



Legislation Text

File #: 2158-2004, Version: 1

Council Variance Application: CV04-042

APPLICANT: Mt. Carmel Health System; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Ste. 725; Columbus, OH 43215.

PROPOSED USE: Office uses.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned M-1, Manufacturing District, and is developed with an existing office building that was part of the former Lucent facility. The applicant requests a Council variance to permit office use within the existing vacant office building without a concurrent manufacturing use. A variance to permit parking on an existing off-site parking lot that is located on the parcel to the west of the office building is also included in the request. The site is identified as Subarea 1 of rezoning application # Z04-036, requesting the CPD, Commercial Planned Development District for Mt. Carmel Health Systems. The finalization of funding commitments and resolution of transportation issues have prevented the application from being scheduled on the Development Commission agenda. A hardship exists in that the applicant would like to use the office building before the rezoning process is completed.

To grant a Variance from the provisions of Sections 3365.01, M-1, Manufacturing District; and 3342.28, Minimum number of parking spaces required; of the Columbus City Codes for the property located at **6200 EAST BROAD STREET (43213)**, to permit office use without concurrent manufacturing use with off-site parking in the M-1, Manufacturing District (Council Variance # CV04-042).

WHEREAS, by application No. CV04-042, the owner of property at **6200 EAST BROAD STREET (43213)**, is requesting a Council variance to permit office use without concurrent manufacturing use in the M-1, Manufacturing District; and

WHEREAS, Section 3365.01, M-1, Manufacturing District, prohibits office use unless it is concurrent with manufacturing use, while the applicant proposes to use the existing building for office use without concurrent manufacturing use; and

WHEREAS, Section 3342.28, minimum number of parking spaces required, requires that general office uses provide no less than one (1) parking space for each three hundred (300) square feet of gross floor area, and that medical office uses provide no less than one (1) parking space for each two hundred fifty (250) square feet of gross floor area, while the applicant proposes no on-site parking spaces but will continue using the existing parking lot that is on the parcel adjacent to the office building; and

WHEREAS, City Departments recommend approval and note a hardship exists because the site is zoned M-1, Manufacturing District, and is developed with an existing office building that was part of the former Lucent facility. The applicant requests a Council variance to permit office use within the existing vacant office building without a concurrent manufacturing use. A variance to permit parking on an existing off-site parking lot that is located on the parcel to the west of the office building is also included in the request. The site is identified as Subarea 1 of rezoning application # Z04-036, requesting the CPD, Commercial Planned Development District for Mt. Carmel Health Systems. The finalization of funding commitments and resolution of transportation issues have prevented the application from being scheduled on the Development Commission agenda. A hardship exists in that the applicant would like to use the office building before the rezoning process is completed; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **6200 EAST BROAD STREET (43213)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. Variance from the provisions of Sections 3365.01, M-1, Manufacturing District; and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes is hereby granted for the property located at **6200 EAST BROAD STREET (43213)**, insofar that said section prohibits office use without concurrent manufacturing use with off-site parking in the M-1, Manufacturing District; said property being more particularly described as follows:

6200 EAST BROAD STREET (43213), being 50.86± acres located at the northeast corner of East Broad Street and Taylor Station Road, and being more particularly described as follows:

**Parcel 1
520-269047
43.837 Acres:**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 16, United States Military Lands, being part of the 111.20 acre tract conveyed as PARCEL ONE, and the 132 acre tract conveyed as PARCEL THREE to Lucent Technologies Inc. by deed of record in Instrument No. 200207230180184 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning at a magnetic nail set marking the centerline intersection of East Broad Street (State Route 16) (width varies) and Taylor Station Road (98 foot R/W);

Thence North 03° 56' 51" East, a distance of 1654.05 feet, along the centerline of said Taylor Station Road, to a magnetic nail set;

The following six (6) courses across said 111.20 acre and 132 acre tracts:

1. Thence North 82° 41' 33" East, a distance of 786.03 feet, to an iron pin set;
2. Thence South 07° 20' 46" East, a distance of 769.03 feet, to an iron pin set;
3. Thence North 82° 39' 14" East, a distance of 75.15 feet, to an iron pin set;
4. Thence South 08° 00' 06" East, a distance of 512.30 feet, to an iron pin set;
5. Thence North 81° 59' 54" East, a distance of 912.83 feet, to an iron pin set;
6. Thence South 07° 46' 36" East, a distance of 339.99 feet, to a magnetic nail set in the centerline of said East Broad Street;

Thence South 82° 21' 49" West, a distance of 2106.31 feet, along the centerline of said East Broad Street, to the True Point of Beginning. Containing 43.837 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.

The bearings shown hereon are based on the bearing of North 82° 21' 49" East for the centerline of East Broad Street as established from a series of GPS observations in October, 2003.

**Parcel 2
520-269048**

7.021 Acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 16, United States Military Lands, and being part of the 84.891 acre tract conveyed as PARCEL ONE and part of the 7.020 acre tract conveyed as PARCEL TWO to Continental/6200 E. Broad, LLC by deed of record in Instrument No. 200312110392719 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set marking the centerline intersection of East Broad Street (State Route 16) (width varies) and Taylor Station Road (98 foot R/W);

Thence North 82° 21' 49" East, a distance of 2106.31 feet, with the centerline of said East Broad Street, to a magnetic nail set;

Thence North 07° 46' 36" West, a distance of 339.99 feet, with the line common to that 43.837 acre tract conveyed to Mt. Carmel Health System by deed of record in Instrument Number 200312110392742 and that 24.704 acre tract conveyed to Empire Ventures/6200 E. Broad, LLC by deed of record in Instrument Number 200312110392762, to an iron pin set in the southerly line of said 7.020 acre tract. Said iron pin being the TRUE POINT OF BEGINNING of the herein described tract;

Thence South 81° 59' 54" West, a distance of 912.83 feet, with a northerly line of said 43.837 acre tract, to an iron pin set at the southwesterly corner of said 7.020 acre tract;

Thence North 08° 00' 06" West, a distance of 251.63 feet, with an easterly line of said 43.837 acre tract, to an iron pin set;

Thence North 82° 21' 28" East, a distance of 1236.55 feet, across said 7.020 and 84.891 acre tracts, to an iron pin set in a westerly line of said 24.704 acre tract;

Thence South 07° 00' 27" East, a distance of 243.91 feet, with a westerly line of said 24.704 acre tract, to an iron pin set at the southeasterly corner of said 7.020 acre tract;

Thence South 81° 59' 54" West, a distance of 319.47 feet, with a northerly line of said 24.704 acre tract, to the TRUE POINT OF BEGINNING. Containing 7.021 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.

The bearings shown hereon are based on the bearing of North 82° 21' 49" East for the centerline of East Broad Street as established from a series of GPS observations in October, 2003.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an office, or those uses permitted in the M-1, Manufacturing District.

SECTION 3. That this ordinance is further conditioned upon office use only occupying the existing building, and does not allow for construction of new structures or an addition to the existing structure for office use.

SECTION 4. That this ordinance is further conditioned upon 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.