



## Legislation Details (With Text)

**File #:** ORD. 2015-020-122      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 12/9/2014      **In control:** City Council

**On agenda:** 5/4/2015      **Final action:** 6/8/2015

**Title:** To amend Ord. No. 2011-20-32, adopted Mar. 14, 2011, as amended by Ord. No. 2013-75-57, adopted Apr. 22, 2013, which authorized the special use of the property known as 310 North 33rd Street for the purpose of the conversion of an existing building to a multifamily dwelling with up to 50 units and principal commercial uses permitted on corner lots in the R-63 Multifamily Urban Residential District on the property, to authorize outdoor dining, upon certain terms and conditions. (As Amended)

**Sponsors:** Mayor Jones (By Request)

**Indexes:** Special Use Permit

**Code sections:**

**Attachments:** 1. Ord. No. 2015-20-122, 2. Staff Report, 3. Proposed Amendments to ORD. 2015-020, 4. Location Map, 5. Plans, 6. Application & Applicant's Report

Date	Ver.	Action By	Action	Result
6/8/2015	1	City Council		
6/8/2015	1	City Council	adopted	
5/11/2015	1	City Council	amended and continued	
5/4/2015	1	City Council		
5/4/2015	1	Planning Commission	Recommended for Approval with amendments	Pass
4/13/2015	1	City Council	continued and referred back	
4/6/2015	1	Planning Commission	recommended for continuance	Pass
2/23/2015	1	City Council		
2/23/2015	1	City Council	continued and referred back	
2/23/2015	1	Planning Commission	recommended for continuance	Pass
1/26/2015	1	City Council	introduced and referred	Pass

To amend Ord. No. 2011-20-32, adopted Mar. 14, 2011, as amended by Ord. No. 2013-75-57, adopted Apr. 22, 2013, which authorized the special use of the property known as 310 North 33<sup>rd</sup> Street for the purpose of the conversion of an existing building to a multifamily dwelling with up to 50 units and principal commercial uses permitted on corner lots in the R-63 Multifamily Urban Residential District on the property, to authorize outdoor dining, upon certain terms and conditions. (As Amended)

## O & R Request

**DATE:** December 10, 2014

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Christopher L. Beschler, Interim Chief Administrative Officer

**THROUGH:** Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**SUBJECT:** Special Use Permit amendment for the purpose of authorizing outdoor dining at 310 North 33<sup>rd</sup> Street.

**ORD. OR RES. No.**

**PURPOSE:** To amend Ord. No. 2013-75-57, adopted April 22, 2013, which amended Ord. No. 2011-20-32, which authorized the property known as 310 North 33<sup>rd</sup> Street for the purpose of the conversion of the existing building to a multifamily dwelling with up to 50 units, and additionally authorized principal commercial uses permitted on corner lots in the R-63 Multifamily Urban Residential District on the property, to authorize outdoor dining, upon certain terms and conditions.

**REASON:** The property is located in the R-63 Multifamily Urban Residential zoning district, which permits outdoor dining uses. However, the R-63 District requires no outdoor dining area be within 100 feet of any property in an R district. The proposed dining area is approximately 65 feet from the R-8 District, and therefore, an amendment to the special use permit is required.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 2, 2015 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located on the southwest side of the intersection of North 33<sup>rd</sup> and East Marshall Streets in the City's Church Hill neighborhood. The parcel contains approximately 0.50 acres of land area and is improved with a brick building that was constructed in 1904 as the Chimborazo School, a City school. The building contains 3 stories, each with approximately 12,438 square feet in area, for a total livable area of 37,314 square feet. The property is abutted by a one-way public alley which extends south from Marshall Street and then turns right, exiting on 33<sup>rd</sup> Street.

On April 22, 2013, City Council authorized a special use permit amendment (Ord. No. 2013-75-57) for the purposes of authorizing principal commercial uses permitted on corner lots in the R-63 Multifamily Urban Residential District. The approved commercial square footage was 2,500 square feet and the parking space requirements for the commercial space was waived.

The proposed outdoor dining area would be limited to 575 square feet and be required to cease operations no later 11:00 P.M. No additional parking would be required as part of the proposed dining area.

The subject property is located in the City's Chimborazo Park Old and Historic district and is zoned R-63 Multifamily Urban Residential District. Properties to the north, west, and south of the subject property are zoned R-8 (Urban Residential) and are generally improved with single-family detached residences. There are several vacant lots to the west of the public alley abutting the subject property that are owned by Mount

Carmel Baptist Church, which is located at the intersection of 32<sup>nd</sup> and Broad Streets. Chimborazo Park is located to the south of the subject property, across Broad Street. There are two multi-family buildings across the street from the former school, which are also located in the R-63 District. A small UB (Urban Business) district is located to the east of the subject property along Marshall Street.

The subject property is located in the East Planning District, as defined by the 2000-2020 city-wide Master Plan. The Master Plan originally recommended Single-family (Medium Density) uses for the subject property. This designation was amended in April 2010, however, to recommend "Mixed Use Residential" uses for the property. The Master Plan defines the primary uses for this land use category as "single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form" (page 304).

**FISCAL IMPACT:** The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** January 12, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** February 9, 2015

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, February 2, 2015

**AFFECTED AGENCIES:** Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

**STAFF:** Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

*PDR O&R No. 14-35*

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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