

CV08-020

Whirlpool Corporation
- Council Variance Application – 1900 London-Groveport Road
- June 20, 2008 -

STATEMENT OF HARDSHIP

This statement is submitted in conjunction with Applicant Whirlpool Corporation's rezoning application #Z08-027 for parcels totaling 191 acres and within the boundaries of its new Regional Distribution Center, located at 1900 London-Groveport Road. Applicant requests a variance in the setback requirements for structures in conjunction with a change in zoning for the entire site. There are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to the need to secure this site with a fence of an appropriate and effective height.

The subject property is located at 1900 London-Groveport Road. More than half of this parcel is currently zoned for Limited Manufacturing and will house the Whirlpool Corporation's new Regional Distribution Center ("RDC") in close proximity to Rickenbacker International Airport. The remaining two parcels will be zoned Limited Manufacturing upon passage of the zoning application associated with this variance. In addition to its substantial investment, Whirlpool Corporation expects to employ 300 individuals at the new RDC by 2012.

This setback variance is necessary as a fence of eight (8) feet is needed to properly secure the site and must be built within the site's existing setback. Currently, the Code only allows a fence to be built within the setback if it does not exceed six (6) feet in height. This variance is requested and needed expeditiously to ensure the timely issuance of necessary construction permits for security of the site prior to occupation of the RDC.

A proposed site plan for the Whirlpool RDC is being submitted along with this council variance application.

Variances Requested:

Applicant requests variances from the permitted setback requirements in conjunction with an application for a change in the zoning district of the subject property as follows:

- (1) Variance from C.C.C. Section 3363.23 – Building Lines - Definitions
- (2) Variance from C.C.C. Section 3363.24 – Building Lines in an M-Manufacturing District

Specifically, Applicant requests the variances from the Code sections listed above for the purpose of constructing an eight (8) foot security fence within the setback and on or behind the subject property line.

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This request is consistent with current development guidelines and limitations of the South Central Accord for industrial development in this area. The granting of this variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

For the reasons stated above, Applicant request the above-referenced variance from the allowed setback requirements in conjunction with an application for a change in the zoning district of the subject property to Limited Manufacturing use, for the construction, and development of Whirlpool Corporation's Regional Distribution Center.

