



Legislation Text

File #: 1408-2019, **Version:** 1

Council Variance Application: CV18-090

APPLICANT: Jon St. Julian; c/o Brent D. Rosenthal, Atty.; 366 East Broad Street; Columbus, OH 43215.

PROPOSED USE: Heavy equipment sales/service facility.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1407-2019; Z18-066) to the M-2, Manufacturing District to permit the expansion of an existing heavy equipment sales / service facility. The requested Council variance is necessary to reduce required parking and open storage setbacks on the site. A site plan commitment is included that addresses landscaping and buffering along the eastern portion of the parcel where it abuts residential properties. Staff is supportive of the reduced development standards as this is an existing development that is comparable to those on adjacent properties, and it includes adequate buffering and landscaping provisions in consideration of adjacent residential uses.

To grant a variance from the provisions of Sections 3367.15(d), M-2, manufacturing district special provisions; and 3367.29(b), Storage, of the Columbus City Codes; for the property located at **2323 PERFORMANCE WAY (43207)**, to permit reduced development standards for an industrial development in the M-2, Manufacturing District (Council Variance #CV18-090).

WHEREAS, by application #CV18-090, the owner of property at **2323 PERFORMANCE WAY (43207)**, is requesting a Council variance to permit reduced development standards for an industrial development in the M-2, Manufacturing District; and

WHEREAS, 3367.15(d), M-2, manufacturing district special provisions, requires a minimum 50 foot landscaped parking and building setback, while the applicant proposes parking and maneuvering at 36 feet from Performance Way; and

WHEREAS, Section 3367.29(b), Storage, requires the open storage of materials to be located within the rear yard, a minimum of 100 feet from any residential or apartment residential district, and not less than 25 feet from lot lines, while the applicant proposes an outside storage area in advance of the rear yard, within 25 feet of residential districts, and within 10 feet of lot lines; and

WHEREAS, the Far South Columbus Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance for the proposed reduced development standards as this is an existing development that is comparable to those on adjacent properties, and it includes adequate buffering and landscaping provisions in consideration of adjacent residential uses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance 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 **2323 PERFORMANCE WAY (43207)**, 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 3367.15(d), M-2, manufacturing district special provisions; and 3367.29(b), Storage, of the Columbus City Codes, is hereby granted for the property located at **2323 PERFORMANCE WAY (43207)**, in so far as said sections prohibit a reduced parking setback from 50 feet to 36 feet; and a reduced open storage setback along a residential district from 100 feet to 25 feet, from a lot line from 25 feet to 10 feet, and in advance of the rear yard, said property being more particularly described as follows:

2323 PERFORMANCE WAY (43207), being 14.68± acres located on the south side of Performance Way, 2,525± feet west of Alum Creek Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being located in Section 1, Township 4, Range 22, Congress Lands and being all of that 6.376 acres tract, 2.499 acres of that 4.173 acres tract and 2.799 acres of that 4.658 acres tract as conveyed to P.& P. Investment Co. Inc. by deed of record in Instrument Number 200611030221611, all of that 0.769 acre tract as conveyed by deed of record in Official Record 34938A20 and all of that 2.231 acres tract as conveyed by deed of record in Official Record 28006D06, all references refer to records of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning for reference at a one inch (1") solid iron pin in a monument box in the centerline of Performance Parkway at centerline station 23+35.45 at a point of curvature;

Thence, South 59° 16' 41" West, being along the centerline tangent of said Performance Parkway, a distance of 242.67 feet to a point;

Thence, South 30° 43' 19" East, leaving said centerline, a distance of 50.00 feet to an iron pin set at the northeasterly corner of that 1.507 acres tract as conveyed to Lucky Food Service, Inc. by deed of record in Official Record 33708D13, also being the southwesterly corner of that 0.787 acre tract as conveyed to the City Of Columbus by deed of record in Official Record 786A06 and the northwesterly corner of said 5.956 acres tract;

Thence, North 59° 16' 41" East, being along the southerly right of way of Performance Parkway, a distance of 107.05 feet to an iron pin set, being 50.00 feet right of centerline station 22+00.00;

Thence, North 61° 39' 30" East, continuing along said southerly right of way, a distance of 293.81 feet to a 5/8" rebar found at the northwesterly corner of that 6.376 acres tract as conveyed to P.& P. Investment Co. Inc. by deed of record in Official Record 17005C16 and being the southwest corner of that 1.804 acres tract as conveyed to the City of Columbus by deed of record in Deed Book 3774, Page 871 and being the "True Place of Beginning" for the tract intended to be described;

Thence North 58 °40' 35" East, continuing along said southerly right of way, being the southerly line of said 1.804 acres tract, a distance of 350.77 feet to a 1" iron pipe found at the northwesterly corner of that 1.466 acres tract as conveyed to RJP Enterprises by deed of record in Instrument Number 200709070158523;

Thence, South 00 °06' 41" East, being along the westerly line of said 1.466 acres tract and that 9.255 acres tract as conveyed to P.& P. Investment Co., Inc. by deed of record In Instrument Number 200611030221611, (passing a 5/8" rebar found at 204.00 feet) a distance of 454.40 feet to an iron pin set at the southwesterly corner of said 9.255 acres tract;

Thence, South 85 ° 45' 32" East, being along a southerly line of said 9.255 acres tract, a distance of 234.48 feet to an iron pin set

Thence, South 00 °35' 41" East, being along westerly line of said 9.255 acres tract and along the westerly line of that 4.591 acres tract as conveyed to the City of Columbus by deed of record in Official Record 18212F06, a distance of 544.84 feet to a 1 1/4" iron pipe found at the northwesterly corner of that 1.139 acres tract as conveyed to Mark S. & Karen R. Miller by deed of record in Instrument Number 200008300174261, also being the southwesterly corner of said 4.591 acres tract;

Thence South 00° 33' 13" East, being along the westerly line of said 1.139 acres tract and that 1.117 acres tract as conveyed to Elsie L. Thomas by deed of record in Official Record 30257C15 and that 2.512 acres tract as conveyed to Ernest McCoy by deed of record in Deed Book 2645, Page 66, (passing a 1" iron pipe found at 201.30 feet) a distance of 426.35 feet to a 1" iron pipe found in the northerly line of that 7.17 acres tract as conveyed to Jean H. Nutter by deed of record in Official Record 31602F15;

Thence, South 89° 57' 12" West, being along the. northerly line of said 7.17 acres tract, a distance of 542.92 feet to an Iron pin set;

Thence North 00° 03' 19" West, crossing said 4.658 acres tract and 4.273 acres tract, being along the easterly line of that 5.956 acres tract as conveyed to said P. & P. Investment Co. Inc. by deed of record in Instrument Number 200611030221611, (passing an iron pin set at 426.33 feet) a distance of 1260.96 feet to the place of beginning containing 14.678 acres of land more or less.

All Iron pins set are 5/8" rebar, 30' long with a plastic cap inscribed J.R. HILL P.S. 6919.

The bearing are based on the same meridian as the Centerline of Performance Parkway, in which the centerline has a bearing of North 59° 16' 41" East, of record in Official Record 786A06, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a heavy sales / service facility, 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, "**2329 PERFORMANCE WAY - LANDSCAPE PLAN**," dated May 16, 2019, and signed by Brent D. Rosenthal, 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 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 upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance 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.