



Legislation Details (With Text)

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On agenda: 7/31/2023 **Final action:** 8/2/2023

Title: To grant a Variance from the provisions of Sections 3311.28(b), More objectionable uses; 3312.27(2), Parking setback line; 3312.43, Required surface for parking; 3321.01, Dumpster area; 3363.24, Building lines in an M-manufacturing district; and 3363.41(a), Storage; for the property located at 5200 WINCHESTER PIKE (43110), to permit reduced development standards for manufacturing uses in the L-M, Limited Manufacturing District (Council Variance #CV23-010).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2216-2023_Attachments, 2. ORD2216-2023_Labels

Date	Ver.	Action By	Action	Result
8/2/2023	1	ACTING CITY CLERK	Attest	
8/2/2023	1	MAYOR	Signed	
7/31/2023	1	COUNCIL PRESIDENT	Signed	
7/31/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
7/31/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/31/2023	1	Zoning Committee	Approved	Pass
7/24/2023	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV23-010

APPLICANT: Strait Real Estate & Arnold Lumber Investments II LLC; c/o Thomas Hart, Atty.; 5029 Cemetery Road; Hilliard, OH 43206.

PROPOSED USE: Manufacturing and lumber yard.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2215-2023; Z23-004) to the L-M, Limited Manufacturing District to permit manufacturing uses. The requested variance will permit the expansion of an existing manufacturing lumber yard and will legitimize reductions in distance separation between residential and more objectionable manufacturing uses, and includes standard variances for required parking surface, parking setbacks, dumpster area, building setback lines, and storage area. The request is consistent with other approved variances that have been supported for legitimizing existing manufacturing developments. Additional landscaping and buffering, and traffic access and improvement commitments are included with the rezoning ordinance, and therefore staff is supportive of the requested variances.

To grant a Variance from the provisions of Sections 3311.28(b), More objectionable uses; 3312.27(2), Parking setback line; 3312.43, Required surface for parking; 3321.01, Dumpster area; 3363.24, Building lines in an M-manufacturing district; and 3363.41(a), Storage; for the property located at **5200 WINCHESTER PIKE (43110)**, to permit reduced development standards for manufacturing uses in the L-M, Limited Manufacturing District (Council Variance #CV23-010).

WHEREAS, by application #CV23-010, the owner of property at **5200 WINCHESTER PIKE (43110)**, requests a Council variance to permit reduced development standards for manufacturing uses in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3311.28(b), More objectionable uses, requires a minimum 600 foot setback from residential districts for more objectionable uses, while the applicant proposes to maintain reduced setbacks as shown on the site plan from residential districts for a lumber yard use, which is considered to be a more objectionable use; and

WHEREAS, 3312.27(2), Parking setback line, requires a parking setback line of 25 feet from the street right-of-way, while the applicant proposes a parking setback of zero feet from Winchester Pike for the existing parking area in Subarea A; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking or loading space, parking lot, aisle, or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes to maintain parking spaces, maneuvering and drive aisles with unimproved surfaces for Subarea A, noting that Subarea B will meet the requirements of this Section; and

WHEREAS, 3321.01(A), Dumpster area, requires that a dumpster be screened on all sides, while the applicant proposes no dumpster screening for Subarea A, and no screening for the lumber recycling dumpster for Subarea B; and

WHEREAS, 3363.24, Building lines in an M-manufacturing district, requires a building setback line of 60 feet, while the applicant to maintain a reduced building setback of 7.32 feet from Winchester Pike frontage for the existing building in Subarea A; and

WHEREAS, Section 3363.41(a), Storage, requires the open storage of materials to be located at a minimum of 100 feet from any residential or apartment residential district, while the applicant proposes to maintain an outside storage area within 25 feet of residential districts in Subarea A, as shown on the submitted site plan; and

WHEREAS, the Greater South East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances are similar to previously supported requests, and additional landscaping and screening, traffic access and improvements are included with the rezoning ordinance; and

WHEREAS, this 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 **5200 WINCHESTER PIKE (43110)**, 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 3311.28(b), More objectionable uses; 3312.27(2), Parking setback line; 3312.43, Required surface for parking; 3321.01, Dumpster area; 3363.24, Building lines in an M-manufacturing district; and 3363.41(a), Storage, of the Columbus City Codes, is hereby granted for the property located at **5200 WINCHESTER PIKE (43110)**, insofar as said sections prohibit the minimum separation of more objectionable uses from a residential district from 600 feet to what is reflected on the site plan; a reduced parking setback from 25 feet to zero feet in Subarea A for the existing parking area along Winchester Pike; unimproved surface for parking and maneuvering in Subarea A; no dumpster screening in Subarea A nor for the lumber recycling dumpster in Subarea B; reduced building setback lines from 60 feet to 7.32 feet in Subarea A; and reduced open storage setback along a residential district from 100 feet to 25 feet in Subarea A; said property being more particularly described as follows:

5200 WINCHESTER PIKE (43110), being 27.56± acres located on the north side of Winchester Pike, 1,650± feet east of Shannon Road, and being more particularly described as follows:

