



Mayor Michael B. Coleman

BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: 14310-0-00724
 Date Received: 11/19/14
 Commission/Group: Northland Community Council
 Existing Zoning: LC-4 Application Accepted by: D. Reiss Fee: \$1,900.00
 Comments: 2/24/15

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

See attached. 3309.14, Height districts. Do increase the allowable height of a structure from 35 ft. to 39 ft. (Parking lot light poles.)
3326.03, Lighting. Do increase the allowable height of light fixtures from 28 ft. to 39 ft. (PK)

1. Certified Address Number and Street Name 3888 Morse Road
 City Columbus State Ohio Zip 43219
 Parcel Number (only one required) 010-270610, 600-270611, 010-225926, 010-225925

APPLICANT: (IF DIFFERENT FROM OWNER)

Name _____
 Address _____ City/State _____ Zip _____
 Phone # _____ Fax # _____ Email _____

PROPERTY OWNER(S):

Name Wal-Mart Real Estate Business Trust and Sam's Real Estate Business Trust
 Address P.O. Box 8050 MS0555 City/State Bentonville, AR Zip 71712
 Phone # _____ Fax # _____ Email _____
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

Attorney Agent
 Name Thomas M. Tepe, Jr., Keating Muething & Klekamp, PLL
 Address One E. Fourth St., Suite 1400 City/State Cincinnati, OH Zip 45202
 Phone # 513-639-3947 Fax # 513-579-6457 Email: ttepe@kmlklaw.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE _____
 PROPERTY OWNER SIGNATURE Caroline Clarke Caroline Clarke, V.P. Facilities Mgmt & Environmental Services
 ATTORNEY / AGENT SIGNATURE Thomas M. Tepe, Jr.

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
 Applications must be submitted by appointment. Call 614-645-4522 to schedule.
 Please make all checks payable to the Columbus City Treasurer

OH – Columbus
Wal-Mart Store #2098
Sam's Store #6037

**Attachment to Board of Zoning Adjustment Application
Requesting Variance**

The request is for a variance of Sections 3309.14 and 3321.03 of the Columbus Code to allow light pole fixtures to have a maximum height of 39 feet on the applicants' properties located on Morse Road and in Subarea 2 61.0 acres (L-C4) of Ordinance No. 2526.92.

**14310-00724
3888 Morse Rd.**



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AFFIDAVIT

14310-00724
3888 Morse Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Linda H. Schaffer, Keating Muething & Klekamp PLL
of (1) MAILING ADDRESS One E. Fourth Street, Cincinnati, OH 45202
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the
name(s) and mailing address(es) of all the owners of record of the property located at
(2) per ADDRESS CARD FOR PROPERTY
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building
and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Wal-Mart Real Estate Business Trust and Sam's
Real Estate Business Trust
P.O. Box 8050 MS0555, Bentonville, AR 72712

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

Thomas M. Tepe, Jr. Esq.
(513) 639-3947

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) Dave Paul, Development Committee Chair/Past
President of Northland Community Counsel
P.O. Box 297836, Columbus, OH 43229

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
See attached property list

(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8) Linda H. Schaffer
Keating Muething & Klekamp, PLLC
Subscribed to me in my presence and before me this 2 day of October in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Karen S. Kramer

My Commission Expires: _____



Karen E. Kramer
Notary Public, State of Ohio
My Commission Expires 05-19-2018
PLEASE NOTE: This information will not be submitted to the public. Please make all checks payable to the City Treasurer.



Karen E. Kramer
Notary Public, State of Ohio
My Commission Expires 05-19-2018

**Wal-Mart Real Estate Business Trust
and Sam's Real Estate Business Trust
P.O. Box 8050 MS0555
Bentonville, AR 71712**

**Thomas M. Tepe, Jr.
Keating, Muething & Klekamp, PLL
One E. Fourth St. Suite 1400
Cincinnati, OH 45202**

**Dave Paul, Development Committee
Chair/Past President of Northland
Community Counsel
P.O. Box 297836,
Columbus, OH 43229**

