



## Legislation Details (With Text)

**File #:** 0872-2016      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/23/2016      **In control:** Zoning Committee

**On agenda:** 12/12/2016      **Final action:** 12/15/2016

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3312.09, Aisles; 3312.25, Maneuvering; 3312.29, Parking Space; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at 718 SOUTH HIGH STREET (43206), to permit a mixed-use development in the C-4, Commercial District with reduced development standards (Council Variance # CV16-004).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0872-2016.Attachments, 2. ORD0872-2016.Labels

Date	Ver.	Action By	Action	Result
12/15/2016	1	CITY CLERK	Attest	
12/14/2016	1	MAYOR	Signed	
12/12/2016	1	COUNCIL PRESIDENT	Signed	
12/12/2016	1	Zoning Committee	Approved	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV16-004**

**APPLICANT:** Luteg High LLC; c/o Donald Plank, Atty.; 423 E. Town Street, Second Floor; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**BREWERY DISTRICT COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. A single mixed use structure is currently located on the property which is zoned C-4, Commercial District. The requested Council variance will allow the conversion of 3,070 square feet of retail space to a single-unit dwelling and 7,000 square feet to a restaurant use with 3,210 square feet of first and second floor patios. The existing dwelling unit on the second floor of the building will be converted into two dwelling units. The site is located within the High Street Corridor Subarea of the Transitional Tier of the *Brewery District Plan* (1992), which recommends the preservation of the Brewery District's architectural and urban character through compatible redevelopment and rehabilitation. Mixed use development has been long established on this lot and is consistent with uses that are prevalent in the surrounding area. Approval of this request will not add new or incompatible uses to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3312.09, Aisles; 3312.25, Maneuvering; 3312.29, Parking Space; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **718 SOUTH HIGH STREET (43206)**, to permit a mixed-use development in the C-4,

Commercial District with reduced development standards (Council Variance # CV16-004).

**WHEREAS**, by application No. CV16-004, the owner of property at **718 SOUTH HIGH STREET (43206)** is requesting a Council variance, to permit a mixed-use development in the C-4, Commercial District with reduced development standards; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, only permits dwellings above certain commercial uses, while the applicant proposes a ground floor residential use for one dwelling unit on the east side of the property, adjacent to South Pearl Street; and

**WHEREAS**, Section 3312.09, Aisle, requires an aisle width of 20 feet for interior stacked parking spaces, while the applicant proposes to reduce the aisle width to zero feet to allow maneuvering over stacked parking spaces, as shown on Site Plan; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through the two sets of double-stacked employee parking spaces in the driveway east of the restaurant use and the stacked dwelling parking spaces within the detached dwelling unit, both adjacent to South Pearl Street as shown on Site Plan; and

**WHEREAS**, Section 3312.29, Parking space, allows stacked parking spaces for dwellings, but those stacked spaces may not be counted as required spaces, while the applicant proposes one stacked space for the dwelling unit to be counted as required, as shown on Site Plan; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires one parking space per 75 square feet for an eating and drinking establishment, for a total requirement of 60 additional parking spaces for the change of use from retail per 3312.03(C)(2)(c), Administrative requirements, for 7,000 square feet of restaurant space, 3,210 square feet of patio space, and two parking spaces per dwelling unit for the new second floor dwelling unit, for a total of 62 required parking spaces, while the applicant proposes to maintain zero parking spaces but will provide two on-site parking spaces, two parking spaces for the new detached single-unit dwelling, and four employee-only stacked parking spaces, as shown on the Site Plan; and

**WHEREAS**, The Brewery District Commission recommends approval; and

**WHEREAS**, The City Departments recommend approval because this request will not add a new or incompatible uses to the area. The requested variance will permit a mixed use development in the C-4, Commercial District, and the *Brewery District Plan* recommends the preservation of the Brewery District's architectural and urban character through compatible redevelopment and rehabilitation; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 **718 SOUTH HIGH STREET (43206)**, in using said property as desired; 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; 3312.09, Aisles; 3312.25, Maneuvering; 3312.29, Parking Space; and 3312.49, Minimum number of parking spaces required, of the Columbus City

Codes, is hereby granted for the property located at **718 SOUTH HIGH STREET (43206)**, in so far as said sections prohibit ground floor single-unit residential use in the C-4, Commercial District; reduced aisle width from 20 feet to zero, maneuvering over stacked parking spaces; one stacked space for the ground-floor dwelling unit to be counted as a provided parking space; and a parking space reduction of 62 required spaces to zero spaces for the restaurant and two second story dwelling-units, while providing two restaurant parking spaces, four employee parking spaces, and two spaces for the detached single-unit dwelling on site; said property being more particularly described as follows:

**718 SOUTH HIGH STREET (43206)**, being 0.34± acres located on the east side of South High Street, 108± feet north of East Frankfort Street, and being more particularly described as follows:

**PARCEL I**

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being the South one-half (1/2) of Lot Number Two (2) and the North one-half (1/2) of Lot Number Three (3) of C.F. JAEGER'S FIRST ADDITION to the City of Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Deed Book No. 33, Page 11, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-027730-00

Street Address: 716-718 South High Street, Columbus, Ohio

**PARCEL II**

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being the East one-half (1/2) of the North one-half (1/2) of Lot Number Two (2) of C.F. JAEGER'S FIRST ADDITION of the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book No. 33, Page 11, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-027229-00

Street Address: 707 South Pearl Street, Columbus, Ohio

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development of restaurant and/or retail on the ground floor, two (2) second-story dwelling units, and one (1) detached single-unit dwelling, as shown on the attached Site Plan, or those uses in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**ZONING - PROPOSED PLAN DIAGRAM - 718 S. HIGH ST.**" dated October 20, 2016, and signed by Donald Plank, Attorney for the applicant. The plan 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. Any slight adjustment to the plan shall be reviewed and may be approved 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 Certificates of Occupancy for the proposed uses.

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