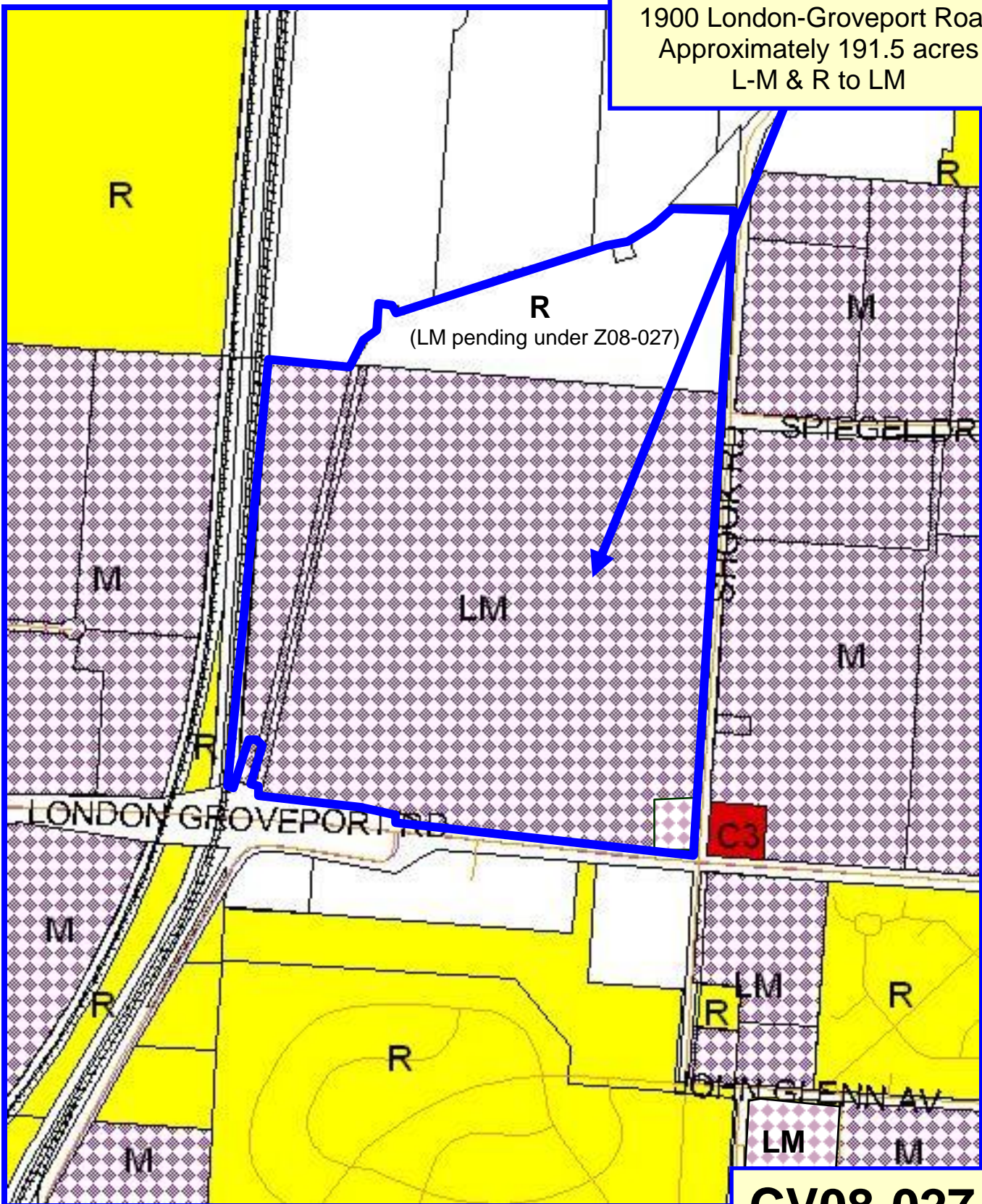
Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Slagle", followed by the text "(per authority)" in parentheses.