**AERC Bradford Easton, LLC
1 AEC Pkwy
Cleveland, OH 44143**

**Central Ohio Transit Authority
1600 McKinley Ave.
Columbus, OH 43221**

**Cirignano, LP
P.O. Box 52427
Atlanta, GA 30355**

**Continental Hotel One, LLC
150 E. Broad St.
Columbus, OH 43215**

**Englefield F. W. IV,
Englefield Benjamin B.
447 James Pkwy
Newark, OH 43056**

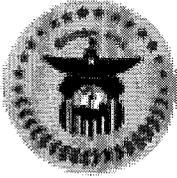
**True North Energy, LLC
5565 Airport Highway
Toledo, OH 43615**

**CRI Easton Square, LLC
250 Civic Center Dr. #500
Columbus, OH 43215**

**Lancheck, LLC
8249 Wolcott Loop
New Albany, OH 43054**

**FKC Development – Stelzer LTD.
5023 Donegal Cliffs
Dublin, Ohio 43017**

**14310-00724
3888 Morse Rd.**



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

14310-00724

3888 Morse Rd.

One Stop Shop Zoning Report Date: Mon Oct 6 2014

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 3888 MORSE RD COLUMBUS, OH

Mailing Address: 191 W NATIONWIDE BLVD
COLUMBUS, OHIO 43215

Owner: CRI EASTON SQUARE LLC

Parcel Number: 600233419

ZONING INFORMATION

Zoning: Z92-058, Commercial, LC4
effective 1/6/1993, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

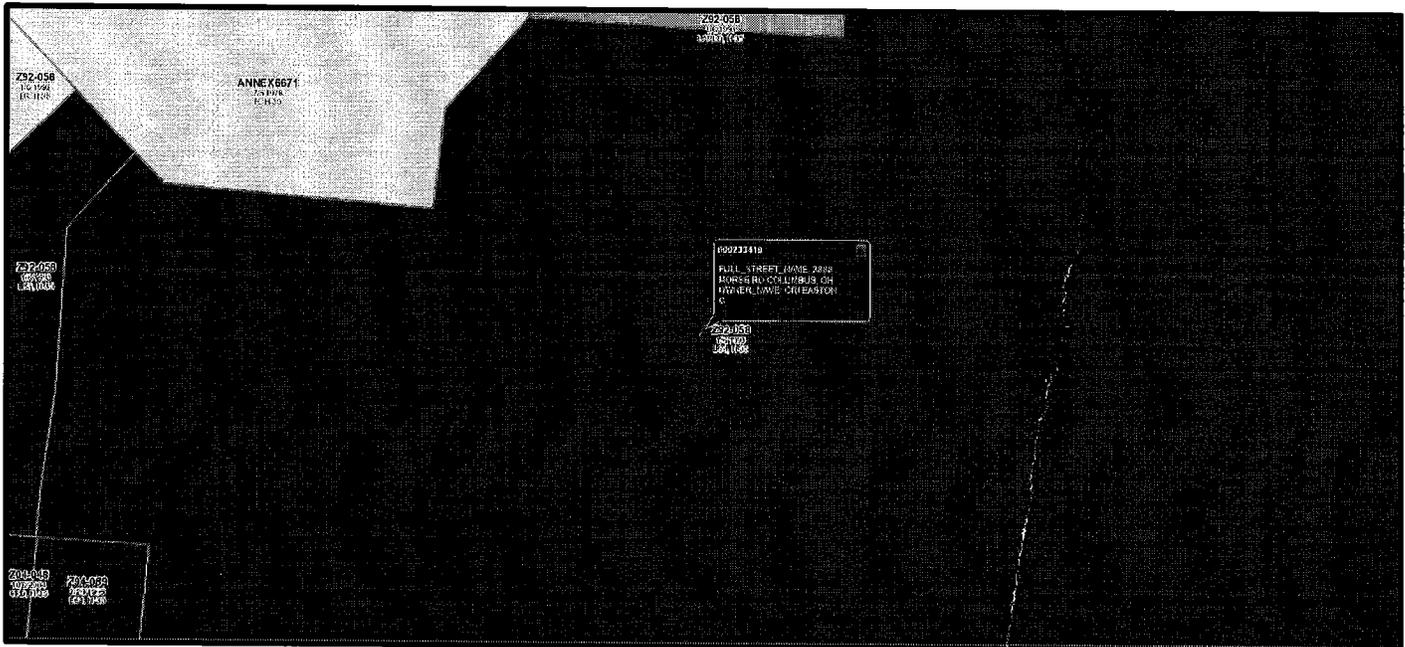
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A



