



## Legislation Details (With Text)

**File #:** 3066-2018      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/31/2018      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/21/2018

**Title:** To grant a Variance from the provisions of Sections 3361.02, Permitted uses; and 3370.05, Permitted uses, of the Columbus City Codes; for the property located at 3435 STELZER ROAD (43219), to permit a medical research laboratory in the CPD, Commercial Planned Development District and L-M, Limited Manufacturing District (Council Variance #CV18-077).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3066-2018\_Attachments, 2. ORD3066-2018\_LABELS

| Date       | Ver. | Action By         | Action                | Result |
|------------|------|-------------------|-----------------------|--------|
| 11/21/2018 | 1    | ACTING CITY CLERK | Attest                |        |
| 11/20/2018 | 1    | MAYOR             | Signed                |        |
| 11/19/2018 | 1    | COUNCIL PRESIDENT | Signed                |        |
| 11/19/2018 | 1    | Zoning Committee  | Waive the 2nd Reading | Pass   |
| 11/19/2018 | 1    | Zoning Committee  | Approved              | Pass   |

**Council Variance Application: CV18-077**

**APPLICANT:** Sarepta Therapeutics; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street; Columbus, OH 43215.

**PROPOSED USE:** Medical research laboratory.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of two parcels currently developed with office buildings zoned in the L-M, Limited Manufacturing District and parking in the CPD, Commercial Planned Development District. The requested Council variance will permit the buildings to be used for a medical research laboratory. Research laboratories are only permitted in the M, Manufacturing District, while this L-M district permits only office, certain industrial, and day care center uses; therefore the requested Council variance is necessary. A use variance is also requested in the CPD district portion of the site to allow for future expansion of the buildings into that portion of the property. The site is within the boundaries of the *Northeast Area Plan* (2007), which recommends "Mixed Use - Regional Retail/Office/Light Industrial" uses. Staff supports the proposed medical research laboratory, as it is consistent with the Plan's land use recommendations, and is compatible with the existing uses and development pattern of the surrounding area.

To grant a Variance from the provisions of Sections 3361.02, Permitted uses; and 3370.05, Permitted uses, of the Columbus City Codes; for the property located at **3435 STELZER ROAD (43219)**, to permit a medical research laboratory in the CPD, Commercial Planned Development District and L-M, Limited Manufacturing District (Council

Variance #CV18-077).

**WHEREAS**, by application #CV18-077, the owner of property at **3435 STELZER ROAD (43219)**, is requesting a Council variance to allow a medical research laboratory in the CPD, Commercial Planned Development District and L-M, Limited Manufacturing District; and

**WHEREAS**, Section 3361.02, Permitted uses, prohibits M, Manufacturing uses, including analytical, research, and experimental laboratory uses in the CPD, Commercial Planned Development District, while the applicant proposes a medical research laboratory; and

**WHEREAS**, Section 3370.05 Permitted uses, allows one or more of the uses permitted by the underlying Manufacturing District, which are limited to office, certain industrial, and day care center uses as listed in the limitation overlay text adopted in Ordinance #1614-95 (Z95-035), while the applicant proposes a medical research laboratory within existing office buildings; and

**WHEREAS**, the Northeast Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposed medical research laboratory is consistent with the land use recommendations of the *Northeast Area Plan*, and is compatible with the existing uses and development pattern of the surrounding area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate 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 **3435 STELZER ROAD (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 3361.02, Permitted uses; and 3370.05, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **3435 STELZER ROAD (43219)**, insofar as said sections and applicable limitation overlay text, adopted in Ordinance #1614-95 (Z95-035), does not permit a medical research laboratory in these CPD, Commercial Planned Development and L-M, Limited Manufacturing districts; said property being more particularly described as follows:

**3435 STELZER ROAD (43219)**, being 16.86± acres located at the southeast corner of Stelzer Road and Morse Crossing, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, described as follows:

**TRACT I  
10.669 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1, Range 17, United States Military Lands, and being all of the 10.669 acre tract conveyed to Bisys Crossings I, LLC by deed of record in

