



Legislation Text

File #: 3022-2018, Version: 2

Council Variance Application: CV18-047

APPLICANT: James W. Clarke; Clarke Architects, INC.; 7844 Flint Road; Columbus, OH 43235.

PROPOSED USE: Brewery with off-site distribution and taproom.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a commercial building in the C-4, Commercial District. The requested Council variance will permit a brewery with off-site distribution and a taproom with reduced development standards. The 11,448± square foot building will include 5,588 square feet for the brewery, 3,760 square feet for the taproom, 984 square feet for a patio, and 2,102 square feet of office space. The variance is necessary because breweries that produce for off-site distribution are listed as a more objectionable manufacturing use that must be located in the M, or M-1, Manufacturing District at least 600 feet from residentially-zoned land. Variances are included to allow the use with a reduction in the distance separation requirement, reduced parking lot landscaping, reduced parking space size, a reduction of one required parking space, and a reduction to the required parking setback with parking spaces located in advance of the building. The proposed brewery will be producing primarily for on-site sales, with off-site distribution being ancillary to the on-site commercial uses. There are multi-unit residential buildings located across Indianola Avenue. Similar variances have been approved for small-scale breweries in close proximity to residential uses. The site is subject to the Indianola Avenue Community Commercial Overlay (CCO) and is within the boundaries of the *Clintonville Neighborhood Plan* (2009), which recommends “mixed use” at this location. The Plan also considers enhanced landscaping which the applicant is providing as the existing parking lot contains no landscaping or screening.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses; 3311.28(b), Requirements; 3312.21(A)(B), Landscaping and screening; 3312.29, Parking space; 3312.41, Access and circulation; 3312.49, Minimum number of parking spaces required; 3365.17(C), Location requirements; 3372.704(D), Setback requirements; and 3372.609(A), Parking and circulation, of the Columbus City Codes; for the property located at **800 EAST COOKE ROAD (43214)**, to permit a brewery with reduced development standards in the C-4, Commercial District (Council Variance #CV18-047) **and to declare an emergency.**

WHEREAS, by application #CV18-047, the owner of property at **800 EAST COOKE ROAD (43214)**, is requesting a Council variance to permit a brewery with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, Permitted uses, permits a brewery for on-site consumption, while the applicant proposes a brewery with off-site distribution which the Zoning Code categorizes as a more objectionable manufacturing use; and

WHEREAS, Section 3311.28(b), Requirements, requires that more objectionable uses are to be conducted within the M or M-1, Manufacturing districts, and within not less than 600 feet from any residential districts, while the applicant proposes a brewery with off-site distribution in the C-4, Commercial District on a lot that is within 73.75 feet of residentially-zoned property; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires a total of six interior parking lot trees for 52 parking spaces in islands that contain a minimum soil area radius of four feet per tree dispersed throughout the interior of the parking lot and not in required setback areas, while the applicant proposes a total of ten parking lot trees as depicted on the site plan, in square-shaped tree islands that have inner sides that are 3 feet in width; and

WHEREAS, Section 3312.21 (B), Landscaping and screening, requires perimeter screening that is a minimum of five feet in height for parking lots located within eighty (80) feet of residentially-zoned property in a landscaped area that is a minimum of four feet in width, while the applicant proposes a wall that is four feet in height within the parking setback area that is only two feet wide; and

WHEREAS, 3312.29, Parking space, requires parking spaces to be no less than 9 feet wide by 18 feet deep (162 square feet), while the applicant proposes 22 parking spaces that are partially obstructed by landscape islands and contain 158 square feet, and one parking spaces that is 8 feet wide due to the construction of a new parking lot ramp; and

WHEREAS, Section 3312.41, Access and circulation, requires pedestrian sidewalks or striped crosswalks to be provided from buildings to public sidewalk systems, while the applicant proposes to maintain no pedestrian sidewalks or striped crosswalks; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires one parking space per 750 square feet of brewery space, one parking space per 75 square feet of eating and drinking space, one parking space per 150 square feet of patio space, and one parking space per 450 square feet of office space, including CCO reductions for the commercial uses for a total of 53 required parking spaces, while the applicant proposes 52 parking spaces; and

