



## Legislation Text

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**File #:** 0348-2017, **Version:** 1

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### **Council Variance Application: CV16-058**

**APPLICANT:** Sidestreet Development LLC; c/o Amanda Dunfield, Architect; 3126 Derby Road; Columbus, OH 43221.

**PROPOSED USE:** Mixed-commercial development including a microbrewery with off-site distribution and outdoor event space.

**COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site is developed with several vacant buildings zoned C-4, Commercial, and L-C-4, Limited Commercial districts, and is within the Parsons Avenue Urban Commercial Overlay. The applicant plans to renovate the buildings into potential eating and drinking establishments, offices, or residences, depending on market demand and resources. The renovation also includes turning a majority of the existing yard into a courtyard and patio seating/event space area. For flexibility on establishing new uses in the existing buildings, the applicant is proposing that all buildings can be utilized as eating and drinking establishments (13,475± square feet) with 5,385± square feet of outdoor event/dining space. The request will allow full-service eating and drinking establishments with outdoor event/dining space and off-site distribution of microbrewery products, and includes variances for reduced number of required parking spaces from 123 to 0, no loading space, dumpster location, reduced vision clearance, and reduced separation from residential zoning districts for the brewery. The site is within the planning area of the *South Side Plan* (2014), which recommends "Neighborhood Mixed Use" for this location. Staff supports the proposed mix of uses, but the Department of Public Service, Division of Traffic Management cannot support the requested parking reduction which may cause parking strains on the residential streets in the immediate area. Staff has advised the applicant to revise the requested parking variance to include the amount of planned office and brewery production square footage into the building area, which would reduce the amount of space devoted to eating and drinking establishments, thereby reducing the number of parking spaces required for the improvements.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3370.05 Permitted uses; 3311.28(b), Requirements; 3312.49(C), Minimum number of parking spaces required; 3312.53, Minimum number of loading spaces required; 3321.01, Dumpster area; 3321.05(B)(1), Vision clearance; 3363.19(C), Location requirements; and 3372.607 (C), Landscaping and screening, of the Columbus City Codes; for the property located at **691 PARSONS AVENUE (43206)**, to allow a mixed-commercial development, including a microbrewery with off-site distribution and outdoor event space, with reduced development standards in the C-4, Commercial District and L-C-4, Limited Commercial District (Council Variance # CV16-058).

**WHEREAS**, by application # CV16-058, the owner of property at **691 PARSONS AVENUE (43206)**, is requesting a Council Variance to allow a mixed-commercial development, including a microbrewery with off-site distribution and outdoor event space, with reduced development standards in the C-4, Commercial District and L-C-4, Limited Commercial District; and

**WHEREAS**, Section 3356.03, C-4, Commercial district, permits a brewery for on-site sales and 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 3370.05 Permitted uses, allows one or more of the uses permitted by the underlying zoning district, which are limited to certain commercial uses as listed in the limitation overlay text adopted in Ordinance No. 1177-88 (Z87-1742), while the applicant proposes a full-service eating and drinking establishment, a brewery with off-site distribution, and outdoor dining or event space to be operated on the property in the L-C-4 district, which currently limits certain types of restaurants; 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 locating a brewery with off-site distribution in the C-4, Commercial, and L-C-4, Limited Commercial districts on a lot that abuts residentially-zoned property; and

**WHEREAS**, Section 3312.49(C), Minimum number of parking spaces required, requires 123 parking spaces for the change of use from retail, office, and apartment uses to eating and drinking establishment space totaling 13,475± square feet, with 5,385± square feet of outdoor dining/event space, while the applicant proposes zero parking spaces, but has acquired a parking lease agreement for 15 unlimited spaces and 46 evening/weekend spaces at 646 Parsons Avenue; and

**WHEREAS**, Section 3312.53, Minimum number of loading spaces required, requires a minimum of one loading space, while the applicant proposes zero loading spaces; and

**WHEREAS**, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a trash enclosure in the required front setback along Beck Street as shown on the Site Plan; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a ten-foot vision clearance triangle at the intersection of Parsons Avenue and May Alley, while the applicant proposes to maintain encroachment into the vision clearance triangle by the building labeled as “691 Parsons Avenue” on the attached site plan.; and

**WHEREAS**, Section 3363.19(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 brewery with off-site distribution on a lot that abuts residentially-zoned property; and

**WHEREAS**, Section 3372.607(C), Landscaping and screening, requires that dumpsters shall be located behind the principal building, while the applicant proposes a trash enclosure in the required front setback along Beck Street as shown on the Site Plan; and

**WHEREAS**, the Columbus Southside Area Commission recommends approval; and

**WHEREAS**, City Departments recommend disapproval because the requested parking reduction may cause parking strains on the residential streets in the immediate area. Staff supports the proposed mix of uses, and has advised the applicant to revise the requested parking variance to include the amount of planned office and brewery production square footage into the building area, which would reduce the amount of space devoted to eating and drinking establishments, thereby reducing the number of parking spaces required for the improvements; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificates of Occupancy for the proposed new 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 **691 PARSONS AVENUE (43206)**, in using said property as desired; and

