



## Legislation Text

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**File #:** 2974-2015, **Version:** 1

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### **Council Variance Application: CV15-044**

**APPLICANT:** Ohio Mulch, c/o Jackson B. Reynolds III; Smith & Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Interim outside storage of yard waste in conjunction with a retail mulch and landscaping business.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a mulch and landscaping retail business, and is zoned in the C-4, Commercial District. The requested Council variance will permit interim outside storage for yard waste which will be picked up weekly for recycling off-site. The request also includes a variance to adjust the minimum number of parking spaces from one space per 250 square feet of retail sales area to warehouse parking requirements as the products are seasonal and require a considerable outside display area for onsite retail sales. The temporary yard waste storage is ancillary to the retail operation, will be screened appropriately, and is located behind the commercial sales activity. The requested parking variance is supported due to the nature of the retail operation and seasonal product stock needs. Other retail uses with large product stock needs such as furniture stores or automobile sales lots have less of a parking requirement for this reason. Approval of this request will not introduce an incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3312.49(C), Minimum numbers of parking spaces required, for the property located at **4480 WINCHESTER PIKE (43232)**, to permit interim outside storage of yard waste and a parking space reduction for a retail mulch and landscaping business in the C-4, Commercial District (Council Variance # CV15-044).

**WHEREAS**, by application No. CV15-044, the owners of property at **4480 WINCHESTER PIKE (43232)**, are requesting a Council Variance to permit interim outside storage of yard waste and a parking space reduction for a retail mulch and landscaping business in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit outside storage, while the applicant proposes limited outside storage of yard waste to be held on-site for no longer than one week periods until it is hauled away for off-site recycling and processing; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 250 square feet of retail space, for a maximum total requirement of 238 parking spaces counting the 7,150 square feet for the retail store and 52,103 square feet of inside and outside product stock area, while the applicant proposes to park the product stock area at the warehouse ratio of 1 parking space per 1,000 square feet for the first 20,000 square feet, and 1 parking space per 5,000 square feet for amounts between 20,000 and 120,000 square feet, and is providing 56 total parking spaces; and

**WHEREAS**, City Departments recommend approval because the interim yard waste storage is ancillary to the retail operation, will be screened appropriately, and is located behind the commercial sales activity. The requested parking variance is supported due to the nature of the retail operation and seasonal product stock needs, and is reflective of other retail uses having less of a parking requirement to accommodate large product stock. Approval of this request will not

introduce an incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed outside storage and retail display; 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 **4480 WINCHESTER PIKE (43232)**, 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 3356.03, C-4 permitted uses; and 3312.49(C), Minimum numbers of parking spaces required, is hereby granted for the property located at **4480 WINCHESTER PIKE (43232)**, to permit interim outside storage of yard waste in the C-4, Commercial District, with a parking space reduction from the maximum requirement of 238 spaces for retail use to 56 parking spaces, which meets the parking requirement of a mixed-use retail/warehouse facility with 7,150 square feet for the retail store and 52,103 square feet of storage area; said property being more particularly described as follows:

**4480 WINCHESTER PIKE (43232)**, being 2.56± acres located on the north side of Winchester Pike, 300± feet west of South Hamilton Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Madison, in Section 9, Township 11, Range 21, Mathew's Survey being all of Parcels 1, 2 and 3 containing 2.56 acres of land described in a deed to Weber Holdings - South, LLC of record in Instrument 201204060048327 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at the northeasterly corner of the 0.556 acre, Parcel 3 described in said Instrument 201204060048327, and the northwesterly corner of that 1.350 acre tract described in a deed to Winham Investments, LLC of record in Instrument 20102100168497;

Thence South along the easterly line of said 0.556 acre tract, westerly lines of said 1.350 acre tract and a portion of that 0.687 acre tract described in said Instrument 20102100168497 and the existing City of Columbus Corporation Line, Ordinance 2183-01, Instrument 200205030111360, a distance of 242.45 feet, to the northeasterly corner of that 0.009 acre tract described in a deed to Columbia Gas of Ohio of record in Deed Book 2779, Page 577;

Thence West along the northerly line of said 0.009 acres and that 0.532 acre tract described in a deed to Robert J. Dorsey of record in Instrument 201209210141601, a distance of 100.00 feet;

Thence South along the westerly line of said 0.532 acre tract and the easterly line of that 1.023 acre Parcel 2 in Instrument 201204060048327, a distance of 215.66 feet, to the old centerline of U.S. Route 33, and the northerly right of way line of Winchester Pike;

Thence westerly along a southerly line of said 1.023 acre tract, the old centerline of U.S. Route 33, and the northerly right-of-way line of Winchester Pike, being the arc of a curve to the left, having a radius of 622.46 feet, a distance of 46.18 feet;

Thence West continuing along said right-of-way line and southerly lines of said 1.023 acre Parcel 2 and 0.978 acre Parcel 1 in said Instrument 201204060048327, a distance of 157.64 feet;

Thence North along the westerly line of said 0.978 acre tract and an easterly line of that 2.364 acre tract described in a deed to Mark C. and Kathleen L. Walsh of record in Official Record 19557 F18, a distance of 415.94 feet, to the northwesterly corner of said 0.978 acre tract, the northeasterly corner of said 2.364 acre tract and the southeasterly corner of that 6.391 acre tract described in a deed to Mary M. and Lewis J. Slone of record in Official Record 15531 E11;

Thence East along the northerly lines of said 0.978, 1.023 and 0.556 acre tracts, and a southerly line of that 2.268 acre tract described in a deed to Christopher P. Weyand and April M. Walsh of record in Instrument 201104220053132, a distance of 300.00 feet, to the Point of Beginning, containing 2.56 acres of land, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for interim outside storage of yard waste in conjunction with a mulch and landscaping retail business, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**OHIO MULCH SITE COMPLIANCE PLAN**," drawn by Site Engineering Incorporated, dated November 10, 2015, and signed by Jackson B. Reynolds III, Attorney for the 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 plan shall be subject to review and approval by the Director of the Department of 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 following:

1. The height of any product displayed outside shall not exceed 6 feet in height.
2. The yard waste shall be picked up at least one time per week.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed site plan.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.