



Legislation Text

File #: 0493-2014, **Version:** 1

Council Variance Application: CV14-006

APPLICANT: 5400 Renner LLC; c/o James Leeseberg, Agent; CESO, Inc.; 2800 Corporate Exchange Drive, Suite 160; Columbus, OH 43231.

PROPOSED USE: Retail fuel sales of compressed natural gas.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests a Council variance to allow retail fuel sales of compressed natural gas in the M-2, Manufacturing District. Retail fuel sales is permitted only in the C-5, Commercial, and M, Manufacturing Districts. The site lies within *Trabue/Roberts Area Plan* (2011). The specific land use recommendation is Employment Center, which supports retail uses that are ancillary in nature to and supportive of the broader employment base. Staff supports the proposal as it is consistent with *Trabue/Roberts Area Plan*, and the existing zoning and development patterns in the 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 **1710 ATLAS STREET (43228)**, to permit retail fuel sales of compressed natural gas in the M-2, Manufacturing District (CV14-006).

WHEREAS, by application No. CV14-006, the owner of property at **1710 ATLAS STREET (43228)**, is requesting a Council variance to permit retail fuel sales of compressed natural gas in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, Manufacturing District, does not permit retail fuel sales of compressed natural gas at this site, while the applicant proposes to allow retail fuel sales of compressed natural gas; and

WHEREAS, City Departments recommend approval as it is consistent with *Trabue/Roberts Area Plan*, and the existing zoning and development patterns in the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **1710 ATLAS STREET (43228)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance from the provision of Section 3367.01, M-2, Manufacturing District, of the Columbus City Codes; is hereby granted for the property located at **1710 ATLAS STREET (43228)**, insofar as said section prohibits retail fuel sales of compressed natural gas, said property being more particularly described as follows:

3940 STELZER ROAD (43219), being 2.24± acres located on the east side of Atlas Street, 100± feet south of Transamerica Drive, and being more particularly described as follows:

Situate in The Original Virginia Military Survey #7065, The City of Columbus, The County of Franklin and the State of Ohio and being a portion of the land as conveyed to 5400 Renner Rd. LLC, as recorded in IN 200712040208450 and IN 200612290257849 as recorded with the Franklin County Recorder, Columbus, Ohio and being more particularly described as follows:

Beginning at a set iron pin and cap at the intersection of the northerly Right-of-Way line of Renner Road, conveyed to the Board of County Commissioners, as recorded in Deed Book 3136, Page 305 and the County of Franklin as Recorded in Deed Book 3052, Page 316 and the easterly Right-of-way line of Atlas Street, of the Trabue-Walcutt Industrial Park, Section III, as recorded on Plat Book 84, PG 48,

Thence leaving said Northerly right-of-way line of Renner Road and along the easterly right-of-way line of Atlas Street, North 03°14'30" East, a distance of 860.66 feet to a set iron pin and cap at the True Point of Beginning.

Thence continuing along said easterly right-of-way, North 03°14'30" East, a distance of 145.48 feet to a set iron pin and cap, passing a found 1" iron pin and cap stamped M-E at a distance of 139.27, feet,

Thence along a tangent curve to the left having a Radius of 830.00 feet, an arc length of 65.37 feet and containing a Delta Angle of 04°30'45" and being further subtended by a Chord Bearing North 00°59'07" East, a distance of 65.35 feet to a set iron pin and cap on the southerly Right-of-Way line of Transamerica Drive, as shown on Trabue-Walcutt Industrial Park, section II,

Thence continuing along said Transamerica Drive the following five (5):

1. Thence along a curve to the right having a Radius of 30.00 feet, an arc length of 45.21 feet and containing a Delta Angle of 86°20'25" and being further subtended by a Chord Bearing North 41°53'45" East, a distance of 41.05 feet to a set iron pin and cap,
2. North 85°03'44" East, a distance of 41.76 feet to a set iron pin and cap,
3. Thence along a tangent curve to the left having a Radius of 150.00 feet, an arc length of 56.13 feet and containing a Delta Angle of 21°26'19" and being further subtended by a Chord Bearing North 74°20'26" East, a distance of 55.80 feet to a set iron pin and cap,
4. North 63°37'16" East, a distance of 189.44 feet to a set iron pin and cap,
5. Thence along a tangent curve to the right having a Radius of 210.67 feet, an arc length of 48.39 feet and containing a Delta Angle of 13°09'42" and being further subtended by a Chord Bearing North 70°12'05" East, a distance of 48.29 feet to a set iron pin and cap,

Thence leaving said right-of-way line of Transamerica Drive and along a new division line through the lands of the aforementioned 5400 Renner Rd. LLC. the following two (2) courses:

1. South 03°15'06" West, a distance of 379.44 feet to a set iron pin and cap,
2. North 86°44'54" West, a distance of 326.25 feet to the True Point of Beginning.

Containing 2.2353 Acres of land, (1.0433 acres from parcel 560-233313 and 1.1920 acres from parcel 560-233212) and subject to all covenants, conditions, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land. All Iron pins called as set are 5/8" X 30" rebar with yellow identification cap stamped "CESO". North and Bearing system based upon the Ohio State Plane Coordinate System (South), Franklin County Monument FCGS 5233, FCGS 5239, FCGS 885 (NAD 83-NSRS 2007) , further based on the easterly right-of-way line of Atlas Street (North 03°14'30" East). This survey was prepared according to OAC 4733-37 under the direct supervision of J. Bryant Abt, P.S # S-8593 in the State of Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for retail fuel sales and/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 shall take effect and be in force from and after the earliest period allowed by law.