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

**SECTION 1.** That a variance from the provisions of Sections 3356.03, C-4, permitted uses; 3370.05 Permitted uses; 3311.28(b), Requirements; 3312.49(C), Minimum number of parking spaces required; 3312.53, Minimum number of loading spaces required; 3321.01, Dumpster area; 3321.05(B)(1), Vision clearance; 3363.19(C), Location requirements; and 3372.607(C), Landscaping and screening of the Columbus City Codes; is hereby granted for the property located at **691 PARSONS AVENUE (43206)**, insofar as said sections prohibit 13,475± square feet of eating and drinking establishment space including a microbrewery with off-site distribution and 5,385± square feet of outdoor dining/event space in the C-4, Commercial District, and L-C-4, Limited Commercial District; with a reduced minimum number of required parking spaces from 123 spaces to 0 spaces; no loading space; a dumpster within the front setback and in front of a building along Beck Street; encroachment into the vision clearance triangle by the existing building at the intersection of Parsons Avenue and May Alley; and a reduction in the required distance separation of a brewery including distribution from residentially-zoned property from 600 feet to 0 feet; said property being more particularly described as follows:

**691 PARSONS AVENUE (43206)**, being 0.61± acres located at the southwest corner of Parsons Avenue and Beck Street, and being more particularly described as follows:

**Parcel No: 010-056798**

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

Being Lot Numbers 54, 55 and 56 of DUNHAM, RANKIN & STEWART'S SUBDIVISION of lot Nos. 1, 2, 7 and 8 of James Bryden's Second Addition to the City of Columbus, as the lots are designated and delineated on the plat of said subdivision, of record in Plat Book No. 4, page 79, in the Office of the Recorder of Franklin County, Ohio, and more particularly bounded and described as follows:

**Tract 1:** Beginning at a point in the east line of said Lot No. 56, 27.47 feet north from the southeast corner of said Lot; thence north on the west line of Parsons Avenue, 27.33 feet to a point; thence east across said Lot Nos. 54, 55 and 56, 96 feet to the place of beginning (also known as 687 Parsons Avenue).

**Tract 2:** Beginning at a point in the east line of said Lot No. 56, 28 feet distant from the northeast corner of said Lot; thence south on the west line of Parsons Avenue, thirty (30) feet to a point; thence west ninety-six (96) feet to a point in the east line of Lot No. 53; thence north on said east line thirty (30) feet to a point; thence east across said Lot Nos. 54, 55 and 56, ninety-six (96) feet to the place of beginning.

**Tract 3:** Beginning at point in the east line of Lot 56, 58 feet south of the northeast corner of said Lot No. 56; thence southerly along the west line of Parsons Avenue, 26 feet to a point; thence westerly in a line parallel to the south line of Beck Street across Lots 56, 55 and 54; a distance of 96 feet to a point in said Lot 54; thence northerly parallel to the west line of Parsons Avenue, 26 feet to a point; thence easterly parallel to the south line of Beck Street, 96 feet to the place of beginning.

**Tract 4:** Being twenty-seven and forty-seven hundredths (27.47) feet in width from north to south by the width of the lots from east to west off the south end of Lots 54, 55 and 56 of DUNHAM, RANKIN & STEWART'S SUBDIVISION of lot Nos. 1, 2, 7 and 8 of James Bryden's Second Addition to the City of Columbus, as the lots are designated and delineated on the plat of said subdivision, of record in Plat Book No. 4, page 79, in the Office of the Recorder of Franklin County, Ohio.

**Tract 5:** Being of Lot Number 53 of DUNHAM, RANKIN & STEWART'S SUBDIVISION of lot Nos. 1, 2, 7 and 8 of

James Bryden's Second Addition to the City of Columbus, as the lots are designated and delineated on the plat of said subdivision, of record in Plat Book No. 4, page 79, in the Office of the Recorder of Franklin County, Ohio.

**Parcel No: 010-011460**

Being Twenty-Eight (28) feet off of the north end of Lots Numbered 54, 55 and 56 of DUNHAM, RANKIN & STEWART'S SUBDIVISION of lot Nos. 1, 2, 7 and 8 of James Bryden's Second Addition to the City of Columbus, as the lots are designated and delineated on the plat of said subdivision, of record in Plat Book No. 4, page 79, in the Office of the Recorder of Franklin County, Ohio (also known as 677 Parsons Ave).

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for 13,475± square feet of eating and drinking establishment space including a microbrewery with off-site distribution and 5,385± square feet of outdoor dining/event space in accordance with the submitted site plan, or those uses permitted in the underlying C-4, Commercial District, and L-C-4, Limited Commercial District specified by Ordinance No. 1177-88 (Z87-1742).

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**SITE PLAN**," drawn by Amanda Dunfield Design LLC, dated February 9, 2017, and signed by Amanda Dunfield, Agent for the Applicant. The Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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 Certificates of Occupancy for the proposed new uses.

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