Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	7/3/2018	**In control:**	Zoning Committee
On agenda:	7/23/2018	**Final action:**	7/25/2018
Title:	To grant a variance from the provisions of Sections 3367.01, M-2, manufacturing district; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; and 3367.15(A)(D), M-2, manufacturing district special provisions, of the Columbus City Codes; for the property located at 5089 TRABUE ROAD (43228), to permit a parking lot with reduced development standards to serve adjacent industrial uses in the M-2, Manufacturing District (Council Variance # CV18-030) and to declare an emergency.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD1980-2018.Attachments.pdf, 2. ORD1980-2018.Labels.pdf		

Date	Ver.	Action By	Action	Result
7/25/2018	2	CITY CLERK	Attest	
7/24/2018	2	ACTING MAYOR	Signed	
7/23/2018	2	COUNCIL PRESIDENT	Signed	
7/23/2018	1	Zoning Committee	Approved as Amended	Pass
7/23/2018	1	Zoning Committee	Amended to Emergency	Pass
7/16/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV18-030

APPLICANT: BT OH LLC; c/o Thaddeus M. Boggs; 10 West Broad Street, Suite 2300; Columbus, OH 43215.

PROPOSED USE: Parking to serve adjacent industrial uses.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance # 1979-2018; Z18-029) to the M-2, Manufacturing District to match adjacent zoning for industrial uses. Because the parcel cannot be combined with the adjacent industrial parcel, the requested Council variance is necessary to permit parking as a primary use on the site, and includes variances to reduce the requirements for aisles, maneuvering areas, and parking spaces to cross tax district parcel lines, reduce setback lines, and remove interior parking lot landscaping on the site. Staff is supportive of the proposed use and reduced development standards as the parking lot is on a land-locked parcel with no public street frontage and is accessory to an adjacent industrial development.

To grant a variance from the provisions of Sections 3367.01, M-2, manufacturing district; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; and 3367.15(A)(D), M-2, manufacturing district special provisions, of the Columbus City Codes; for the property located at **5089 TRABUE ROAD (43228),** to permit a parking lot with reduced development standards to serve adjacent industrial uses in the M-2, Manufacturing District (Council

Variance # CV18-030) **and to declare an emergency**.

WHEREAS, by application # CV18-030, the owner of property at **5089 TRABUE ROAD (43228),** is requesting a Council variance to permit a parking lot with reduced development standards to serve adjacent industrial uses in the M-2, Manufacturing District; and

WHEREAS, 3367.01, M-2, manufacturing district, prohibits parking as a primary use, while the applicant proposes a parking lot to serve adjacent industrial uses; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires five shade trees for the proposed parking lot containing approximately 42 spaces while the applicant proposes providing no shade trees; and

WHEREAS, Section 3312.25, Maneuvering, requires sufficient maneuvering area on the lot for the parking spaces, while the applicant proposes maneuvering across a parcel line, subject to the total code required maneuvering area being provided; and

WHEREAS, 3312.29, Parking space, requires parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces that are divided by an existing parcel line, subject to the overall parking space meeting the required dimensions; and

WHEREAS, 3367.15(A)(D), M-2, manufacturing district special provisions, requires a minimum 50 foot landscaped parking and building setback, while the applicant proposes an 8 foot tall fence and parking and maneuvering at 25 feet from I-70; and

WHEREAS, City Departments recommend approval of the requested Council variance for the proposed use and reduced development standards as the parking lot is on a land locked parcel with no public street frontage and is accessory to an adjacent industrial development; 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 **5089 TRABUE ROAD (43228),** in using said property as desired;

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; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3367.01, M-2, manufacturing district; 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; and 3367.15(A)(D), M-2, manufacturing district special provisions, of the Columbus City Codes; is hereby granted for the property located at **5089 TRABUE ROAD (43228),** insofar as said sections prohibit parking as the primary use in the M-2, Manufacturing District; with no parking lot trees; a tax district parcel line crossing through aisles, maneuvering areas, and parking spaces; an 8 foot tall

