



Legislation Text

File #: 2734-2015, **Version:** 2

Council Variance Application: CV15-061

APPLICANT: DCR Commercial Development; c/o Laura MacGregor Comek; 300 East Broad Street, Suite 450; Columbus, OH 43215.

PROPOSED USE: Commercial tractor and farm equipment dealer/service facility.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 6.32± acre site is developed with a single-unit dwelling and a commercial tractor and farm equipment dealer/service facility comprised of three buildings and an outside display area, and is zoned in the R, Rural District. The commercial uses were rendered nonconforming upon annexation from Washington Township in 2014. The property was originally included in Rezoning Application Z14-010 (Ordinance No. 2733-2015) as Subarea C, which was a request to the CPD, Commercial Planned Development District to conform the commercial uses and the existing site conditions. At the recommendation of Staff, the applicant has removed this acreage from Z14-010, and is pursuing this variance request which will allow the continuance of the existing uses and development standards. The site lies within the boundaries of the *Interim Hayden Run Corridor Plan* (2004), which calls for "Low Density Cluster" residential development, "Community Center/School," and "Hayden Run Buffer" for this location. Staff believes that retaining the R, Rural District keeps the rural residential character along Hayden Run Road and protects Hayden Run creek. The tractor and farm equipment dealer/service facility has been long-established on the site, is agricultural in nature, and will not negatively impact the surrounding uses.

To grant a variance from the provisions of Sections 3332.02, R, Residential District; 3312.21, Landscaping and screening; 3312.27(2), Parking setback line; 3312.39, Striping and marking; 3312.41 Access and circulation; 3312.43 Required surface for parking; 3312.45 Wheel stop device; 3312.49 Minimum number of parking spaces required; and 3332.21(B), Building lines, of the Columbus City codes; for the property located at **5730 HAYDEN RUN ROAD (43016)**, to permit a commercial tractor and farm equipment dealer/service facility with reduced development standards in R, Rural District (Council Variance # CV15-061).

WHEREAS, by application No. CV15-061, the owner of property at **5730 HAYDEN RUN ROAD (43016)**, is requesting a Council variance to permit a commercial tractor and farm equipment dealer/service facility with reduced development standards in R, Rural District; and

WHEREAS, Section 3332.02, R, Residential District, prohibits commercial uses, while the applicant proposes to maintain a commercial tractor and farm equipment dealer/service facility; and

WHEREAS, Section 3312.21, Landscaping and screening, requires perimeter and interior landscaping and screening for commercial parking lots, while the applicant proposes to maintain no landscaping and screening for the existing parking lot; and

WHEREAS, Section 3312.27(2), Parking setback line, requires the parking setback line to be twenty-five (25) feet along Hayden Run Road, while the applicant proposes to maintain the existing parking setback line of zero (0) feet; and

WHEREAS, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes

to maintain no striping or marking within the existing parking lot; and

WHEREAS, Section 3312.41, Access and circulation, requires certain access and circulation distances, while the applicant proposes to maintain the site without these required distances within the existing site; and

WHEREAS, Section 3312.43, Required surface for parking, requires parking spaces to be paved or otherwise provided on a required surface, while the applicant proposes to maintain no paving within the existing parking lot; 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 a minimum number of parking spaces of 168, considering areas as retail, while the applicant proposes to maintain the existing parking of 5 spaces, noting that the nature of the business has a low parking demand and contains 36,000 square feet of outside display area which inflates the parking requirement; and

WHEREAS, Section 3332.21(B), Building lines, requires the building setback line to be that distance equal to one-half (1/2) of the designated right-of-way width of the frontage street as shown on the Columbus Thoroughfare plan, or fifty (50) feet along Hayden Run Road, while the applicant proposes to maintain the existing building line of fifteen (15) feet; and

