



## Legislation Details (With Text)

**File #:** 3141-2021      **Version:** 1

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

**File created:** 11/18/2021      **In control:** Zoning Committee

**On agenda:** 12/6/2021      **Final action:** 12/8/2021

**Title:** To grant a Variance from the provisions of Section 3367.01, M-2 manufacturing district, of the Columbus City Codes; for the property located at 5210 TRABUE RD. (43228), to permit a truck rental business in the M-2, Manufacturing District (Council Variance # CV21-089).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3141-2021\_Attachments, 2. ORD3141-2021\_Labels

Date	Ver.	Action By	Action	Result
12/8/2021	1	CITY CLERK	Attest	
12/7/2021	1	MAYOR	Signed	
12/6/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
12/6/2021	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/6/2021	1	Zoning Committee	Approved	Pass
12/6/2021	1	COUNCIL PRESIDENT	Signed	

### Council Variance Application: CV21-089

**APPLICANT:** Trabue Walcutt LLC; c/o Laura MacGregor Comek, Atty.; 17 South High Street, Suite 700; Columbus, OH 43215.

**PROPOSED USE:** Truck rental business.

**FAR WEST SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel zoned in the M-2, Manufacturing District that is currently being developed with an office/warehouse building. The requested Council variance will permit a truck rental business, including maintenance and service of the vehicles to be rented, within a separate building on the site. The variance is necessary as this use is considered to be a C-4, Commercial District use which is not permitted in the M-2 district. The site is within the planning area of the *Trabue/Roberts Area Plan* (2011), which recommends "Employment Center" uses at this location, a classification that includes offices, technology park clusters, research and development, light industrial operations, and visitor service establishments, with retail only as a secondary use. Although the requested use has a commercial component, the nature of the business is such that it is supportive and complementary to the predominant pattern of light industrial uses in this area.

To grant a Variance from the provisions of Section 3367.01, M-2 manufacturing district, of the Columbus City Codes; for the property located at **5210 TRABUE RD. (43228)**, to permit a truck rental business in the M-2, Manufacturing District

(Council Variance # CV21-089).

**WHEREAS**, by application # CV18-039, the owner of property at **5210 TRABUE RD. (43228)**, is requesting a Council variance to permit a truck rental business in the M-2, Manufacturing District; and

**WHEREAS**, Section 3367.01, M-2 manufacturing district, does not permit commercial sales or leasing, while the applicant proposes a truck rental business, including maintenance and service of the vehicles to be rented; and

**WHEREAS**, the Far West Side Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed truck rental business is a low-intensity use compatible with nearby light industrial uses; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **5210 TRABUE RD. (43228)**, in using said property as desired;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance from the provisions of Section 3367.01, M-2 manufacturing district, of the Columbus City Codes, is hereby granted for the property located at **5210 TRABUE RD. (43228)**, insofar as said section prohibits a truck rental business in the M-2, Manufacturing District, said property being more particularly described as follows:

**5210 TRABUE RD. (43228)**, being 2.35± acres located at the northwest corner of Trabue Road and Walcutt Road, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being located in Virginia Military Surveys #12486 and #7065, and being that part Hattie Young's 5.00 and 4.457 acre tracts which lies North of relocated Trabue Road as per deed of record in Volume 3456, Page 130, as the same is recorded at the Franklin County Recorder's Office.

Commencing at a spike in the centerline of Walcutt and Trabue Road; thence, N. 12° 27' 24" E. along the centerline of Walcutt Road 286.50 feet to a nail;

Thence, S. 78° 01' 18" W. along L. G. Russel's south line, Volume 2190, Page 551, Franklin County Recorder's Office, 32.95 feet to an iron pin in the West R/W line of Walcutt Road and the REAL POINT OF BEGINNING of the herein described tract of land;

Thence, S. 12° 27' 24" W. along said line 239.58 feet to an iron pin set in the North line of Trabue Road;

Thence, S. 79° 24' 50" W. along said North R/W line 80.48 feet to an iron pin set;

Thence, continuing along said R/W line with a curve to the right, which radius' is 1392.40 feet, the long chord of which bears N. 89° 58' 21" W. a distance of 384.56 feet to an iron pin set;

Thence, N. 79° 21' 32" W. continuing along said North R/W passing the West line of Hattie Young's 4.457 acre tract at 37.03 feet a total of 197.17 feet to an iron pin;

