



Legislation Text

File #: 1521-2007, **Version:** 2

Council Variance Application: CV07-037

APPLICANT: Whirlpool Corporation; c/o Christopher N. Slagle, Atty.; 100 South Third Street; Columbus, OH 43215.

PROPOSED USE: Industrial development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The two acre site is zoned in the R, Rural District and is developed with a vacant farmhouse. It is surrounded by land in the L-M, Limited Manufacturing District (Z96-038) that is intended to be developed with a warehouse distribution center. The requested variance would allow encroachment of a portion of a warehouse building and surface parking onto the subject site. A variance is necessary because the R, Rural District prohibits industrial development. The applicant requests the variance to expedite the permitting process for the distribution center, and has committed to filing a follow-up rezoning application for the L-M, Limited Manufacturing District within six months of the effective date of this legislation. Variances to the Rural District standards for side yard and rear yard are included in the request. The site is located within the planning area of the *South Central Accord* (2004), which recommends industrial uses for this location. The proposed Council variance is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *South Central Accord*.

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes; for the property located at **6661 SHOOK ROAD (43137)**, to allow an industrial development to encroach into the R, Rural District with reduced development standards **and to declare an emergency**. (Council Variance # CV07-037).

WHEREAS, by application # CV07-037, the owner of the property at **6661 SHOOK ROAD (43137)**, is requesting a Variance to allow encroachment of a portion of a warehouse building and surface parking with reduced development standards in the R, Rural District; and

WHEREAS, Section 3332.02, R, Rural District, prohibits industrial uses, while the applicant proposes encroachment of a portion of a warehouse building and surface parking onto the subject site with reduced development standards; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than seven and one-half (7 1/2) feet, while the applicant proposes a minimum side yard of zero (0) feet along the northern boundary of the R District; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a warehouse building and surface parking in the required rear yard; and

WHEREAS, City Departments recommend approval because the proposed Council variance to allow encroachment of a portion of a warehouse building and surface parking onto the subject site is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *South Central Accord*; and

WHEREAS, The applicant requests the variance to expedite the permitting process for the proposed distribution center, and has committed to filing a follow-up rezoning application for the L-M, Limited Manufacturing District within six months of the effective

date of this legislation; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **6661 SHOOK ROAD (43137)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.02, R, Rural District; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard of the Columbus City codes; for the property located at **6661 SHOOK ROAD (43137)**, insofar as said section prohibits an industrial development with no minimum side yard or rear yard; said property being more particularly described as follows:

6661 SHOOK ROAD (43137), being 2.0± acres located at the northwest corner of Shook and London-Groveport Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 36, Township 4, Range 22, United States Military Lands, being all of that 2.00 acre tract as conveyed to Puzzuti Land, LLC by deed of record in Instrument Number 200707160123440 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

BEGINNING at Franklin County Geodetic Survey Monument 9930, the southeasterly corner of Grantor's tract, being the centerline intersection of Shook Road and London Groveport Road (State Route 317);

thence North 85° 50' 57" West, with the centerline of said London Groveport Road (State Route 317), a distance of 264.00 feet to a southeasterly corner of Grantor's tract;

thence North 03° 37' 38" East, with the easterly line of that 0.178 acre tract as conveyed to City of Columbus by deed of record in Instrument Number 200009010176507 and the westerly line of that 156.253 acre tract as conveyed to Puzzuti Land, LLC by deeds of record in Instrument Number 200611210233257 and Instrument Number 200611210233258, crossing the right-of-way of said London Groveport Road (State Route 317), a distance of 330.00 feet to a northwesterly corner thereof;

thence South 85° 50' 57" East, with a southerly line of said 156.253 acre tract, a distance of 264.00 feet to a point in the centerline of said Shook Road;

thence South 03° 37' 38" West, with the centerline of said Shook Road, a distance of 330.00 feet to the POINT OF BEGINNING, and containing 2.00 acre of land, of which 0.442 acre lie with the right-of-way of Shook Road and London Groveport Road (State Route 317).

This description was prepared from record information only and should be used for zoning purposes only.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with industrial uses in conjunction with the adjacent L-M, Limited Manufacturing District (Z96-038), or those uses permitted in the R, Rural District.

SECTION 3. That this ordinance is further conditioned upon the combination of the tax parcel of the subject site (495-234996) with the tax parcel of the adjacent L-M, Limited Manufacturing District (495-234526) to form one (1) tax parcel prior to the issuance of

Zoning Clearance.

SECTION 4. That this ordinance is further conditioned upon the subject site having no direct vehicular access to Shook or London-Groveport Roads. Access shall be through the adjacent L-M, Limited Manufacturing District.

SECTION 5. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 6. That this ordinance is further conditioned on the applicant filing, within six months of the effective date of this ordinance, a rezoning application with Building Services Division to rezone the R, Rural District to an L-M, Limited Manufacturing District.

SECTION 7. ~~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.**