



Legislation Text

File #: 0648-2015, **Version:** 2

Council Variance Application: CV14-062

APPLICANT: Darin Ranker; 5980 Wilcox Place, Suite J; Dublin, OH 43016.

PROPOSED USE: Limited accessory spectator assembly area within an office/warehouse tenant space.

NORTHEAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the L-M, Limited Manufacturing District, and is developed with an office/warehouse complex. The requested Council variance will permit the occupant of one tenant space the ability to operate a limited accessory spectator assembly area in conjunction with their office/distribution video gaming facility for up to 24 video game competition events per year. The site is located within the planning area of the *North East Area Plan* (2007), which recommends office and light industrial uses. The site also lies within the planning area of the *Port Columbus Joint Economic Strategy* (2008), which recommends light industrial uses. A Council variance is necessary in that the limitation overlay text, adopted as part of Ordinance 941-97 (Z96-116), allows only limited uses permitted in the M-2, Manufacturing District and certain accessory commercial uses, of which spectator assembly uses are not included. Staff supports the request because the primary use of the facility is a light industrial and office use. The events are conducted indoors, are scheduled on weekends or after normal business hours, are restricted to 432 square feet of their 11,457 square-foot facility, occur only up to 24 times per year, and are limited to a maximum of 250 people, which mitigates potential impacts of the proposed spectator assembly use on the adjacent office/industrial uses. Approval of this request will not introduce an incompatible use to the area.

To grant a Variance from the provisions of Section 3370.05, Permitted uses, of the Columbus City Codes; for the property located at **2188 CITYGATE DRIVE (43219)**, to permit a limited accessory spectator assembly area within an office/warehouse tenant space in the L-M, Limited Manufacturing District **and to declare an emergency** (Council variance # CV14-062).

WHEREAS, by application No. CV14-062, the owners of the property at **2188 CITYGATE DRIVE (43219)**, are requesting a Council variance to permit up to 432 square feet of an 11,457 square-foot existing office/warehouse tenant space for limited spectator assembly events, located in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3370.05 Permitted uses, allows one or more of the uses permitted by the underlying zoning district, which are limited to specific M-2, Manufacturing uses listed in Chapter 3367 of the Columbus City Code, and certain accessory commercial uses as listed in the limitation overlay text adopted in Ordinance 941-97 (Z96-116), while the applicant proposes to use up to 432 square feet of an 11,457 square-foot existing office/warehouse tenant space for limited spectator assembly events; and

WHEREAS, the Northeast Area Commission recommendation is disapproval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the primary use of the facility is a light industrial use. The events are conducted indoors, are scheduled on weekends or after normal business hours, are restricted to 432 square feet of their 11,457 square-foot facility, occur only up to 24 times per year, and are

limited to a maximum of 250 people, which mitigates potential impacts of the proposed spectator assembly use on adjacent office/industrial uses. Approval of this request will not introduce an incompatible use to the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits Certificates of Occupancy for the proposed uses; 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 **2188 CITYGATE DRIVE (43219)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That a variance from the provisions of Section 3370.05, Permitted uses, of the Columbus City Codes, is hereby granted for the property located at **2188 CITYGATE DRIVE (43219)**, insofar as said section and applicable limitation overlay text, adopted in Ordinance 941-97 (Z96-116), does not permit an indoor limited accessory spectator assembly area of up to 432 square feet within an existing office/warehouse tenant space; said property being more particularly described as follows:

2188 CITYGATE DRIVE (43219), being 11.69± acres located on the north side of Citygate Drive, 1,220± feet west of Stelzer Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 1, Range 17, United States Military Lands and being 11.690 acres of that tract of land as conveyed to Lepalo, Inc. by deed of record in Official Record 34086J10, all references being to records of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning for reference at Franklin County Geodetic Survey Monument Number 2264 at the Intersection of Stelzer Road and Agler Road;

Thence North 86d 36' 53" West, being along the Centerline of Agler Road, a distance of 1430.83 feet to Franklin County Geodetic Survey Monument Box 4459;

Thence North 86d 29' 16" East, continuing along the centerline of Agler Road, a distance of 258.05 feet to a railroad spike at the northwesterly corner of that 5.769 acre tract as conveyed to Schottenstein Trustees by deed of record in Official Record 14542F08;

Thence South 4d 01'07" West, being along the westerly line of said 5.769 acre tract, also being along the westerly line of that 4.416 acre tract as conveyed to Schottenstein Trustees by deed of record in Official Record 15642F10, a distance of 1715.70 feet to a 1" iron pin found at the southwesterly corner of said 4.416 acre tract, being the "True Point of

Beginning” for the tract herein intended to be described;

Thence South 86d 30’ 03” East, being along the southerly line of said 4.416 acre tract, also being along the southerly line of that tract of land conveyed to Schottenstein Trustees by deed of record in Official Record 01073F09, a distance of 530.12 feet to an iron pin in the westerly line of Lot 8 of Hugo Kaiser’s Parcels as conveyed to Robert S. and Garnet Louise Lamneck by deed of record in Deed Book 3055, Page 521;

Thence South 3d 23’ 44” West, being along the westerly line of said Hugo Kaiser’s Parcels, part of Lot 8, all of Lots 9 through 16 and part of Lot 17, a distance of 823.50 feet to an iron pin set in the northerly right-of-way line of proposed CityGate Drive (60.00 feet in width) on the arc of a curve to the right;

Thence leaving the westerly line of said Hugo Kaiser’s Parcels and being along the northerly right-of-way line of proposed CityGate Drive, the following courses (3) and distances:

Northwesterly, being along the arc of said curve (Delta = 8d 38’ 06”, Radius = 595.00 feet), a chord bearing and distance of North 70d 52’ 15” West, 89.59 feet to an iron pin set at a point of reverse curvature;

Northwesterly, being along the arc of said curve to the left (Delta = 19d 26’ 27”, Radius = 525.00 feet), a chord bearing and distance of North 76d 16’ 26” West, 177.28 feet to an iron pin set at a point of tangency; and

North 85d 59’ 39” West, a distance of 400.00 feet to an iron pin;

Thence North 4d 00’ 21” East, crossing said Lepalo, Inc. tract, a distance of 765.46 feet to an iron pin set;

Thence South 85d 59’ 39” East, continuing across said Lepalo, Inc. tract, a distance of 122.35 feet to the place of beginning, containing 11.690 acres of land, more or less.

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

The bearings are based upon the same meridian as the bearing shown in Official Record 34086J10 in which the centerline of Agler Road has a bearing of South 86d 29’ 16” East, Recorder’s Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an indoor limited accessory spectator assembly area of up to 432 square feet within an existing office/warehouse tenant space, or those uses permitted in the L-M, Limited Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the following: Events shall be scheduled on weekends or after normal business hours, are restricted to a maximum of 24 occurrences per calendar year, and are limited to a maximum of 250 people.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**