



## Legislation Details (With Text)

**File #:** 1448-2018      **Version:** 2

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

**File created:** 5/15/2018      **In control:** Zoning Committee

**On agenda:** 6/4/2018      **Final action:** 6/7/2018

**Title:** To grant a variance from the provisions of Section 3323.19, Uses, of the Columbus City codes; for the property located at 548 WEST STATE STREET (43215), to permit a 1,500 1,200± square foot eating and drinking establishment within a mixed-use building in the EF, East Franklinton District (Council Variance # CV18-022).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 1448-2018\_Attachments, 2. ORD1448-2018\_Labels

| Date     | Ver. | Action By         | Action                            | Result |
|----------|------|-------------------|-----------------------------------|--------|
| 6/7/2018 | 2    | CITY CLERK        | Attest                            |        |
| 6/6/2018 | 2    | MAYOR             | Signed                            |        |
| 6/4/2018 | 2    | COUNCIL PRESIDENT | Signed                            |        |
| 6/4/2018 | 1    | Zoning Committee  | Waive the 2nd Reading             | Pass   |
| 6/4/2018 | 1    | Zoning Committee  | Amended as submitted to the Clerk | Pass   |
| 6/4/2018 | 1    | Zoning Committee  | Approved                          | Pass   |

### Council Variance Application: CV18-022

**APPLICANT:** Oxide Real Estate Development; c/o David Hodge, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Eating and drinking establishment.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**EAST FRANKLINTON REVIEW BOARD RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and is located within the Dodge Park Sub-District of the EF, East Franklinton District. The Dodge Park Sub-District permits predominantly residential uses with very limited commercial uses (small offices, art studios, live-work units, cultural uses, and bed and breakfasts). The requested variance will permit a **1,500 1,200±** square foot eating and drinking establishment within a new mixed-use building containing 13 apartment units. The *East Franklinton Creative Community District (EFCCD) Plan (2012)* recommends medium-density mixed residential development for the Dodge Park Sub-District. The *EFCCD Plan* recognizes that each district within East Franklinton should incorporate a diverse mix of land uses, and the Planning Division originally had some concerns with setting a precedent for commercial development in this Sub-District. Given the prominent corner location of the site in relation to the West Broad Street and Arts and Innovation sub-districts where eating and drinking establishments are permitted, and the fact that the East Franklinton Review Board supports the request conditioned on size and hours of operation limitations, staff supports the requested variance. A Certificate of

Approval will be required for the building as part of the site compliance review process. This proposal includes a commitment to hours of operation. Staff objects to that condition because it is difficult to enforce and prefers that such commitments are part of a Good Neighbor Agreement.

To grant a variance from the provisions of Section 3323.19, Uses, of the Columbus City codes; for the property located at **548 WEST STATE STREET (43215)**, to permit a **1,500** ~~1,200~~± square foot eating and drinking establishment within a mixed-use building in the EF, East Franklinton District (Council Variance # CV18-022).

**WHEREAS**, by application No. CV18-022, the owner of property at **548 WEST STATE STREET (43215)**, is requesting a Council variance to permit a **1,500** ~~1,200~~± square foot eating and drinking establishment within a mixed-use building in the EF, East Franklinton District; and

**WHEREAS**, Section 3323.19, Uses, lists eating and drinking establishments as “not permitted” in the EF, East Franklinton Dodge Park Sub-District; and

**WHEREAS**, the Franklinton Area Commission recommends approval; and

**WHEREAS**, the East Franklinton Review Board recommends approval with a condition on hours of operation limitations; and

**WHEREAS**, the Department of Building and Zoning Services has conveyed to Department of Development / East Franklinton Review Board staff that the hours of operation limitations are difficult to enforce, and that it is the city's preference to not include such limitations as conditions within zoning ordinances; and

**WHEREAS**, the City Departments recommend approval of the requested variance because the proposal will allow a mixed-use project at a prominent corner location within close proximity to sub-districts that permit the requested eating and drinking establishment use. The East Franklinton Review Board supports the request and a Certificate of Approval will be required for the building as part of the site compliance review process; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **548 WEST STATE STREET (43215)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a Variance from the provisions of Section 3323.19, Uses, of the Columbus City codes; is hereby granted for the property located at **548 WEST STATE STREET (43215)**, insofar as said section prohibits an eating and drinking establishment in the Dodge Park Sub-District of the EF, East Franklinton District; said property being more particularly described as follows:

**548 WEST STATE STREET (43215)**, being 0.11± acres located at the northwest corner of West State Street and Mill Street, and being more particularly described as follows:

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

Being Lot number One Hundred Sixty-six (166) in the Town of Franklinton (now City of Columbus, Ohio) as the same is numbered and delineated upon the recorded plat thereof, of record in Ross County Record, Page 44, Recorder's Office, Franklin County, Ohio, excepting therefrom, however, so much thereof, as was appropriated by the City of Columbus, Ohio, for the purpose of widening State Street, by proceedings had in the Probate Court of Franklin County, Ohio recorded in Complete Record No. 29, page 154 of said Court.

ADDRESS: 548 West State Street

PARCEL: 010-010589

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a **1,500** ~~1,200~~± square foot eating and drinking establishment within a mixed-use building, or those uses in the EF, East Franklinton District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned upon the following: the eating and drinking establishment shall not be open later than 10 PM Sunday - Thursday, and 12 AM Friday - Saturday.

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