The requested Council Variance will allow up to 63,000 square feet of the east building to be used for interior self-storage, as shown on the attached site plan. The site is located within the planning area of the *Far North Area Plan* (2014), which recommends mixed-use community commercial development for this location. Although self-storage is a use of the M, Manufacturing District, this use is often associated with the personal storage needs of nearby residences and businesses. Staff supports the request for interior self-storage as the site will continue to appear and function as a commercial shopping center, and it is compatible with the existing uses and development pattern of the surrounding area. The requested variance will allow a productive re-use of the building with pending vacancies, and future retail uses are not precluded.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; for the property located at **57 LAZELLE ROAD EAST (43235)**, to allow a self-storage facility in the CPD, Commercial Planned Development District (Council Variance # CV15-025).

WHEREAS, by application No. CV15-025, the owner of property at **57 LAZELLE ROAD EAST (43235)**, is requesting a Council variance to allow a self-storage facility in the CPD, Commercial Planned Development District; and

WHEREAS, by Ordinance No. 0497-85 (Rezoning Application Z84-138), C-4 district uses, along with gas stations, are identified as the specific uses permitted in Subarea 3 of this CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit storage as a principal use, while the applicant proposes a self-storage facility within an existing, ~~vacant~~ **building at a** retail center as shown on the site plan; and

WHEREAS, Section 3361.02, Permitted uses, prohibits M, Manufacturing uses, including self-storage uses in the CPD, Commercial Planned Development District, while the applicant proposes a self-storage facility within an existing, ~~vacant~~ **building at a** retail center as shown on the site plan; and

WHEREAS, City Departments recommend approval because the requested Council variance for interior self-storage will allow a productive re-use of a building with pending vacancies, and future retail uses are not precluded. This use is often associated with the personal storage needs of nearby residences and businesses, and since the site will continue to appear and function as a commercial shopping center, and it is compatible with the existing uses and development pattern of the surrounding area, Staff supports the request; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **57 LAZELLE ROAD EAST (43235)**, 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 3361.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **57 LAZELLE ROAD EAST (43235)**, insofar as said section prohibits an indoor self-storage facility in the CPD, Commercial Planned Development District; said property being more particularly described as follows:

57 LAZELLE ROAD EAST (43235), being 10.17± acres located at the southwest corner of Lazelle Road East and Dillmont Drive, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING LOCATED IN SECTION 2, TOWNSHIP 2, RANGE 18, UNITED STATES MILITARY LANDS AND BEING PART OF THAT TRACT OF LAND CONVEYED TO PLANNED COMMUNITIES, INC., BY DEED OF RECORD IN OFFICIAL RECORD VOLUME 4999, PAGE G-06, 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 NORTHERLY RIGHT-OF-WAY LINE OF DILLMONT DRIVE (60 FEET IN WIDTH), THAT IS LOCATED SOUTH 86° 54' 02" EAST, 363.17 FEET AND NORTH 3° 5' 58" EAST, 30 00 FEET FROM THE INTERSECTION OF THE CENTERLINE OF SAID DILLMONT DRIVE WITH THE CENTERLINE OF NORTH HIGH STREET (U.S. ROUTE 23);

THENCE NORTH 3° 05' 58" EAST, A DISTANCE OF 92.63 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG THE ARC OF SAID CURVE (DELTA = 19° 42' 58", RADIUS = 280.0 FEET), A CHORD BEARING AND DISTANCE OF NORTH 6° 45' 31" WEST, 95.88 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT (DELTA = 18° 19' 22", RADIUS = 305.0 FEET), A CHORD BEARING AND DISTANCE OF NORTH 7° 27' 19" WEST, 97.12 FEET TO A POINT OF TANGENCY;

THENCE NORTH 1° 42' 22" EAST, A DISTANCE OF 229.77 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF LAZELLE ROAD EAST;

THENCE ALONG SAID RIGHT-OF-WAY LINE OF LAZELLE ROAD EAST, BEING THE ARC OF A CURVE TO THE LEFT (SUB-DELTA = 2° 33' 43", RADIUS = 440.0 FEET), A CHORD BEARING AND DISTANCE OF SOUTH 87° 00' 47" EAST, 19.67 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 88° 17' 38" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE (BEING 40 FEET

SOUTHERLY, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE CENTERLINE OF LAZELLE ROAD EAST), A DISTANCE OF 599.98 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, BEING THE ARC OF SAID CURVE (SUB-DELTA = $20^{\circ} 22' 42''$, RADIUS = 515.0 FEET), A CHORD BEARING AND DISTANCE OF NORTH $81^{\circ} 31' 01''$ EAST, 182.21 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT (DELTA = $84^{\circ} 38' 15''$, RADIUS = 20.0 FEET), A CHORD BEARING AND DISTANCE OF SOUTH $66^{\circ} 21' 13''$ EAST, 26.93 FEET TO A POINT OF TANGENCY IN THE WESTERLY RIGHT-OF-WAY LINE OF DILLMONT DRIVE;

THENCE SOUTH $24^{\circ} 02' 05''$ EAST, ALONG SAID RIGHT-OF-WAY LINE OF DILLMONT DRIVE, A DISTANCE OF 115.34 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF DILLMONT DRIVE, BEING THE ARC OF SAID CURVE (DELTA = $117^{\circ} 08' 03''$, RADIUS = 310.0 FEET), A CHORD BEARING AND DISTANCE OF SOUTH $34^{\circ} 31' 56''$ WEST, 529.02 FEET TO A POINT OF TANGENCY;

THENCE NORTH $86^{\circ} 54' 02''$ WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DILLMONT DRIVE, A DISTANCE OF 560.12 FEET TO THE POINT OF BEGINNING, CONTAINING 10.174 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 an indoor self-storage facility of up to 63,000 square feet **on the first floor (“Footprint”)** of the existing east building, or those uses identified in the CPD, Commercial Planned Development District (Ordinance No. 0497-85; Rezoning Application Z84-138). **The Applicant may build a second floor for self-storage use above the Footprint, as noted on the Site Plan, that is equal to or less than the Footprint, so long as such second floor is contained within the existing building. Nothing in this Ordinance shall limit the amount of square footage that Applicant is permitted to construct in the area cross-hatched on the Site Plan (as defined in Section 3), so long as Applicant does not alter the exterior dimensions of the existing building.**

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**," drawn by DCH Architects, LLC dated June 17, 2015, and signed by Donald Plank, Attorney for the Applicant, **as it pertains to the self-storage use permitted by this ordinance.** 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 reviewed and may be approved 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.