



Legislation Text

File #: 3079-2019, **Version:** 2

APPLICANT: Bavelis Family LLC; c/o Jeffrey Brown, Atty.; 37 W. Broad St., Suite 460; Columbus, OH 43215.

PROPOSED USE: Industrial development.

NORTHEAST 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 request to the L-M, Limited Manufacturing District (Ordinance #3078-2019; Z19-028) to permit limited industrial development. Variances to reduce height and area regulations, building and parking setbacks, and number of loading spaces are included in this request. Staff finds the requested variances to be supportable because the site is being designed in a manner that mitigates its impact on nearby residential uses, noting a required stream corridor protection zone and tree preservation areas that affect the site layout.

To grant a Variance from the provisions of Sections 3312.27, Parking setback line; 3312.53, Minimum number of loading spaces required; 3363.24, Building lines in an M-Manufacturing district; and 3363.27(b)(2), Height and area regulations; of the Columbus City Codes for property located at **1775 STELZER RD. (43219)**, to permit reduced development standards for industrial development in the L-M, Limited Manufacturing District (Council Variance #CV19-035) **and to declare an emergency.**

WHEREAS, by application #CV19-035, the owner of property at **1775 STELZER RD. (43219)**, is requesting a Council variance to permit reduced development standards for an industrial development in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 25 feet, while the applicant proposes a parking setback line of 0 feet along Ole Country Lane; and

WHEREAS, Section 3312.53, Minimum number of loading spaces required, requires loading spaces based on type of use and size of building, while the applicant proposes to reduce code required loading spaces from 1 to 0; and

WHEREAS, Section 3363.24, Building lines in an M-Manufacturing district, requires a building line of 60 feet, while the applicant proposes a 35 foot building line, as shown on the site plan; and

WHEREAS, Section 3363.27(b)(2), Height and area regulations, requires the use to be 25 feet from residentially-zoned property, while the applicant proposes 0 feet for pavement areas associated with the proposed uses on the north and south sides of the property, as shown on the site plan; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

WHEREAS, the Northeast Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the site is being designed in a manner that mitigates its impact on nearby residential uses, noting a required stream corridor protection zone and tree preservation areas that affect the site layout; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **1775 STELZER RD. (43219)**, in using said property as desired;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3312.27, Parking setback line; 3312.53, Minimum number of loading spaces required; 3363.24, Building lines in an M-Manufacturing district; and 3363.27(b)(2), Height and area regulations, of the Columbus City Codes; for property located at **1775 STELZER RD. (43219)**, insofar as said sections prohibit industrial development with a reduced parking setback line from 25 feet to 0 feet; reduced loading spaces from 1 to 0; a reduced building line from 60 feet to 35 feet; and reduced distance from residentially-zoned property from 25 to 0 feet for pavement areas associated with the proposed uses; said property being more particularly described as follows:

1775 STELZER RD. (43219), being 4.7± acres located on the east side of Stelzer Road, 980± feet north of Johnstown Road, and being more particularly described as follows:

TRACT I:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, being located in the Third Quarter of Township 1, Range 17, United States Military Lands, and being part of those tracts of land as conveyed to the Peralta Group, by deeds of record in Deed Book 3412, page 890, Deed Book 3412, page 893 and Deed Book 3344, page 186, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows;

Beginning at an iron pin in the centerline of Stelzer Road at the northeasterly corner of Tract No. 34 of Hugo Kaiser's Parcels, also being the southeasterly corner of Tract No. 33 as conveyed to Harold G. and Janet G. White, by deed of record in Deed Book 1980, page 76;

thence South 3 degrees 31' 33" West, with the centerline of said Stelzer Road, also being the easterly line of said Tract No. 34, a distance of 46.62 feet to an iron pin;

thence North 86 degrees 28' 27" West, with a northerly right-of-way line of relocated U.S. Route No. 62, a distance of 60.00 feet to an iron pin;

thence South 59 degrees 08' 45" West, with a northwesterly right-of-way line of said relocated U.S. Route No. 62 (passing an iron pin at 18.18 feet), a distance of 289.42 feet to an iron pin located at the top of bank of a drainage ditch;

