



## Legislation Details (With Text)

**File #:** 1037-2008      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/11/2008      **In control:** Zoning Committee

**On agenda:** 7/21/2008      **Final action:** 7/23/2008

**Title:** To grant a Variance from the provisions of Section 3369.02, Permitted uses, of the Columbus City Codes; for the property located at 355 FRANK ROAD (43207), to permit City impound lot, office, outside storage, and warehouse uses in the EQ, Excavation and Quarrying District (Council Variance # CV08-013).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1037-2008Attachments.pdf, 2. ORD1037-2008Labels.pdf, 3. ORD1037-2008DataSheet.pdf

Date	Ver.	Action By	Action	Result
7/23/2008	1	CITY CLERK	Attest	
7/22/2008	1	MAYOR	Signed	
7/21/2008	1	Zoning Committee	Approved	Pass
7/21/2008	1	Zoning Committee	Taken from the Table	Pass
7/21/2008	1	COUNCIL PRESIDENT	Signed	
7/14/2008	1	Zoning Committee	Tabled to Certain Date	Pass
7/7/2008	1	Columbus City Council	Read for the First Time	
6/27/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/20/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/19/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
6/19/2008	1	Dev Zoning Drafter	Sent for Approval	
6/16/2008	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV08-013**

**APPLICANT:** City of Columbus Department of Finance and Management; c/o Laura MacGregor Comek, Attorney; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** City impound lot, office, outside storage, and warehouse uses.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 281.76± acre site is currently operating as an active limestone quarry zoned in the EQ, Excavation and Quarrying District. The mining, excavating, and quarrying operations include ancillary manufacturing uses, including but not limited to outdoor storage and office and warehouse structures. The site was part of the 1956 annexation of Merion Village into the City of Columbus, and as a result of the annexation, the EQ District was also established in 1956. The applicant requests a Council variance to establish the City of Columbus Parking Violations Bureau offices and impound lot on the southern 53.6± acres of the site, and to allow office, warehouse or outside storage uses that are ancillary to the mining, excavating, and quarrying operation. In order to maintain adequate buffering, the owner has committed to execute a conservation easement for the *Kian Run* area to the east of the impound lot site, and along the *Scioto River*. The site is located within the

boundaries of *The Scioto Southland Plan* (2007), which recognizes the establishment of the impound lot on the southern portion of the site, and recommends park uses for the rest of the site once the quarrying operations become obsolete. The request is consistent with the land use recommendation of *The Scioto Southland Plan*, and approval of this request will not introduce an incompatible use to the area.

To grant a Variance from the provisions of Section 3369.02, Permitted uses, of the Columbus City Codes; for the property located at **355 FRANK ROAD (43207)**, to permit City impound lot, office, outside storage, and warehouse uses in the EQ, Excavation and Quarrying District (Council Variance # CV08-013).

**WHEREAS**, by application No. CV08-013, the owner of property at **355 FRANK ROAD (43207)**, is requesting a Council Variance to allow office, warehouse, and outside storage uses ancillary to a mining operation, and to establish the City of Columbus Parking Violations Bureau offices and impound lot on the southern 53.6± acres of the site in the EQ, Excavation and Quarrying District; and

**WHEREAS**, Section 3369.02, Permitted uses, prohibits impound lots, outside storage, offices and warehouses, while the applicant proposes office, warehouse and outside storage uses that are ancillary to a mining, excavating, and quarrying operation, and to establish the City of Columbus Parking Violations Bureau offices and impound lot on the southern 53.6± acres of the site; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will not introduce an incompatible use to the area. The requested variance will permit office, warehouse and outside storage uses that are ancillary to a mining, excavating, and quarrying operation, and will allow establishment of the City of Columbus Parking Violations Bureau offices and impound lot on the southern 53.6± acres of the site. The request is consistent with the land use recommendation of *The Scioto Southland Plan* (2007); and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 **355 FRANK ROAD (43207)**, 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 Section 3369.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **355 FRANK ROAD (43207)**, insofar as said section prohibits office, warehouse and outside storage uses that are ancillary to a mining, excavating, and quarrying operation, and to establish the City of Columbus Parking Violations Bureau offices and impound lot on the southern 53.6± acres of the site; said property being more particularly described as follows:

**355 FRANK ROAD (43207)**, being 281.76± acres located on the south side of Frank Road, 935± feet west of South High Street, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, LOCATED IN PART OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 4 NORTH, RANGE 22 WEST, CONGRESS LANDS AND BEING ALL OF THE GROUND CURRENTLY OWNED BY AMERICAN AGGREGATES, INC., BOUNDED ON THE NORTH BY FRANK ROAD (STATE ROUTE 104), ON THE EAST BY THE COLUMBUS AND OHIO FEEDER CANAL LANDS, AND THE SOUTH AND WEST BY THE SCIOTO RIVER, KNOWN AS LOTS 1, 2 AND 3 AND VACATED ROADS OF J. & E.J. FISHER'S SUB. AS SHOWN AND DELINEATED IN PLAT BOOK 2, PAGE 43, PART OF AN ORIGINAL 44 ACRE TRACT (D.B. 1061, PG. 17), AN ORIGINAL 27.017 ACRE TRACT (D.B. 1049, PG. 348), A 40 ACRE TRACT (D.B. 1081, PG. 163), AND A 36 ACRE TRACT (D.B. 1072, PG. 362), AND NOW BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND IN THE SOUTH LIMITED ACCESS RIGHT OF WAY LINE OF FRANK ROAD (STATE ROUTE 104) AS SHOWN ON FRA-104-8.04 HIGHWAY PLANS (ON FILE AT THE OHIO DEPARTMENT OF TRANSPORTATION, DIVISION 6, DELAWARE, OHIO) AT THE INTERSECTION OF SAID LINE WITH THE WEST LINE OF THE COLUMBUS AND OHIO FEEDER CANAL LANDS CURRENTLY OWNED BY THE STATE OF OHIO AND BEING

