

VARIANCE APPLICATION

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

Project/Property Address or Location: 870 Claycraft Road		Project Name/Business Name (if applicable): Trevi Enterprises	
Parcel ID No.(s): 025-013638 & 025-013639	Current Zoning: 12/18/18 MB OCT, L, M-1	Total Acreage: 16.93	
Description of Variance Requested: See attached.			
STAFF USE ONLY – Code Section(s) & Description of Variance: • Ord - 69-2009 - Sec 5(A)(3) - Main Facade Materials • Ord - 69-2009 - Sec 6A Building Landscape • Ord - 69-2009 - Sec 6(A) + CH 1163.08 - Interior Landscape Requirements			
APPLICANT Name (primary contact) -do <u>not</u> use a business name: Trevi Enterprises, LLC		Applicant Address: 8400 Industrial Parkway Plain City, OH 43064	
Applicant E-mail: amyhuffman@rroho.com		Applicant Phone No.: 614-579-7767	
BUSINESS Name (if applicable): FED ONE			
ATTORNEY/AGENT Name: Agent: Brian Burkhart, PE		Attorney/Agent Address: 250 Old Wilson Bridge Road Worthington, OH 43085	
Attorney/Agent E-Mail: bburkhart@cecinc.com		Attorney/Agent Phone No.: 614-315-7172	
ADDITIONAL CONTACTS (please list all applicable contacts)			
Name(s):		Contact Information (phone no./email):	
Contractor Fed One Dublin, LLC		614-873-0662/ amyhuffman@rroho.com	
Developer Fed One Dublin, LLC		614-873-0662/ amyhuffman@rroho.com	
Architect DSA Arch.		branko@dsaarchitectsinc.com	
PROPERTY OWNER Name: (if different from Applicant) Value Recovery Group, LLC (David Poe)		Property Owner Contact Information (phone no./email): 614-324-5959	

APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED (see page 2)

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant Signature:  Date: 11-29-18

THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: www.gahanna.gov

INTERNAL USE

Zoning File No. V-306-2018
PC Meeting Date: _____
PC File No. _____

RECEIVED: KAW
DATE: 12-3-18

PAID: 300.00
DATE: 12-3-18
CHECK#: 0102

VARIANCE APPLICATION – SUBMISSION REQUIREMENTS

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

STAFF USE - INTAKE	TO BE COMPLETED/SUBMITTED BY THE APPLICANT:	APPLICANT		STAFF USE	
		YES	N/A	YES	N/A
	1. Review Gahanna Code Section 1131 (visit www.municode.com) (Sign Variances, refer to Section 1165.12 ; Fence Variances, 1171.05 ; Flood Plain Variances, 1191.18)	✓			
	2. Pre-application conference with staff	✓			
	3. Survey of property certified by a registered surveyor (11"x17" copy)	✓			
	4. List of contiguous property owners & their mailing address	✓			
	5. Pre-printed mailing labels for all contiguous property owners	✓			
	6. A statement of the reason(s) for the variance request that address the following three conditions: (not applicable for Sign, Fence, or Flood Plain Variances) - Special circumstances or conditions - Necessary for preservation - Will not materially affect adversely the health or safety	✓ ✓ ✓			
	7. Application fee paid (in accordance with the Building & Zoning Fee Schedule)	✓			
	8. Application & all supporting documents submitted in digital format	✓			
	9. Application & all supporting documents submitted in hardcopy format	✓			
	10. Authorization Consent Form Complete & Notarized (see page 3)	✓			

THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: www.gahanna.gov

APPLICATION ACCEPTANCE

INTERNAL USE

This application has been reviewed and is considered complete and is hereby accepted by the Zoning Division of the City of Gahanna and shall be forwarded to the City of Gahanna Planning Commission for consideration.

☐ Planning Commission must recommend to City Council for final approval

Planning & Zoning Administrator Signature: _____

Date: _____

12/19/18

AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

AUTHORIZATION FOR OWNER'S APPLICANT OR REPRESENTATIVE(S)

If the applicant is not the property owner, this section must be completed & notarized.

