



Legislation Details (With Text)

File #: 0572-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 2/23/2016 **In control:** Zoning Committee
On agenda: 3/14/2016 **Final action:** 3/17/2016
Title: To grant a variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; for the property located at 6970 TUSSING ROAD (43068), to permit an overflow child day care facility in an existing building in the M-2, Manufacturing District, and to repeal Ordinance No. 1359-95, passed on June 26, 1995 (Council Variance # CV15-079).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD.0572-2016.Attachments, 2. ORD.0572-2016.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|-----------------------|--------|
| 3/17/2016 | 1 | CITY CLERK | Attest | |
| 3/16/2016 | 1 | MAYOR | Signed | |
| 3/14/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/14/2016 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 3/14/2016 | 1 | Zoning Committee | Approved | Pass |

Council Variance Application: CV15-079

APPLICANT: Darin J. Ranker, Architect; Carney-Ranker Architects; 5980 South Wilcox Place; Dublin, OH 43016.

PROPOSED USE: Child day care center.

FAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This site is zoned in the M-2, Manufacturing District and was the subject of Council variance Ordinance No. 1359-95, passed June 26, 1995 (CV95-023), to permit a gymnastics facility. This request will allow the gymnastics facility to be replaced with a child daycare center. The proposed child daycare center would be used as over-flow for a nearby child day care center located at 6950 Americana Parkway. That nearby child daycare facility is also zoned in the M-2, Manufacturing District, and was established by Council variance Ordinance No. 1615-2012, passed July 30, 2012 (CV12-026), and subsequently by Ordinance No. 0240-2015, passed February 4, 2015 (CV14-060) to permit the addition of a personal training business in the same building. Staff did not support the first Council variance due to the potential conflicts between child day care and light industrial activity on this and adjacent sites. However, staff did support the subsequent Council variance because the daycare use had already been established and did not appear to be incompatible to the area or conflict with the other tenants in the building. This request to permit over-flow for a nearby child day care indicates that this use continues to be compatible with surrounding uses. It is anticipated that the use of this building as an over-flow child day care facility will be as compatible with the established uses as the gymnastics facility which preceded it. The proposal includes conditions at the request of the Department of Public Service that will mitigate potential traffic congestion so that the child day care facility will not generate any more traffic than most permitted uses. The site lies within the planning area of the *Brice/Tussing Plan*

(1990), which recommends light manufacturing uses for this location reflective of the M-2 zoning district. The Planning Division of the Department of Development does not support the proposed use because it is inconsistent with the Plan recommendation. Deviation from that land use recommendation is warranted given that the Plan is 26 years old and numerous rezoning and Council variance requests have been approved in this area that are contrary to the Plan's recommendations resulting in a development pattern that the plan did not anticipate.

To grant a variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; for the property located at **6970 TUSSING ROAD (43068)**, to permit an overflow child day care facility in an existing building in the M-2, Manufacturing District, and to repeal Ordinance No. 1359-95, passed on June 26, 1995 (Council Variance # CV15-079).

WHEREAS, by application No. CV15-079, the owner of property at **6970 TUSSING ROAD (43068)**, is requesting a Council variance to permit an overflow child day care center in an existing building in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, Manufacturing district, only allows a child day care center as an accessory use to specified manufacturing uses in accordance with Section 3367.31, while the applicant proposes to convert a vacant building to a child day care center; and

WHEREAS, the Far East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed child day care will function as an overflow facility for a nearby child daycare facility that was also permitted by Council variance in the M-2, Manufacturing District. The desire to establish the overflow facility at this location indicates that this use continues to be compatible with surrounding uses, and will be as compatible as the prior gymnastics facility use permitted under Ordinance No. 1359-95 (CV95-023); and

WHEREAS, the applicant has agreed, at the request of the Department of Public Service to limit its hours of operation to approximately 3:30 PM until 6:00 PM, and to use shuttle buses as the primary means of transporting students to and from the site; and

WHEREAS, said ordinance requires separate submission for all applicable permits 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 owner of the property located at **6970 TUSSING ROAD (43068)**, 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 Section 3367.01, M-2, Manufacturing district of the Columbus City Codes; is hereby granted for the property located at **6970 TUSSING ROAD (43068)**, insofar as said section prohibits a child day care center; said property being more particularly described as follows:

6970 TUSSING ROAD (43068), being 1.75± acres located on the north side of Tussing Road, 235± feet east of Arrowsmith Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being located in Section 24, Township 12, Range 21, Refugee Lands, and being part of a 2.437 acre tract conveyed to Columbus Gymnastics Academy Inc., as recorded in Official Record 29770 B18, Franklin County Recorder's Office, Ohio, and being more particularly shown in Exhibit "A", attached hereto and made a part hereof, and being more particularly described as follows:

Beginning for reference at the Franklin County Geodetic Survey monument 2216 found in the centerline of Tussing Road (80 feet in width), thence N 86°28'29" W, along the centerline of said Tussing Road, a distance of 400.00 feet to a point, said point being located at S 86°28'29" E, 2311.28 feet measured from the Franklin County Geodetic Survey monument 2215;

thence N 03°45'41" E, a distance of 40.00 feet to an iron pin set in the north right of way line of said Tussing Road, passing an iron pin found at 30.00 feet, said iron pin set being the True Point of Beginning of herein described Tract 1;

thence N 86°28'29" W, along the north right of way line of said Tussing Road, a distance of 50.00 feet to the iron pin set, said iron pin set being the southeast corner of a 1.801 acre tract conveyed to Trojan Enterprises Inc., as recorded in Instrument Reference No. 199807240185971, Franklin County Recorder's Office, Ohio;

thence N 03°45'41" E, along the east line of said 1.801 acre tract, a distance of 313.50 feet to the northeast corner of said 1.801 acre tract;

thence N 03°45'41" E, with a new division line into said 2.437 acre tract, a distance of 120.00 feet to an iron pin set;

thence N 86°28'29" W, with a new division line into said 2.437 acre tract, a distance of 251.44 feet to an iron pin set in the west line of said 2.437 acre tract;

thence N 03°31'31" E, along the west line of said 2.437 acre tract, a distance of 180.00 feet to an iron pin found, marking the northwest corner of said 2.437 acre tract;

thence S 86°28'25" E, along the north line of said 2.437 acre tract, a distance of 302.18 feet to an iron pin found, marking the northeast corner of said 2.437 acre tract;

thence S 03°45'41" W, along the east line of said 2.437 acre tract, a distance of 613.50 feet to the True Point of Beginning, containing 1.745 acres, more or less, subject to all rights of way, easements, and restrictions of record.

Basis of bearing is the centerline of Tussing Road being S 86°28'29" E, as shown in Plat Book 55, Page 7, entitled "Dedication of Americana Parkway & Tussing Road & Easements" Recorder's Office, Franklin County, Ohio.

Known as 6970 Tussing Road, Reynoldsburg, OH 43068
Franklin County Parcel No. 540-232464

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an overflow child day care center, or those uses permitted in the M-2, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the hours of operation for this child day care center being limited to approximately 3:30 PM until 6:00 PM, and that the primary method for children to be transported to and from this facility will be by shuttle bus.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. That Ordinance No. 1359-95, passed June 26, 1995, be and is hereby repealed.