



## Legislation Details (With Text)

**File #:** 1998-2021      **Version:** 2

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

**File created:** 7/9/2021      **In control:** Zoning Committee

**On agenda:** 7/26/2021      **Final action:** 7/28/2021

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at 79 THURMAN AVE. (43206), to permit mixed commercial uses with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #3207-97, passed December 15, 1997 (Council Variance #CV21-063) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1998-2021\_Attachments, 2. ORD1998-2021\_Labels

Date	Ver.	Action By	Action	Result
7/28/2021	2	CITY CLERK	Attest	
7/27/2021	2	MAYOR	Signed	
7/26/2021	1	Zoning Committee	Amended to Emergency	Pass
7/26/2021	1	Zoning Committee	Approved as Amended	Pass
7/26/2021	2	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV21-063**

**APPLICANT:** Flat 51 LLC; c/o Matthew Cull, Atty.; Kephart Fisher LLC; 207 North 4<sup>th</sup> Street; Columbus, OH 43215.

**PROPOSED USE:** Mixed commercial development.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels zoned in the R-2F, Residential District, one developed with two commercial buildings and accessory parking, and the other developed with accessory parking. The site is subject to Ordinance #3207-97 (CV97-026A), which permits a range of commercial uses with a parking space reduction from 252 to 127 spaces with conditions for specific development standards. The requested Council variance expands the permitted uses to allow retail and event space uses on the second floor of the Columbus Watch Building (the north building) which is currently limited to office uses. Included in the request are variances to permit stacked parking, to reduce the number of required parking spaces from 250 to 120, and to not provide a loading space. Applicable development standards from CV97-026A are being carried over into the request. The site is located within the boundaries of the German Village Commission historic district. Expanding the site's mixed commercial uses is consistent with the development pattern of the area, and the use and operational controls ensure compatibility with adjacent residential uses. As the revised parking reduction for five additional spaces is negligible, the requested parking variance is supported, and a parking study was not required.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at **79 THURMAN AVE. (43206)**, to permit mixed commercial uses with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #3207-97, passed December 15, 1997 (Council Variance #CV21-063) **and to declare an emergency.**

**WHEREAS**, by application #CV21-063, the owner of the property at **79 THURMAN AVE. (43206)**, is requesting a Variance to permit mixed commercial uses with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential district, prohibits commercial uses and only permits one single-unit dwelling or one two-unit dwelling, while the applicant proposes limited restaurant, retail, office, and event space uses; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, but cannot include an abutting parking space, while the applicant proposes to allow maneuvering over parking spaces for 22 stacked spaces, subject to each pair of stacked spaces being assigned to the same tenant; and

**WHEREAS**, Section 3312.29, Parking space, only allows stacked parking spaces to be counted as required spaces for single- and two-unit dwellings, while the applicant proposes 22 stacked spaces, subject to each pair of stacked spaces being assigned to the same tenant; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires off-street parking at various ratios depending on use, a total requirement of 250 spaces for the uses specified by Section 3 of this ordinance, while the applicant proposes 120 parking spaces; and

**WHEREAS**, Section 3312.53, Minimum number of loading spaces required, requires loading spaces based on type of use and size of building, while the applicant proposes to maintain no loading spaces; and

**WHEREAS**, the German Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance to expand the site's mixed commercial uses is consistent with the development pattern of the area, and the use and operational controls ensure compatibility with adjacent residential uses. As the revised parking reduction for five additional spaces is negligible, the requested parking variance is supported; 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 **79 THURMAN AVE. (43206)**, in using said property as desired; and

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to unexpected and unforeseen delays not caused by applicant, 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 is hereby granted from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; and 3312.53, Minimum number of loading spaces required, of the Columbus City Codes; for the property located at **79 THURMAN AVE. (43206)**, insofar as said sections prohibit commercial uses as specified in Section 3 of this ordinance in the R-2F, Residential District, with maneuvering over parking spaces for 22 stacked spaces; 22 stacked spaces to count as required spaces; a parking space reduction from 250 required spaces to 120 spaces; and no loading spaces; said property being more particularly described as follows:

**79 THURMAN AVE. (43206)**, being 1.27± acres located at the southeast corner of Thurman Avenue and City Park Avenue, and being more particularly described as follows:

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

Being Lots Numbered Fifty (50), Fifty-One (51), Fifty-Two (52), Fifty-Three (53), Fifty-Four (54), and Fifty-Five (55) in Deshler, Thurman & Bennett’s Subdivision in said City of Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3 Page 158, Recorder’s Office, Franklin County, Ohio.