I, Donald Poe, Vice President, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize Amy Biardi-Huffman to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: [Signature]

Date: 10/31/18

AUTHORIZATION TO VISIT THE PROPERTY

I, Donald Poe, Vice President, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize City representatives to visit, photograph and post notice (if applicable) on the property as described in this application.

Property Owner Signature: [Signature]

Date: 10/31/18

NOTARY

Subscribed and sworn to before me on this 31st day of October

State of OHIO County of Franklin

Notary Public Signature: Sharon L Gorbey



SHARON L GORBAY
Notary Public
In and for the State of Ohio
My Commission Expires
June 29, 2020

AGREEMENT TO COMPLY AS APPROVED

I, Amy Biardi-Huffman, the applicant of the subject property listed on this application, hereby agree that the project will be completed as approved and any proposed changes to the approved plans shall be submitted for review and approval to the Zoning Division staff.

Applicant Signature: Amy Biardi-Huffman

Date: 10/31/18

NOTARY

Subscribed and sworn to before me on this 31st day of OCTOBER, 2018

State of OHIO County of Franklin

Notary Public Signature: Sharon L Gorbey



SHARON L GORBAY
Notary Public
In and for the State of Ohio
My Commission Expires
June 29, 2020

December 17, 2018

Ms. Kelly Wicker
City of Gahanna
200 S. Hamilton Rd.
Gahanna, OH 43230

Dear Ms. Wicker:

Subject: Claycraft Warehouse- Variance Request
City of Gahanna, Franklin County, Ohio
CEC Project 182-564

Civil & Environmental Consultants, Inc. (CEC), on the behalf of the developer, is requesting two variances for Claycraft Warehouse as follows:

1. Page 7 of 14 of the overlay text requires the main façade off all buildings to incorporate a minimum of 50% brick or stone.

Provided: 0% brick or stone

We are seeking a variance for this item for the following reason. We will be constructing an industrial building utilizing load-bearing concrete pre-cast wall panels. As such, it is structurally impracticable to construct the wall with 50% brick or stone. The wall panels are load-bearing and extend from the footer to the top of the eave. The wall panels will be painted with a two tone textured paint as show on the color rendering. Additionally, this type of construction will not adversely affect the health, safety or wellness of anyone in the public.

2. Chapter 1163.08. – Interior Landscaping Requirements

e) One tree per 100 square feet of required landscape area or portion thereof shall be required. The minimum caliper of such trees shall be three inches as measured in accordance with ANSI requirements.

Required: 25 trees Provided: 0 trees

Due to the topography of the site, the owner is requesting a variance on these plantings. There is simply not enough area on the site to plant all of the required trees with appropriate spacing for tree health. Trees shown on the site will be counted toward the requirements of section 914 and not toward Section 1163.08.

Section 6- Landscaping and Screening Central Park of Gahanna- Limited Overlay Text (L, M1)

6.A Interior Parking Lot Standards

1.c. One tree per 1,000 square feet of required landscape area or portion thereof shall be required. The minimum caliper of such trees shall be 2" as measured in accordance with American Standard for Nursery Stock (ASNS) requirements.

Required: 3 trees Provided: 0 trees

Due to the topography of the site, the owner is requesting a variance on these plantings. There is simply not enough area on the site to plant all of the required trees with appropriate spacing for tree health. Trees shown on the site will be counted toward the requirements of section 914 and not toward Central Park of Gahanna Overlay Text Section 6 A 1 c.

6.A. Building Landscaping

1. Foundation planting required. Landscaping surrounding a building can serve to ground the structure into the landscape, soften the visually hard edges of the building and break up large expanses of wall into smaller segments. It is the purpose of this code to require a minimum amount of landscaping surrounding each structure built to help increase the aesthetic value of the district.
 - a. For all buildings a minimum of 5 shrubs and 2 flowering perennials shall be provided for each 10 linear feet of building elevation.

Required: 725 Shrubs Provided: 360 Shrubs
Required: 290 Perennials Provided: 75 Perennials

Owner is requesting a variance on a portion of the foundation shrubs and perennial plantings since the East foundation is at the bottom of a steep slope and there are substantial utilities planned along the West foundation. The drainage plan calls for a large swale adjacent to the East foundation and there is not sufficient room for these plantings. Additionally, these plantings will not be in view from the neighboring property or the public street. The West foundation will have several utilities in the small green space, and these plantings will potentially impact the utilities.