Parcel 1 (Subarea A):

Situated in the State of Ohio, County of Franklin, Township of Madison, lying in Section 10, Township 11, Range 21, and being a 15.759 acre tract conveyed to Strait Real Estate LLC 1 LTD by Instrument Number 199705230006729, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at a Franklin County Monument #9946 at the southeast corner of said Section 10, southwest corner of Section 11, northwest corner of Section 14, and the northeast corner of Section 15, and the southwesterly corner of a 11.904 acre tract as conveyed to Arnold Estate Investments II LLC by Instrument Number 202110270195617;

Thence northerly along the east line of section 10, the west line of Section 11, and a 40.76 acre tract as conveyed to Ohio Lamb Farm LLC., in Instrument Number 201509170131006, **North 4°20'08" West, 722.51 feet**, to a point being the northeasterly corner of said 11.904 acre tract, and being the **Point of Beginning** for the herein described 15.900 acre tract;

Thence along the northerly line of said 11.904 acre tract, **North 84°45'24" West, 746.10 feet** to a Pipe Found, being a northeasterly corner of a 0.815 acre tract as conveyed to Stephen M. Forquer and Amy J. Forquer by Official Record 11460, Page F19;

Thence along the northerly line of said 0.815 acre tract, **North 84°45'38" West, 219.94 feet** to a point, being the northwesterly corner of a 1.469 acre tract as conveyed to Stephen M. Forquer and Amy J. Forquer by Official Record 11460, Page F19;

Thence along the westerly line of said 1.469 acre tract, **South 4°09'07" West, 403.06 feet** to a point in the southerly right-of-way of Winchester Pike;

Thence along the southerly right-of-way of said Winchester Pike, **North 47°29'41" West, 255.66 feet** to a point;

Thence **North 4°18'31" East, 744.60 feet** to an Iron Pipe Found, being the southwesterly corner of a 25.588 acre tract as conveyed to Trailway Resources LLC in Instrument Number 201909120118306;

Thence along the southerly line of said 25.588 acre tract the following two (2) courses:

South 84°55'52" East, 349.58 feet to an Iron Pipe Found;

Thence **North 87°05'14" East, 822.99 feet** to an Iron Pipe Found, being the northwesterly corner of said 40.76 acre tract;

Thence along the westerly line of said 40.76 acre tract, **South 4°20'08" West, 614.18 feet** to the **POINT OF BEGINNING**. Containing **15.900 acres**, more or less, and being subject to all easements, restrictions, and rights-of-way of record.

The bearings in the above description were based on the bearings of N 85°04'48" W, for the southerly line of Section 11 as shown of record in O.R. 20944 A15.

Subject to all valid and existing easements, restrictions and conditions of record.

Address: 5200 Winchester Pike, Columbus, OH 43110
PIN: 535-307599

Parcel 2 (Subarea B):

Situated in the State of Ohio, County of Franklin, Township of Madison, lying in Section 10, Township 11, Range 21, and being a 11.904 acre tract as conveyed to Arnold Estate Investments II LLC by Instrument Number 202110270195617, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at a Franklin County Monument #9946 at the southeast corner of said Section 10, southwest corner of Section 11, northwest corner of Section 14, and the northeast corner of Section 15;

Thence along the southerly line of Section 10, **North 86°08'49" West, 437.03 feet** to an Iron Pipe Found, being a point in the northerly right-of-way line of Winchester Pike as conveyed to Franklin County Commissioners in Instrument Number 202112210230334;

Thence along the northerly right-of-way line of said Winchester Pike, **North 47°29'41" West, 392.72 feet** to a Pipe Found, being the southeasterly corner of a 0.815 acre tract as conveyed to Stephen M. Forquer and Amy J. Forquer by Official Record 11460, Page F19;

Thence **North 4°18'29" East, 495.31 feet** to a Pipe Found, being the northeasterly corner of said 0.815 acre tract, also being a point in the southerly line of a 15.77 acre tract as conveyed to Strait Real Estate LLC 1 LTD by Instrument Number 199705230006729;

Thence along the southerly line of said 15.77 acre tract, **South 84°45'24" East, 746.10 feet** to a point, being a point in the easterly line of said Section 10 and the westerly line of said Section 11;

Thence along the easterly line of said Section 10, **South 4°20'08" West, 722.51 feet** to the **POINT OF BEGINNING**. Containing **11.657 acres**, more or less, and being subject to all easements, restrictions, and rights-of-way of record.

The bearings in the above description were based on the bearings of N 85°04'48" W, for the southerly line of Section 11 as shown of record in O.R. 20944 A15.

Subject to all valid and existing easements, restrictions and conditions of record.

Address: 5200 Winchester Pike, Columbus, OH 43110
PIN: 535-307599

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-M, Limited Manufacturing District as specified in Ordinance #2215-2023 (Z23-004).

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the plans titled "**SUBAREA A LAYOUT**," "**SUBAREA B LAYOUT**," and "**LANDSCAPE PLAN**," all dated July 13, 2023, signed by Thomas Hart, Attorney for the Applicant. The plans 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 subject to review and approval 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 on 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.