



Legislation Text

File #: 2464-2019, **Version:** 1

Council Variance Application: CV19-009

APPLICANT: Brian Gibson; 2299 Performance Way; Columbus, OH 43207.

PROPOSED USE: Heavy equipment sales and storage.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2463-2019; Z19-011) 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 open storage setbacks, allow an eight foot fence within a required setback, and maintain gravel surface for parking. The site will be maintained as shown on the submitted site plan which demonstrates landscaping and buffering along the eastern portion of the parcel, and includes an eight foot fence as requested by adjacent residential property owners. Staff is supportive of the reduced development standards as this is an existing development that is comparable to those on Performance Way. Appropriate buffering and landscaping provisions in consideration of adjacent residential uses are provided.

To grant a variance from the provisions of Sections 3311.28(a), Requirements; 3312.43, Required surface for parking; and 3367.29(b), Storage, of the Columbus City Codes; for the property located at **2299 PERFORMANCE WAY (43207)**, to permit reduced development standards for a heavy equipment sales and storage development in the M-2, Manufacturing District (Council Variance #CV19-009).

WHEREAS, by application #CV19-009, the owner of property at **2299 PERFORMANCE WAY (43207)**, is requesting a Council variance to permit reduced development standards for a heavy equipment sales and storage development in the M-2, Manufacturing District; and

WHEREAS, Section 3311.28(a), Requirements, requires that less objectionable uses be located not less than 25 feet from residential districts, while the applicant proposes an 8 foot fence with a 0 foot setback from an adjacent residential district along the southern property line, as shown on the submitted site plan; and

WHEREAS, Section 3312.43, Surface, requires the surface of any parking area to be an approved hard surface other than gravel or loose fill, while the applicant proposes to maintain gravel surface for driveways, aisles, circulation areas and parking spaces on the site; and

WHEREAS, Section 3367.29(b), Storage, requires the open storage of materials to be located a minimum of 100 feet from any residential or apartment residential district, while the applicant proposes an outside storage within 25 feet of residential districts as shown on the submitted site plan; and

WHEREAS, the Far South Columbus Area Commission recommends disapproval; 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 along Performance Way, 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 **2299 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 3311.28(a), Requirements; 3312.43, Required surface for parking; and 3367.29(b), Storage, of the Columbus City Codes, is hereby granted for the property located at **2299 PERFORMANCE WAY (43207)**, in so far as said sections prohibit an 8 foot high fence to be located 0 feet from residential districts where 25 feet is required; gravel surface for driveway aisles, circulation areas, and parking spaces; and reduced open storage setback along a residential district from 100 feet to 25 feet, said property being more particularly described as follows:

2299 PERFORMANCE WAY (43207), being 13.82± acres located on the south side of Performance Way, 2,850± feet west of Alum Creek Drive, and being more particularly described as follows:

DESCRIPTION OF A 4.331 ACRE TRACT:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 1, Township 4, Range 22, Congress Lands, and being part of a 7.17 acre tract conveyed to CCG Crane Holdings, by deed of record in Instrument Number 201412050162206, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for Reference, at a stone monument found at the southeast corner of the northwest quarter of Section 1, also being the southwest corner of DEDICATION OF CASSADY AVE., KOEBEL RD., LEWIS AVE., LAWNDAL AVE., BELLEVIEW AVE., AND ALUM CREEK DR., as shown and delineated in Plat Book 28, Page 45;

Thence North 04°07'00" East, a distance of 674.92 feet, along the westerly line of said DEDICATION OF CASSADY AVE., KOEBEL RD., LEWIS AVE., LAWNDAL AVE., BELLEVIEW AVE., AND ALUM CREEK DR., and the westerly right-of-way line of South Cassady Avenue (50 feet wide), to a 3/4 inch iron pin found at the easterly common corner of said 7.17 acre tract and a 6.252 acre tract conveyed to Regina B. Westbrook, by deed of record in Instrument Number 199803160060018, Instrument Number 200506150116142 and Instrument Number 201302140026412;

Thence North 85°21'00" West, a distance of 550.00 feet, along the line common to said 7.17 acre and 6.252 acre tracts, to an iron pin set, also being the **POINT OF TRUE BEGINNING**;

Thence North 85°21'00" West, a distance of 838.68 feet, along the line common to said 7.17 acre and 6.252 acre tracts, to a 5/8 inch rebar found, at the westerly common corner of said 7.17 acre and 6.252 acre tracts and on the easterly line of a 14.62 acre tract (Tract II) conveyed to JBE Performance, LLC, by deed of record in Instrument

Number 201212100189296;

Thence North 04°18'04" East, a distance of 225.07 feet, along the line common to said 7.17 acre and 14.62 acre tracts, to a 1 inch iron pin found, at the westerly common corner of said 7.17 acre tract and a 9.489 acre tract conveyed to CCG Crane Holdings, LLC, by deed of record in Instrument Number 201106060070935;

Thence South 85°21'00" East, a distance of 837.96 feet, passing a 5/8 inch rebar found online at a distance of 358.65 feet, along the line common to said 7.17 acre and 9.489 acre tracts and a 14.678 acre tract (Tract I) conveyed to CEC Real Estate Performance, LLC, by deed of record in Instrument Number 201303010034512, to an iron pin set;

Thence South 04°07'00" West, a distance of 225.07 feet, across said 7.17 acre tract, to the **POINT OF TRUE BEGINNING**, containing 4.331 acres more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings shown hereon are based on the bearing North 04°07'00" East for the westerly right-of-way of South Cassady Avenue, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 Datum (2011), taken from GPS observation.

DESCRIPTION OF A 9.489 ACRE TRACT:

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 5.956 acres tract, 1.674 acres of that 4.273 acres tract and 1.859 acres of that 4.658 acres tract as conveyed to P. & P. Investment Co. Inc. by deed of record in Instrument Number 200611030221611, 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 3708D13, 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 and being at the "True Point of Beginning" for the tract herein intended to be described:

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 an iron pin 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;

Thence, South 00 ° 03' 19" East, being along the westerly line of said 6.376 acres tract and crossing said 4.273 acres and 4.658 acres tracts, (passing an iron pin set at 834.63 feet) a distance of 1260.96 feet to an iron pin set in the northerly line of that 7.17 acres tract of land 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 358.65 feet to a 3/8" rebar found at the northwesterly corner of said 7.17 acres tract, said rebar also being in the easterly line of that 16.42 acres tract as conveyed to Jack L. and Bonnie Lou Evans by deed of record in Official Record 30201J07;

Thence North 00 ° 40' 49" West, being along the easterly line of said 16.42 acres tract, a distance of 426.36 feet to a 1 ¼" iron pipe found at the northeasterly corner of said 16.42 acres tract, said iron pipe also being in the southerly line of previously mentioned 1.507 acres tract;

Thence, North 89 ° 57' 12" East, being along a portion of the southerly line of said 1.507 acres tract, a distance of 12.50 feet to a 1" iron pipe found at the southeasterly corner of said 1.507 acres tract;

Thence, North 00 ° 03' 19" West, being along the easterly line of said 1.507 acres tract, a distance of 640.75 feet to the place of beginning containing 9.489 acres of land more or less.

Subject, however, to all legal right of ways and/or easements, if any, of previous record

All iron pins set are 518" rebar, 30" long with a plastic cap inscribed J.R HILL P.S. 6919.

The bearings 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, Records 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 heavy equipment sales and storage, 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, "**SITE PLAN**," dated J, and signed Brian Gibson, 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.