thence North 86 degrees 11' 45" West, with the top of bank of said drainage ditch, also being parallel with and 10.00 feet southerly from (as measured at right angles), the southerly line of Tract No. 35, a distance of 278.48 feet to an iron pin;

thence North 3 degrees 23' 03' East, a distance of 210.56 feet to an iron pin in the northerly line of said Tract No. 34, also being the southerly line of Tract No. 33;

thence South 86 degrees 17' 25" East, with the northerly line of said Tract No. 34, also being the southerly line of said Tract No. 33 (passing an iron pin at 502.86 feet), a distance of 577.86 feet to the place of beginning, containing 2.119 acres of land, more or less.

TRACT II:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, Third Quarter of Township 1, Range 17, United States Military Lands, being four parcels of land, all references being to records in the Recorder's Office, Franklin County, Ohio, said four parcels being more particularly described as follows:

Being 2.558 acres of land, said 2.558 acres being part of parcel 1, all of parcel 3, tract A and tract, as described in a deed to the Rimrock Corporation, of record in Official Record Volume 8776 G20, said 2,558 acre tract being more fully described as follows:

Beginning at an iron pin found at the northeasterly corner of said parcel 3, tract A, at the northwesterly corner of that 2.110 acre tract as described in a deed to Lewis J. Agin and Joan F. Agin, of record in Deed Book 3557, Page 910, said from pin being located North 3 degrees 29'35" East, 388.69 feet and North 86 degrees 17' 52" West, 587.33 feet from the intersection of the Stelzer Road property line and the centerline of U.S. Route 62:

Thence South 3 degrees 20' 54" West, along the westerly line of said 2.119 acre tract, the easterly line of said parcel 3, tract A and Tract B, a distance of 210.47 feet to an iron pin found in the northerly line of said parcel 1, at the southwesterly corner of said 2.119 acre tract;

Thence South 86 degrees 13' 44" East, along the northerly line of said parcel 1, the southerly line of said 2.119 acre tract, a distance of 280.71 feet to an iron pin found in the northerly limited access right-of-way line of U.S. Route 62, as delineated on the Ohio Department of Transportation highway plan FRA-62-19.06, at the southeasterly corner of said 2.119 acre tract, at a northeasterly corner of said parcel 1:

Thence South 59 degrees 38' 15" West, along said Limited access line, along a southerly line of said parcel 1, a distance of 124.65 feet to an iron pin found at southeasterly corner of said parcel 1, at the northeasterly corner of that 0.704 acre tract (parcel#2), as described in a deed to the Big 8 Companies, Incorporated, of record in Deed Book 3143, Page 263:

Thence North 86 degrees 12' 45" West, along a southerly line of said parcel 1, the northerly line of said 0.704 acre tract, a distance of 517.78 feet to an iron pin found at the Northwesterly corner of said 0.704 acre tract:

Thence North 3 degrees 20' 15" East, crossing said parcel 1, along the westerly line of said parcel 3, tract A and tract B, a distance of 279.86 feet to an iron pin found at the northwesterly corner of said parcel 3, tract B, at the southwesterly corner of that 2.112 acre tract (parcel 2) as described in a deed to Harold G. and Jane G. White, of record in Deed Book 1980, Page 76:

Thence South 86 degrees 17' 52' East, along the northerly line of said parcel 3, tract B, along the southerly line of said 2.112 acre tract, a distance of 340.81 feet to the place of beginning and containing 2.558 acres of land:

For the purpose of this description a bearing of North 54 degrees 47' 56" East was used on the centerline of U.S. Route 62, as shown on the Ohio Department of Transportation highway plan FRA-62-19.06, and all other bearing then calculated from this meridian.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-M, Limited Manufacturing District as specified in Ordinance #3078-2019 (Z18-028).

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**GS MARBLE AND GRANITE,**" signed by Jeffrey L. Brown, attorney for the Applicant, and dated November 12, 2019. 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy 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.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.