

STATEMENT IN SUPPORT

Application No.: CV23-006

Location: 3573 Agler Road

Existing District: L-M

Proposed District: L-M

Proposal: To develop site for warehouse, distribution, and office use.

Applicant(s): Schottenstein Property Group c/o Keith Massa

Attorney/Agent: David Hodge, Underhill and Hodge

Property Owner(s): Niam Stelzer Road LLC, Trustees Agler Rd. Parcel #2 LLC, and Trustees Agler Rd. Parcel #3 LLC

Date of Text: January 23, 2023

Applicant submits this statement in support of its companion council variance application. Applicant requested to rezone the site located at 3573 Agler Road from L-M to L-M to permit the development of two buildings which will provide approximately 239,400 square feet of warehouse, distribution, and office uses. This application is submitted to request a number of companion area variances which are technical in nature.

This proposal reduces the intensity of a project recently approved by Ord. 1342-2022 (Z21-087) which rezoned the site from AR-12, Apartment Residential, SR, Suburban Residential, R-1, Residential, and R, Rural districts to the L-M, Limited Manufacturing district. This project proposes approximately 46,180 less square footage than previously approved, one less building, elimination of access to Stelzer Road, less building coverage, and more greenspace.

The 28.38 +/- acre property is located on the south side of Agler Road and approximately 900 feet west of Stelzer Road. North of the site are single-unit dwellings in the PUD-8, Planned Unit Development District, an apartment complex in the AR-1, Apartment Residential District, and a gas utility building in the L-C-4, Limited Commercial District. To the east are single unit dwellings and a church in the Rural District in Mifflin Township. To the east across Stelzer Road are undeveloped platted lots in the Urban Residential District in Mifflin Township. To the west and south is office/warehouse development in the L-M, Limited Manufacturing District, and undeveloped land recently zoned to the L-M, Limited Manufacturing District.

The site is situated within the boundary of the Northeast Area Commission. The site is subject to the I-670 Graphics Control overlay and is located within the boundaries of the Port Columbus Joint Economic Development Strategy (2008), which recommends "Office" land uses for this location. The site is also located within the boundaries of the Northeast Area Plan (2007), which recommends "Office-Light Industrial" land uses for this location.

This site is comprised of four parcels with three different tax districts resulting from the parcels being incorporated into Columbus at different times. Parcels with different tax districts cannot be combined and this leaves parcel lines running through the site. A number of technical variances are necessary to accommodate the inability to combine the site into a single parcel.

Applicant requests the following companion area council variances:

1. Section 3312.25 – Maneuvering. This section requires every parking and loading space to have sufficient access and maneuvering area. The Applicant requests a variance to allow parking and loading spaces to have maneuvering area across parcel lines. This is a technical variance because parcels with different tax districts cannot be combined into a single parcel.

2. Section 3312.29 – Parking space. This section requires a parking space to be a rectangular area of not less than 9 feet by 18 feet, exclusive of any driveway or other circulation area. The applicant requests a variance to reduce the size of parking spaces which are divided by parcel lines. This is a technical variance because parcels with different tax districts cannot be combined into a single parcel.

3. Section 3312.49 – Minimum number of parking spaces required. The Applicant requests a variance to waive the requirement for minimum number of parking spaces for individual parcels, with the minimum number of required parking spaces provided on the entire site. This is a technical variance because parcels with different tax districts cannot be combined into a single parcel.

4. 3312.51 – Loading space. The Applicant requests a variance to waive the requirement for minimum number of loading spaces for individual parcels, with the minimum number of required parking spaces provided on the entire site. This is a technical variance because parcels with different tax districts cannot be combined into a single parcel.

5. Section – 3312.03(D), Administrative requirements. This section requires parking spaces to be provided on the same lot as the use they are intended to serve. The Applicant requests a variance to permit compliant parking that may be divided by parcel lines, resulting in required parking that may not be on the same lot as the building(s) which they will serve. This is a technical variance because parcels with different tax districts cannot be combined into a single parcel.

The Applicant submits that the requested area variances are warranted to alleviate a practical difficulty. The irregular shape and size of the property are conditions which cause a practical difficulty in carrying out the underlying zoning district provisions and warrant granting of the requested area variances.

The requested variances are strictly technical variances. This site is made of several parcels that have been annexed at different times and now have different tax districts. Parcels with different tax districts cannot be combined. As a result, there are parcel lines which divide parking and loading spaces and this causes the Applicant a practical difficulty. These variances are only necessary because the site's parcels cannot be combined into a single parcel.

