



City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0909-2007, **Version:** 1

Council Variance Amendment: CV91-0046C

APPLICANT: City of Columbus; c/o Laura MacGregor Comek & Larry James, Attorneys; Crabbe, Brown & James LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Theater and accessory assembly, retail and office commercial uses.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council variance to allow expansion and renovation of the Lincoln Theater, continuing the theater and various assembly, retail, and office commercial uses in the R-2F, Residential District. The site was rezoned from the C-4, Commercial District to the R-2F, Residential District as part of the 1974 Model Cities rezoning. Ordinance #1242-93, passed May 24, 1993 (CV91-0046B) permits the uses proposed by this ordinance, and established limitations on the allowable area for each use and off-site parking requirements. This variance is required to allow the proposed expansion of the theater onto the R-2F lot to the south, and will add variances for building height, R-2F Residential District yard and area standards, and Urban Commercial overlay standards as they apply to parking and building design requirements. The requested variance will also change the size limitations of the permitted uses, and will reduce the previously approved off-site parking requirements. This council variance amendment is intended to preserve all prior approvals for use and development of the site, while also accommodating the theatre's expansion and renovation, returning the theatre to its intended and former use as a focal point for the community. As part of the approval for the theater expansion, Ordinance #822-94 is also being amended (Ordinance #0910-2007, Z93-052B), to reconfigure the parking lot and to allow expansion of the Lincoln Theater onto the eastern portion of the site in the CPD, Commercial Planned Development District. To simplify any future development projects for the theater site and adjacent parking lot, both ordinances are conditioned on a follow-up rezoning application to one CPD, Commercial Planned Development District to be filed for the sites within one year of the effective date of this legislation. The site lies within the *Near East Area Plan* (2005), which denotes East Long Street as a Commercial Node District and recommends higher density residential and mixed-use development for this corridor. The site also lies within the planning area of the *King-Lincoln District Plan* (2002), which encourages an Arts and Entertainment Center and shared parking district along Long Street west of Monroe Avenue. No recommendation is being made regarding the hardship aspects of this application.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3332.18, Basis of computing area; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.29, Height district; 3342.28, Minimum number of parking spaces required; and 3372.611, Design standards; of the Columbus City Code for the property located at **771 EAST LONG STREET (43203)**, to permit a theater and accessory assembly, retail and office commercial uses with reduced development standards in the R-2F, Residential District and to repeal Ordinance #1242-93, passed May 24, 1993 (Council Variance # CV91-0046C).

WHEREAS, by application # CV91-0046C, the owner of the property at **771 EAST LONG STREET (43203)**, is requesting a Variance to permit a theater and accessory assembly, retail and office commercial uses with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, prohibits commercial uses, while the applicant proposes to allow renovation and expansion of a theater and accessory assembly, retail and office commercial uses with reduced development standards; and

WHEREAS, Section 3332.18, Basis of computing area, requires that no dwelling shall occupy alone or together with any other building greater than fifty (50) percent of the lot area, while the applicant proposes no dwelling and sixty-six (66) percent lot coverage

for the expanded building footprint as shown on the site plan; and

WHEREAS, Section 3332.25, Maximum side yard required, requires the sum of the widths of each side yard to equal twenty (20) percent of the lot width not to exceed sixteen (16) feet, while the applicant proposes a maximum side yard of 3.67 feet to accommodate the theater expansion; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes a minimum side yard of 3.67 feet along the east property line to accommodate the theater expansion; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes less than a twenty-five (25) percent rear yard to accommodate the theater expansion as shown on the site plan; and

WHEREAS, Section 3332.29, Height district, requires that no building or structure shall exceed a height of thirty-five (35) feet, while the applicant proposes to maintain the existing building height of seventy (70) feet; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires a maximum requirement of four-hundred fifty-two (452) spaces for the theater and accessory assembly, retail and office commercial uses, while the applicant proposes to maintain zero (0) parking spaces for the existing building; and

