

**CITY OF COLUMBUS  
REGULAR PLANNING COMMISSION MEETING  
11.20.19**

The November 20<sup>th</sup>, 2019 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members: Kris King, Barb Bobick, and Jody Krebs; City Administrator Elizabeth Mursko; City Planning Technician Ben Gutknecht; City Planner Dean Johnson; and Recording Secretary Rochelle Busch.

Also, in attendance were Mayor Jesse Preiner; City Council Member Shelly Logren; John Seibert, and Myron and Cindy Angel.

**AGENDA APPROVAL**

*Motion* by Krebs to approve agenda as written. Second by Bobick. Motion carried unanimously.

**APPROVAL – PUBLIC HEARING – 9203 LAKE DR NE CONDITIONAL USE PERMIT (CUP) FOR PLANNED UNIT DEVELOPMENT REQUEST (PC19-122)**

*Motion* by Bobick to approve the Public Hearing minutes for a conditional use permit request for a Planned Unit Development for deviations to design standards, Viking Industrial, as written. Second by Hanegraaf. Votes as follows: King – Abstain, Bobick – Aye, Krebs-Abstain. Motion not carried.

**PUBLIC HEARING – 15215 ZURICH ST. ACES HOTEL- REDUCTION OF SIDE YARD SETBACK VARIANCE REQUEST (PC19-126)**

At this time a public hearing was held to consider a variance request from the required ten (10) foot side yard setback for an accessory trash refuse enclosure to allow a zero (0) foot side yard setback in the HR Horse Racing zoning district. Separate minutes for the public hearing are prepared.

**15215 ZURICH ST. ACES HOTEL- REDUCTION OF SIDE YARD SETBACK VARIANCE REQUEST (PC19-126)**

Commission Members concluded they agreed that there were no issues in granting the variance. They noted that it is necessary for the businesses to have a place to collect waster on site and the most logical way to have the trash receptacle placed in compliance with the Fire Marshall would be to grant the variance.

Krebs questioned why the members don't go through the variance checklist like they once did. Mursko replied that it is always open to the Planning Commission to do so. However, because the research and fact finding had been completed by City Staff, during the discussion portion of the public hearing, Commission Members should raise any concerns or question any items on the checklist and add any conditions in which they recommend be required.

Mursko requested that a staff recommendation would be added for the applicant update the site plan to reflect changes as listed in the Public Hearing.

Krebs questioned whether members needed to review number two of the variance check list. Gutknecht stated with the 0-foot set back variance, they are now in compliance with the Fire Marshall.

Mursko addressed Seibert requesting clarification around color scheme on the enclosure. He noted that it will be a beige that will be compatible colors to the current buildings.

**City of Columbus Variance Staff Report**  
**15215 Zurich St**  
**11.13.19**

**Project Name:** Variance for a Zero-Lot-Line Setback for Trash Enclosure

**Applicant:** John F. Seibert

**Property Owner:** Aces Hotel, LLC

**Legal Description of property:** LOT 2 BLOCK 1 N METRO HARNESS INITIATIVE 2

**Property Identification #(s):** 24-32-22-31-0003

**Property Zoning:** Horse Racing (HR) District

**Report approved by:** Elizabeth Mursko, City Administrator

**Date of Application:** 10.24.19

**Date Application found incomplete:** N/A

**Materials missing:** None

**Date Application complete:** 10.24.19

**Date of Public Hearing:** 11.20.19

**Date notice published:** 11.07.19

**Date notice mailed / posted:** 11.07.19

**60-limit for action:** 12.23.19

**60-day extension / letter sent:** N/A

**Project Description:**

The applicant is seeking a variance to City Code section 7A-801(E) to reduce the required side yard setback for principal and accessory uses in the Horse Racing Zoning District from ten (10) feet to zero (0) feet for the accessory use of a trash refuse enclosure. The proposed refuse enclosure is located adjacent to the Aces Hotel, which was platted as a separate landlocked parcel ("Hotel Parcel") surrounded on all sides by the larger racetrack facility parcel ("Racetrack Parcel"). Although the two parcels are technically separate, they function as a single parcel for all other purposes.

**Variance Findings:**

A variance is a legally permitted deviation from the literal requirements of the City Zoning Ordinance. Variances may be granted in instances where the landowner establishes that there are practical difficulties in complying with the Zoning Ordinance and the landowner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. The Planning Commission, acting as the Board of Adjustment, must hold a public hearing and make a recommendation on the application to the City Council. In examining practical difficulties, pursuant to City Code Section 7A-525 the Board of Adjustment and City Council must make the following findings:

1. The landowner proposes to use the property in a reasonable manner.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.