2. Interior Trees required

- a.II. For building above 20,000 square feet- The building owner shall provide a total of

Ms. Wicker
Claycraft- Variance Request
CEC 182-564
December 17, 2018

1" per 1,000 square feet of building footprint (or fraction thereof) up to 20,000 square feet plus 1" in tree caliper per each 5,000 square feet (or fraction thereof) above 20,000 square feet.

Required: 69 caliper inches Provided: 0 caliper inches

Due to the topography of the site, the owner is requesting a variance on these plantings. There is simply not enough area on the site to plant all of the required trees with appropriate spacing for tree health. Trees shown on the site will be counted toward the requirements of section 914 and not toward Central Park of Gahanna Overlay Text Section 6 A 2 a II.

NOTE: Section 914: Landscaping Requirements

Required: 418,326 sq ft of impervious / 1 shade tree caliper inch per 1,000 sq ft = 418 caliper inch.

Provided: 214 caliper inch

Owner WILL NOT be seeking a variance on the trees required in section 914. Owner agrees to plant 214" of the required 418" of trees and will pay for the additional 204" of trees at the required \$200/inch rate.

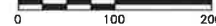
Sincerely,
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Brian Burkhart, PE, SI, CPESC, CPSWQ, LEED AP ND

**TOWNSHIP 1, RANGE 16, QUARTER TOWNSHIP 3;
CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO
NOVEMBER 2018**

NORTH

SCALE IN FEET



GAHANNA BUSINESS MART
PID: 026-181411-00
ZONE: PID

CENTRAL PARK LLC
PID: 025-006459-00
ZONE: OCT WITH (L, M-1)

VALUE RECOVERY GROUP II
PID: 025-013638-00
ZONE: OCT WITH (L, M-1)

CENTRAL OHIO COMMUNITY
PID: 025-013637-00
ZONE: OCT WITH (L, M-1,

VALUE RECOVERY GROUP I
PID: 025-013639-00
ZONE: OCT WITH (L, M-1)

WHITE KNIGHT OF CENTRAL OHIO LTD
PID: 025-012056-00
ZONE: OCT

MHI OHIO CC IV LLC
PID: 025-012063-00
ZONE: OCT

MHI OHIO CC III LLC
PID: 025-006688-00
ZONE: OCT

PARLINCO INC
PID: 026-190715-00
ZONE: OCT

CAC GROUP LLC
PID: 026-190716-00
ZONE: OCT

VALUE RECOVERY GROUP II
PID: 025-006690-00
ZONE: OCT

$A = 118.45^\circ$
 $R = 605.44'$
 $\Delta = 11^\circ 12' 34''$
 $CHB = N75^\circ 31' 22''$
 $CH = 118.26'$

STEP
PID:

STEP ENTERPRISES
PID: 025-006154-0
ZONE: OCT

SITE PLAN
SCALE: 1"=100'

OWNER
VALUE RECOVERY GROUP II LLC
919 OLD HENDERSON RD
COLUMBUS, OH 43220
PHONE: (614) 975-5629
CONTACT: DAVID POE
EMAIL: DPoe@VALUERECOVERY.COM

DEVELOPER
FED ONE
800 INDUSTRIAL PARKWAY
PLAIN CITY, OHIO 43064
PHONE: (614) 570-8823
CONTACT: SARA HANES
EMAIL: SHANES@RROHIO.COM

ENGINEER/SURVEYOR
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
250 OLD WILSON BRIDGE ROAD, SUITE 250
WORTHINGTON, OHIO 43085
PHONE: (614) 540-6833
CONTACT: BRIAN BURKHART, PE
EMAIL: BBURKHART@CECINC.COM



REFERENCES

1. EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION IS PER SURVEY PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS INC. ON 10/17/2018.
2. ALL OF THE PROJECT SITE IS IN THE FLOOD HAZARD ZONE X, AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS, MAP NUMBER 38049C0351K, EFFECTIVE DATE JUNE 17, 2008

REVISION RECORD	
NO	DATE DESCRIPTION



Civil & Environmental Consultants, Inc.
250 Old Wilson Bridge Road • Suite 250 • Worthington, OH 43085
614-540-6633 • 888-598-6808