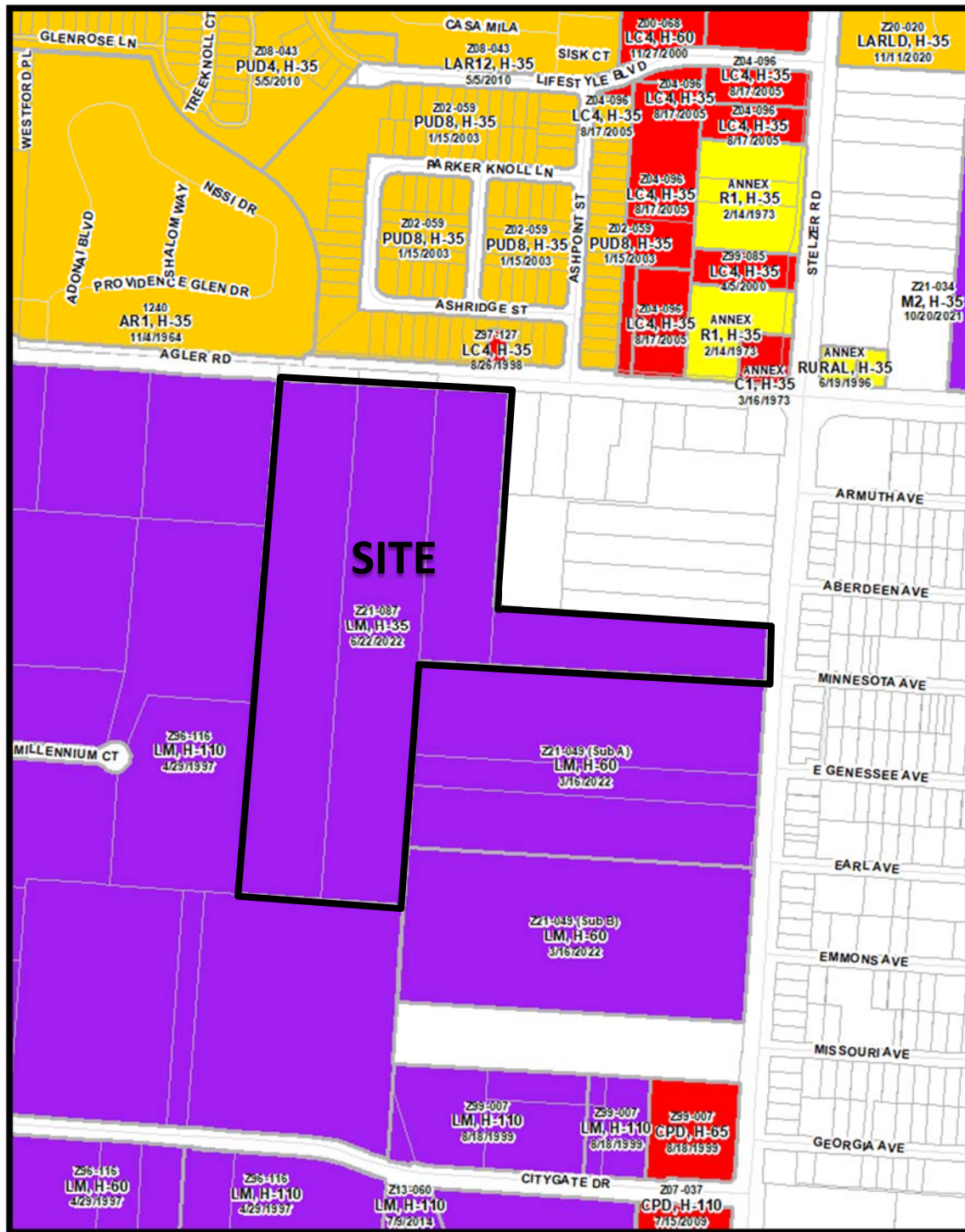
These technical variances are necessary to allow safe, efficient, and effective, internal circuitry and parking. These variances only concern the site's internal circuitry and parking and will not cause adjacent properties any detriment. This parking predicament cannot be addressed other than the requested variances because the parcels cannot be combined.

Applicant submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances. The Applicant respectfully requests that the Columbus City Council weigh these factors in its consideration and find that this Applicant suffers from a practical difficulty. The variances will not adversely affect the delivery of governmental services. Further, the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances.