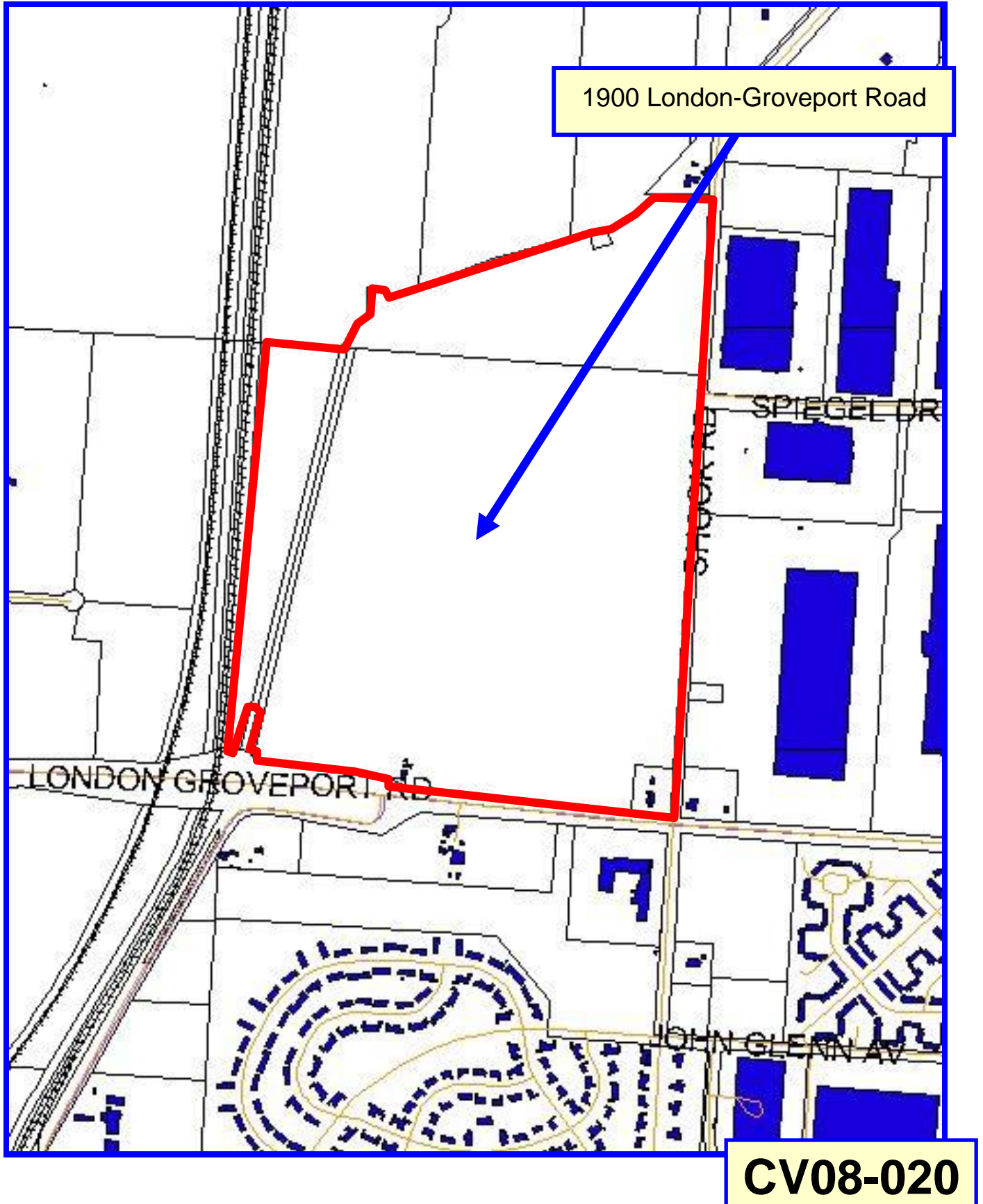
Christopher N. Slagle
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
Phone: 614.227.8826