WHEREAS, Section 3372.611(B), Design standards, requires that a building frontage that exceeds a width of fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage spaced at intervals of fifteen (15) to thirty-five (35) feet, while the applicant proposes no vertical piers or visual elements along the frontage of the existing building; and

WHEREAS, this variance will allow the renovation and expansion of a theater and accessory assembly, retail and office commercial uses with reduced development standards in the R-2F, Residential District; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the building has been used for the uses proposed, the site was formerly zoned in a commercial district, and the proposed uses are consistent with recommendations of the *Near East Area Plan* (2005) and the *King-Lincoln District Plan* (2002), which encourages mixed-use commercial development and an Arts and Entertainment Center and shared parking district along Long Street west of Monroe Avenue. This variance is required to allow the proposed expansion of the theater onto the R-2F lot to the south, and will add variances for building height, R-2F Residential District yard and area standards, and Urban Commercial overlay standards as they apply to parking and building design requirements. The requested variance will also change the size limitations of the permitted uses, and will reduce the previously approved off-site parking requirements. This council variance amendment is intended to preserve all prior approvals for use and development of the site, while also accommodating the theatre's expansion and renovation, returning the theatre to its intended and former use as a focal point for the community. As part of the approval for the theater expansion, Ordinance #822-94 is also being amended (Ordinance #0910-2007, Z93-052B), to reconfigure the parking lot and to allow expansion of the Lincoln Theater onto the eastern portion of the site in the CPD, Commercial Planned Development District. To simplify any future development projects for the theater site and adjacent parking lot, both ordinances are conditioned on a follow-up rezoning application to one CPD, Commercial Planned Development District to be filed for the sites within one year of the effective date of this legislation; 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 **771 EAST LONG STREET (43203)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.037, R-2F, Residential district; 3332.18, Basis of computing area; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.29, Height district; 3342.28, Minimum number of parking spaces required; and 3372.611, Design standards; of the Columbus City Code is hereby granted for the property located at **771 EAST LONG STREET (43203)**, insofar as said sections prohibit a theater and accessory assembly, retail and office commercial uses with an increased lot coverage of 66% from a 50% maximum, a reduced maximum side yard from 16 feet to 3.7 feet, a reduced minimum side yard from 5 feet to 3.7 feet along the west property line, a rear yard of less than 25% minimum, a building height of seventy (70) feet, a parking space reduction from 452 required spaces to 0 spaces, and no vertical piers or visual elements along the frontage of the existing building; said property being more particularly described as follows:

771 EAST LONG STREET (43203), being 0.64± acres located at the southeast corner of East Long Street and North Garfield Avenue, and being more particularly described as follows:

Situated in the City of Columbus and known as being located in and being a part of East Park Place Addition to the City of Columbus as the same is shown on the record plat there of, Franklin County Recorder's Office, Franklin County, Ohio, Plat Book 2 Page 61 & 62.

Being located and being a part of East Park Place Addition to the City of Columbus as the same is shown on the record plat there of, Franklin County Recorder's Office, Franklin County, Ohio, Plat Book 2 Page 61 & 62.

Encompassing lots, 113, 114 & 115, a part of Boone Street and the Lot Inst. #20060705013710 and be bounded and described as follows:

Beginning for reference and the principal place of beginning at a drill hole found in the South Right of Way line of Long Street 75' R/W and the West Right of Way line of Garfield Avenue 50' R/W.

Thence with the Right of Way line of Garfield Avenue and with the bearing as referenced Deed vol.31059 page A03. S. 3 Deg. 33'50" W. and passing at 153.50 feet to an Iron pin found in the north line of Boone Street AKA Almond Alley 18.50' Right of Way. And passing at 172.42 a P.K. Nail set on the northeast corner of the tract referenced as Inst. 200607050130710 Titled to the City of Columbus and on the south line of Boone Street, and going a total of 223.14 feet to the south East corner of said lot to a P.K. Nail set.