Thence, N. 78° 02' 06" W. along said North R/W line 402.27 feet to the West line of Hattie Young's 5.00 acre tract and the grantees South West corner;

Thence, N. 3° 12' 11" E. along a jog in said North R/W line 16.00 feet to an iron pin set in the North West corner of said

tract;  
Thence, N. 78° 01' 18" E. along said North line, passing an iron pin set in the east line of Hattie Young's 5.00 acre tract, a total of 987.90 feet to an iron pin found in the West line of said L. G. Russel's land;  
Thence, S. 12° 27' 24" W. along said West line 130.00 feet to an iron pin found;  
Thence, N. 78° 01' 18" E. along Russel's South line 167.05 feet to the place of beginning. Containing 5.1016 acres of land.

**EXCEPTING THEREFROM THE FOLLOWING:**

**Tract 1**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:  
Being located in Virginia Military Surveys #12486, and being a part of Hattie Young's 4.457 acre tract which lies North of relocated Trabue Road as per deed of record Vol. 3456, Page 130 as recorded in the Franklin County Records.  
Commencing at a spike in the centerline of Walcutt and Trabue Roads; thence, N. 12° 27' 24" E. along the centerline of Walcutt Road 286.50 feet to a nail;  
Thence, S. 78° 01' 18" W. along L.G. Russel's south line, Vol. 2190, Pg. 551, Franklin Co. Records, 32.95 feet to an iron pin in the existing R/W line of Walcutt Road and the REAL PLACE OF BEGINNING of the herein described tract of land;  
Thence, S. 12° 27' 24" W., along said west R/W line of Walcutt Road 239.58 feet to an iron pin set in the North line of Trabue Road;  
Thence, S. 79° 24' 50" W., along said north line 7.00 feet to an iron pin;  
Thence, N. 12° 27' 24" E., parallel to the West line of Walcutt Road 239.41 feet to the south line of L.G. Russel's land;  
Thence, N. 78° 01' 18" E., along Russel's South line 7.00 feet to the place of beginning.  
Containing 1676.50 Sq. Ft. or 0.0384871 Acres.  
This description is based on an actual survey made by Ahlers Surveying in March, 1977.

**Tract 2**

Situated in the County of Franklin, State of Ohio and in the City of Columbus and bounded and described as follows:  
Being located in Virginia Military Survey #7065, and being that part Hattie Young's 5.00 Acre Tract which lies North of relocated Trabue Road as per deed of record Vol. 3456, Page 130 as the same is recorded at the Franklin Co. Recorder's Office.  
Commencing at a spike in the centerline of Walcutt and Trabue Roads; thence N. 12° 27' 24" E. along the centerline of Walcutt Road 286.50 feet to a nail;  
Thence, S. 78° 01' 18" W. along L.G. Russel's south line, Vol. 2190, P. 551, Franklin County Recorder's Office, 32.95 feet to an iron pin in the west R/W line of Walcutt Road;  
Thence, S. 12° 27' 24" W. along said line 239.58 feet to an iron pin set in the north line of Trabue Road;  
Thence S. 79° 24' 50" W. along said north R/W line 80.48 feet to an iron pin set;  
Thence, continuing along said R/W line with a curve to the right, which radius' is 1392.40 feet, the long chord of which bears N. 89° 58' 21" W. a distance of 384.56 feet to an iron pin set;  
Thence N. 79° 21' 32" W. continuing along said N. R/W passing the west line of Hattie Young's 4.457 acre tract at 37.03 feet, said point being the REAL POINT OF BEGINNING of the herein described tract of land;  
Thence, N. 79° 21' 32" W. 160.14' to an iron pin;  
Thence, N. 78° 02' 06" along said north R/W line 402.27 feet to the west line of Hattie Young's 5.00 acre tract;  
Thence, N. 3° 12' 11" E. along a jog in the said North R/W line 16.00 feet to an iron pin set in the northwest corner of said tract;  
Thence, N. 78° 01' 18" east 576.20' along said north line, to an iron pin set in the east line of Hattie Young's 5.0 acre tract;  
Thence, 3° 8' 22" W. 248.901 feet along the east line of Hattie Young's 5.0 acre tract to the place of beginning.  
Containing 1.70849 acres of land.

