

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Stone House Tap Room (parking) **FILE #** 16-005-089
 2. **APPLICANT:** Thomas Schroeder **HEARING DATE:** February 11, 2016
 3. **TYPE OF APPLICATION:** Historic Use Variance
 4. **LOCATION:** 445 Smith Ave N, between McBoal and Goodrich
 5. **PIN & LEGAL DESCRIPTION:** 012823410179, Ex S 60 Ft The Fol: Lot 14 & E 1/2 Of Lot 13 Blk 9 of Samuel Leeches Addition
 6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.601; §73.03.1
 8. **STAFF REPORT DATE:** February 2, 2016 **BY:** Bill Dermody
 9. **DATE RECEIVED:** January 22, 2016 **60-DAY DEADLINE FOR ACTION:** March 22, 2016
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- A. **PURPOSE:** Historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service.
- B. **PARCEL SIZE:** 8,470 square feet
- C. **EXISTING LAND USE:** Vacant single-family residence
- D. **SURROUNDING LAND USE:**

One- and two-family residential to the south, west, and north (R4); single-family and multi-family to the east (RT1); live-work unit to the northeast (RT1); commercial to the northwest across the alley (T2) other mixed commercial and residential along 7th Street (T1, T2, B2)
- E. **ZONING CODE CITATION:** §73.03.1 establishes the findings and review process for historic use variances; §61.601 further addresses requirements for historic use variances.
- F. **HISTORY/DISCUSSION:** On September 16, 2015, the City Council approved a Historic Use Variance (HUV) for the site in order to convert the structure for use as a taproom/microbrewery/restaurant, subject to six (6) conditions including substantial compliance with the site plan submitted at that time and prohibition of off-street parking on the subject site. The Applicant had intended to provide an ADA-compliant accessible parking space in front of the building on Smith Avenue, but was unable to obtain the necessary right-of-way approvals. Therefore, the Applicant requested a new Historic Use Variance for the same uses, but with an amended site plan providing an ADA parking space on the subject site that is accessed via the alley. The main customer parking lot remains one block to the west at 194 McBoal Street. Even though the proposed taproom/microbrewery/restaurant use has not changed since the September approval, a new Historic Use Variance is necessary because the requested on-site parking space conflicts with a condition of the original approval and also represents a significant change in the site plan.

HUVs are a tool for promoting historic preservation by allowing a departure from the uses permitted in Chapter 66 of the Zoning Code governing a designated heritage preservation site where strict adherence would prevent reasonable re-use of the structure in a manner consistent with either the structure's historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment. The Planning Commission and Heritage Preservation Commission (HPC) are to provide recommendations to the Mayor and City Council, who will make the final decision.