3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

**Staff has analyzed the following variance application: A variance to reduce the required side yard setback from ten (10) feet to zero (0) feet in the Horse Racing (HR) District, based on the following findings.**

**1. The landowner proposes to use the property in a reasonable manner.**

Staff finds that the landowner proposes to use the property in a reasonable manner. The proposed land use is to store refuse in a compliant manner following Section 7A-813 of the City Code. The enclosure will be constructed of masonry on a free-floating slab. The exterior will be a split face block painted to match the buildings lower structure or of stone to match existing building. The trash refuse enclosure shall service the collection of trash from the new Running Aces Hotel, which is connected the Running Aces Casino and Horse Racing Track.

**2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.**

The reduction in the side yard setback from ten (10) feet to zero (0) feet is due to circumstances not created by the property owner. Due to the size of the existing Hotel Parcel any other proposed location for a trash refuse enclosure is would be out of compliance at the same or greater degree, similarly necessitating a variance. Furthermore, the Fire Chief has requested that the planned fire access road be twenty-four (24) feet in width. A compliant setback of ten (10) feet would have resulted in a structure that would have been out of compliance with the Fire Code and Fire Chief's recommendations, thus potentially creating a situation dangerous to public health.

**3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.**

The City Code (7A-813) acknowledges that all refuse must be stored in a storage area that shall be enclosed on all four sides by screening, compatible with the exterior of the building and not less than two (2) feet higher than refuse container. The proposed enclosure shall meet these standards. Additionally, the structure will be constructed of masonry, which is compliant with the zero-set back allowed by the Building Code.

**4. Granting the variance is consistent with the City's Comprehensive Plan.**

The proposed variance will continue to protect the health, safety, and welfare of the public and environmental systems by allowing a refuse enclosure that effectively shields and stores trash and recycling and is consistent with the City Building Code and recommendations from the Fire Chief. The proposed variance is consistent with the City's Compressive Plan.

**5. The variance if granted, will not alter the essential character of the neighborhood or City.**

The character of the neighborhood is dominated by the Running Aces Casino and Horse Racing Track, which will be connected to the hotel. Outdoor storage of trash within an enclosed refuse is a common feature among similar commercial uses and is consistent with a higher-quality visual appearance. Furthermore, the Hotel Parcel and Racetrack Parcel currently function as one with a

cross easement agreement is currently in place to allow vehicle access to service the hotel's trash. This indicates that the owners of both parcels are already open to cooperation to service the trash enclosure. The variance, if granted, will not alter the essential character of the neighborhood or the city.

#### **6.The practical difficulty is not created solely by economic considerations.**

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the size of the lot and fire lane requirements creating a situation in which the compliant buildable area was reduced.

#### **Recommendation(s):**

Planning Commission adopted the staff findings 1-6 and recommends **approval** to the City Council for the variance application to reduce the ten (10) foot setback to zero (0) feet to allow for the accessory use of a refuse storage enclosure for the Running Aces Hotel, subject to the following conditions of approval:

1. Applicant must meet the standards outlined in section 7A-813 (C). *All refuse must be stored in a building, a trash transport (dumpster) or in covered cans. The storage area shall be enclosed on all four sides by screening, compatible with the exterior of the building, not less than two feet higher than the refuse container.*
2. Trash refuse enclosure must be constructed of a non-combustible material, per City of Columbus Building Code
3. **Applicant to submit an updated site plan indicating the fire access lane at 24 feet, along with the building materials of the split face block that are compatible with the primary building.**

*Motion* by Bobick to move forward variance for a zero-lot-line setback, 15215 Zurich Street, Aces Hotel, based on the Staff Report dated 11.13.19, with the variance findings 1-6 and staff recommendations 1-3, with the addition of number 3 being “**Applicant to submit and updated site plan indicating the fire access lane at 24 feet, along with the building materials of the split face block that are compatible with the primary building**”, for approval to the City Council. Second by Krebs. Motion carried unanimously.

This matter will go before the City Council at their meeting on November 25<sup>th</sup>, 2019.

#### **DEAN JOHNSON DISCUSSION**

City Planner Johnson explained to the Planning Commission there are currently 3 mixed use districts. He noted that in those districts' ordinances needed to be defined and adopted. He mentioned that we currently have a lot of retail which was mentioned in the 2015 McComb's report. Since several commissioners are new, they are encouraged to make a list of any questions for the upcoming meetings. He also made mention to come forward with any tools or resources that Commission members may need to make confident decisions.

#### **PUBLIC OPEN FORUM**

Nothing to report

## **CITY ADMINISTRATOR'S REPORT**

Mursko gave the option to the Planning Commission to do an open forum about the Planning Commission and any other questions they may have. She addressed the commission members to come with questions and other information or tools they may need. Members agreed that they would be appreciative of this time. Mursko stated that the upcoming meetings would be as more workshopped based.

## **PLANNING COMMISSION MEMBERS' REPORT**

Nothing to report

## **ATTENDANCE - NEXT CC MEETING**

Bobick is scheduled to attend the City Council meeting on November 25<sup>th</sup>, 2019.

*Motion* by Krebs to adjourn. Second by King. Motion carried.

Meeting adjourned at 9:13 p.m.

Respectfully Submitted:

Rochelle Busch, Recording Secretary