Parcel Numbers 010-048856-00 and 010-046276-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for restaurant, retail, office, and event space uses as further specified by Section 3 of this ordinance, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the following:

**Permitted Uses:**

**1. Columbus Watch Building (North Building)**

a. First Floor (2,525sf): The following are permitted uses on the first (1st) floor of the Columbus Watch Building:

i. Office Uses as permitted under the C-2 District; 3353.03(A)-(E).

ii. The following listed Retail and Commercial Uses:

1. Antique Store
2. Art Store - Supplies, Sale/display of art, classes incidental to business
3. Bakery (Retail)
4. Bank (Without drive-thru facilities. Any Automated Teller Machine (ATM) shall be located within the bank floor space area or within an enclosed lobby.)
5. Barber Shop
6. Beauty Salon
7. Bicycle Shop (Sales and Repair)
8. Book Store
9. Clothes Pressing & Cleaning
10. Custom Shop
11. Custom Tailor
12. Delicatessen
13. Dry Goods - Notions

14. Florist Shop
15. Gift Shop
16. Ice Cream Sales
17. Hardware or Jewelry Store
18. Job Printing
19. Laundry
20. Men's, Women's or Children's Ready to Wear
21. Music Store
22. Paint Store
23. Photography Supplies
24. Radio Transmitting or Television Station and Appurtenances (Commercial)
25. Shoe Store (Including Repair)
26. Market/Grocery Store

b. Second Floor (2,525sf): The following are permitted uses on the second (2nd) floor of the Columbus Watch Building:

i. Office Uses permitted under C-2 District; 3353.03(A)-(E);

ii. Photography Studio, Commercial and Portrait;

iii. Event Space; and

iv. The following listed Retail and Commercial Uses:

1. Antique Store
2. Art Store - Supplies, Sale/display of art, classes incidental to business
3. Bakery (Retail)
4. Bank (Without drive-thru facilities. Any Automated Teller Machine (ATM) shall be located within the bank floor space area or within an enclosed lobby.)
5. Barber Shop
6. Beauty Salon
7. Bicycle Shop (Sales and Repair)
8. Book Store
9. Clothes Pressing & Cleaning
10. Custom Shop
11. Custom Tailor
12. Delicatessen
13. Dry Goods - Notions
14. Florist Shop
15. Gift Shop
16. Ice Cream Sales
17. Hardware or Jewelry Store
18. Job Printing
19. Laundry
20. Men's, Women's or Children's Ready to Wear
21. Music Store
22. Paint Store
23. Photography Supplies
24. Radio Transmitting or Television Station and Appurtenances (Commercial)
25. Shoe Store (Including Repair)
26. Market/Grocery Store

## **2. Godman Shoe Building (South Building)**

a. First Floor (11,052sf): The following are permitted uses on the first (1st) floor of the Godman Shoe Building:

i. Restaurant (subject to restrictions contained herein)

ii. Office Uses as permitted under the C-2 District; 3353.03(A)-(E)

iii. The following listed Retail and Commercial Uses:

1. Antique Store
2. Art Store - Supplies, Sale/display of art, classes incidental to business
3. Bakery (Retail)
4. Bank (Without drive-thru facilities. Any Automated Teller Machine (ATM) shall be located within the bank floor space area or within an enclosed lobby.)
5. Barber Shop
6. Beauty Salon
7. Bicycle Shop (Sales and Repair)
8. Book Store
9. Clothes Pressing & Cleaning
10. Custom Shop
11. Custom Tailor
12. Delicatessen
13. Dry Goods - Notions
14. Florist Shop
15. Gift Shop
16. Ice Cream Sales
17. Hardware or Jewelry Store
18. Job Printing
19. Laundry
20. Men's, Women's or Children's Ready to Wear
21. Music Store
22. Paint Store
23. Photography Supplies
24. Radio Transmitting or Television Station and Appurtenances (Commercial)
25. Shoe Store (Including Repair)
26. Market/Grocery Store

b. Second Floor (11,052sf): The following are permitted uses on the second (2nd) floor of the Godman Shoe Building: Office Uses as permitted under C-2 District; 3353.03(A)-(E).

