

Council Variance - 1179 Stelzer Road
Applicant: Columbus Regional Airport Authority

STATEMENT OF HARDSHIP

This statement is submitted in support of Applicant's request for variances for a mixed-use parking lot to be located West of Stelzer Road, North of Seventeenth Avenue, adjacent to the Columbus Municipal Airport. The subject property currently crosses both jurisdictional and zoning boundaries, and the requested use variances are needed until such time the properties can be jointly rezoned, as detailed below.

The property subject of this application is part of a 128.64-acre parcel which traverses several roadways, 26.16 acres of which are the subject of this request. Due to the undivided nature of this property which begins just North of I-670 and includes land well below Seventeenth Avenue, the parcel is made up of several zoning classifications, including R-1, M-1 and M-2. The multiple zonings on the property inhibit the Applicant's ability to develop the property as zoned.

The proposed parking lot must be developed expeditiously by the Port Authority for two reasons. First, highway improvements being made in this area (specifically, improvements to I-670) are requiring removal of an existing parking lot at the airport which currently provides a substantial amount of employee parking. Additionally, a new airline carrier will be added to the Airport's service providers in coming months (Sky Bus Airlines), which will generate a substantial amount of additional customer parking as well.

Applicant intends to rezone the property in the near future; however, another 9-acre parcel immediately adjacent to the subject property is owned by the Applicant and intended for use as part of the proposed parking lot, which is currently situated in Mifflin Township. A petition for annexation is being filed to bring that property into the City of Columbus for inclusion in the anticipated rezoning. For this reason, a council variance is necessary to establish proper uses for the land now situated in Columbus, until such time as the second parcel can be annexed and the two parcels can be rezoned together. Both parcels are part of the Elmhurst Subdivision, platted in the early 1900's but not developed on the subject property. The unimproved streets platted as a part of that recorded subdivision are being vacated prior to rezoning. The vacation of rights-of-way and the annexation of the 9-acre parcel must all be finalized prior to rezoning. The instant request for use variances will afford the Airport the opportunity to begin construction on the parking lot in preparation for the arrival of a new airline provider to the Airport's terminals, which will require additional parking.

A site plan has been submitted with this request which illustrates the proposed parking lot to be developed. The parking lot will serve several purposes, including employee parking, customer parking, and probable parking for use by rental car companies with branches located at the airport. It must be assumed that not all rental car customers are also air travelers, and that not all paid customer parking will be used only by air travelers, and therefore the parking may not be entirely accessory to the commercial airport use at the adjacent Columbus Municipal Airport. Since the parking lot will not be situated within the confines of the Airport complex, but rather just outside the complex, West of Stelzer Road, the potential for non-airport related parking does exist. For this reason, applicant request variances from the existing R-1, M-1, and M-2 permitted uses, to allow commercial employee and customer parking, as well as parking which may more properly be permitted under the P-1 and/or P-2 parking districts of the Zoning Code.

Use Variances Requested:

Applicant requests variances from the permitted use sections of the existing zoning districts on the property, as listed below:

- (1) Variance from C.C.C. §3332.03 (R-1, Permitted Uses)
- (2) Variance from C.C.C. §3365.01 (M-1, Permitted Uses)
- (3) Variance from C.C.C. §3367.01 (M-2, Permitted Uses)

The above variances, all of which are necessary only because of the multiple zoning districts which impact this one parcel, will together serve to allow the proposed parking lot. At the time of rezoning, Applicant will establish an L-M, Limited Manufacturing District zoning, to allow parking not only accessory to the commercial uses at the Airport, but also for more limited/private parking provided for under the P-1 and P-2 districts of the Zoning Code, which districts are not permitted uses in any commercial zoning district, but which are permitted uses in the M, Manufacturing District along with all commercial uses as well.

Development Standards:

Applicant requests this council variance be approved not only for the uses of the M, Manufacturing District, but also for the development standard provisions of the M district. Due to the multiple zoning districts which currently impact this property, Applicant commits by way of this statement to develop the parking lot under the M standards, rather than by listing each provision of each district from which the site may vary. Under that premise, only one development standard variance is being requested in this application. The proposed development, as illustrated on the submitted site plan, is compliant with the standards set forth for the M district. However, Applicant requests the following two variances:

- (1) Variance from C.C.C. §3342.11
(Off-Street Parking & Loading, Landscaping)
- (2) Variance from §3342.19 (Parking Space), to permit parking spaces to be 8.5-feet wide, instead of 9-feet wide.