WHEREAS, the City Departments recommend approval of the requested variances because the tractor and farm equipment dealer/service facility, which was rendered nonconforming upon annexation from Washington Township in 2014, has been long-established on the site, is agricultural in nature, and will not negatively impact the surrounding uses. Staff believes that retaining the R, Rural District keeps the rural residential character along Hayden Run Road and protects Hayden Run creek, making this request more consistent with the *Interim Hayden Run Corridor Plan* land use recommendations; 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 **5730 HAYDEN RUN ROAD (43016)**, 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 provisions of Sections 3332.02, R, Residential District; 3312.21, Landscaping and screening; 3312.27(2), Parking setback line; 3312.39, Striping and marking; 3312.41 Access and circulation; 3312.43 Required surface for parking; 3312.45 Wheel stop device; 3312.49 Minimum number of parking spaces required; and 3332.21(B), Building lines, of the Columbus City codes; is hereby granted for the property located at **5730 HAYDEN RUN ROAD (43016)**, in so far as said sections prohibit a commercial tractor and farm equipment dealer/service facility, with no parking lot landscaping or screening; a reduced parking setback line along Hayden Run Road from twenty-five (25) feet to zero (0) feet; no striping and marking or wheel stop devices within the existing gravel parking lot; existing access points at reduced distances; a parking space reduction from 168 required spaces to 5 spaces; and a reduced building line along Hayden Run Road from fifty (50) feet to fifteen (15) feet; said property being more particularly described as follows:

5730 HAYDEN RUN ROAD (43016), being 6.32± acres located on the north side of Hayden Run Road, 470± feet east

corner of Avery Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey No. 3012 and being part of that 9.992 acre tract conveyed to Tim A. White by deed of record in Official Record 21201F19 and part of that 5.402 acre tract conveyed to Tim A. White by deed of record in Instrument Number 200409140214881, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the northeasterly corner of that 71.282 acre tract conveyed to White Family Farm, Ltd. by deed of record in Official Record 34301G18, being in the southerly line of Lot 6 and the northwesterly corner of Lot 47 of that subdivision entitled "Silverton Farms Section 3", of record in Plat Book 103, Page 13;

thence South 05°55'59" East, with the easterly line of said 71.282 acre tract and that 23.761 acre tract conveyed to Tim A. White by deed of record in Official Record 13859B07, a distance of 2229.94 feet to a point;

thence South 73°48'49" West, with the southerly line of said 23.761 acre tract, a distance of 331.58 feet to a point at the northeast corner of said 5.402 acre tract;

thence South 11°21'12" East, with the easterly line of said 5.402 acre tract, a distance of 272.98 feet to the TRUE POINT OF BEGINNING;

thence South 11°21'12" East, continuing with said easterly line, a distance of 329.68 feet to a point in the northerly right-of-way line of Hayden Run Road;

thence South 74°22'54" West, with said northerly right-of-way line, a distance of 60.17 feet to a point;

thence South 74°22'38" West, continuing with said northerly right-of-way line, a distance of 863.35 feet to a point in the easterly line of existing railroad;

thence North 38°48'57" West, with the westerly line of said 9.992 acre tract, the easterly line of said railroad, a distance of 206.99 feet to a point;

thence across said 9.992 and 5.402 acre tracts, the following courses and distances:

North 33°20'55" East, a distance of 38.68 feet to a point;

North 59°00'00" East, a distance of 59.25 feet to a point;

North 80°30'29" East, a distance of 79.29 feet to a point;

North 72°18'25" East, a distance of 146.51 feet to a point;

North 84°30'08" East, a distance of 54.22 feet to a point;

North 67°04'14" East, a distance of 126.52 feet to a point;

North 43°25'55" East, a distance of 46.49 feet to a point;

North 53°58'03" East, a distance of 246.51 feet to a point;

North 39°19'16" East, a distance of 84.29 feet to a point; and

South 87°44'37" East, a distance of 209.37 feet to the TRUE POINT OF BEGINNING, containing 6.32 acres of land, more or less.

Franklin County Parcel Numbers 010-293805 & 010-293806

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a commercial tractor and farm equipment dealer/service facility with a maximum of 10,000 square feet of building area dedicated to sales, service, and stock, and a maximum of 36,000 square feet of outside display area, or those uses in the R, Rural District.

SECTION 3. That this ordinance is further conditioned on the commercial tractor and farm equipment dealer/service facility being confined to the front 2.5± acres of Franklin County Parcel Number 010-293805. No expansion north of Hayden Run creek shall be permitted.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.