LEASED BY THE COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY (LEASE RECORD 83, PAGE 346) AS SHOWN ON SURVEY PLAT BY R.G. TREMBLY, ENGINEER FOR THE JENNINGS-LAWRENCE COMPANY, APPROVED ON MARCH 14, 1927, AND ON FILE IN THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS OF THE STATE OF OHIO, COLUMBUS, OHIO:

THENCE THE FOLLOWING 17 COURSES AND DISTANCES ALONG THE WEST LINE OF THE COLUMBUS AND OHIO FEEDER CANAL LANDS;

SOUTH 2° 25' 35" EAST 436.24 FEET TO AN IRON PIN FOUND;  
SOUTH 1° 44' 54" EAST 1558.10 FEET TO AN IRON PIN FOUND;  
SOUTH 4° 55' 30" WEST 170.21 FEET TO AN IRON PIN FOUND;  
SOUTH 6° 08' 35" WEST 96.96 FEET TO AN IRON PIN FOUND;  
SOUTH 12° 45' 22" WEST 97.95 FEET TO AN IRON PIN FOUND;  
SOUTH 18° 00' 16" WEST 97.75 FEET TO AN IRON PIN FOUND;  
SOUTH 21° 11' 31" WEST 98.71 FEET TO AN IRON PIN FOUND;  
SOUTH 29° 26' 29" WEST 586.13 FEET TO AN IRON PIN FOUND;  
SOUTH 33° 16' 15" WEST 501.37 FEET TO AN IRON PIN FOUND;  
SOUTH 22° 47' 40" WEST 205.54 FEET TO AN IRON PIN FOUND;  
SOUTH 9° 58' 43" WEST 311.94 FEET TO AN IRON PIN FOUND;  
SOUTH 5° 06' 51" WEST 185.70 FEET TO AN IRON PIN FOUND;  
SOUTH 1° 07' 43" EAST 231.49 FEET TO AN IRON PIN FOUND;  
SOUTH 0° 29' 45" WEST 83.42 FEET TO AN IRON PIN FOUND;  
SOUTH 14° 08' 49" EAST 156.29 FEET TO AN IRON PIN FOUND;  
SOUTH 22° 43' 33" EAST 230.94 FEET TO AN IRON PIN FOUND;  
SOUTH 35° 06' 56" EAST 135.00 FEET TO A POINT ON THE NORTH BANK OF THE SCIOTO RIVER;

THENCE THE FOLLOWING 16 COURSES AND DISTANCES ALONG THE NORTH AND EAST BANK OF THE SCIOTO RIVER;

SOUTH 78° 24' 59" WEST 477.32 FEET TO A POINT;  
NORTH 79° 58' 28" WEST 469.61 FEET TO A POINT;  
NORTH 77° 41' 04" WEST 433.28 FEET TO A POINT;  
NORTH 24° 21' 27" WEST 163.88 FEET TO A POINT;  
NORTH 26° 07' 19" WEST 395.89 FEET TO A POINT;  
NORTH 15° 29' 08" WEST 297.15 FEET TO A POINT;  
NORTH 19° 40' 03" WEST 739.85 FEET TO A POINT;

NORTH 1° 24' 53" WEST 443.17 FEET TO A POINT;

NORTH 19° 04' 16" WEST 206.85 FEET TO A POINT;

NORTH 15° 12' 22" WEST 596.72 FEET TO A POINT;

NORTH 5° 26' 40" WEST 299.93 FEET TO A POINT;

SOUTH 84° 59' 26" WEST 203.54 FEET TO A POINT;

NORTH 9° 13' 44" WEST 488.25 FEET TO A POINT;

NORTH 2° 34' 42" WEST 792.44 FEET TO A POINT;

NORTH 6° 27' 49" EAST 379.19 FEET TO A POINT;

NORTH 10° 48' 05" EAST 540.46 FEET TO A POINT IN SAID SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE OF FRANK ROAD (S.R. 104);

THENCE THE FOLLOWING 4 COURSES AND DISTANCES ALONG SAID SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE OF FRANK ROAD (S.R. 104);

SOUTH 86° 16' 16" EAST 1887.22 FEET TO AN IRON PIN FOUND;

SOUTH 5° 58' 58" WEST 88.91 FEET TO AN IRON PIN FOUND;

SOUTH 86° 17' 41" EAST 906.17 FEET TO AN IRON PIN FOUND;

SOUTH 89° 17' 10" EAST 131.68 FEET TO THE POINT OF BEGINNING, CONTAINING 281.755 ACRES.

BEARINGS BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83, NAVD 88) ESTABLISHED BY GPS SURVEY METHODS.

THE ABOVE DESCRIBED PROPERTY CONTAINS 281.755 ACRES (12,273,248 SQUARE FEET) MORE OR LESS, ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR MARTIN MARIETTA MATERIALS, INC. SURVEY AND DESCRIPTION PREPARED UNDER THE DIRECTION AND SUPERVISION OF ROGER E. SADDLER, REGISTERED SURVEYOR OF OHIO NO. 5856 IN NOVEMBER 1997, LAST REVISED JUNE 10, 1998 (JOB #97-1392-3) WHICH PLAT OF SURVEY IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS DESCRIPTION.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for office, warehouse or outside storage uses that are ancillary to a mining, excavating, and quarrying operation, the City of Columbus Parking Violations Bureau offices and impound lot, and/or those uses permitted in the EQ, Excavation and Quarrying District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the City of Columbus Parking Violations Bureau offices and impound lot.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.