G. **DISTRICT COUNCIL RECOMMENDATION:** The West 7th/Fort Road Federation recommends approval of the application.

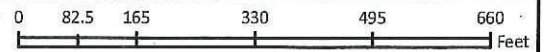
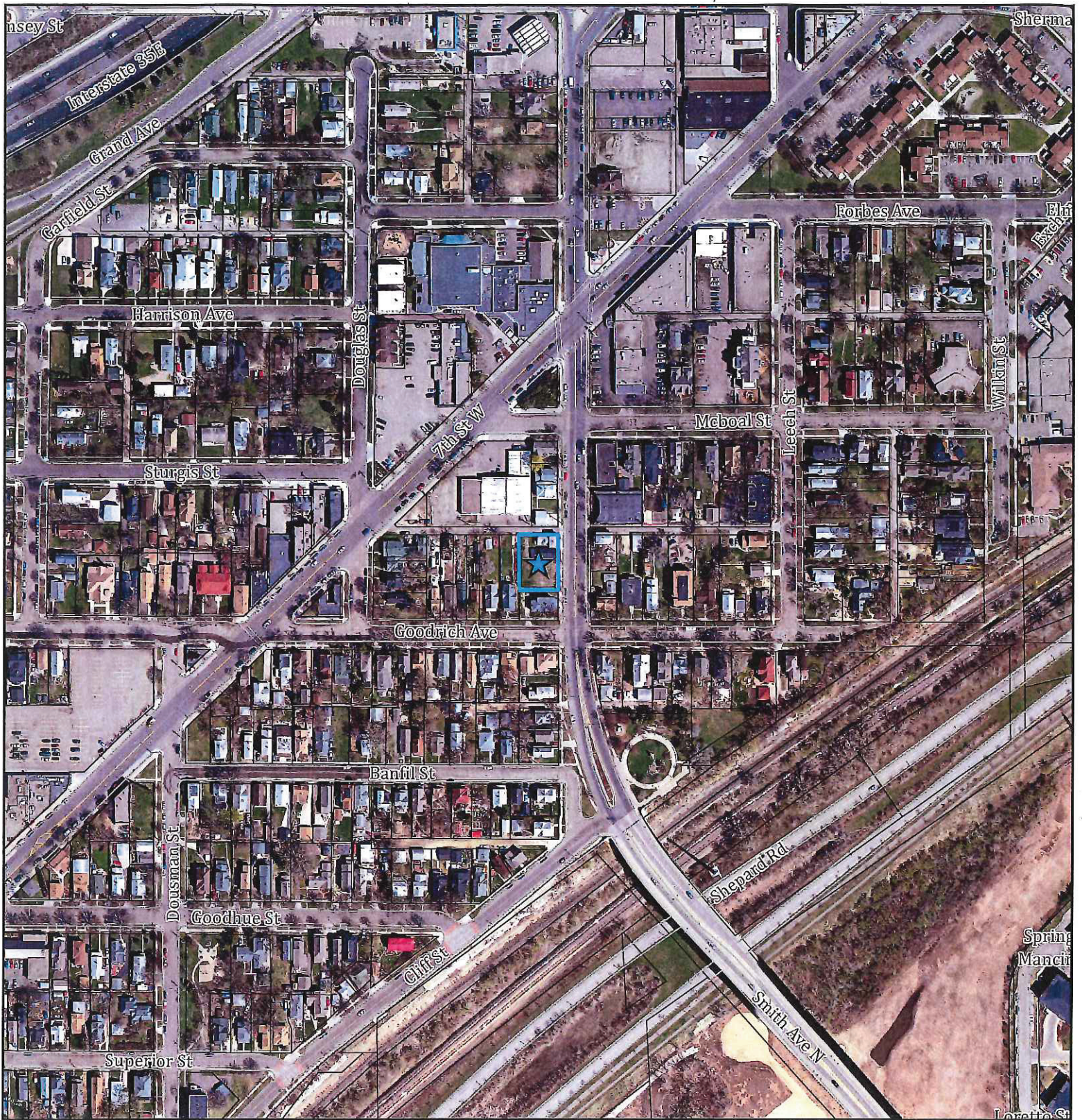
H. **FINDINGS:**

1. The application requests a historic use variance in order to permit establishment of a tap house and microbrewery with food service at the subject site, including with an on-site ADA-compliant accessible parking space. The application materials describe the proposed uses as producing beers and sodas for on-site service and filling of growlers, and food preparation and service; the proposed uses are roughly analogous to the Zoning Code-defined uses of restaurant and craft brewery, or possibly a restaurant and a small brewery accessory to a restaurant, all of which are first permitted in the T2 zoning district. Besides the one accessible parking space, other parking is proposed to be located off-site.
2. §73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, §73.03.1 requires the Planning Commission to make findings regarding the following:
 - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding can be met. A restaurant and craft brewery would be permitted in the T2 zoning district, such as is located adjacent across the alley to the northwest and elsewhere along West 7th Street. Such uses could be compatible with the surrounding residential uses if the proposed uses are maintained at a neighborhood scale and a full parking lot, beyond a single ADA-compliant space, is not added to the property.
 - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, which allows for consideration of commercial uses at the intersection of arterial and collector streets, such as Smith Avenue and West 7th Street (both arterials). The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The District 9 Area Plan Summary calls for historic storefronts to be restored to their historic condition, which is furthered by the application. It also calls for commercial land uses along West 7th Street to be confined to the 7th Street block face and not extend into the residential neighborhoods; however, the proposed historic use variance is a very limited commercial land use, not the full array of T2 or B2 uses likely envisioned by the plan.
3. §61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding can be partially met. The property has been designated as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites. However, the property could conceivably be used as a live-work unit or some other less intense use than proposed in order allow for restoration of its historic character without necessitating a building addition or bringing commercial customers to an area of residential character that does not face West 7th Street.