Fax: 614.227.2390
E-mail: cslagle@bricker.com

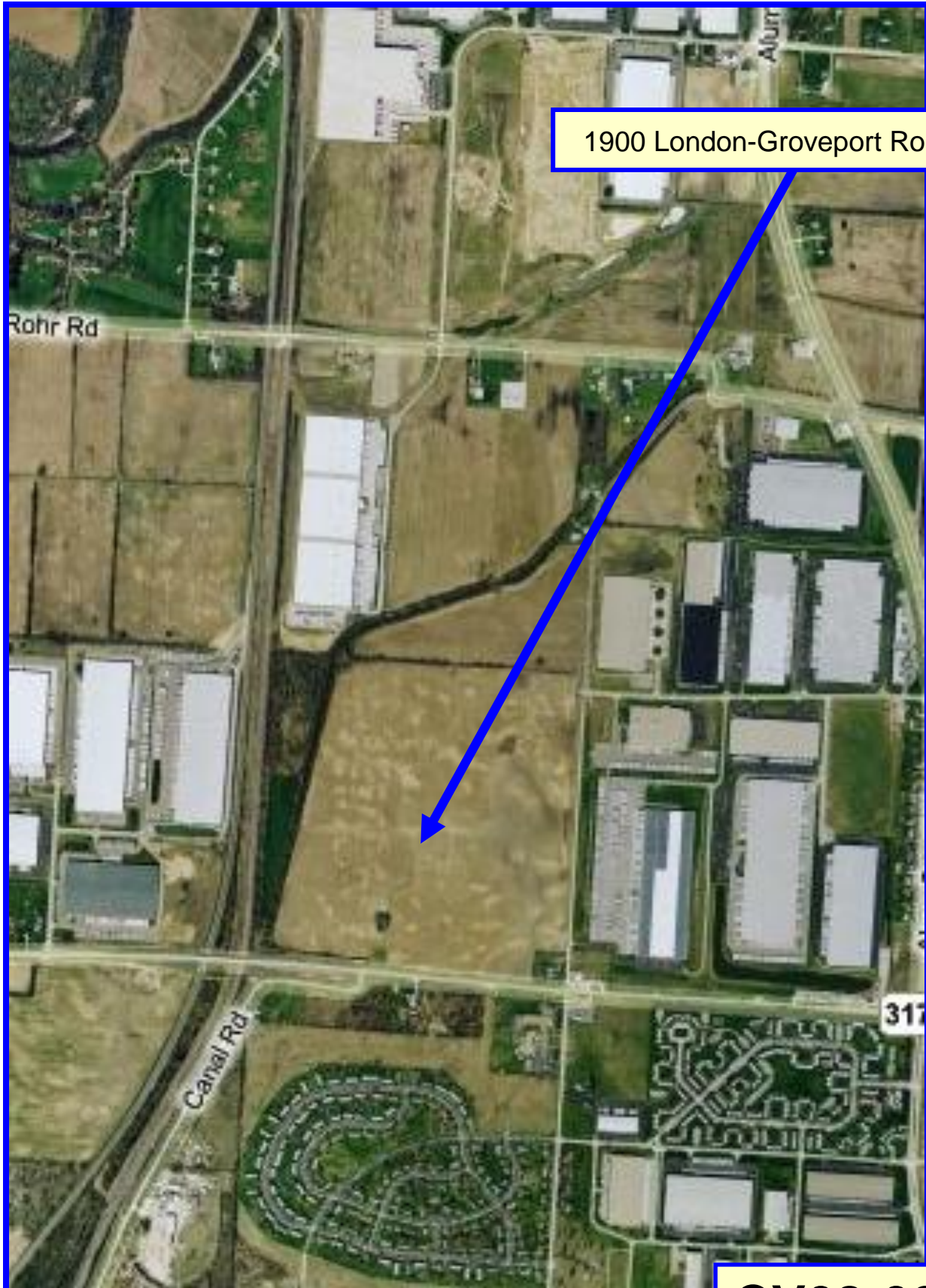
Counsel for Applicant, Whirlpool Corporation