Instrument Number 200105170109341 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Loop East as shown of record in Plat Book 93, Page 3-4;

thence North 85° 55' 20" West, a distance of 27.57 feet, with the centerline of said Easton Commons, to a point;

thence South 04° 04' 40" West, a distance of 40.00 feet, to an iron pin set in the southerly right-of-way line of said Easton Commons and at the common corner of the 5.352 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200210310277094 and the 10.669 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200105170109341, the TRUE POINT OF BEGINNING;

thence South 85° 55' 20" East, a distance of 88.39 feet, with the line common to said southerly right-of-way line and 10.669 acre tract, to an iron pin set at the northwesterly corner of the tract conveyed as Parcel 6 to MORSO Holding Co. by deed of record in Official Record 30846G11;

thence South 04° 04' 40" West, a distance of 439.30 feet, with the line common to said 10.669 acre tract, Parcel 6, the 1.995 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200209130227887, and the 2 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200006160119757, to an iron pin set;

thence South 86° 15' 17" East, a distance of 505.86 feet, with the line common to said 10.669 acre tract and 2 acre tract, to an iron pin set at the northwesterly corner of the 0.834 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200210310277092;

thence with the lines common to said 10.669 acre and 0.834 acre tracts, the following courses and distances:

South 04° 04' 40" West, a distance of 69.02 feet to an iron pin set;

South 04° 06' 45" West, a distance of 340.60 feet to an iron pin set on a curve in the northerly right-of-way line of Morse Crossing, of record in Instrument Number 199706230029343, Plat Book 86, Pages 56-58 and Plat Book 79, Page 78;

thence with said 10.669 acre tract and said northerly right-of-way line, the following courses and distances:

with said curve to the left, having a central angle of 10° 47' 40", a radius of 1245.00 feet, a chord bearing of North 89° 27' 35" West, and a chord distance of 234.21 feet, to an iron pin set at a point of tangency;

South 85° 08' 35" West, a distance of 225.13 feet, to an iron pin set at a point of curvature;

with said curve to the right, having a central angle of 08° 40' 22", a radius of 1155.00 feet, a chord bearing of South 89° 28' 46" West, and chord distance of 174.66 feet, to an iron pin set at a point of tangency;

North 86° 11' 03" West, a distance of 402.01 feet, to an iron pin set at a southeasterly corner of the 10.007 acre tract conveyed to Duke Realty Ohio by deed of record in Instrument Number 200501280017576;

thence North 03° 48' 57" East, a distance of 211.49 feet, with the line common to said 10.669 acre and 10.007 acre tracts, to an iron pin set at the southwesterly corner of the 5.352 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200210310277094;

thence with the lines common to said 10.669 acre and 5.352 acre tracts, the following courses and distances:

South 86° 11' 03" East, a distance of 230.29 feet, to an iron pin set;

North 14° 46' 34" East, a distance of 56.02 feet, to an iron pin set;

South 86° 11' 03" East, a distance of 6.30 feet, to an iron pin set at a point of curvature;

with said curve to the right, having a central angle of 05° 58' 14", a radius of 168.15 feet, a chord bearing of South 79° 32' 43" East, and chord distance of 17.51 feet, to an iron pin set at a point of tangency;

South 76° 33' 36" East, a distance of 52.46 feet, to an iron pin set;

North 13° 26' 24" East, a distance of 32.91 feet, to an iron pin set;

North 03° 48' 57" East, a distance of 34.96 feet, to an iron pin set;

North 86° 11' 03" West, a distance of 13.94 feet, to an iron pin set;

North 03° 48' 57" East, a distance of 28.87 feet, to an iron pin set;

South 86° 11' 03" East, a distance of 13.94 feet, to an iron pin set;

North 03° 48' 57" East, a distance of 95.81 feet, to an iron pin set;

South 85° 55' 20" East, a distance of 18.42 feet, to an iron pin set;

North 04° 04' 40" East, a distance of 422.50 feet, to an iron pin set;

South 85° 55' 20" East, a distance of 100.00 feet to an iron pin set;

North 04° 04' 40" East, a distance of 39.50 feet, to the TRUE POINT OF BEGINNING, containing 10.669 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 64 & FRANK 164, determining a portion of the centerline of MORSE ROAD as South 86° 15' 51" East.

**TRACT II**  
**5.352 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1, Range 17, United States Military Lands, and being all of the 5.352 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200210310277094 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Loop East as shown of record in Plat Book 93, Pages 3-4;

thence North 85° 55' 20" West, with the centerline of said Easton Commons, a distance of 27.57 feet to a point;

thence South 04° 04' 40" West, a distance of 40.00 feet, to an iron pin set in the southerly right-of-way line of said Easton Commons at the corner common to said 5.352 acre tract and the 10.669 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200105170109341, the TRUE POINT OF BEGINNING;

thence with the lines common to said 5.352 acre and 10.669 acre tracts, the following courses and distances:

South 04° 04' 40" West, a distance of 39.50 feet, to an iron pin set;

North 85° 55' 20" West, a distance of 100.00 feet, to an iron pin set;

South 04° 04' 40" West, a distance of 422.50 feet, to an iron pin set;

North 85° 55' 20" West, a distance of 18.42 feet, to an iron pin set;