OH - Columbus
Wal-Mart Store #2098
Sam's Store #6037

ATTACHMENT TO STATEMENT OF HARDSHIP

TO BOARD OF ZONING APPLICATION

**Requesting A Variance for Maximum Height
of Light Pole Fixtures**

submitted by Applicants,

Wal-Mart Real Estate Business Trust

and

Sam's Real Estate Business Trust

OH - Columbus
Wal-Mart Store #2098
Sam's Store #6037
9/5/2014
5658799.3

14310-00724
3888 Morse Rd.

Statement of Hardship Attachment to Board of Zoning Adjustment Application ("BZA Application") Requesting a Variance of Section 3309.14 of the Columbus Ohio

Simultaneously with this application, a Rezoning Application is being filed requesting elimination of the height restriction for light poles in the L-C-4 District. This BZA Application is a request for a variance to allow light pole fixtures to be a maximum height of 39 feet. If the applications are approved, the 39' light fixtures will provide a safer environment for the guests and employees of the retail stores while reducing light trespass, sky glow and off-site glare. Currently, with the height limitation on light poles, there are unintended consequences such as dark areas, which requires more poles which negatively affect skyglow and the use of wider angles on the light fixtures which result in increased off-site glare and light trespass.

The present height restriction on light poles in the L-C-4 District was passed in 1992 by the enactment of Ordinance No. 2516-91. Since that time, light technology has dramatically changed and improved. Light fixtures can now have specific, controlled light distributions. LED fixtures typically meet most trespass requirements without shielding. Adding shielding to LED fixtures even further improves the precision cutoff at various distances from the pole. In other words, the light pollution into unintended areas as well as skyglow will be reduced without increasing the number of light poles by designing the site with proper placement of LED fixtures. With proper placement of the LED fixtures, dark areas are eliminated which provides more security for the site and the patrons and employees. Wal-Mart's LED site lighting design criteria is based on the Department of Energy's Commercial Building Energy Alliances and Model Light Ordinance recommendations for retail environment ("LED Site Lighting Design"). Responsible outdoor lighting practices are promoted with the LED Site Lighting Design. But to

be effective and to achieve the goals to minimize light pollution and to provide a safer environment for the guests and employees, the LED Site Lighting Design requires taller light pole fixtures, being 39 feet.

With 39' light pole fixtures- and implementation of the LED Site Lighting Design, the following goals are met: (i) greater security for the guests and employees; (ii) reduced and minimal light trespass on unintended areas; (iii) reduction of sky glow and (iv) reduction of the off-site glare which decreases visibility.

Therefore, based on the above, the criteria of Section 3307.09 will be satisfied as the special circumstances and conditions are the dramatic changes and advances in the technology of light fixtures since the enactment of the Ordinance which is over 22 years ago, and the granting of the variance promotes the health, safety and welfare of the community as a safer and more secure environment is promoted with this request.



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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # **14310-00724**
3888 Morse Rd.

STATE OF ARKANSAS
COUNTY OF BENTON

Being first duly cautioned and sworn (NAME) Caroline Clarke, Vice President of Wal-Mart Real Estate Business Trust and Sam's Real Estate Business Trust
of (COMPLETE ADDRESS) 702 S.W. 8th Street, Bentonville, AR 72712

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME **COMPLETE MAILING ADDRESS**

1. Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust 702 S.W. 8th Street, Bentonville AR 72716
No Employees Caroline Clarke, Vice President (479-273-4000)

2. Sam's Real Estate Business Trust, a Delaware Statutory Trust 702 S.W. 8th Street, Bentonville AR 72716
No Employees Caroline Clarke, Vice President (479-273-4000)

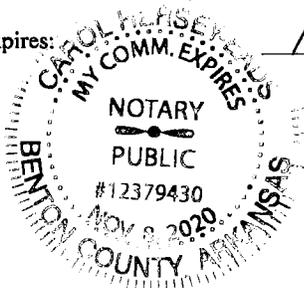
SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 31 day of October, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires: Nov 8, 2020

Notary Seal Here



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