Respectfully submitted,

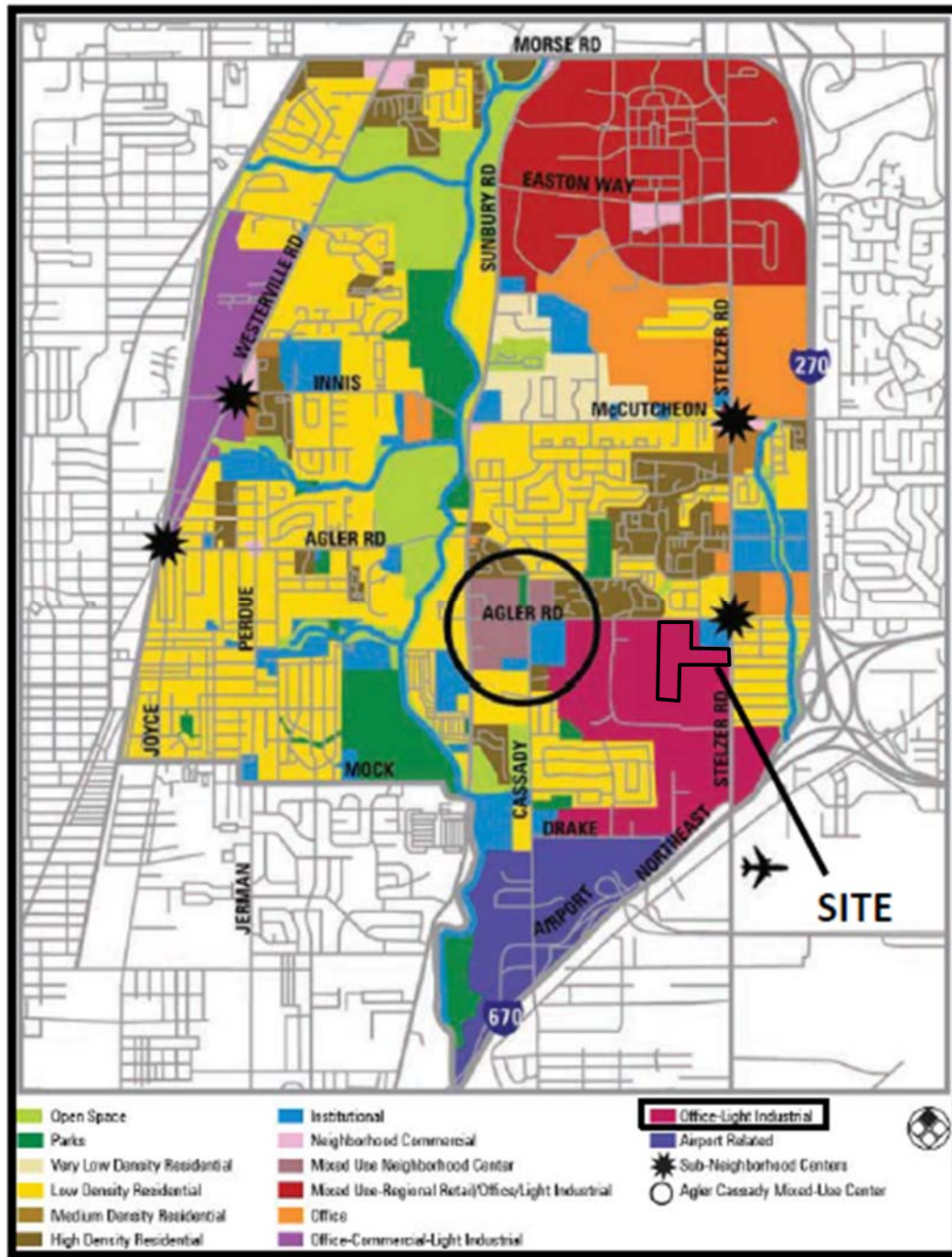


David Hodge



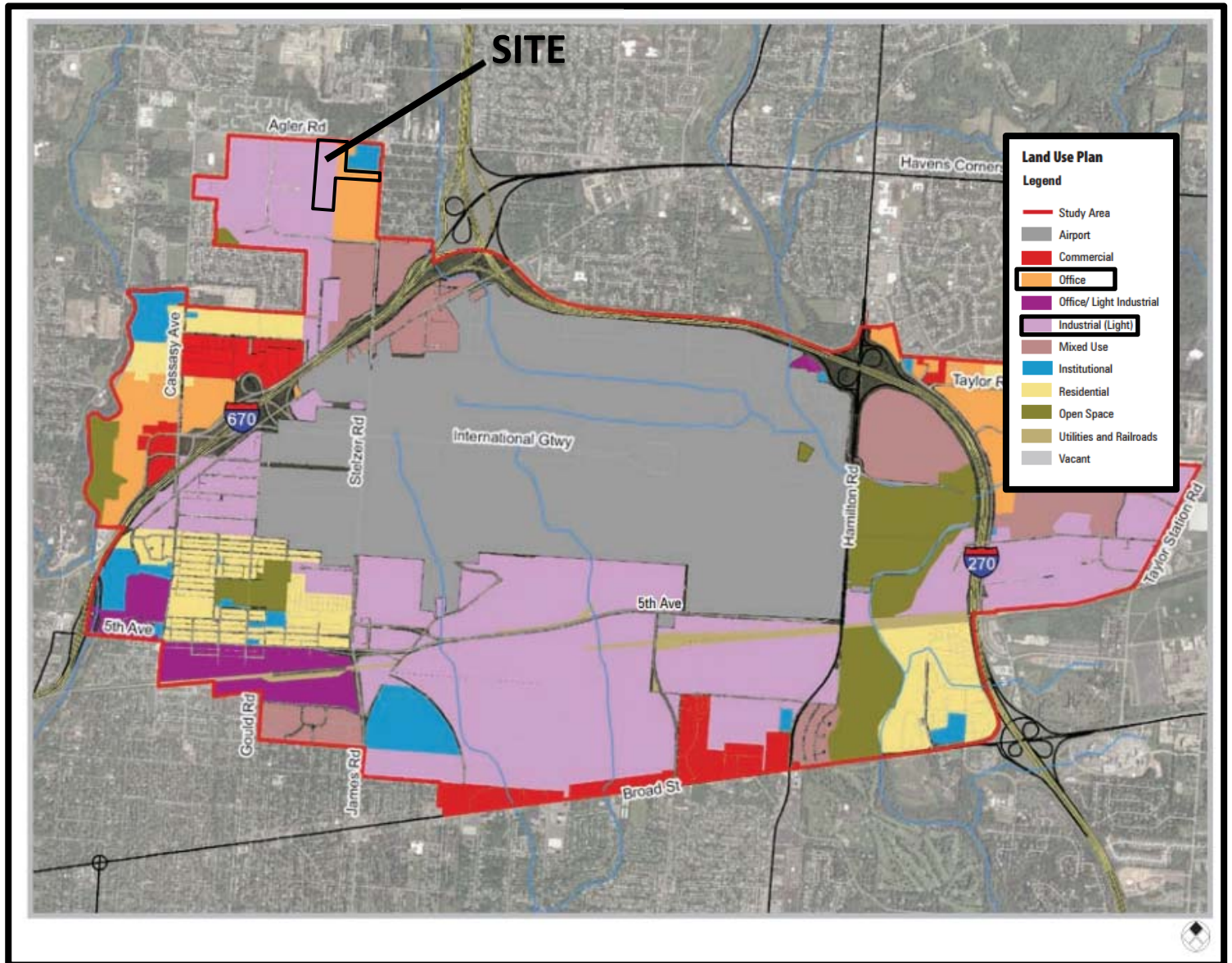
CV23-006
3573 Agler Rd.
Approximately 28.38 acres

Northeast Area Plan (2007)



CV23-006
3573 Agler Rd.
Approximately 28.38 acres

Port Columbus Joint Economic Development Strategy (2008)



CV23-006
3573 Agler Rd.
Approximately 28.38 acres



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DEPARTMENT OF BUILDING
AND ZONING SERVICES

Standardized Recommendation Form

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number Z23-003 & CV23-006

Address 3573 AGLER RD.

Group Name NORTHEAST AREA COMMISSION

Meeting Date April 6, 2023

Specify Case Type

☐ BZA Variance / Special Permit

☒ Council Variance

☒ Rezoning

☐ Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

☒ Approval

☐ Disapproval

LIST BASIS FOR RECOMMENDATION:

Applicant requesting rezoning and variance to develop site for warehouse, distribution, and office use. Requests technical variance to accommodate inability to combine parcels with different tax districts post-annexation.

The Northeast Area commission approves and submits that zoning requirements have been observed and granting the requested rezoning and variances will not adversely affect neighborhood services. Applicant has agreed upon request to alter limitation text to not include marijuana dispensaries.

Vote 9 yes, 0 no

Signature of Authorized Representative *Chenae Moore, Commissioner*

Recommending Group Title Northeast Area Commission

Daytime Phone Number 614-519-2195

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

Council Variance Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV23-006

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

Being first duly cautioned and sworn (NAME) Eric Zartman

of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio

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 format:

Name of Business or individual (including contact name and number)

Business or individual's address; City, State, Zip Code

Number of Columbus-based employees

(Limited to 3 lines per box)

1. Schottenstein Property Group 4300 East Fifth Avenue Columbus, Ohio 43219	2. NIAM Stelzer Road LLC 4300 East Fifth Avenue Columbus, OH 43219
3. Trustees Agler Rd. Parcel #2 LLC P.O. Box 24550 Columbus, OH 43224	4. Trustees Agler Rd. Parcel #3 LLC P.O. Box 24550 Columbus, OH 43224

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 24th day of January in the year 2023

SIGNATURE OF NOTARY PUBLIC [Signature]

My Commission Expires 1-11-2026

Notary Seal Here



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
01-11-2026

This Project Disclosure Statement expires six (6) months after date of notarization.