**FED ONE
CLAYCRAFT WAREHOUSE
CITY OF GAHANNA
FRANKLIN COUNTY, OHIO**

MAP OF SURVEY

DATE:	NOVEMBER 2018	DRAWN BY:	HKE
DWG SCALE:	1" = 100'	CHECKED BY:	BAB

DRAWING NO.:

C200

SHEET 1 OF 1

Claycraft Warehouse

Project 182-564

11/02/18

Property Owners and Mailing Addresses

MHI Ohio CC III LLC

PID: 025-00688-00

Mailing Address: PO BOX 9495, FARGO, ND 58106

Parlinco Inc.

PID: 026-190715-00

Mailing Address: 885 CLAYCRAFT RD, COLUMBUS, OH 43230

CAC Group LLC

PID: 026-190716-00

Mailing Address: 935 CLAYCRAFT RD, COLUMBUS, OH 43230

Value Recovery Group II

PID: 025-006690-00

Mailing Address: 919 OLD HENDERSON RD, COLUMBUS, OH 43220

Step Enterprises

PID: 025-006154-00

Mailing Address: 11708 HUNTINGTON WAY, PICKERINGTON, OH 43147

MHI Ohio CC IV LLC

PID: 025-012063-00

Mailing Address: PO BOX 9495, FARGO, ND 58106

White Knight of Central Ohio LTD

PID: 025-012056-00

Mailing Address: 90000 HERITAGE DR, PLAIN CITY, OH 43064

Central Ohio Community

PID: 025-013637-00

Mailing Address: 845 PARSONS AVE, COLUMBUS, OH 43206

Gahanna Business Mart Partnership

PID: 026-181411-00

Mailing Address: 695 KENWICK RD, COLUMBUS OH 43209

Central Park LLC

PID: 025-006459-00

Mailing Address: 7344 N WESTERN AVE, CHICAGO, IL 60645

December 17, 2018

Ms. Kelly Wicker
City of Gahanna
200 S. Hamilton Rd.
Gahanna, OH 43230

Dear Ms. Wicker:

Subject: Claycraft Warehouse- Variance Comments
City of Gahanna, Franklin County, Ohio
CEC Project 182-564

Civil & Environmental Consultants, Inc. (CEC) has received design review comments prepared by the City of Gahanna, dated December 13, 2018 for Claycraft Warehouse and has prepared the responses below.

Fire District

1. Listed below are updated comments are the Claycraft Warehouse.

The building is 262,500 square feet and the height is 39' 1", which requires a fire flow of 8,000 GPM. But since the building is going to be fully suppressed, the minimum fire flow required is 2000 GPM or 25% of the value of Table B105.1 (2).

The minimum number of fire hydrants is 2 in accordance with Table C102.1. There are 3 fire hydrants on the south side of the building and 2 public fire hydrants are located on Claycraft Road, located in front of the building. There has been an additional hydrant placed on the plans at the west entrance to the warehouse.

Since the height of the building from the ground to the building eaves exceed 30 feet, the drive lane of the fire apparatus roadway shall be 26 feet in width for aerial access. The proximity to the building shall be not less than 15 feet from the building and no more than 30 feet from building and positioned parallel to one entire side of the building. The rear of the building does not meet the requirements of a fire department access road since it exceeds the 30 foot distance from the building. But there are 55 foot sections of heavy duty road that are in front of each set of bay door and the aerial could set up there if needed. The Fire Division approves this project plan.

Additional requirements and comments could follow after plans are submitted and the review process starts.

OK as noted.

Building

2. Plan review and permits will be required for the building construction.

OK as noted.

Ms. Wicker
Claycraft- Variance Comments
CEC 182-564
November 30, 2018

Parks

3. Upon reviewing the variance request, I believe that there is plenty of room to plant additional trees throughout the 17 acre site. Although the trees may not be able to fit right around the building or parking lot, there is space to the north around the detention basin and off to the east. I would like to see more trees added to this landscape plan. Large shade trees need approximately 50 ft. spacing (depending on the species), so it should be feasible to fit quite a few more trees into this plan.