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fence within 50 feet of the street line; and off-street parking and maneuvering in the required 50-foot landscape buffer; said property being more particularly described as follows:

5089 TRABUE ROAD (43228), being 1.48± acres located 1,820± feet south of Trabue Road along I-70 West, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and being a part of Virginia Military District Survey No. 2988, being part of Lots I of the Plat of the Farm of Christian Carl as recorded in Plat Book 5, Page 476 and also being a part of the railroad Right of Way, declared "Used in Operations" commonly known as Norfolk Southern Corporation's portion of the Buckeye Yard (PPN: 570-146296) as conveyed to Pennsylvania Lines, LLC in Instrument No. 200212180325195, now known as the Norfolk Southern Railway Company, successor by merger in the Merger Affidavit recorded in Instrument No. 200710260186473 as recorded in the Franklin County Deed Records, and more fully bounded and described as follows:

Beginning at a monument found (Franklin County Monument FCGS 7742, Ohio State Plane Reference System coordinates of (N:722,256.20, F: 1,790,371.82 Ohio South Zone NAD83 2011) in the centerline of Trabue Road, as dedicated in Plat Book 42, Page 88, thence along said centerline, N 78°10'09" E, 1,557.40 feet to a point and the westerly line of said Virginia Military District Survey No.2988; thence S 14°02'55- W, along said westerly VMDS line, 110.00 feet to a capped "CTL Engineering S-7176" iron pin found and the said platted southerly right of way line of said Trabue Road and the northeasterly corner of a parcel of land as conveyed to Ohio Corporation as described in Official Record 7388 E02 and Official Record 7388 E07, now known as BT-011, LLC (PPN.560-205289-00) successor by merger, see Official Record 15852 A04 and in Instrument No. (IN) 201612300179715; thence S 14°02'55" W, along the westerly line of said Norfolk Southern parcel and the easterly line of said BT-OH, TLC parcel and also the westerly line of said VMD survey 2988, a distance of 1,943.16 feet to an iron pin found (N:720,983.749, E: 1,791,397.740 Ohio South Zone NAD83 2011) in the northerly common corner of Lots 1 and 3 of said Plat of the Farm of Christian Carl and the True Place of Beginning of the parcel herein described:

Course No. 1; Thence S 78°43'57" E, along a new line of division through said Norfolk Southern parcel in the common line of said Lots I and 3 and the Corporation line of the City of Columbus in the northerly line of said PPN:570-146296, a distance of 378.70 feet to an iron pin set, coordinates on plat;

Course No. 2; Thence S 00°08'10" W, continuing along said new division line, a distance of 131.52 feet to an iron pin set and the northerly right of way line of Interstate Route 70 appropriated as Parcel 1067E-X (Fra-270-0.00N/0.00S) by the State of Ohio in Franklin County Court of Common Pleas Case No.232341, (Ohio State Plane Reference System coordinates of N: 720,778.236, E: 1,791,768.829 Ohio South Zone NAD83 2011);

Course No. 3; Thence N 87°44'51" W, along said northerly Interstate Route 70 right of way line, a distance of 418.72 to a 5/8" iron pin found;

Course No.4; Thence N 14°02'55" E, along the westerly line of said Norfolk Southern parcel and the easterly line of said BT-OH, LLC parcel and also the westerly line of said VMD survey 2988, a distance of 194.89 feet the Place of Beginning and containing 1.478 acres of land, more or less, as surveyed by Terence R. Allison, P.S., Ohio Registration No. S-7176, for CTL Engineering Inc., in August, 2017, but subject to all legal roads, highways, right of ways, easements and leases of record.

The Basis of Bearing is S 13°19'27" E, as recorded in Instrument # 20150624008467 of the Franklin County Deed Records. June 2015

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for parking, or those uses permitted in the M-2, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE PLAN,**" dated June 21, 2018, and drawn and signed by Thaddeus M. Boggs, Attorney for the

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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 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.~~ **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.**

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