



Legislation Text

File #: 1983-2017, **Version:** 2

Council Variance Application: CV17-040

APPLICANT: Thallissa Bowman; 2096 Mecca Road; Columbus, OH 43219.

PROPOSED USE: Carry-out food sales with limited outdoor seating and storage.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a poorly-maintained asphalt lot zoned in the R-2, Residential District. The requested Council variance will allow the property to be used for limited parking of a food truck for carry-out sales and accessory outside seating (Phase 1), with a future building planned for accessory storage of supplies and carry-out service (Phase 2). Variances for parking setback, landscaping and screening, a parking space reduction of 5 required spaces, and reduced building setbacks are included in the request. The site is within the planning area of the *Northeast Area Plan (2007)*, which recommends low-density residential uses for this location; however, the site is fully paved and was in recent years used as a storage parking lot for construction equipment. Staff took this and other factors such as the applicant's outreach to the community and the mix of residential and commercial zoning and uses on Mock Road into account during review. Additionally, staff recognizes that the applicant's proposed introduction of a landscaped open space fronting on Mock Road would be an improvement to the neighborhood. Therefore, staff supports deviation from the Plan for this proposal.

To grant a Variance from the provisions of Sections 3332.033, R-2, residential district; 3312.21, Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3332.21(B), Building lines, of the Columbus City Codes; for the property located at **2058 MOCK ROAD (43219)**, to permit carry-out food sales with limited outdoor seating and storage with reduced development standards in the R-2, Residential District (Council Variance # CV17-040) **and to declare an emergency.**

WHEREAS, by application # CV17-040, the owner of the property at **2058 MOCK ROAD (43219)**, is requesting a Variance to permit carry-out food sales with limited outdoor seating and storage with reduced development standards in the R-2, Residential District; and

WHEREAS, Section 3332.033, R-2, residential district, does not permit commercial uses, while the applicant proposes carry-out food sales with limited outdoor seating and storage with reduced development standards; and

WHEREAS, Section 3312.21, Landscaping and screening, perimeter screening for parking lots located within eighty (80) feet of residentially-zoned property, while the applicant proposes no parking lot screening, but shall install a minimum 75 % opaque privacy fence along the east property line, north of the northeast corner of the proposed building (55± feet from Mock Road), and landscaping and/or mounding that meets the headlight screening requirements of this section along the frontage of Mock Road; and

WHEREAS, Section 3312.27, Parking setback line, requires the parking setback line to be 25 feet along Rankin Avenue, while the applicant proposes a parking setback line of zero feet for the maneuvering area of the proposed parking spaces; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 250 square feet of retail space, and 1 parking space per 175 square feet of accessory eating and drinking space, or a total of 9 spaces for a maximum of 700 square feet of retail carry-out space, and 900 square feet of accessory outside dining space, while the applicant proposes 4 parking spaces; and

WHEREAS, Section 3332.21(B), Building lines, requires a minimum distance from the street property line of 25 feet along Mock Road and Rankin Avenue, while the applicant proposes a reduced building line of 20 feet along both street frontages; and

WHEREAS, this variance will permit carry-out food sales with limited outdoor seating and storage with reduced development standards in the R-2, Residential District; and

WHEREAS, the Northeast Area Commission approval; and

WHEREAS, City Departments recommend approval because the requested Council variance to maintain two single-unit dwellings on one lot is consistent with the surrounding development pattern in the neighborhood and will not add a new or incompatible land use to the area, 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 **2058 MOCK ROAD (43219)**, in using said property as desired;

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 Sections 3332.033, R-2, residential district; 3312.21, Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3332.21(B), Building lines, of the Columbus City codes, is hereby granted for the property located at **2058 MOCK ROAD (43219)**, in so far as said sections prohibit carry-out food sales from a food truck or from a future building with limited outdoor seating and storage in the R-2, Residential District, with reduced parking lot landscaping; reduced parking setback along Rankin Avenue from 25 feet to zero feet; a parking space reduction of 5 required parking spaces; and a reduced building setback from 25 feet to 20 feet along Mock Road and Rankin Avenue; said property being more particularly described as follows:

2058 MOCK ROAD (43219) being 0.12± acres located at the northeast corner of Mock Road and Rankin Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Being Lot Number One Hundred Sixty-Six (166) of A.J. KINER'S SUBDIVISION, called GREENDALE PLACE, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, page 26, Recorder's Office, Franklin County, Ohio.

Property Address: 2058 Mock Road Columbus, Ohio 43219
Parcel No. : 010-108716

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for carry-out food sales from a food truck or from a maximum 700 square foot building, with outdoor seating not to exceed 900 square feet in area, and storage limited to products and supplies used in the business; or those uses permitted in the R-2, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the Plan titled, "**PROPOSED SITE PLAN**," dated January 18, 2017, and drawn and signed by Andrew J. Delzoppo, Architect. 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 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 upon the following:

1. If access to this site is from Rankin Avenue, the access will need to be limited to a single access point with a driveway width between 20 feet and 35 feet. All access points shall be subject to approval by the Department of Public Service.
2. A fence with a minimum height of six feet and 75 % opacity shall be installed along the east property line at a maximum setback of 55± feet from Mock Road to screen the four proposed parking spaces. The fence will begin at the north edge of the proposed building, and may extend closer to Mock Road between the building and the east property line.
3. Landscaping or mounding that complies with the headlight screening requirements of Section 3312.21 shall be installed within the landscaped area along the frontage of Mock Road.
4. During Phase 1, the food truck shall be parked in the 700 square-foot area indicated on the site plan as the proposed building. While transitioning into Phase 2 during building construction, it may be necessary to have the truck parked overnight on the site. Overnight parking during this transition shall not exceed a period of three days. The food truck shall not be parked overnight on this site except as provided herein.

SECTION 5. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 6. . ~~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.**