I was also concerned with the limited number of tree species included in the plan. The vast majority of proposed species are in the maple family (*Acer* spp.). I believe that this is a problem due to severe overplanting of maples in Ohio as well as the likelihood of invasive by the Asian Longhorn Beetle. ALB is an invasive insect that feeds heavily on healthy maple trees. Right now, ALB is already in southern Ohio, but it is currently quarantined near Cincinnati. A diverse planting of species helps ensure survival of the urban forest over time, and it is a best management practice to choose multiple species from various plant families. Please contact me with any questions or concerns.

Landscape plan has been revised.

Community Development

4. As was stated under the FDP comments, the requirements of chapter 914 cannot be varied. The project must provide the required number of caliper inches or pay into the tree fund at a cost of \$200 per caliper inch. Please modify the variance request accordingly.

Variance request has been modified.

Public Safety

5. No comment

OK as noted.

Soil & Water Conservation District

6. No Comments Received.

OK as noted.

Public Service & Engineering

7. No Comment

OK as noted.

Please see attached for the revised variance request.

Sincerely,
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Brian Burkhardt, PE, SI, CPESC, CPSWQ, LEED AP ND



December 19, 2018

Fed One Dublin LLC
8400 Industrial Pkwy
Plain City, OH 43064

RE: Project 870 Claycraft Rd, Variance Application

Dear Fed One Dublin LLC:

The following comments were generated from the review of the submitted plans and documents for the referenced project.

Fire District

1. Listed below are updated comments are the Claycraft Warehouse.

The building is 262,500 square feet and the height is 39' 1", which requires a fire flow of 8,000 GPM. But since the building is going to be fully suppressed, the minimum fire flow required is 2000 GPM or 25% of the value of Table B105.1 (2).

The minimum number of fire hydrants is 2 in accordance with Table C102.1. There are 3 fire hydrants on the south side of the building and 2 public fire hydrants are located on Claycraft Road, located in front of the building. There has been an additional hydrant placed on the plans at the west entrance to the warehouse.

Since the height of the building from the ground to the building eaves exceed 30 feet, the drive lane of the fire apparatus roadway shall be 26 feet in width for aerial access. The proximity to the building shall be not less than 15 feet from the building and no more than 30 feet from building and positioned parallel to one entire side of the building. The rear of the building does not meet the requirements of a fire department access road since it exceeds the 30 foot distance from the building. But there are 55 foot sections of heavy duty road that are in front of each set of bay door and the aerial could set up there if needed.

The Fire Division approves this project plan.

Additional requirements and comments could follow after plans are submitted and the review process starts

Building

2. Plan review and permits will be required for the building construction.

Parks

3. Upon reviewing the variance request, I believe that there is plenty of room to plant additional trees throughout the 17 acre site. Although the trees may not be able to fit right around the building or parking lot, there is space to the north around the detention basin and off to the east. I would like to

200 S. Hamilton Rd. Gahanna, Ohio 43230
614.342.4010 (Phone) 614.342.4100 (Fax)

see more trees added to this landscape plan. Large shade trees need approximately 50 ft. spacing (depending on the species), so it should be feasible to fit quite a few more trees into this plan.

I was also concerned with the limited number of tree species included in the plan. The vast majority of proposed species are in the maple family (*Acer* spp.). I believe that this is a problem due to severe overplanting of maples in Ohio as well as the likelihood of invasion by the Asian Longhorn Beetle. ALB is an invasive insect that feeds heavily on healthy maple trees. Right now, ALB is already in southern Ohio, but it is currently quarantined near Cincinnati. A diverse planting of species helps ensure survival of the urban forest over time, and it is a best management practice to choose multiple species from various plant families.

Please contact me with any questions or concerns.

12-18-18 I'm glad to see that additional trees and species were added to the landscape plan. I have no additional comments.

Public Safety

4. No comment

Soil & Water Conservation District

5. No Comments Received.

Public Service & Engineering

6. No Comment

If you have any comments or questions, please contact me at kelly.wicker@gahanna.gov or (614) 342-4025.

Sincerely,

Kelly Wicker
Administrative Assistant

PLANNING AND DEVELOPMENT STAFF REPORT

Request Summary

This is a request to develop 17 acres with a new 262,000 square foot warehouse facility. Final Development Plan (FDP), Design Review (DR), and Variance applications are required in order to do so. The property is located within Central Park of Gahanna and is zoned Office, Commerce, and Technology with an overlay. The overlay was adopted in 2009 and contains many unique standards that only apply to property located within Central Park. Most of these standards relate to building appearance and landscaping.

