



STAFF REPORT

PLANNING & ZONING COMMISSION

Zoom Webinar (**VIRTUAL**)
Wednesday, April 14, 2021
7:00 P.M.

2. MINOR AMENDMENT TO AN APPROVED DEVELOPMENT PLAN (Case 2021-18AM)

Applicant: Nocterra Brewing Co, c/o Shyft Collective – Sadie Webb
Location: 41 Depot Street
Existing Zoning: DB, Downtown Business District
Request: Review and approval to permit an accessory structure to be located within the front building setback.

Aerial Site Image: <https://goo.gl/maps/zXF6vk83Xy82>

Project Background

The applicant received approval of a Certificate of Appropriateness in March of 2021 to permit the permanent installation of a pouring station in the open space south of the building. The applicant also received approval of a Certificate of Appropriateness in October of 2017 to expand parking, the building and a porch and the business became operational shortly thereafter.

Proposal Overview

The proposal is to locate the previously approved pour station to the south of the building within the 3-foot setback and forward of the east façade of the existing building. The 3-foot setback is indicated on the approved development plan, however there was no mention at the time as to how this setback was established. The proposed pour station will be located within the fence of the brewery. The location will not interfere with existing patio spaces and has been moved slightly south to address requirements from the Liberty Township Fire Department to provide a minimum of 15 feet of distance from the fire pits.

Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(r), all plats, once a final development plan for a planned district has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections. "Substantial change" for the purposes of this section shall mean any modification of an approved planned district development plan, as determined by the Zoning Administrator that results in:

1. Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
2. Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
3. Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than thirty (30) feet;
4. Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
5. Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;
6. Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.

Staff Comments

Based on the Ordinance the proposal does not constitute a substantial change and the request to locate the structure within the setback was discussed and generally accepted at the March Planning and Zoning Commission meeting. In addition, the location will adhere to the Fire Code and provide additional outdoor space within the existing beer garden. The previous staff report is attached.

Staff Recommendation

Staff recommends approval of the request for a minor amendment to the approved development plan to permit an accessory structure to be located within the front building setback and forward of the principle structure.



2. CERTIFICATE OF APPROPRIATENESS (Case 2021-06CA)

Applicant: Nocterra Brewing Co, c/o Shyft Collective
Location: 41 Depot Street
Existing Zoning: DB, Downtown Business District
Request: Review and approval of an accessory structure adjacent to the southeast corner of the existing building.

Aerial Site Image: <https://goo.gl/maps/zXF6vk83Xy82>

Project Background

The applicant received approval of a Certificate of Appropriateness in October of 2017 to expand parking, the building and a porch and the business became operational shortly thereafter.

Proposal Overview

The proposal is to provide an external serving station/structure to allow the business to better and more safely serve customers during the DORA (designated outdoor refreshment area) events the City has had in place since the summer of 2020. Specifically, the structure will allow the business to serve the existing customers of the brewery as well as patrons of the DORA and provide a safe work environment for staff.

The proposed pour station will be located within the fence of the brewery to the southeast side of the existing building. The location will not interfere with existing patio spaces and/or fire pits. The area is proposed to be 10 feet 6 inches by 10 feet 9 inches and include temporary beer coolers, a service for the existing beer garden as well as a service station for DORA customers. All materials will match the existing building with metal roofing (standing seam, black), a concrete bar top (waterfall concrete to match the interior), board and batten siding (tricorn black to match the building) and recycled barrel staves to create a screen behind the taps. Overall the pour station has been designed to complement the existing brewery building. The proposal includes signs on the pour station, which the applicant will be required to review with staff for numbers and location prior to applying for sign permits.

Ordinance Review

In accordance with the requirements of codified ordinance 1143.18(j)(2), any change in the outward appearance of a property within the Downtown District shall require approval of Certificate of Appropriateness by the Planning and Zoning Commission if any change in the outward appearance of a property within the Downtown District results in one or more of the following:

- A. The plans call for a new non-residential structure or addition of occupied space to an existing non-residential structure, whether principal or accessory; or
- B. The plans call for two or more new residential dwelling units; or
- C. There will be a demolition of a structure larger than seventy-five (75) square feet in ground floor area; or
- D. There is a request for rezoning, zoning variance, or subdivision of land within the Downtown District.

In accordance with the requirements of codified ordinance 1143.18(a), the purpose of the Downtown District Overlay District (herein after referred to as the "Downtown District") is to promote the public, health, safety, and welfare by providing for the regulation of the downtown area through a single, unified district. This district is created to permit the careful and coordinated physical planning, development, and redevelopment of the land, and to provide flexibility in the location of land uses, housing types, and intensity. This district shall preserve, protect, and promote the historical nature of downtown by pursuing development that encourages a mix of uses in a manner that is safe, pleasant, convenient, and in context with the history of the area. It is also the purpose of the Downtown District to:

- (1) Safeguard the heritage of the City by preserving sites and structures within the historic central core of the City that reflect the City's history and its architectural history.
- (2) Stabilize and improve property values.
- (3) Strengthen the economy of the City by promoting business development through the allowance of buildings that provide flexible commercial opportunities yet in keeping with the village scale and character.
- (4) Protect and enhance the City's attractions to residents and visitors.
- (5) Enhance the visual and aesthetic character, diversity, and interest of the City's history.
- (6) Foster civic pride in the beauty, human scale, and human details of the City's history.
- (7) Promote excellence in small town design, incorporating elements that are consistent with the existing character of the area.
- (8) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City.
- (9) Preserve sound existing housing stock in the historic central area of the City and safeguard the residential scale of the district and the character of sub-areas that are primarily residential in character.

The proposal meets many of the purposes of this district and addresses the health and safety of residents, patrons and employees, including but not limited to:

- This proposal is adding an appropriate amenity to an existing structure in the historic core helping to keep the architectural integrity of the downtown.
- New commercial uses within walking distance of homes are valued in the current market.
- This addition will strengthen the economy of the city by adding an additional, walk-able amenity into the city.
- This proposal offers a new attraction for residents and visitors to visit.

Plan Consistency

The proposal conforms to the standards listed in the Powell Comprehensive Plan, the Downtown Revitalization Plan, and the Downtown Architectural Guidelines.

Staff Comments

Staff appreciates the design details that adhere to the existing aesthetic of the building. As this addition is intended to serve as a walk-up, no additional parking needs are anticipated.

Staff Recommendation

Staff recommends approval of the certificate of appropriateness with the following conditions:

- 1) The applicant will be required to work with Staff in regard to the proposed signs for the pour station, prior to applying for sign permits.