



## Legislation Text

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**File #:** 1905-2018, **Version:** 1

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### **Council Variance Application: CV18-032**

**APPLICANT:** Swensons Drive-In Restaurants; c/o David Hodge, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Drive-in restaurant.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and is zoned in the L-C-4, Limited Commercial District as part of the Polaris development. The requested variance will permit a 1,711± square foot drive-in restaurant, a C-5, Commercial District use, on the subject site. The site is within the boundaries of the *Far North Area Plan* (2014), which recommends mixed-use regional commercial development for this location. The request includes a variance to increase the maximum number of parking spaces permitted from 35 to 75 for an eating and drinking establishment, but the nature of this use (dining occurs exclusively inside automobiles as opposed to a dining room inside the building) is different than that of a typical eating and drinking establishment. Additional landscaping has been incorporated into the site plan to offset the increased pavement area of the parking lot.

To grant a variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3312.49(C) Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **2200 IKEA WAY (43240)**, to permit a drive-in restaurant with increased number of parking spaces in the L-C-4, Limited Commercial District (CV18-032).

**WHEREAS**, by application No. CV18-032, the owner of property at **2200 IKEA WAY (43240)**, is requesting a Council Variance to permit a drive-in restaurant with increased parking in the L-C-4, Limited Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, only permits a drive-in food service as an accessory use to a restaurant that provides dining space within the building, while applicant proposes to develop a drive-in only restaurant; and

**WHEREAS**, Section 3312.49(C) Minimum numbers of parking spaces required, limits the maximum number of parking spaces for eating and drinking establishment uses to 1 parking space per 50 square feet, or 35 spaces total for a 1,711± square foot building, while the applicant proposes 75 parking spaces; and

**WHEREAS**, the City Departments recommend approval of said variance, noting that the addition of a C-5, Commercial District use, a drive-in restaurant, to the existing L-C-4, Limited Commercial District is consistent with the land use recommendations of the *Far North Area Plan*; and

**WHEREAS**, the granting of said variances 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**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; and

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

**SECTION 1.** That a variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3312.49(C) Minimum numbers of parking spaces required, of the Columbus City Codes; is hereby granted for the property located at **2200 IKEA WAY (43240)**, insofar as this section prohibits a drive-in restaurant in the L-C-4, Limited Commercial District; with an increase in the number of permitted parking spaces from 35 to 75; said property being more particularly described as follows:

**2200 IKEA WAY (43240)**, being 1.26± acres located on the north side of Ikea Way, 990± feet east of Orion Place, and being more particularly described as follows:

**DESCRIPTION OF 1.263 ACRES  
FOR ZONING PURPOSES**

Situated in the State of Ohio, County of Delaware, City of Columbus, and being all out of a 34.966 acre parcel of land conveyed to NP/FG, LLC of record in Official Record Volume 1521, Page 2394, all references to records being on file in the Office of the Recorder, Delaware County, Ohio, said 1.263 acre parcel being more fully described herein;

**BEGINNING FOR REFERENCE** at a 1" iron pipe found at the common corner of Farm Lots 14, 15, 16 and 17 and being the east Right-of-Way of Interstate-71

Thence, South 86°44'33" East, a distance of 1404.64 feet, with the south line of said Farm Lot 16 and the north line of said Farm Lot 17 to a point on the west line of a 13.176 acre parcel of land conveyed to Polaris TG, LLC, of record in Official Record Volume 1536, Page 217 and on the east line of a 32.825 acre parcel of land conveyed to IKEA Property, Inc., of record in Official Record Volume 1410, Page 1961;

Thence, South 03°02'55" West, a distance of 13.86 feet, with the west line of said 13.176 acre parcel and with the east line of said 32.825 acre parcel to a point of curvature;

Thence 55.50 feet along the arc of a tangent curve to the left, having a radius of 79.50 feet, a central angle of 40°00'04", the chord of which bears South 16°57'07" East, a chord distance of 54.38 feet, with the west line of said 13.176 acre parcel and with the east line of said 32.825 acre parcel to a point of tangency;

Thence, South 36°57'08" East, a distance of 144.39 feet, with the west line of said 13.176 acre parcel and the east line of said 32.825 acre parcel to a point on the east line of said 32.825 acre parcel, the southwest corner of said 13.176 acre parcel and a northwest corner of a 34.966 acre parcel of land conveyed to NP/FG, LLC, of record in Official Record Volume 1521, Page 2394, said point being the **TRUE POINT OF BEGINNING**;

Thence, North 53°02'14" East, a distance of 24.94 feet, with the south line of said 13.176 acre parcel and the north line of said 34.966 acre parcel to a point of curvature on the south line of said 13.176 acre parcel and the north line of said 34.966 acre parcel;

Thence, 87.50 feet along the arc of a tangent curve to the right, having a radius of 118.00 feet, a central angle of 42° 29'12", the chord of which bears North 74°16'50" East, a chord distance of 85.51 feet, with the south line of said 13.176 acre parcel and the north line of said 34.966 acre parcel to a point of tangency on the south line of said 13.176 acre parcel and the north line of said 34.966 acre parcel;

Thence, South 84°28'34" East, a distance of 143.38 feet, with the south line of said 13.176 acre parcel and the north line of said 34.966 acre parcel to a point on the south line of said 13.176 acre parcel and the north line of said 34.966 acre parcel;

Thence, South 10°38'28" East, a distance of 270.50 feet, through said 34.966 acre parcel to a point on the south line of

said 34.966 acre parcel and on the north Right-of-Way line of IKEA Way;

Thence, with a line common with the south line of said 34.966 acre parcel and the north Right-of-Way line of said IKEA Way the following three (3) courses:

1. Thence, 113.07 feet along the arc of a non-tangent curve to the left, having a radius of 1683.52 feet, a central angle of 03°50'54", the chord of which bears South 82°03'46" West, a chord distance of 113.05 feet, to a point;
2. North 55°13'38" West, a distance of 68.36 feet, to a point;
3. South 79°23'52" West, a distance of 10.64 feet, to a point at a southwest corner of said 34.966 acre parcel and a southeast corner of said 32.825 acre parcel;

Thence, with a line common with the west line of said 34.966 acre parcel and east line of said 32.825 acre parcel the following three (3) courses:

1. North 11°36'46" West, a distance of 55.84 feet, to a point;
2. Thence 70.98 feet along the arc of a tangent curve to the left, having a radius of 160.50 feet, a central angle of 25°20'22", the chord of which bears North 24°16'57" West, a chord distance of 70.41 feet, to a point;
3. North 36°57'08" West, a distance of 126.63 feet to the **TRUE POINT OF BEGINNING**;

Containing 1.263 acres of land, subject to all easements and documents of record.

Description is intended for zoning purposes only.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a drive-in restaurant or those C-4, Commercial District uses permitted in the existing L-C-4, Limited Commercial District established on this property by Ordinance 1413-01 (Z91-018C), passed on July 30, 2001.

**SECTION 3.** That this ordinance is further conditioned in that the drive-in restaurant shall conform to the site plans titled, "**SWENSONS DRIVE IN SHEET 1 OF 2**," and "**SWENSONS DRIVE IN SHEET 2 OF 2**," dated June 26, 2018, and signed by David Hodge, Attorney for the Applicant. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. This property is subject to external review by the Polaris Design Review Committee who may require modifications to landscaping depicted on the Preliminary Landscape Plan (Sheet 2 of 2); however, any changes may not significantly alter or reduce the amount of landscaping contemplated. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**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.