**Tract 3**

Situated in the State of Ohio, County of Franklin, and the City of Columbus, and being part of Virginia Military Survey # 12486, and being part of the tract of land conveyed to John R. Garvin and Henry R. Halas, as recorded in Deed Volume

3574, Page 406, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows: Beginning at an iron pin found at the intersection of the northerly right of way line of Trabue Road (80 feet in width) and the westerly right of way line of Walcutt Road (70 feet in width), said point being the POINT OF BEGINNING and being 41.76 feet left of station 33+ 35 .31 of the centerline of said Trabue Road;

Thence S 79° 24' 50" W., along the northerly right of way line of said Trabue Road, a distance of 20.00 feet to a point, said point being 41.65 feet left of station 33+ 14.94 of the centerline of said Trabue Road;

Thence N. 45° 56' 07" E., a distance of 33 .36 feet to a point on the westerly right of way line of said Walcutt Road, said point being 60.16 feet left of station 33+43.36 of the centerline of said Trabue Road;

Thence S. 12° 27' 24" W., along the westerly right of way of said Walcutt Road, a distance of 20.00 feet to the POINT OF BEGINNING, containing 184.04 square feet or 0.004 acres, more or less, subject to all rights of way, easements, and restrictions of record.

The above described area is contained within Auditor's Parcel No. 560-154583, Auditor's Office, Franklin County, Ohio. Grantor claims title by Instrument(s) of record in Deed Volume 3574, Page 406, Recorder's Office, Franklin County, Ohio.

Basis of bearing in this description was the centerline of Trabue Road as being N. 78° 05' 24" E., and was transferred from a GPS survey of Franklin County Geodetic Survey monuments Wediehl and Grandview, and was based on the State Plane Coordinate System NAD 83, South Zone, Ohio.

This description was prepared by Phil Y. Shih, Ohio Registered Surveyor No. 7668, based on an actual field survey performed by Columbus Engineering Consultants in 1998.

#### **Tract 4**

Situated in the State of Ohio, County of Franklin, City of Columbus in Virginia Military Surveys Nos. 7065 and 12486, and being 1.000 acres out of an original 5.1016 acre tract of land conveyed to John R. Garvin and Henry R. Halas by deed of record in Deed Book 3574, Page 406, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning for reference, at a railroad spike found at the intersection of the centerline of Walcutt Road with the centerline of Trabue Road, said railroad spike being S. 12° 23' 06" W. a distance of 0.70 foot from a point at centerline station 33+50.20 of Relocated Trabue Road (now Renner Road), as shown upon Sheet 3 of 3 of Franklin County Engineer's Office right-of-way plans for Trabue Road Section "A" Part, and said railroad spike also being at the southeast corner of a 1.080 acre tract of land conveyed as Parcel No. 5 to Board of County Commissioners, Franklin County, Ohio, for Walcutt Road and Renner Road right-of-way purposes by deed of record in Deed Book 3452, Page 33;

Thence N. 12° 23' 06" E. along the centerline of Walcutt Road and along the east line of said 1.080 acre tract a distance of 285.62 feet to a P.K. Nail set at the northeast corner of said 1.080 acre tract and at the southeast corner of a 0.543 acre tract of land conveyed to David J. and Kathleen R. MacDonald by deed of record in Official Record 32949, Page F04;

Thence S. 77° 57' 49" W. along a north line of said 1.080 acre tract, along a portion of the south line of said 0.543 acre tract, along a portion of a north line of said original 5.1016 acre tract and along the north line of a 0.0384871 acre tract of land conveyed out of said original 5.1016 acre tract to The City of Columbus, Ohio, for additional Walcutt Road right-of-way purposes by deed of record in Deed Book 3592, Page 14, a distance of 40.03 feet to a ¾-inch I.D. iron pipe set at the northwest corner of said 0.0384871 acre tract (passing a point at a northwest corner of said 1.080 acre tract, at a northeast corner of said original 5.1016 acre tract and at the northeast corner of said 0.0384871 acre tract at 32.95 feet);

Thence S. 12° 23' 06" W. along the west line of said 0.0384871 acre tract and parallel with and 36.44 feet westerly by perpendicular measurement from the centerline of Walcutt Road a distance of 239.22 feet to a ¾-inch I.D. iron pipe set in the north right-of-way line of Renner Road, in a north line of said 1.080 acre tract, in a south line of said original 5.1016 acre tract and at the southwest corner of said 0.0384871 acre tract;

