



Legislation Text

File #: 0496-2019, **Version:** 1

Council Variance Application: CV18-103

APPLICANT: Brothers Drake LTD; c/o Matthew Althouse, Agent; R E D Architects and Planning; 174 East Long Street; Columbus, OH 43215.

PROPOSED USE: Meadery and night club.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a multi-tenant building containing a fitness facility and a meadery zoned in the C-3, Commercial District. The meadery use was approved by Ordinance #1741-2010 (CV10-037). The requested Council variance will retain the meadery use, and will permit the tasting room and adjacent gallery space within the meadery (approximately 1,155 square feet) to be used as a night club which hosts regularly-scheduled live entertainment. The request carries over previously-approved parking variances from CV10-037 and Board of Zoning Adjustment variances (BZA16-006 and BZA09310-00200), and proposes one parking space, a reduction of ten required spaces. A variance to reduce distance separation requirements for the meadery from residentially-zoned property is also included to permit continued production for off-site distribution. The site is within the planning area of the *University Area Plan* (2015), which recommends "Neighborhood Mixed Use" at this location. The site is also within the Neighborhood Commercial subarea of the University District Zoning Overlay. The request remains consistent with the land use recommendations of the *University Area Plan*, and includes a condition prohibiting outdoor amplification in order to mitigate potential conflicts with residential uses in the vicinity.

To grant a Variance from the provisions of Sections 3355.03, C-3 permitted uses; 3311.28(b), Requirements; and 3312.49 (C), Minimum numbers of parking spaces required, of the Columbus City Codes, for the property located at **26 EAST FIFTH AVENUE (43201)**, to permit a night club and a meadery with reduced parking in the C-3, Commercial District, and to repeal Ordinance #1741-2010, passed December 13, 2010 (Council Variance #CV18-0103).

WHEREAS, by application #CV18-103, the owner of property at **26 EAST FIFTH AVENUE (43201)**, is requesting a Council Variance to permit a meadery and a night club in the C-3, Commercial District; and

WHEREAS, Section 3355.03, C-3 permitted uses, does not permit a meadery including off-site distribution or a night club, while the applicant proposes to add a night club use to an existing meadery that also distributes product off-site; 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 to maintain a meadery with off-site distribution in the C-3, Commercial District on a lot that is within 124± feet of residentially-zoned property; and

WHEREAS, Section 3312.49(C) Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment space, 1 parking space per 250 square feet of retail space, and 1 parking space per 750 square feet of manufacturing space, and with the 50% reduction due to the subject site being located within the Neighborhood Commercial subarea of the University District Zoning Overlay, requires a total of 11 parking spaces, while

the applicant proposes to maintain at least one parking space; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of said ordinance because Staff considers the proposed uses consistent with the land use recommendations of the *University Area Plan*, and compatible with the development pattern in the area; 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, 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 alleviate the difficulties encountered by the owners of the property located at **26 EAST FIFTH AVENUE (43201)**, in using said property as desired; now, therefore:

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

SECTION 1. That variances from the provisions of Sections 355.03, C-3 permitted uses; 3311.28(b), Requirements; and 3312.49(C), Minimum numbers of parking spaces required, of Columbus City Codes, are hereby granted for the property located at **26 EAST FIFTH AVENUE (43201)**, insofar as said sections prohibit a meadery including production for off-site distribution and night club in the C-3, Commercial District, with a reduced distance separation from 600 to 124± feet from residentially-zoned property; and a parking space reduction from eleven required to a minimum of one provided parking space; said property being more particularly described as follows:

26 EAST FIFTH AVENUE (43201), being 0.15± acres located at the northeast corner of East Fifth Avenue and Courtland Avenue

Situated in the City of Columbus, Franklin County, Ohio

Being the third Quarter of the First Township, 18th Range, United States Military Lands, and being part of the premises conveyed to Daniel Sullivan by John Short, by Deed dated June 29, 1882, and more particularly bounded and described as follows:

Beginning at the intersection of the East line of Courtland Avenue with the North line of Fifth Avenue; thence Northerly along the East line of Courtland Avenue 116 feet to a point in said East line; thence Easterly and parallel to the north line of Fifth Avenue 57.17 feet to a point; thence southerly in a Straight line to a point in the North line of Fifth Avenue distant 54.42 feet Easterly from the intersection of the North line of Fifth Avenue and the East line of Courtland Avenue; thence Westerly on the North line of Fifth Avenue 54.42 feet to the place of the beginning.

Franklin County Parcel # 010-049712

Addressed as 26-30 East Fifth Avenue; Columbus, OH 43201

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a meadery including production for off-site distribution and a night club, or those uses permitted in the C-3, Commercial District.

SECTION 3. That this ordinance is further conditioned on 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: Prior to Zoning Clearance issuance for the establishment of the night club use, a plan for signage that limits the East Fifth Avenue access point must be submitted for review and approval by the Department of Public Service. A fee for the installation of such signage as determined by the Department of Public Service shall be paid prior to Zoning Clearance issuance.

SECTION 5. That this ordinance is further conditioned upon there being no outdoor amplification on the existing patio or outside the building.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. That Ordinance #1741-2010, passed December 13, 2010, be and is hereby repealed.