1900 London-Groveport Road
Approximately 191.5 acres
L-M & R to LM

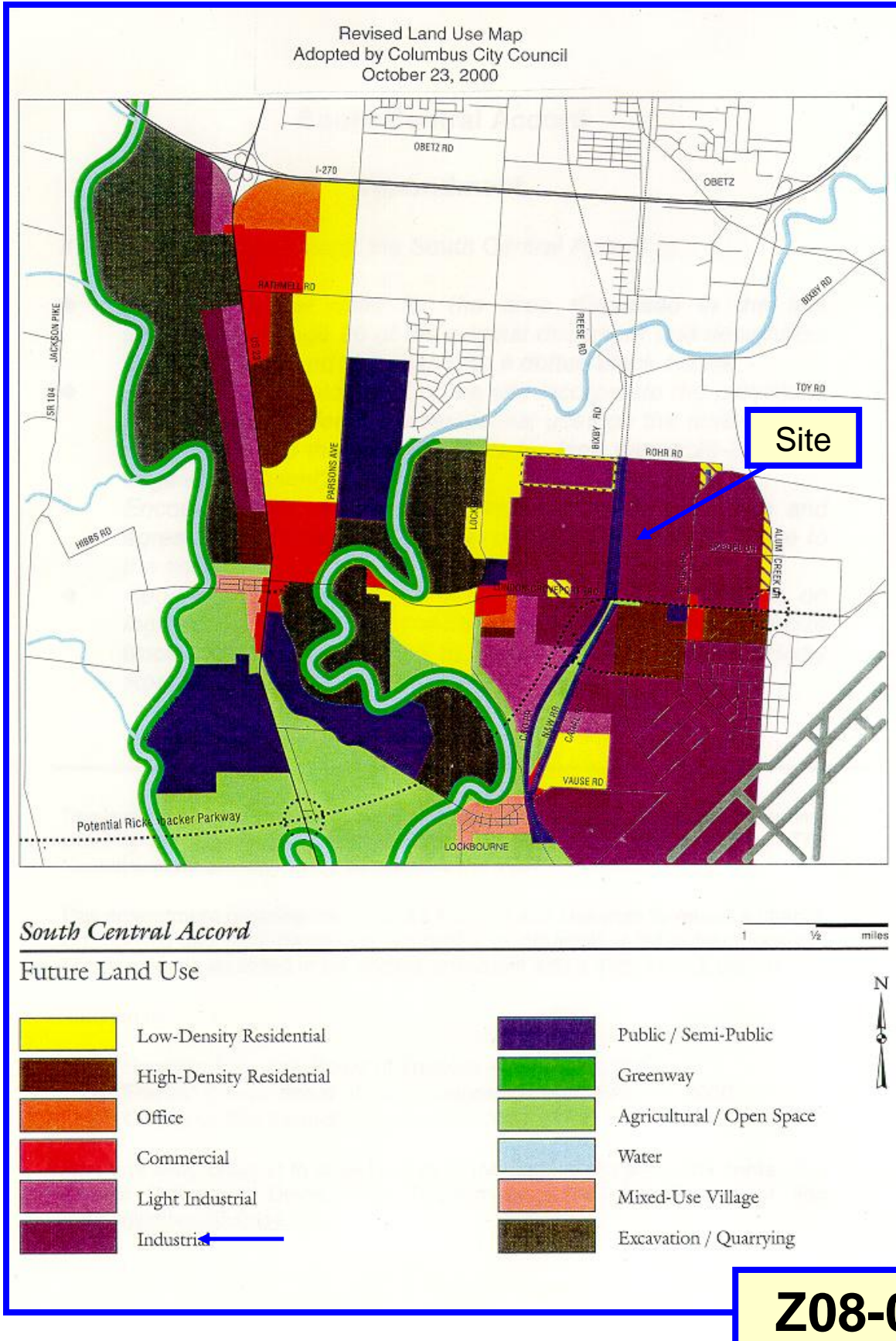


CV08-027





CV08-020





4072 South High Street Columbus, Ohio 43207

July 9, 2008

To Whom It May Concern:

Please be advised that the Scioto Southland Civic Association (SSCA) has approved the rezoning and accompanying variance of 1900 London-Groveport Road, Columbus, Ohio by a unanimous membership vote on July 8, 2008 with the conditions that proceed within this letter. Recommendation for conditional approval was reached after a meeting of involved parties, civic association board members, and the property owner and resident of the northern adjacent property to the Whirlpool Development.

Address of Variance: 1900 London-Groveport Road, Columbus, Ohio

Applicant: Whirlpool Corporation

Property Owner: Pizzuti Land LLC

Proposed Zoning District: Limited Manufacturing

Approval Conditions are as follows:

- 1) **Buffering, Landscaping, Open Space, and / or Screening Commitments:** Buffering and landscaping shall be per the limitations set forth below:
 - a) Buffering and landscaping along the parcel's eastern boundary (Shook Road) and southern boundary (London-Groveport Road) will provide limited vegetative buffering and landscaping screening. Developer agrees to plant deciduous and non-deciduous trees at regular, evenly-spaced intervals. Single deciduous trees shall be placed at evenly spaced intervals of one (1) every fifty (50) feet. Evergreen trees shall be clustered every one-hundred (100) feet, planted ten (10) feet on center. Non-deciduous trees shall be a minimum of five (5) feet tall at installation. Deciduous trees shall be a minimum of two (2) inch caliper at installation.
 - b) Deciduous trees should be limited to Maples, Elms, Honeylocust, Tilia, London Plane, and/or Ginkgoes.
 - c) A mounded and planted buffer will be provided on the subject site along the northern edge of the property bordering 6173 Shook Road (currently designated as parcel 150-002640). This area is more specifically depicted by Exhibit A and is comprised of the area between the northern entrance road to the site and the current residential parcel to the north. The mound and plantings are intended to serve as a visual screen and sound buffer for the existing residence.

The buffer will extend from the former canal bed at the southwestern corner of 6173 Shook Road to the right-of-way line excluding any required vision clearance

area. The width of the buffer as depicted varies from approximately fifty (50) feet to one-hundred (100) feet. The buffer area will include the following:

- i. Following the execution of an easement between Developer and the northern adjacent residential property owner providing Developer with approximately a twelve (12) foot wide access easement onto property owner's land, a continuous mound, approximately eight (8) feet in height, will be installed concurrent with development of the property to assist in buffering and shielding the northern adjacent residential property owner from the development site. The mound will be designed and graded so that water will not be trapped between the mound and the residential property.