WHEREAS, Section 3365.17(C), Location requirements, requires *more objectionable* uses to be located a minimum of 600 feet from any residential or apartment residential district, while the applicant proposes a microbrewery with off-site distribution on a lot that is within 73.75 feet of residentially-zoned property; and

WHEREAS, Section 3372.704(D), Setback requirements, requires a parking setback of no less than 25 feet along a primary street in the Community Commercial Overlay, while the applicant proposes to maintain a 2± foot setback along Indianola Avenue; and

WHEREAS, Section 3372.609(A), Parking and circulation, prohibits parking, stacking and circulation aisles between a public street right-of-way line and a principal building for properties within the Community Commercial Overlay, while applicant proposes to maintain a parking lot between the building and its public street frontages; and

WHEREAS, the Clintonville Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed brewery will be a small-scale operation for production of product to be predominantly purchased on-site, with off-site distribution being ancillary to the on-site commercial uses. There are multi-unit residential buildings located across Indianola Avenue from the brewery location, and similar variances have been approved for breweries in close proximity to residential uses. The proposal is consistent with the *Clintonville Neighborhood Plan* recommendation for mixed use development and takes into consideration enhanced landscaping which the applicant is providing; 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 **800 EAST COOKE ROAD (43214)**, 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 due to the need to proceed with reconstruction work in order to accommodate arrival of previously ordered and scheduled brewing equipment; now, therefore;

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

SECTION 1. That variances from the provisions of Sections 3356.03, Permitted uses; 3311.28(b), Requirements; 3312.21(A)(B), Landscaping and screening; 3312.29, Parking space; 3312.41, Access and circulation; 3312.49, Minimum number of parking spaces required; 3365.17(C), Location requirements; 3372.704(D), Setback requirements; and 3372.609(A), Parking and circulation, of the Columbus City Codes, are hereby granted for the property located at **800 EAST COOKE ROAD (43214)**, insofar as said sections prohibit a brewery including distribution in the C-4, Commercial District; with a reduction in the required distance separation of a brewery from residentially-zoned property from 600 feet to 73.75 feet; reduced tree island size from four feet soil radius to square-shaped tree islands that have inner sides that are 3 feet in width; reduced width and height of parking lot screening from 4 feet wide and 5 feet high to 2 feet wide and 4 feet high; reduced parking space size from 162 square feet to 158 square feet, and one parking space that is 8 feet in width; a parking space reduction from 53 required spaces to 52 spaces; and a reduced parking setback from 25 feet to 2± feet with parking spaces located in advance of the building; said property being more particularly described as follows:

800 EAST COOKE ROAD (43214), being 0.8± acres located on the north side of East Cooke Road, 130± feet east of Indianola Avenue, and being more particularly described as follows:

SITUATED IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN AND STATE OF OHIO AND BEING PART OF THE 1 ST AND 2ND QUARTERS OF TOWNSHIP 1, RANGE 18, UNITED STATES MILITARY LANDS, AND BEING PART OF THAT TRACT CONVEYED TO HOBBY RANCH HOUSE, INC. IN DEED BOOK 2535, PAGE 18 TOGETHER WITH PARTS OF PARCELS ONE AND TWO CONVEYED TO THE HOBBY RANCH HOUSE, INC. IN DEED BOOK 2536, PAGE 433 TOGETHER WITH PARCELS 1 AND 2 CONVEYED TO HOBBY RANCH HOUSE, INC. IN DEED BOOK 2750, PAGE 158 TOGETHER WITH THAT TRACT CONVEYED TO HOBBY RANCH HOUSE, INC IN DEED BOOK 2822, PAGE 27, ALL REFERENCES ARE TO RECORDS OF THE RECORDERS OFFICE, FRANKLIN COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE, 60 FEET IN WIDTH, AND AT THE NORTHWESTERLY CORNER OF THE TRACT IN DEED BOOK 2535, PAGE 18;