- I. **STAFF RECOMMENDATION:** Staff recommends approval of the historic use variance for a tap house / microbrewery with food service subject to the following additional condition:
 1. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate historic use variance application and approval.

Attachments


1. Application materials: text, photos, plans
2. 2015 HUV approval resolution
3. HPC recommendation
4. HPC staff report
5. Written public testimony
6. Maps



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Aerial

APPLICATION TYPE: Historic Use Variance

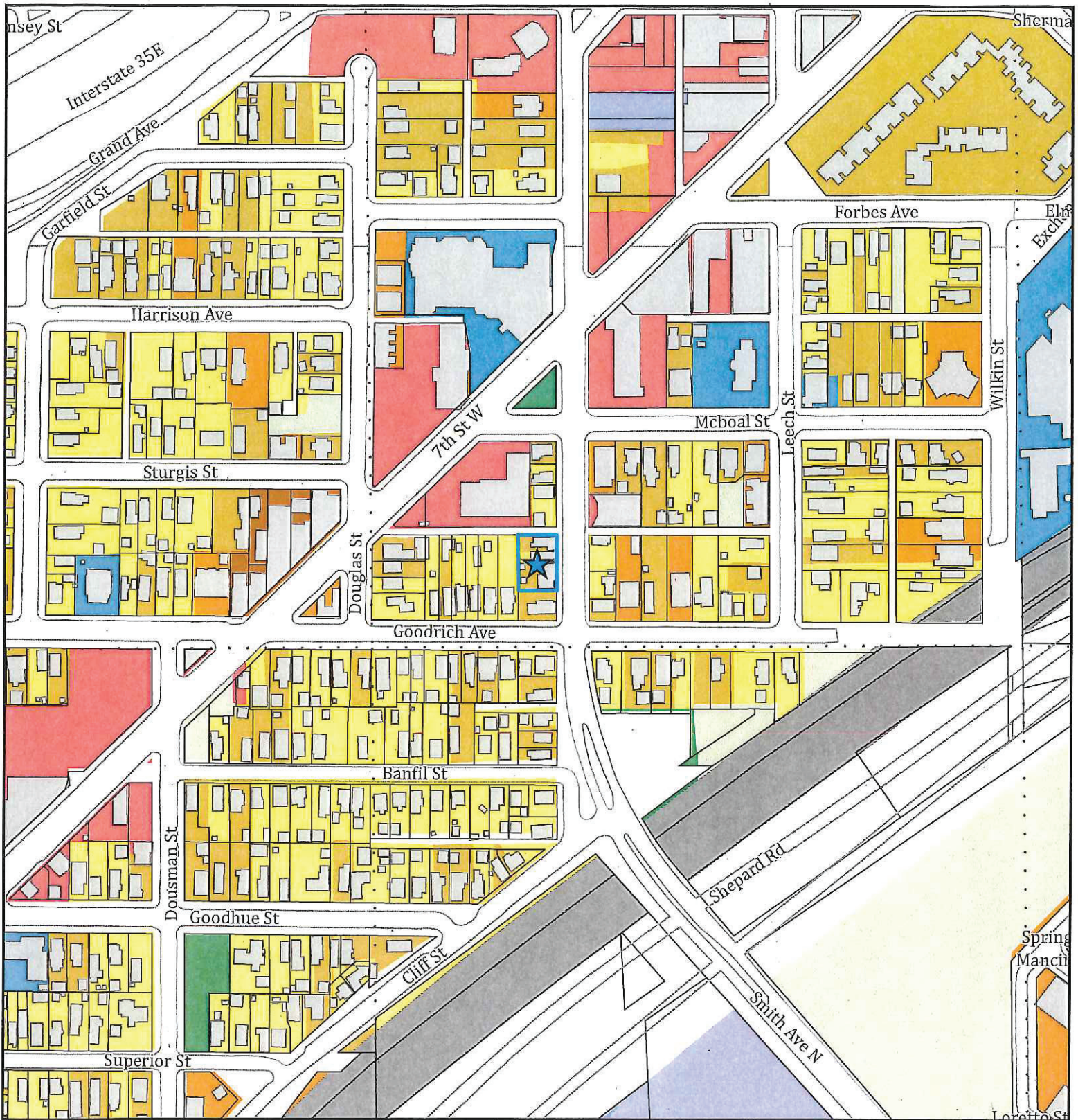
 Subject Parcels