Applicant requests approval of the proposed parking lot, as illustrated on the submitted site plan, without installation of landscape islands as provided for in §3342.11, and with a slight reduction in the width of the spaces. These requests are made to maximize available parking, due to the nature of the high-volume parking generated from airport business as well as their need to relocate employee parking due to the loss of their existing employee parking lot. This request is consistent with existing parking lots utilized by the airport. Substantial interior lighting will be provided throughout the parking lot.

For the reasons stated above, Applicant finds itself with a practical difficulty in development of this property as currently zoned, which will be obviated by the future rezoning from R-1, M-1, and M-2 to L-M. However, due to the processes which must be sought to vacate undeveloped platted roadways and to annex adjacent property which will be a part of the development and which is currently situated outside of the City's corporation line, this council variance will obviate the practical difficulty until such time as the properties can be properly joined together and rezoned at one time.

The granting of this request will not adversely impact surrounding property owners in any way, nor will it impact the delivery of governmental services. The portion of the subject 128-acre parcel which will be developed through this request is bound on all sides by public roadways and not immediately adjacent to any residential or other less intense development. The property is, however, adjacent to the Columbus Municipal Airport and the proposed use is appropriate for that reason.

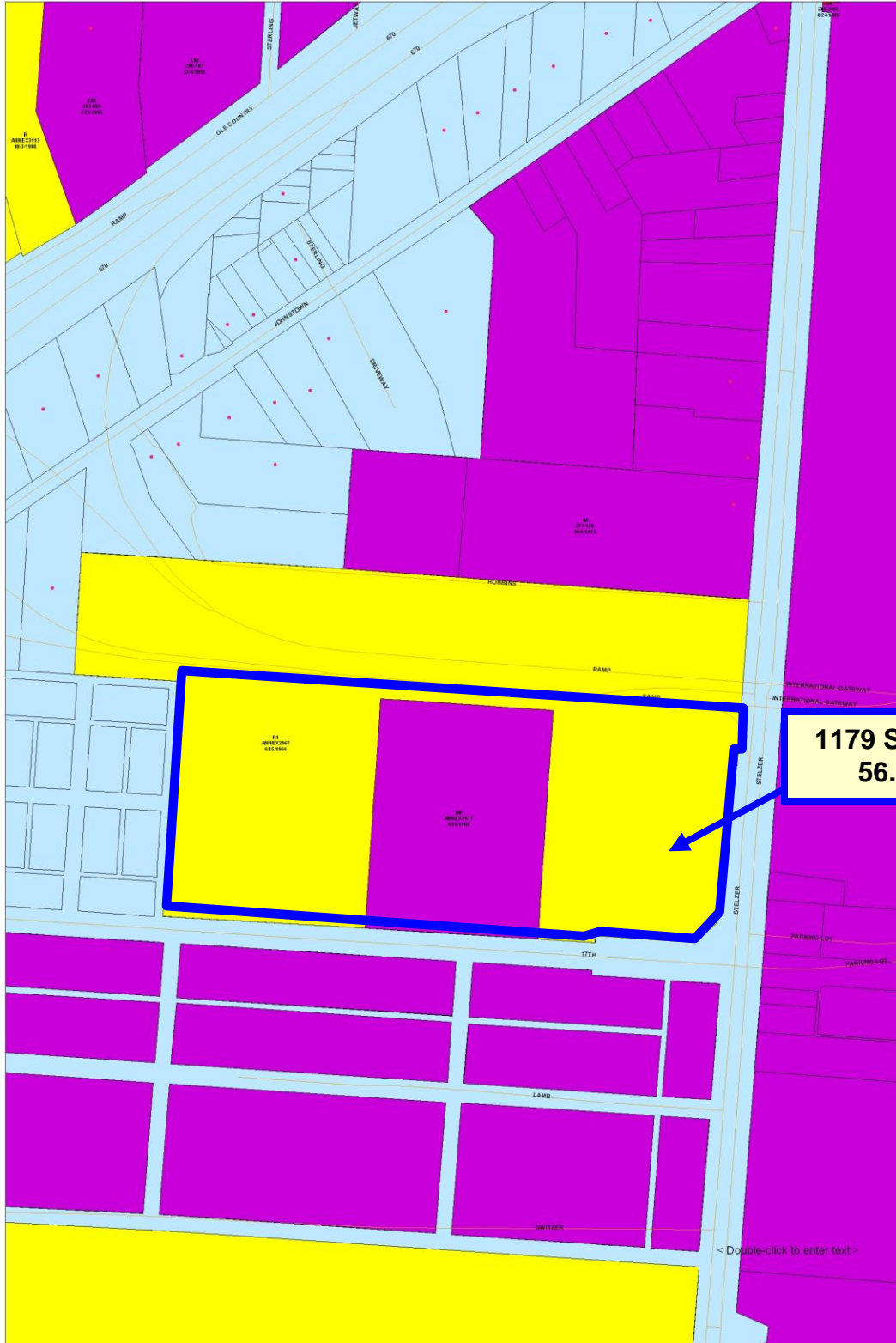
For the reasons stated above, Applicant request variances from the permitted uses of the R-1, M-1, and M-2 Districts, to allow for construction of a parking lot on the subject property, as well as variances from the interior parking lot landscaping provisions of §3342.11, and the parking space width provision of §3349.19.