c. Third Floor (11,052sf): The following are permitted uses on the third (3rd) floor of the Godman Shoe Building: Office Uses as permitted under C-2 District; 3353.03(A), (C), (D) & (E) only (for the purpose of clarity, medical-type offices as listed under C-2 District; 3353.03(B) are not a permitted use).

d. Fourth Floor (11,052sf): The following are permitted uses on the fourth (4th) floor of the Godman Shoe Building: Office Uses as permitted under C-2 District; 3353.03(A), (C), (D) & (E) only (for the purpose of clarity, medical-type offices as listed under C-2 District; 3353.03(B) are not a permitted use).

### **Floor Space Restrictions:**

1. Restaurants:

a. The maximum area of Restaurant use on the Property is 5,000 square feet.

b. No more than twenty percent (20%) of the gross floor area of a restaurant, regardless of size, may be used for a bar area within the restaurant. Calculation of the bar area will include a bar's seating area.

2. Retail: The maximum area of retail use on the Property (inclusive of both the Godman Shoe Building and Columbus Watch Building) is 13,000 square feet.

3. Combined Restaurant & Retail: The maximum area of combined restaurant use and retail use on the Property (inclusive of both the Godman Shoe Building and Columbus Watch Building) is 13,000 square feet.

**Prohibitions:**

1. Access to Nursery Alley: Vehicle access from the Property to Nursery Alley is prohibited. A seven foot (7') opaque fence must be installed/maintained along the Property's boundary with Nursery Alley between the southeast corner of the Godman Shoe Building and the southeast corner of the Property to prevent vehicle access.

2. Excessive Sound:

a. No amplified sound may be audible at the external boundaries of the Property.

b. Amplified live music is prohibited on the Property.

3. Stages/Dance Floors: Permanently installed stages and dance floors are prohibited on the Property.

4. Outdoor Food/Beverage Service: Restaurants on the Property, if any, are prohibited from having outdoor patio seating or service in connection with such use.

**Additional Requirements:**

1. Dumpsters: Dumpsters shall be located adjacent to the southeast corner of the Godman Shoe Building and screened to a height of seven feet (7') on all 4 sides. All dumpster/trash pick-up shall be accomplished from the north side of the dumpster area. Dumpsters may not be emptied earlier than 8:00am nor later than 9:00pm. The Property owner or manager shall notify the trash collection service provider of such time restrictions in writing.

2. Parking Lot:

a. Screening: In addition to meeting all requirements of Columbus City Code Section 3312.21, a six foot (6') opaque fence must be installed/maintained along the Property's entire east boundary.

3. Restaurant Use & Parking: If there is any restaurant use on the Property at any time:

a. Valet Service: The restaurant shall provide valet parking services for customers off-street and off-site of the Property, if the existing on-site parking lot is at full capacity.

4. Combinations of Tax Parcels: Prior to December 31, 2021, Property Owner shall complete and submit the necessary forms to the Franklin County Auditor such that PID 010-046276-00 and PID 010-048856-00 are combined into one tax parcel.

**Lighting & Graphics:**

1. Lighting: All external lighting on the Property must be down lighting and utilize cut-off fixtures. Fixtures, reflectors, shields, bulbs, poles and pole heights must be selected, arranged and placed so there is no glare off site of the Property and light is directed/reflected away from any adjacent property.

2. Graphics:

a. A ground sign, if any, may only be monument style and illuminated externally, with final approval, if any, to be granted by the German Village Commission.

b. All wall signs must be externally illuminated.

c. No graphics of any kind are permitted on the south wall of the Godman Shoe Building.

d. Neon lighting or graphics, whether internal or external to a building, are prohibited from if visible beyond the external boundaries of the Property.

**SECTION 4.** That this ordinance is further conditioned upon 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.

**SECTION 6.** That Ordinance #3207-97, passed December 15, 1997, be and is hereby repealed.

**SECTION 7.** ~~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.**