If approved, this would mark the fourth project to be approved in the past 16 months in Central Park.



Given Hansco – 12,000 square foot office building



Trevi Enterprises



Franklin Peak – 69,000 square foot, 4 story office building
5,200 square foot brewery



All R Friends – 8,000 square foot office building



OCT zoning and the overlay text permit a wide variety of uses. Warehouse and industrial uses are one of the main uses permitted in the zoning along with office. The zoning code and overlay text have unique provisions for setbacks, building design, and other elements of design that vary depending on the use of the property. This is a unique feature of OCT zoning. OCT zoning is also one of the few zonings in the City that permit warehouse. All the properties in the Claycraft Road corridor are zoned OCT and many of them are developed with similar uses, but not at the scale of this proposal.

Final Development Plan

Planning Commission shall approve an FDP application if the following four conditions are met:

- A. The proposed development meets the applicable development standards of this Zoning Ordinance.
- B. The proposed development is in accord with appropriate plans for the area.
- C. The proposed development would not have undesirable effects on the surrounding area.
- D. The proposed development would be in keeping with the existing land use character and physical development potential of the area.

Design Review

The property is zoned OCT with an overlay and therefore subject to the standards of Design Review District 4 (DRD-4). Relevant standards include the following:

- Parking – The Planning Commission should be concerned with the location of the proposed parking area and the screening design that will minimize visual contact with the public. Parking should be to the rear of the building.
- Access – Limited in number but well defined to all traffic.
- Building materials are important to protect property values but a more liberal standard should be applied to OCT.
- Landscaping should be used to maximize visual interest.

Variance

Variances to the overlay text, ordinance 69-2009, have been requested. The overlay text contains unique provisions related to landscaping and building design that are above and beyond what the zoning code would normally require for properties zoned OCT. It is important to note that while these standards may be appropriate for some development types and development sizes, they are not practical for all developments to meet.

- Ordinance – 69 – 2009 – Main Façade Materials – Main façade of all buildings to incorporate a minimum of 50% brick or stone.
 - This provision applies to all development types and is unique to the overlay code. The requested building materials meet the other standards of the overlay text.
- Ordinance – 69 – 2009 and Chapter 1163.08 – Interior Landscaping Requirements – One tree per 1,000/100 square feet of required landscape area.



- Both the zoning code and overlay have requirements for plantings in the parking areas of a project. The applicants have proposed planting over 100 trees on the property, many of which are located in the parking lot. These have been planted to meet the requirements of Chapter 914. In attempting to meet Chapter 914 requirements, the property does not have sufficient room to plant additional trees, therefore a variance has been requested.
- Ordinance – 69 – 2009 – Building Landscaping – All buildings to provide for a minimum of 5 shrubs and two flowering perennials for each 10 linear feet of building.
 - This provision applies to all development types and is a unique provision to the overlay. The zoning code does not contain requirements that require a minimum amount of landscaping adjacent to the building. The applicant has provided for some plantings but they contend that they are unable to meet the strict letter of the requirements.

Planning Commission shall not grant a variance unless it finds that all of the following conditions apply:

- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

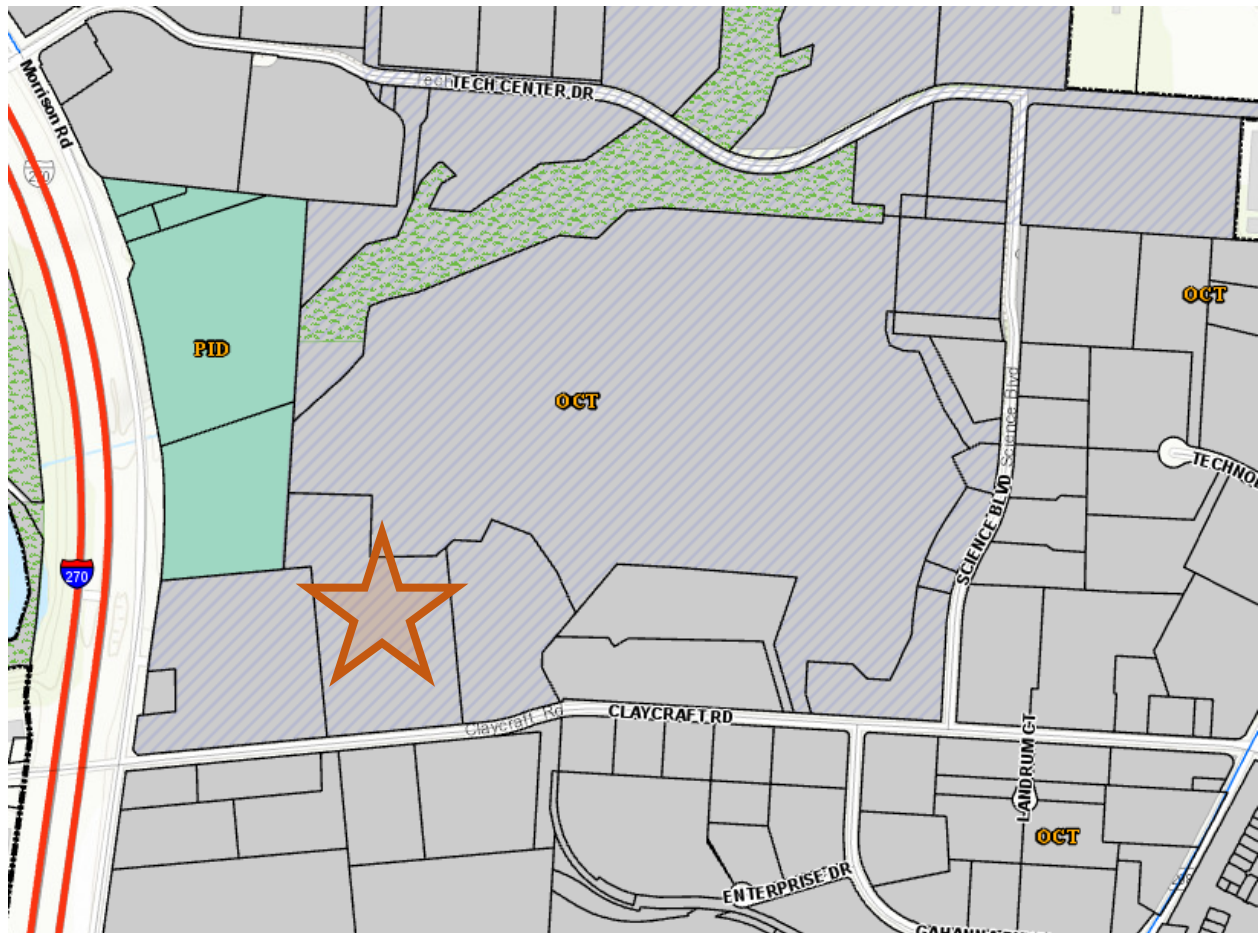
Staff is of the opinion that the request as proposed is meeting the intent of the zoning code and overlay text. The goal of the regulations are for developments to provide quality construction materials and adequate landscaping. Meeting the strict letter of the law can be difficult for some projects as there are many variables that affect the development of a project. In this instance, the requirements of Chapter 914 are so great, 418 tree inches to be planted, that the site is not large enough to accommodate this number of plantings. If these plantings were to occur on site, then the health of the trees would be in question. The goal of the regulations is to ensure that trees are planted on site. Over 200 inches of new trees are proposed with a fee to be paid for the tree inches that cannot be planted on the property.

The request to deviate from the requirement to provide a minimum of 50% of the main façade as brick or stone is a requirement unique to the overlay. While such requirements on office and retail buildings may be logical, rarely do warehouse structures have similar architectural constraints. The proposed materials and design appear to meet all other applicable requirements. The overlay text is self-imposed by the land owner. With that said, the land owner is aware of the variance and has not stated any objection to the request.

Recommendation

It is Planning and Development staff's opinion that the requested applications are consistent with the development potential of the property and applicable area plans and recommend approval.

Location/Zoning Map



Respectfully Submitted By:
Michael Blackford, AICP
Deputy Director