



Legislation Text

File #: 1140-2016, **Version:** 1

Council Variance Application: CV16-009

APPLICANT: Andre Irvin; 5714 Braymoore Drive; Galena, OH 43201.

PROPOSED USE: Athletic training and conditioning facility.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a 75,000 square foot multi-tenant office/warehouse building zoned in the M-2, Manufacturing District. The applicant proposes to occupy a 6,000 square foot tenant space with an athletic training and conditioning facility. A variance is necessary because the M-2 district does not permit exercise facilities and similar uses. The site is located within the planning area of the *Northland I Area Plan (2014)*, which recommends warehouse flex uses at this location. The warehouse flex designation suggests flex warehouse and office space, lighter industrial, distribution and logistics uses in close proximity to major arterials. Staff supports this request noting that the proposed athletic training and conditioning facility is small in scale and compliments the existing office/warehouse uses on site. Similar Council variances permitting exercise and sports facilities in manufacturing districts have been supported and approved throughout the city.

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 **5095 WESTERVILLE ROAD (43231)**, to permit an athletic training and conditioning facility in an existing office/warehouse building in the M-2, Manufacturing District (Council Variance # CV16-009).

WHEREAS, by application No. CV16-009, the owner of property at **5095 WESTERVILLE ROAD (43231)**, is requesting a Council variance to permit up to 6,000 square feet of athletic training and conditioning facility in a 75,000 square foot office/warehouse building in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, Manufacturing district, does not permit an athletic training or conditioning facility, while the applicant proposes changing an existing tenant space in an office/warehouse building into an athletic training and conditioning facility; and

WHEREAS, City Departments recommend approval because the proposed athletic training and conditioning facility will be small in scale and will utilize tenant space in an existing office/warehouse building. Similar variances to fitness uses have been supported in industrial areas throughout the City; 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 **5095 WESTERVILLE ROAD (43231)**, 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 **5095 WESTERVILLE ROAD (43231)**, insofar as said section prohibits an athletic training and conditioning facility; said property being more particularly described as follows:

5095 WESTERVILLE ROAD (43231), being 5.5± acres located on the west side of Westerville Road, 255± feet south of Minerva Lake Road, and being more particularly described as follows:

Situated in the state of Ohio, County of Franklin, City of Columbus, being located in section 3 Township 2, Range 17, United States Military lands, and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Westerville Rd, said point being located, South 2' 23' 20" West, a distance of 310.29 feet from the centerline intersection of said Westerville road and Minerva Lake Road; a distance of 208.25 feet to a point; thence North 85 16' 00" West, a distance of 30.03 feet to a point in a westerly right of way line of said Westerville Road; thence south 2 23' 20" West, with a westerly right of way line of said Westerville Road, a distance of 278.30 feet to the northeasterly corner of the Columbus and Southern Ohio Electric Co, 15.707 acre tract; thence north 85 16' 00" west, with the northerly line of said 15.707 acre tract, a distance of 533.39 feet to a point in the easterly right of way line of the Penn-Central Railroad; thence north 9 59' 0" east, with the easterly right of way line of said Penn-Central Railroad, a distance of 519.03 feet to a point; thence south 87 36' 40" east, a distance of 469.36 feet to a point in a westerly right of way line of said Westerville Road, thence south 223' 20" west, with a westerly right of way line of said Westerville Road, a distance of 49.92 feet to a point; thence south 85 11' 04" east, a distance of 25.02 feet to the place of beginning, containing 6.172 acres of land more or less.

Expecting therefrom as much of said premises as were conveyed by So-Rich Building, Inc in the city of Columbus by warranty deed recorded in deed book 3541, page 880, office of the recorder, Franklin County, Ohio described as follows:

Situated in the county of Franklin in the state of Ohio and in the city of Columbus and bounded and described as follows:

Being located in Section 3, Township 2, Range 17 United States Military Lands and being part of the 8.695 acre tract as conveyed by Charles D. Lehman, Trustee to So-Rich Building, Inc. by deed of record in Deed Book 3483 page 328, all reference being to records of the Recorder's office, Franklin county, Ohio, and being more particularly bounded and described as follows

Beginning at an iron pin the southeasterly corner of said 8.695 acre tract, also being the northeasterly corner of the 15.707 acre tract as conveyed to the Columbus and Southern Ohio Electric Co. by deed of record in Deed book 2127, Page 342; Thence North 85 16' 00" West, with the southerly line of said 8.695 acre tract, also being the northerly line of said 15.707 acre tract, a distance of 30.02 feet to a point, thence North 2 23' 20" East, parallel with and 60.00 feet westerly from (as measured at right angles), the centerline of Westerville Road, a distance of 771.90 feet to a point in the northerly line of said 8.695 acre tract, also being the southerly right of way line of Minerva Lake Road, Thence with the northerly, northeasterly and easterly lines of said 8.695 acre tract, the following courses and distance: South 11' 10" East, a distance of 10.86 feet to an iron pin at a point of curvature; southeastwardly, with the arc of a curve to the right (Radius=20.00 feet, Delta =87 34' 30"), the chord of which bears south 41 23' 55" east, a chord distance of 27.68 feet to an iron pin; North 40 44' 00" East, a distance of 8.06 feet to an iron pin, South 2 23' 20" west, a distance of 122.30 feet to an iron pin; South 85 11' 04" East, a distance of 25.02 feet to a railroad spike; South 2 23' 20" west, a distance of 122.30 feet to an

iron pin, South 85 11' 04" East, a distance of 25.02 feet to a railroad spike; South 2 23' 20" West, a distance of 208.25 feet to a railroad spike; North 85 16' 00" West, a distance of 30.03 feet to an iron pin, and South 2 23' 20" West, a distance of 278.30 feet to the place of beginning containing 0.687 acre of land, more or less

Known as 5075-5095 Westerville Road, Columbus, OH 43231
Franklin County Parcel Nos. 600-105957, 600-105958, 600-105961, and 600-105962.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for up to 6,000 square feet of athletic training and conditioning facility space, or those uses permitted in the M-2, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on 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.