South 03° 48' 57" West, a distance of 95.81 feet, to an iron pin set;

North 86° 11' 03" West, a distance of 13.94 feet, to an iron pin set;

South 03° 48' 57" West, a distance of 28.87 feet, to an iron pin set;

South 86° 11' 03" East, a distance of 13.94 feet, to an iron pin set;

South 03° 48' 57" West, a distance of 34.96 feet, to an iron pin set;

South 13° 26' 24" West, a distance of 32.91 feet, to an iron pin set;

North 76° 33' 36" West, a distance of 52.46 feet, to an iron pin set at a point of curvature;

with said curve to the left, having a central angle of 05° 58' 14", a radius of 168.15 feet, a chord bearing of North 79° 32' 43" West, and chord distance of 17.51 feet, to an iron pin set at a point of tangency;

North 86° 11' 03" West, a distance of 6.30 feet, to an iron pin set;

South 14° 46' 34" West, a distance of 56.02 feet, to an iron pin set;

North 86° 11' 03" West, a distance of 230.29 feet, to an iron pin set in the easterly line of the 10.007 acre tract conveyed to Duke Realty Ohio by deed of record in Instrument Number 200501280017576;

thence North 03° 48' 57" East, a distance of 699.77 feet, with the line common to said 5.352 acre and 10.007 acre tracts, to an iron pin set in the southerly right-of-way line of said Easton Commons;

thence South 85° 55' 20" East, a distance of 442.40 feet, with line common to said 5.352 acre tract and said southerly right-of-way line, to the TRUE POINT OF BEGINNING, containing 5.352 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 64 & FRANK 164, determining a portion of the centerline of MORSE ROAD as South 86° 15' 51" East.

**TRACT III**  
**0.834 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1, Range 17, United States Military Lands, and all of the 0.834 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200210310277092, (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning, for reference, at the centerline intersection of Easton Commons with Easton Loop East as shown of record in Plat Book 93, Page 3-4;

thence North 85° 55' 20" West, a distance of 27.57 feet, with the centerline of said Easton Commons, to a point;

thence South 04° 04' 40" West, a distance of 40.00 feet, to an iron pin set in the southerly right-of-way line of said Easton Commons and at the common corner of the 5.352 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200210310277094 and the 10.669 acre tract conveyed to Bisys Crossings I, LLC by deed of record in Instrument Number 200105170109341;

thence South 85° 55' 20" East, with the line common to said southerly right-of-way line and 10.669 acre tract, a distance of 88.39 feet to an iron pin set at the northwesterly corner of the tract conveyed as Parcel 6 to MORSO Holding Co. by deed of record in Official Record 30846G11;

thence South 04° 04' 40" West, a distance of 439.30 feet, with the line common to said 10.669 acre tract, Parcel 6, the 1.995 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200209130227887, and the 2 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200006160119757, to an iron pin set;

thence South 86° 15' 17" East, a distance of 505.86 feet, with the line common to said 10.669 acre tract and 2 acre tract, to an iron pin set at the northwesterly corner of said 0.834 acre tract, the TRUE POINT OF BEGINNING;

thence South 86° 15' 17" East, a distance of 90.00 feet, with the line common to said 0.834 acre and 2 acre tracts, to an iron pin set in the westerly right-of-way line of said Stelzer Road;

thence with the line common to said 0.834 acre tract and said westerly right-of-way line, the following courses:

South 04° 04' 40" West, a distance of 70.07 feet, to an iron pin set;

South 04° 06' 45" West, a distance of 289.92 feet, to an iron pin set at a point of curvature;

with a curve to the right, having a central angle of 89° 42' 12", a radius of 50.00 feet, a chord bearing of South 48° 57' 51" West, and a chord distance of 70.53 feet, to an iron pin set at a point of tangency, in the northerly right-of-way line of said Morse Crossing;

thence North 86° 11' 03" West, with the line common to said 0.834 acre tract and said northerly right-of-way line, a distance of 40.26 feet, to an iron pin set at the southeasterly corner of said 10.669 acre tract;

thence with the line common to said 0.834 acre and 10.699 acre tracts, the following courses:

North 04° 06' 45" East, a distance of 340.60 feet to an iron pin set;

North 04° 04' 40" East, a distance of 69.02 feet, to the TRUE POINT OF BEGINNING, containing 0.834 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 64 & FRANK 164, determining a portion of the centerline of MORSE ROAD as South 86° 15' 51" East.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a medical research laboratory, or those uses identified in the CPD, Commercial Planned Development District and L-M, Limited Manufacturing District as specified by Ordinance #1721-99 (Z97-083A) and Ordinance #1614-95 (Z95-035), respectively.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate 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.