



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1343-2022, **Version:** 1

Council Variance Application: CV21-112

APPLICANT: Keith Massa; Schottenstein Property Group; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Industrial or commercial 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 (Ordinance #1342-2022; Z21-087) to the L-M, Limited Manufacturing District for an intended office and warehouse development or future commercial or industrial development. The requested Council variance will permit maneuvering areas, parking spaces, and loading spaces to be divided by parcel lines, reduce the parking setback along Agler Road, and permit headlight screening in the right-of-way, subject to the approval of the Department of Public Service. The requested variances are supportable as they result from parcels not being able to be combined due to different taxing districts, and because of a stormwater protection zone which runs diagonally through the property along with required right-of-way dedication along Agler Road.

To grant a Variance from the provisions of Sections 3312.03(D), Administrative requirements; 3312.21(B), Landscaping and screening; 3312.25, Maneuvering; 3312.27(2), Parking setback line; 3312.29, Parking space; and 3312.51(1)(2), Loading space, of the Columbus City Codes; for the property located at **3573 AGLER RD. (43219)**, to permit reduced development standards for an industrial development in the L-M, Limited Manufacturing District (Council Variance #CV21-112).

WHEREAS, by application #CV21-112, the owner of property at **3573 AGLER RD. (43219)**, requests a Council variance to permit reduced development standards concurrent with a rezoning request to the L-M, Limited Manufacturing District; and

WHEREAS, Section 3312.03(D), Administrative requirements, requires parking spaces to be provided on the same lot as the use they are intended to serve, while the applicant proposes otherwise compliant parking that may be divided by parcel lines, resulting in required parking that may not be on the same lot as the building(s) which they will serve; and

WHEREAS, Section 3312.21(B), Landscaping and screening, requires that any portion of a parking lot abutting any public street be screened for headlights on the perimeter adjacent to the public street, while the applicant proposes no parking lot screening within the parking setback area along Agler Road due to insufficient on-site width for planting, but requests to install compliant screening within the public right of way subject to the approval of the Department of Public Service; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes maneuvering over parcel lines, but with the required maneuvering area being provided; and

WHEREAS, Section 3312.27(2), Parking setback line, requires a minimum parking setback line of 25 feet along Agler Road, while the applicant proposes a parking setback line of one foot; and

WHEREAS, 3312.29, Parking space, requires 90 degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces that are divided by parcel lines, but with the overall parking space meeting the required dimensions; and

WHEREAS, Section 3312.51(1)(2), Loading space, requires loading spaces to be on the same lot as the use they are intended to serve with minimum dimensions of not less than 12 feet in width and 50 feet in length, exclusive of any driveway, aisle, or other circulation area, while the applicant proposes to permit loading spaces to be divided by parcel lines or to be on separate parcels than the buildings they will serve within the development, but with the overall loading spaces meeting the required dimensions and maneuvering area, and the required minimum number of loading spaces being provided; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval as the requested variances result from parcels not being able to be combined due to different taxing districts, and because of a stormwater protection zone which runs diagonally through the property along with required right-of-way dedication along Agler Road; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy 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 owners of the property located at **3573 AGLER RD. (43219)**, 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 3312.03(D), Administrative requirements; 3312.21(B), Landscaping and screening; 3312.25, Maneuvering; 3312.27(2), Parking setback line; 3312.29, Parking space; and 3312.51(1)(2), Loading space, of the Columbus City Codes, is hereby granted for the property located at **3573 AGLER RD. (43219)**, insofar as said sections prohibit maneuvering areas, parking spaces, and loading spaces to be divided by parcel lines, with required parking and loading spaces not occurring on the same parcels as the uses they are intended to serve within the subject site, subject to the required maneuvering area, parking space dimensions, minimum number of parking spaces, loading space dimensions, and minimum number of loading spaces being provided; no headlight screening within the parking setback area along Agler Road, but with compliant screening to be installed within the public right of way subject to the approval of the Department of Public Service; and a reduced parking setback line from 25 feet to one foot; said property being more particularly described as follows:

3573 AGLER RD. (43219), being 28.38± acres located on the south side of Agler Road, 875± feet west of Stelzer Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, in the City of Columbus and Township of Mifflin, and being in Quarter Township 3, Township 1, Range 17, United States Military Lands, being a part of a 10.186 acre parcel as conveyed to TRUSTEES AGLER RD PARCEL #2 LLC in Instrument Number 201008230108138, a part of a 10.321 acre parcel as

conveyed to TRUSTEES AGLER RD PARCEL #2 LLC in Instrument Number 201008230108139, a part of a 5.000 acre parcel as conveyed to TRUSTEES AGLER RD PARCEL #3 LLC in Instrument Number 201008190106494, and the remainder of 4.07 acre parcel as conveyed to NIAM STELZER ROAD LLC in Instrument Number 201704190052755, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING on the easterly line of said 5.000 acre tract being (60 feet from centerline of Agler Road), said point being the TRUE POINT OF BEGINNING;

Thence along the easterly line of said 5.000 acre tract, South 04°03'29" West, 678.00 feet to a point on the northwesterly corner of the remainder of said 4.07 acre tract;

Thence along the northerly line of the remainder of said 4.07 acre tract, South 85°53'31"E, 881.77 feet to a point on the northeasterly corner of the remainder of said 4.07 acre tract and on the westerly right of way line of Stelzer Road;

Thence along the easterly line of the remainder of said 4.07 acre tract and the westerly right of way line of Stelzer Road, South 02°45'58" West, 110.83 feet to a point on the easterly line of the remainder of said 4.07 acre tract and on the westerly right of way line of Stelzer Road;

Thence continuing along the easterly line of the remainder of said 4.07 acre tract and the westerly right of way line of Stelzer Road, South 04°04'48" West, 77.20 feet to a point on the southeasterly corner of the remainder of said 4.07 acre tract and the westerly right of way line of Stelzer Road;

Thence along the southerly line of the remainder of said 4.07 acre tract, North 85°53'31" West, 1119.94 feet to a point on the southwesterly corner of said 5.000 acre tract and the easterly line of said 10.321 acre tract;

Thence along the easterly line of said 10.321 acre tract, South 04°07'19" West, 790.75 feet to a point on the southeasterly corner of said 10.321 acre tract;

Thence along the southerly line of said 10.321 acre tract and said 10.186 acre tract, North 85°46'05" West, 530.05 feet to a point on the southwesterly corner of said 10.186 acre tract;

Thence along the westerly line of said 10.186 acre tract, North 04°44'26" East, 1655.70 feet to a point on the westerly line of said 10.186 acre tract;

Thence 60 feet from and parallel to the centerline of Agler Road and across said 10.186 acre tract, said 10.321 acre tract, and said 5.000 acre tract, South 85°53'32" East, 746.90 feet to a point on the northeasterly corner of the remainder of said 5.000 acre tract, said point being the TRUE POINT OF BEGINNING, containing 28.30± acres, 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 those uses as permitted by the L-M Limited Manufacturing District as specified by Ordinance #1342-2022 (Z21-087).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

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