Thence S. 79° 24' 50" W. along the north right-of-way line of Renner Road, along a portion of a north line of said 1.080 acre tract and along a portion of a south line of said original 5.1016 acre tract a distance of 73 .21 feet to a ¾-inch I.D. iron pipe found bent and rest at a corner of said 1.080 acre tract and at a corner of said original 5.1016 acre tract, said iron pipe being 40.00 feet left of and radial to the curve to spiral point at centerline station 32+52.98 of Renner Road;

Thence westerly along the curved north right-of-way line of Renner Road, along the curved north line of said 1.080 acre tract, along the curved south line of said original 5.1016 acre tract and with a curve to the right, data of which is: radius = 1,392.40 feet and delta = 15° 52' 30", a chord distance of 384.56 feet bearing N. 89° 58' 21" W. to a ¾-inch I.D. iron pipe found at a corner of said 1.080 acre tract and at a corner of said original 5.1016 acre tract, said iron pipe being 40.00 feet

left of and radial to the spiral to curve point at centerline station 28+56.10 of Renner Road; thence N. 79° 21' 32" W. along the north right-of-way line of Renner Road, along a north line of said 1.080 acre tract and along a portion of a south line of said original 5.1016 acre tract a distance of 37.03 feet to a ¾-inch I.D. iron pipe found at the northwest corner of said 1.080 acre tract, at the southeast corner of a 1.70849 acre tract of land conveyed out of said original 5.1016 acre tract to A & C Properties by deed of record in Official Record 10385, Page HI I, at the northeast corner of a 1.292 acre tract of land conveyed as Parcel No. 4 to Board of County Commissioners, Franklin County, Ohio, for Renner Road right-of-way purposes by deed of record in Deed Book 3452, Page 33, and at the true place of beginning of the tract herein intended to be described;

Thence N. 3° 00' 37" E along the east line of said 1.70849 acre tract a distance of 284.06 feet to a ¾-inch I.D. iron pipe set in a north line of said original 5.1016 acre tract, at the northeast corner of said 1.70849 acre tract and in the south line of Lot Number Four (4) in Trabue-Walcutt Industrial Park Section I, as shown of record in Plat Book 75, Page 37;

Thence N. 77° 57' 05" E. along a portion of a north line of said original 5.1016 acre tract and along a portion of the south line of said Lot No. 4 a distance of 163.33 feet to a ¾-inch I.D. iron pipe set;

Thence S. 3° 00' 37" W. parallel with and 157.67 feet easterly by perpendicular measurement from the east line of said 1.70849 acre tract a distance of 300.34 feet to a ¾-inch I.D. iron pipe set in the curved north right-of-way of Renner Road, in the curved north line of said 1.080 acre tract and in the curved south line of said original 5.1016 acre tract;

Thence westerly along a portion of the curved north right-of-way line of Renner Road, along a portion of the curved north line of said 1.080 acre tract, along a portion of the curved south line of said original 5.1016 acre tract and with a curve to the right, data of which is: radius = 1,392.40 feet and sub-delta = 4° 59' 07", a sub-chord distance of 121.12 feet bearing N. 84° 39' 25" W. to said ¾-inch I.D. iron pipe found at a corner of said 1.080 acre tract and at a corner of said original 5.1016 acre tract, said iron pipe being 40.00 feet left of and radial to the spiral to curve point at centerline station 28+56.10 of Renner Road;

Thence N. 79° 21' 32" W. along the north right-of-way line of Renner Road, along a north line of said 1.080 acre tract and along a portion of a south line of said original 5.1016 acre tract a distance of 37.03 feet to the true place of beginning;

Containing 1.000 acre of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Ted L. Robinson, Ohio Surveyor No. 5361, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in November, 2001. Basis of bearings is a north right-of-way line of Renner Road, being S. 79° 24' 50" W., as shown upon Sheet 3 of 3 of said Franklin County Engineer's Office right-of-way plans for Trabue Road.

Known as Franklin County Parcel #560-154583, and containing 2.35± acres.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a truck rental business, including maintenance and service of the vehicles to be rented, or those uses permitted in the M-2, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the following: Upon redevelopment of the site to the north (.3+/- acres, parcel number 560-154689) this property shall provide a cross access easement, in dimension and location sufficient only to create a shared access drive to Walcutt Road, not more than half of which drive area shall be located on this property. The property owner of this site shall not be obligated for any costs of any construction or approvals associated with the shared access drive. The new shared access drive is intended as a replacement for each site's current site drive entrances off Walcutt Road, not as a new or additional site access drive.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.