# Legislation Details (With Text)

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| **File #:** | 1575-2023 **Version:** 1 | | |
| **Type:** | Ordinance | **Status:** | Passed |
| **File created:** | 5/18/2023 | **In control:** | Zoning Committee |
| **On agenda:** | 6/5/2023 | **Final action:** | 6/9/2023 |
| **Title:** | To grant a Variance from the provisions of Sections 3369.02, Permitted uses; 3312.13, Driveway; 3312.15, Dumpster area; 3312.19, Lighting; 3312.21, Landscaping and screening; 3312.23, Maintenance; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.39, Striping and marking; 3312.41, Access and circulation; 3312.43, Required surface for parking; 3312.45, Wheel stop device; 3312.49, Minimum numbers of parking spaces required; 3312.51, Loading space; 3321.01, Dumpster area; and 3369.04, Required conditions, of the Columbus City Codes; for the property located at 399 HAUL RD. (43207), to permit outdoor automobile storage with reduced development standards in the EQ, Excavation and Quarrying District (Council Variance #CV21-027). | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. ORD1575-2023.Attachments, 2. ORD1575-2023.Labels | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/9/2023 | 1 | CITY CLERK | Attest | |
| 6/8/2023 | 1 | MAYOR | Signed | |
| 6/5/2023 | 1 | COUNCIL PRESIDENT | Signed | |
| 6/5/2023 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 6/5/2023 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |
| 6/5/2023 | 1 | Zoning Committee | Approved | Pass |
| 6/5/2023 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |

**Council Variance Application: CV21-027**

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

**PROPOSED USE:** Outdoor automobile storage.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 227.54± acre site consists of a single parcel which has been historically operated as a sand and gravel quarry 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. Ordinance #1037-2008 (CV08-013), passed July 23, 2008 permitted the establishment of the City of Columbus' Impound Lot at this location. The requested Council variance will legitimize the automobile storage use for a nearby automotive auction and other businesses in addition to the excavation and impound lot uses.

Portable trailer/buildings are already in use on site, permitted via Special Permit #BZA21-024. Variances to driveway width, dumpster area, lighting, landscaping and screening, maintenance, maneuvering, parking setback line, parking space, striping and marking, access and circulation, required surface for parking, wheel stop device, minimum parking spaces, loading space dumpster area, and required conditions are included in this request. The site is within the boundaries of the *Scioto Southland Plan* (2007), which recommends “Park” land uses at this location once the quarrying operations become obsolete and “Light Manufacturing” uses. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Staff notes that the proposed use is an expansion of a similar existing use, and the Plan notes that the "Park" recommendation should only be applicable once quarry-related activity has ended on the site. Additionally, the reduced development standards reflect existing conditions of the site, and are therefore supportable by Staff. This ordinance is conditioned on the outdoor storage use occurring within the “inner-side” of Impound Lot Road (south and west of the existing private street).

To grant a Variance from the provisions of Sections 3369.02, Permitted uses; 3312.13, Driveway; 3312.15, Dumpster area; 3312.19, Lighting; 3312.21, Landscaping and screening; 3312.23, Maintenance; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.39, Striping and marking; 3312.41, Access and circulation; 3312.43, Required surface for parking; 3312.45, Wheel stop device; 3312.49, Minimum numbers of parking spaces required; 3312.51, Loading space; 3321.01, Dumpster area; and 3369.04, Required conditions, of the Columbus City Codes; for the property located at **399 HAUL RD. (43207)**, to permit outdoor automobile storage with reduced development standards in the EQ, Excavation and Quarrying District (Council Variance #CV21-027).

**WHEREAS,** by application #CV21-027, the owner of property at **399 HAUL RD. (43207)**, requests a Council variance to permit outdoor automobile storage with reduced development standards in the EQ, Excavation and Quarrying District; and

**WHEREAS,** Section 3369.02, Permitted uses, permits only those uses associated with farming, excavation, quarrying, and solar energy collections, while the applicant proposes outdoor automobile storage and miscellaneous non-objectionable manufacturing uses as listed in Section 3363.08; and

**WHEREAS,** Section 3369.02, Permitted uses, prohibits impound lots, outside storage, offices and warehouses, while the applicant proposes to allow a miscellaneous non-objectionable use, Section 3363.08, and outdoor storage; and (see above)

**WHEREAS**, Section 3312.13, Driveway, requires that a commercial driveway be at least twenty feet wide, while the applicant proposes to allow for driveway widths less than twenty feet; and

**WHEREAS**, Section 3312.15, Dumpster area, requires that dumpsters shall comply with the provisions of general site development standards chapter, while the applicant proposes to eliminate these requirements as the dumpster will be moved regularly due to capacity and seasonality of the business; and

**WHEREAS**, Section 3312.19, Lighting, requires that lighting shall comply with the provisions of the general site development standards chapter, while the applicant proposes to eliminate these requirements as the lighting will be moved regularly due to capacity and seasonality of the business; and

**WHEREAS,** Section 3312.21, Landscaping and screening, requires landscaping to be provided both inside and on the perimeter of a parking lot, while the applicant proposes to maintain no interior or perimeter landscaping or screening; and