Respectfully submitted,

Michael T. Shannon, Esq.
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56.5± acres

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May 9, 2007

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Via e-mail and regular U.S. Mail

Vincent Papsidero, Administrator
City of Columbus, Division of Planning
109 North Front Street
Columbus, Ohio 43215

Re: CV07-014 (1179 Stelzer Rd.)

Dear Administrator: *Vince*

Thanks for taking the time to discuss the Port Authority's pending council variance for their parking lot at Seventeenth Avenue and Stelzer Road. As John and I explained in our conference call, the council variance was needed to fast-track the approvals necessary to facilitate the Airport's relocation of their employee parking lot due to ODOT's I-670 improvements, and to accommodate the parking needs of SkyBus.

As we explained, the council variance is already conditioned on a companion rezoning application which will be filed when 9 acres contiguous and west of this tract are annexed from Mifflin Township into Columbus, within the next 60 days. That rezoning will contain the acreage that is the subject of this council variance, as well as the 9 acres from Mifflin Township.

It is the Port Authority's strong desire to address any landscaping concerns in the limitation text of the companion rezoning application.

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As we further explained, the Airport went to great lengths to obtain the necessary regulatory approvals to clear-cut all trees on these parcels from the Ohio Dept. of Natural Resources, in consideration of the guidelines for same as they relate to the infamous "Indiana Bat". Removal of the prior existing trees was necessary due to the Airport's safety guidelines which discourage trees or shrubbery in such close proximity to their runways.

John and I pledge to you and your staff that we will work with the Port Authority during the rezoning process and make a good-faith effort to address your concerns at that time.

Thanks again for your time. If your staff could convey your contingent approval of the council variance to Dana Hitt directly, it will facilitate final ordinance preparation.

Very truly yours,
CRABBE, BROWN & JAMES, LLP



Michael T. Shannon, Esq.

MTS:rm

cc: John P. Kennedy, Esq.
Mark Dravillas
Dana Hitt



PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV07-014

Being first duly cautioned and sworn (NAME) Michael T. Shannon, Esq.
of (COMPLETE ADDRESS) 500 S. Front St., Suite 1200, Columbus, Ohio 43215

deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following formats

- Name of business or individual
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

Columbus Regional Airport Authority 4600 International Gateway Columbus, Ohio 43219 Contact: Michael T. Shannon, Esq. (614) 229-4506	

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Michael T. Shannon

Subscribed to me in my presence and before me this 27th day of February, in the year 2007

SIGNATURE OF NOTARY PUBLIC

Rita J. Martin

My Commission Expires:

My Project Disclosure Statement expires six months after date of notarization.



RITA J. MARTIN
Notary Public, State of Ohio
My Commission Expires 11-02-10 **Page 10 — Rezoning Packet**