THENCE N 87 DEGREES 15 E WITH THE NORTH LINE OF SAID TRACT AND THE NORTH LINE OF PARCEL 1 IN DEED BOOK 2750, PAGE 158, 178.31 FEET TO AN IRON PIN AT THE NORTHEASTERLY CORNER OF PARCEL 1 AND IN THE EASTERLY LINE OF PROPERTY OF CONSOLIDATED RAIL CORPORATION;

THENCE S. 01 DEGREES 57 E WITH THE EASTERLY LINE OF PARCEL 1 AND THE EASTERLY LINE OF PARCEL 2 IN DEED BOOK 2750 PAGE 158 AND THE WESTERLY LINE OF SAID PROPERTY OF THE CONSOLIDATED RAIL CORPORATION 380.50 FEET TO A POINT AT THE SOUTHEASTERLY CORNER OF PARCEL 2 AND IN THE CENTERLINE OF COOKE ROAD;

THENCE N 85 DEGREES 12 W WITH THE SOUTHERLY LINE OF PARCEL 2 AND THE SOUTHERLY LINE OF THAT TRACT IN DEED BOOK 2822, PAGE 27 AND THE CENTERLINE OF COOKE ROAD 45.30 FEET TO A POINT AT THE SOUTHWESTERLY CORNER OF SAID TRACT IN DEED BOOK 2822, PAGE 27 BEING ALSO THE SOUTHEASTERLY CORNER OF THAT TRACT CONVEYED TO THE STANDARD OIL COMPANY IN DEED

BOOK 1863, PAGE 467;

THENCE N 00 DEGREES 31 W WITH THE EASTERLY LINE OF THE STANDARD OIL COMPANY PROPERTY AND THE WESTERLY LINE OF THE TRACT IN DEED BOOK 2822, PAGE 27, 199.90 FEET TO AN IRON PIN AT AN ANGLE POINT;

THENCE N 01 DEGREES 57 W CONTINUING WITH SAID EASTERLY AND WESTERLY LINES, 30.75 FEET TO AN IRON PIN AT THE NORTHEASTERLY CORNER OF SAID STANDARD OIL COMPANY PROPERTY AND AT THE SOUTHEASTERLY CORNER OF PARCEL TWO IN DEED BOOK 2635, PAGE 433;

THENCE S. 87 DEGREES 15 W WITH THE SOUTHERLY LINE OF PARCEL TWO AND THE NORTHERLY LINE OF SAID STANDARD OIL COMPANY PROPERTY 127.89 FEET TO AN IRON PIN AT THE SOUTHEASTERLY CORNER OF THAT 0.015 ACRE TRACT CONVEYED TO THE CITY OF COLUMBUS, OHIO IN DEED BOOK 3399, PAGE 328;

THENCE N 5 DEGREES 36* 45 W WITH THE EASTERLY LINE OF SAID 0.015 ACRE TRACT AND CROSSING PARCELS TWO AND ONE IN DEED BOOK 2635, PAGE 433 AND PART WAY ACROSS THAT PARCEL IN DEED BOOK 2535, PAGE 18, 125.12 FEET TO A SPIKE AT AN ANGLE POINT IN SAID EASTERLY LINE;

THENCE N 09 DEGREES 0524 W, CONTINUING WITH THE EASTERLY LINE AND CONTINUING ACROSS THE PARCEL IN DEED BOOK 2535, PAGE 18, 19.15 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.796 ACRES, MORE OR LESS.

PARCEL NO. 010-016768

ALSO KNOWN AS 800 E. COOKE ROAD, COLUMBUS, OHIO 43214.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a brewery and taproom with distribution, or those uses permitted in the C-4, Limited Commercial District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**KINDRED BREWERY**," signed by James W. Clarke, Applicant, and dated October 8, 2018. 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 plan 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.~~
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.