**WHEREAS,** Section 3312.23, Maintenance, requires that the owner or operator of property used for parking, circulation and loading shall maintain such area in good condition so that it is safe, clean, dust-free, and free of any hazard, nuisance or other unsafe condition; striping for parking spaces shall be maintained in good condition, while the applicant proposes to waive these requirements, and;


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**WHEREAS**, 3312.25, Maneuvering, requires that every parking and loading space shall have sufficient access and maneuvering area, while the applicant proposes to eliminate designated drive aisles, and;

**WHEREAS,** Section 3312.27, Parking setback line, requires a minimum 25 foot parking setback line from a street right-of-way, while the applicant proposes to maintain a 0 foot parking setback line from the east and north sides and within the "inner-side" of Impound Lot Road; and

**WHEREAS**, 3312.29, Parking Space, requires that a parking space shall be a rectangular area of not less than nine feet by 18 feet, while the applicant proposes to eliminate these requirements, and;

**WHEREAS,** Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes to maintain no striping or marking; and

**WHEREAS,** Section 3312.41, Access and circulation, requires pedestrian sidewalks or striped crosswalks to be provided from buildings to public sidewalk systems, while the applicant proposes to maintain a gravel parking area with no pedestrian sidewalks or striped crosswalks; and

**WHEREAS,** Section 3312.43, Required surface for parking, requires the surface of any parking area to be improved with Portland cement, asphaltic concrete, or other approved hard surface, while the applicant proposes a gravel parking area with no hard surface; and

**WHEREAS,** Section 3312.45, Wheel stop device, requires parking spaces to have wheel stop devices, while the applicant proposes to maintain no devices within the existing parking lot; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 450 square feet of general office space and bicycle parking, while the applicant proposes to provide 0 parking spaces for the trailer and to eliminate the bicycle parking requirements; and

**WHEREAS**, Section 3312.51, Loading space, requires loading spaces to have a minimum clearance height of not less than 15 feet and shall have minimum dimensions of not less than 12 feet in width and 50 feet in length, exclusive of any driveway, aisle, or other circulation area, while the applicant proposes to eliminate dimensions and set locations for loading spaces; and

**WHEREAS,** Section 3321.01, Dumpster area, requires that a dumpster shall be in a designated area that does not interfere with any aisle, driveway, parking space, loading space or other circulation area and be screened from view on all sides, while the applicant proposes to eliminate these requirements as the dumpster will be moved regularly due to capacity and seasonality of the business; and

**WHEREAS,** Section 3369.04, Required conditions, requires that development plans shall be submitted to and approved by the Development Commission for planned industrial (or other) uses and their necessary municipal and utility services, while the applicant proposes to waive this requirement as the areas of use change due to capacity and seasonality of the business; and

**WHEREAS,** the City Departments recommend approval because the requested variances are compatible with the existing uses on site and reflect existing conditions; and

**WHEREAS,** this 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


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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 **399 HAUL RD. (43207)**, in using said property as desired; and

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

**SECTION 1.** That a variance from the provisions of Sections 3369.02, Permitted uses; 3312.13, Driveway; 3312.15, Dumpster area; 3312.19, Lighting; 3312.21, Landscaping and screening; 3312.23, Maintenance; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.39, Striping and marking; 3312.41, Access and circulation; 3312.43, Required surface for parking; 3312.45, Wheel stop device; 3312.49, Minimum numbers of parking spaces required; 3312.51, Loading space; 3321.01, Dumpster area; and 3369.04, Required conditions, of the Columbus City Codes, is hereby granted for the property located at **399 HAUL RD. (43207)**, insofar as said sections prohibit outdoor automobile storage and limited less-objectionable manufacturing uses in the EQ, Excavation and Quarrying District; with driveway widths less than twenty feet; elimination of dumpster area requirements; elimination of lighting requirements; no interior or perimeter landscaping or screening; elimination of maintenance requirements; elimination of drive aisle requirements; no parking setback line from the east and north sides and within the “inner-side” of Impound Lot Road; elimination of parking space size requirements; no striping and marking of parking spaces; gravel parking area with no pedestrian sidewalks or striped crosswalks; gravel parking area with no hard surfaces; elimination of wheel stop devices; no minimum parking spaces required and no bicycle parking; elimination of loading space requirements; elimination of dumpster area requirements; and elimination of the requirement that development plans shall be submitted to and approved by the Development Commission for planned industrial (or other) uses and their necessary municipal and utility services in the EQ district, said property being more particularly described as follows:

**399 HAUL RD. (43207),** being 227.54± 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;



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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;



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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,

Excepting therefrom THE 54.22 ACRES CONVEYED TO THE CITY OF COLUMBUS, OHIO ON OR ABOUT OCTOBER 1, 2009, NOW REFERENED AS FRANKLIN COUNTY PARCEL NUMBER 010-288359-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for outdoor storage within the “inner-side” of Impound Lot Road (south and west of the existing private street). Variances do not apply to future redevelopment of the site with other uses specified by Ordinance #1037-2008 (CV08-013). Any portable buildings will need a Special Permit from the Board of Zoning Adjustment and any parking-related variance will be subject to the approval of the Division of Traffic Management during final site compliance review processes.

**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 shall take effect and be in force from and after the earliest period allowed by law.



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