Thence with said south line, S. 81 Deg. 31'27" W. 91.63 feet to an Iron pin w/Plug P.S. 6919 at the south west corner of the lot herein described at the southwest corner of parcel Inst. 200509080185878.

Thence with the west line of the lot herein described and being the east line of the afore referenced lot N.07 Deg 43'57" W. 49.58 feet to another plugged pin P.S. 6919 on the south line of Boone Street.

Thence with said line of Boone Street S. 81 Deg. 30'38" W. going a distance of 12.67 feet to a point being on the west end of that portion of Boone Street to be vacated.

Thence with said Vacation line of Boone Street N. 8 Deg. 29'22" W. going a distance of 18.51 feet to a point on the south line of Original lot line of lot #113 and the north line of Boone Street.

Thence with said line S. 81 Deg. 30'38" W. going a distance of 6.64 feet to the Original lot line separating lots # 112 and 113.

Thence with said line of Lots 112 and 113 N. 8 Deg. 28'22" E. going a distance of 150.21 feet to a point on the South R/W Line of Long Street.

Thence with said line of Long Street N. 81 Deg. 32'48" E. going a distance of 156.71 feet to the place of beginning.

Containing 28,080 Sq. Ft. or 0.6446 Acres more or less. Including 2,151 sq.ft. or 0.0494 acre of Boone Street to be vacated.

And subject to all easements and right of ways of record as of this date.

Basis of Bearings The Right of Way line of Garfield Avenue bearing as referenced Deed vol.31059 page A03. S. 3 Deg. 33'50" W.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a theater and accessory assembly, retail and office commercial uses, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**RENOVATION AND ADDITION TO THE LINCOLN THEATER,**" drawn by Hardlines Design Company, dated May 31, 2007, and signed by Larry James, Attorney for the Applicant. The Zoning Site 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 Zoning Site Plan must be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the following breakdown of uses and maximum square footages for each:

Breakdown for Post-Renovation and Expansion:

11,587 sq. ft.	Stage and Stage Support Areas
10,228 sq. ft.	Assembly areas
5,584 sq. ft.	Ballroom (unrelated to Theater use)
3,838 sq. ft.	Retail (unrelated to Theater use)
5,328 sq. ft.	Jazz Arts Group facility (unrelated to Theater use)
987 sq. ft.	General Office (unrelated to Theater use)

SECTION 5. That the owner/operator of the building known as the Lincoln Theater and located at 771 East Long Street as described in Section 1 shall lease the minimum eighteen (18) space parking lot known as tax parcel #010-021285 in the CPD District (Z93-052B) located to the immediate west for a minimum period of fifty (50) years from and after the issuance of a Certificate(s) of Occupancy for any retail use(s) of the Lincoln Theater building with a total required parking of five (5) or more spaces.

SECTION 6. That this ordinance is further conditioned on the non-exclusive use by the Lincoln Theater of ninety-two (92) parking spaces within the City of Columbus owned and operated parking lot known as tax parcel #010-001589, located at the northeast corner of East Long Street and Garfield Avenue.

SECTION 7. That this ordinance is further conditioned on a parking agreement to supplement off-site parking for use by the Lincoln Theater, to be finalized prior to the issuance of Zoning Clearance. That parking agreement will be made with the Broad Street Presbyterian Church, and/or other nearby locations with available parking, and is subject to review and approval by the City of Columbus Transportation Division.

SECTION 8. That this ordinance is further conditioned on the combination of tax parcels #010-064858 and #010-006805 prior to the issuance of Zoning Clearance.

SECTION 9. That this ordinance is further conditioned on the applicant filing, within one year of the effective date of this ordinance, a rezoning application with Building Services Division to rezone this site and the CPD, Commercial Planned Development District to the immediate west to a consolidated CPD, Commercial Planned Development District.

SECTION 10. That this ordinance is automatically void unless Ordinance #0910-2007, Z93-052B is passed at Columbus City Council.

SECTION 11. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 12. That Ordinance #1242-93, passed May 24, 1993, be and is hereby repealed.

SECTION 13. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.