



Legislation Text

File #: 3061-2018, **Version:** 2

Council Variance Application: CV18-055

APPLICANT: Marous Brothers Construction; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Heavy equipment sales / service facility.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #3060-2018; Z18-040) to the L-M, Manufacturing District to permit the expansion of an existing heavy equipment sales / service facility. The requested Council variance is necessary to allow gravel surfaces for driveways, aisles, and circulation areas, to reduce the parking setback along Hilliard Rome Road East, and to reduce open storage setbacks on the site. A site plan commitment is included that addresses landscaping and buffering along Hilliard Rome Road East to the west and Trabue Road to the north, as well as along the adjoining properties to the north. Staff is supportive of the reduced development standards as this is an existing development that is comparable to those on adjacent properties, and it includes adequate buffering and landscaping provisions.

To grant a variance from the provisions of Sections 3312.27, Parking setback line; 3312.43, Required surface for parking; and 3363.41(a), Storage, of the Columbus City Codes; for the property located at **5240 WALCUTT COURT (43228)**, to permit reduced development standards for an industrial development in the L-M, Limited Manufacturing District (Council Variance #CV18-055) **and to declare an emergency.**

WHEREAS, by application #CV18-055, the owner of property at **5240 WALCUTT COURT (43228)**, is requesting a Council variance to permit reduced development standards for an industrial development in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet, while the applicant proposes to maintain the parking setback line of zero feet along Hilliard Rome Road East, as shown on the site plan; and

WHEREAS, Section 3312.43, Surface, requires the surface of any parking area to be an approved hard surface other than gravel or loose fill, while the applicant proposes a gravel surface for driveways, aisles, circulation areas and parking spaces within outside storage areas; and

WHEREAS, Section 3363.41, Storage, requires the open storage of materials be located at least 100 feet from any residential district, 30 feet from a street right-of-way line, and 20 feet from a lot line, while the applicant proposes setbacks of 60 feet from a residential district, 0 feet from Hilliard Rome Road East, and 0 feet from an interior lot line, as shown on the site plan; and

WHEREAS, City Departments recommend approval of the requested Council variance for the proposed reduced development standards as this is an existing development that is comparable to those on adjacent properties, and it

includes adequate buffering and landscaping provisions; and

WHEREAS, said 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 owner of the property located at **5240 WALCUTT COURT (43228)**, in using said property as desired;

WHEREAS, OhioCAT (Caterpillar brand heavy equipment dealership) has a pending site compliance plan and building permit. I'm requesting emergency amendment to allow both the SCP and BP to be issued prior to the 30 day effective date; now, therefore;

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

SECTION 1. That a Variance from the provisions of Sections 3312.27, Parking setback line; 3312.43, Required surface for parking; and 3363.41(a), Storage, of the Columbus City Codes, are hereby granted for the property located at **5240 WALCUTT COURT (43228)**, in so far as said sections prohibit a reduced parking setback along Hilliard Rome Road East from 25 feet to 0 feet; gravel surface for driveway aisles, circulation areas, and parking spaces, and within outside storage areas; and a reduced open storage setback from a residential district from 100 feet to 60 feet, from the Hilliard Rome Road East right-of-way line from 30 feet to 0 feet, and from an interior lot line from 20 feet to 0 feet; said property being more particularly described as follows:

5240 WALCUTT COURT (43228), being 22.78± acres located at the terminus of Walcutt Court, 750± feet west of Walcutt Road, and being more particularly described as follows:

PARCEL NUMBER: 570-210824

SITUATED IN THE COUNTY OF FRANKLIN, IN THE STATE OF OHIO AND IN THE CITY OF COLUMBUS:

BEING LOT NUMBER ONE (1) OF COL-WEST INDUSTRIAL PARK, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 67, PAGE 82, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND BEING 20.31 ACRES.

AND

PARCEL NUMBER: 245-287914

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND IN THE CITY OF COLUMBUS

SITUATED IN VIRGINIA MILITARY SURVEY 7065, FRANKLIN COUNTY, CITY OF COLUMBUS, OHIO.

BEING THE WESTERLY PORTION OF LANDS AS TRANSFERRED TO CHRISTINE PAINTER, ET AL., BY

CERTIFICATE OF TRANSFER AS SHOWN OF RECORD IN DEED VOLUME 1716, PAGE 52, FRANKLIN COUNTY, OHIO, RECORDS; AND THE SOUTHERLY PORTION OF SAID WESTERLY PORTION BEING ALSO PART OF LOT 6, PLAT B, AS SET OFF TO JOSEPH GROOMS FROM THE THOMAS O'HARRA ESTATE IN THE MATTER OF THE PETITION FOR PARTITION OF ANN MILLER, ET AL., VS. JAMES O'HARRA, ET AL., AS RECORDED IN COMPLETE RECORD 80, PAGE 196, ETC., COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO AND THE NORTHERLY PORTION THEREOF BEING PART OF THE 3.35 ACRE TRACT COMPOSED TO THOMAS E. PAINTER BY DEEDS FILED OCTOBER 5, 1943, RECORDED IN DEED BOOK 1210, PAGE 349 AND DEED BOOK 1234, PAGE 220, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, SAID WESTERLY PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A P.K. PIN LOCATED IN THE INTERSECTION OF THE CENTERLINE OF TRABUE ROAD AND ROME-HILLIARDS ROAD, ALSO BEING THE NORTHWEST CORNER OF SAID CHRISTINE PAINTER, ET AL. LANDS; THENCE NORTH 84° 08' EAST ALONG THE CENTERLINE OF SAID TRABUE ROAD, A DISTANCE OF 283.00 FEET TO A P.K. SPIKE IN THE CENTERLINE OF SAID TRABUE ROAD; THENCE SOUTH 15° 47' WEST, A DISTANCE OF 322.95 FEET TO AN IRON PIN IN THE SOUTH LINE OF SAID CHRISTINE PAINTER, ET AL. LANDS AND LOCATED IN THE SOUTHWEST CORNER OF 11.174 ACRE TRACT OFF THE EAST END OF SAID CHRISTINE PAINTER, ET AL. LANDS, PASSING AN IRON PIN ON LINE AT 32.28 FEET; (SAID 11.174 ACRE TRACT HAVING BEEN CONVEYED BY SAID CHRISTINE PAINTER, ET AL. TO SARAH BELLE HENDERSON, BY DEEDS RECORDED IN DEED BOOK 1949, PAGE 327 AND DEED BOOK 1949, PAGE 330, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO); THENCE SOUTH 89° 54' WEST A DISTANCE OF 273.50 FEET TO A P.K. PIN IN THE CENTERLINE OF SAID ROME-HILLIARDS ROAD, BEING THE SOUTHWEST CORNER OF SAID CHRISTINE PAINTER, ET AL. LANDS, PASSING AN IRON PIN AT 247.50 FEET; THENCE NORTH 15° 47' EAST ALONG THE CENTERLINE ON ROME-HILLIARDS ROAD, 293.25 FEET TO THE PLACE OF BEGINNING; CONTAINING 2.47 ACRES OF LAND, MORE OR LESS.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a heavy sales / service facility, or those uses permitted in the L-M, Limited Manufacturing District, as specified by Ordinance #3060-2018 (Z18-040).

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**OHIO CAT COLUMBUS: ZONING EXHIBIT**," dated October 25, 2018, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plan 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 plans shall be subject to review and approval by the Director of the Department 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 upon 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**