If an easement is not granted as described above, a three (3) to four (4) foot continuous mound is to be installed concurrent with development of the property. The face of the mound shall not be located closer than fifteen (15) feet to the residential property line. The mound will be designed and graded so that water will not be trapped between the mound and the residential property.

- ii. The area between the top of the mound and the northern adjacent residential property shall be landscaped with evergreen trees – the variety of which shall be Norway Spruce and shall be approximately six (6) feet in height when planted. Six evergreen trees, of five (5) feet to eight (8) feet in height, and six (6) additional evergreen trees, of three (3) feet to five (5) feet in height, shall be planted per one-hundred (100) lineal feet of mound along the total length of the mound. Trees should not be planted in rows.

If an easement is not granted as described above, the area between the top of the mound and the residential property shall be landscaped with evergreen trees. Six (6) evergreen trees, of five (5) to eight (8) feet in height, and six (6) additional evergreen trees, of three (3) to five (5) feet in height, shall be planted per one-hundred (100) lineal feet of mound. Trees should not be planted in rows.

- iii. A combination of evergreen and deciduous shrubs at a rate of two per evergreen tree.
- iv. Additional evergreen trees permitted for development shall be limited to a mix of six species: White Fir, Norway Spruce, Black Hills Spruce, Douglas Fir, White Spruce, and Colorado Green Spruce.
- v. No deciduous trees shall be planted between the top of the mound and the residential area.
- vi. The entire mound shall be seeded.
- vii. Additional mounding, buffering, and landscaping included herein between the northern access road to subject site and northern adjacent

residential property owner shall continue for so long as said residential property is zoned for residential use.

- d) An additional buffer shall be located along the southern side of the main access road. Continuous mounding, buffering, and landscaping shall assist in serving to screen the northern adjacent residential property owner from the development site.
 - a. A four (4) to six (6) foot continuous mound is to be installed at the north east portion of the subject site on the southern side of the main access road
 - b. Trees included along said buffer shall be deciduous and a minimum of two (2) inch caliper at installation. Deciduous trees will be planted along the entire mound at even intervals, twenty-five (25) feet on center. Deciduous trees should be limited to Maples, Elms, Honeylocust, Linden, London Plane, and/or Ginkgoes.
 - c. Additional landscaping may be added by Developer as needed to enhance the aesthetic and screening quality of said buffer.
 - e) All trees and landscaping shall be reasonably maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.
- 2) **Graphics Commitments:** All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the M, Manufacturing District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration. Otherwise, graphics commitments shall be per the limitations set forth below.
- a) Developer agrees that the main entrance sign to said development will be located at the south side of the main access road with Shook Road in a location where practicable and in context with existing easements and right-of-way. No graphics or entrances signs will be placed at the northern side of the main access road with Shook Road for so long as the northern adjacent residential property is zoned for residential use.

If you have any questions, please feel free to contact me at 614-491-3270 or via email, mhardgrow@gmail.com.

Respectfully,

Mindi Hardgrow
SSCA President

City of Columbus | Department of Development | Building Services Division | 757 Gady Avenue Columbus, Ohio 43224

**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 # CV08-020

Being first duly cautioned and sworn (NAME) Christopher N. Slagle
of (COMPLETE ADDRESS) Bricker & Eckler LLP, 100 South Third St., Columbus, OH 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 of individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

Pizztui Land LLC 2 Miranova Place, Ste. 800 Columbus, OH 43215 50 Columbus-based employees Scott West - 614.280.4079	Whirlpool Corporation 200 North M-63 Benton Harbor, MI 49022 300 Columbus-based Employees (est. 2012) Leslie Wendell - 269.923.5361

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 20 day
of June, in the year 2008

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

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



SAMANTHA L. WILLIAMS
Notary Public, State of Ohio
My Commission Expires May 12, 2013