FILE #: 16-005089 DATE: 1/22/2016

PLANNING DISTRICT: 9

ZONING PANEL: 15





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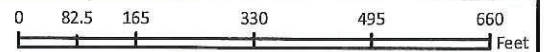
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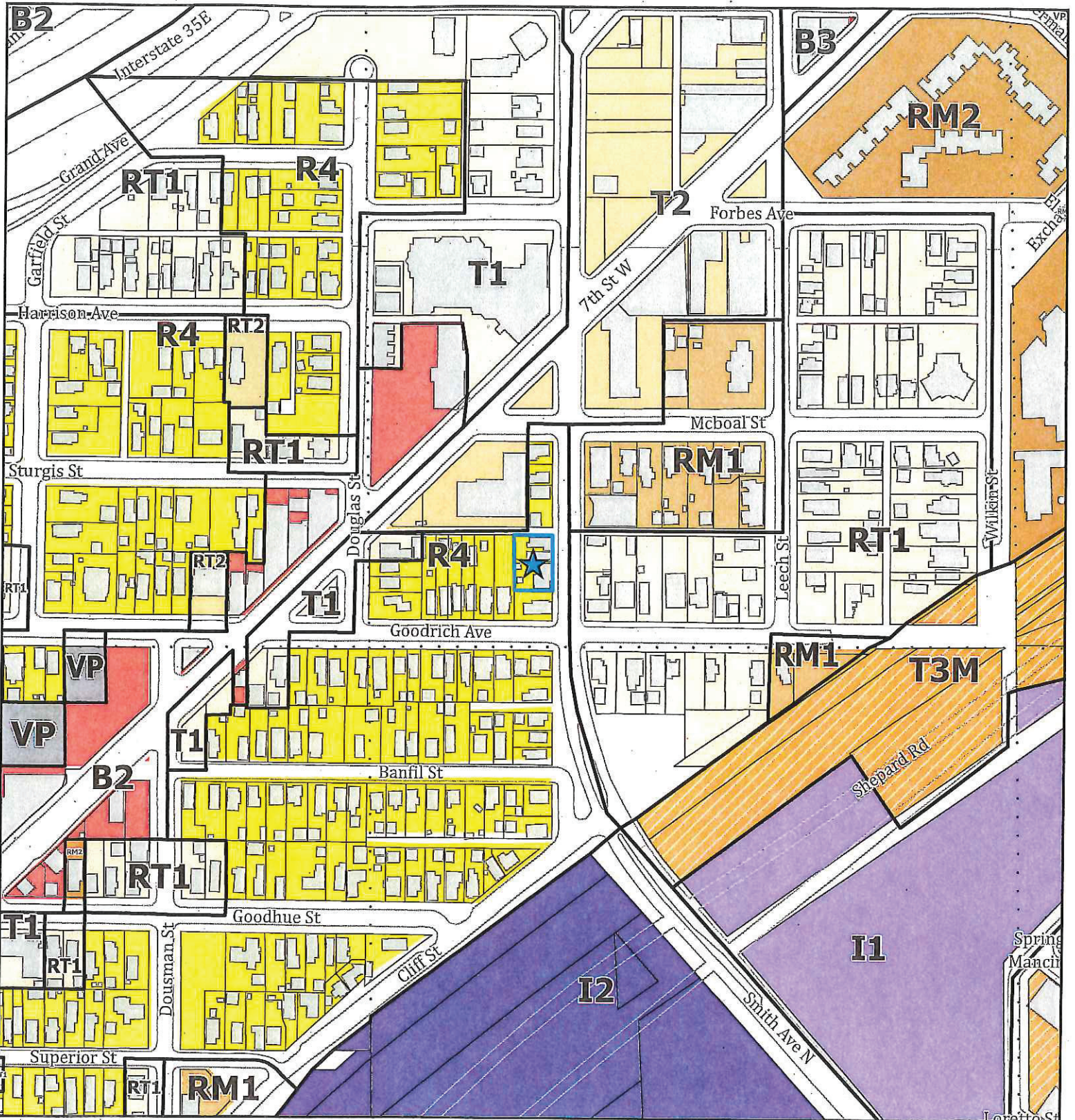
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Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines





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Zoning

- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- T3M T3 with Master Plan
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking
- Subject Parcels
- Section Lines

