



## Legislation Details (With Text)

**File #:** 1834-2015      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/30/2015      **In control:** Zoning Committee  
**On agenda:** 7/20/2015      **Final action:**  
**Title:** To rezone 936 NORTH FOURTH STREET (43201), being 0.08± acres located on the east side of North Fourth Street, 40± feet south of East Second Avenue, From: R-4, Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z15-025).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1834-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20150720

Date	Ver.	Action By	Action	Result
7/23/2015	1	MAYOR	Signed	
7/23/2015	1	CITY CLERK	Attest	
7/20/2015	1	COUNCIL PRESIDENT	Signed	
7/20/2015	1	Zoning Committee	Approved	Pass
7/13/2015	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z15-025

**APPLICANT:** Kevin Noesner; 3123 Cranston Drive; Dublin, Ohio 43017.

**PROPOSED USE:** Eating and drinking establishment with apartment above.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 11, 2015.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a two-story building with nonconforming retail uses on the first floor and an apartment on the second floor. It is zoned in the R-4, Residential District as a result of an area downzoning in 1973. The site is also located in the Urban Commercial Overlay. The applicant proposes the CPD, Commercial Planned Development District to allow an eating and drinking establishment in the current retail space, with a 915 square-foot patio. The CPD text includes use restrictions and development standards for setbacks, height, signage and a commitment to a site plan. A parking variance for nine required spaces is also included. The request is consistent with the with the land use recommendations of the *Italian Village East Redevelopment Plan* (2000), which recommends commercial uses for this location, and with the established zoning and development patterns of the area.

To rezone **936 NORTH FOURTH STREET (43201)**, being 0.08± acres located on the east side of North Fourth Street, 40± feet south of East Second Avenue, From: R-4, Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z15-025).

**WHEREAS**, application #Z15-025 is on file with the Department of Building and Zoning Services requesting rezoning of 0.08± acres from R-4, Residential District, to CPD, Commercial Planned Development District; and

**WHEREAS**, the Development Commission recommends approval of said zoning change; and

**WHEREAS**, the Italian Village Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, is consistent with the with the land use recommendations of the *Italian Village East Redevelopment Plan*, and the established zoning and development patterns of the area; now, therefore:

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

**SECTION 1.** That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**936 NORTH FOURTH STREET (43201)**, being 0.08± acres located on the east side of North Fourth Street, 40± feet south of East Second Avenue, and being more particularly described as follows:

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

Being Lot Number Two (2) of HORACE J. MAYNARD'S SUBDIVISION of Lots 1 and 2 of Sorin's Subdivision of Lot 60 of Phelan's Mt. Pleasant Addition, as the same is numbered and delineated upon the record plat thereof, of record in Plat Book 2, page 268, Recorder's Office, Franklin County, Ohio.

936 N. Fourth St.  
PN 010-053331

**To Rezone From:** R-4, Residential District

**To:** CPD, Commercial Planned Development District

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**SECTION 3.** That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**SITE PLAN**," and text titled, "**CPD TEXT**" both dated June 26, 2015, and signed by Kevin Noesner, Applicant, and the text reading as follows:

**CPD TEXT**

**EXISTING DISTRICT:** R-4

**PROPOSED DISTRICT:** CPD - Commercial Planned Development

**OWNER:** Kevin E Noesner Tr, 3123 Cranston Dr, Dublin, OH 43017

**APPLICANT:** Kevin Noesner, 3123 Cranston Dr, Dublin, OH 43017

**DATE OF TEXT:** 6/26/15

**APPLICATION NUMBER:**

**1. INTRODUCTION:**

The subject site is located along N Fourth St in Italian Village. The property is currently zoned R-4 with proposal to change zoning to CPD for use as an eating and drinking establishment.

The site is occupied by one building, 936 North Fourth St with commercial uses on the first floor and a 2 bedroom apartment on the second floor. The site has a zero setback, access is by pedestrian sidewalk and curb drop-off. This CPD text is being submitted to allow an eating and drinking establishment use to 936 North Fourth Street which has currently been a retail use.

**2. PERMITTED USES:**

(C.C.C. § 3351.03) uses, including eating and drinking establishments that may occupy 1,255 square feet with a patio of 915 square feet, and excluding Check Cashing, Laundromats and Rooftop Communication Towers.

**3. DEVELOPMENT STANDARDS:**

Except as specified herein, the applicable development standards shall be as specified in Chapter 3351, C-1 Neighborhood Commercial District.

A). Density, Height, Lot and/or Setback commitments:

Maintain existing zero setbacks on all sides, and existing height district of 35 feet.

B). Access, Loading, Parking and/or other Traffic related Commitments: N/A

C). Buffering, Landscaping, Open Space and/or Screening Commitments: N/A

D.) Building design and/or Exterior treatment commitments: N/A

E). Dumpsters, Lighting and/or other environmental commitments: N/A

F). Graphics and Signage commitments:

All graphics and signage shall comply with the Graphics Code, Article XV, title 33, of the Columbus City Code as it applies to the applicable Overlay. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G) Miscellaneous Commitments:

The Property shall be developed in accordance with the Site Plan. The Site Plan may be slightly adjusted to reflect engineering topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the Site Plan is subject to review and approval by the Director of the Department of Building and Zoning Services, or designee, upon submission of the appropriate data regarding the proposed adjustment.

H) Variances Requested:

1. Section 3312.49 Minimum Number of Parking Spaces Required:

Proposed CPD uses under maximum allowable eating and drinking establishment use:

Apartment use 1 units x 1.5 spaces.: 2 (existing)  
Retail use 1,255 sq. ft. x 1space per 250 sq.ft.: 6 (current use)  
Eating and drinking 1,255 sq. ft. x 1space per 75 sq. ft.: 17 (new)  
Patio use 915 sq. ft. x 1 space per 150 sq. ft.: 6 (new)  
Total requirement by sq. ft.:  $6+17-6-2= 15$   
25% UCO reduction: (4)  
Total current requirement .... $15-4=9$   
Provided: 0

Variance requested for 9 parking spaces.

D) Other CPD Requirements:

1. Natural Environment: The site is being developed with existing storerooms, restaurant and bar and outdoor seating area on the ground floor. The lot is land locked on all sides only allowing street parking.

2. Existing Land Use: Retail on the ground floor and one (1) 2 bedroom apartment above.

3. Transportation and Circulation: The site access will remain as currently situated. There is no onsite parking.

4. Visual Form of the Environment: The existing uses of the surrounding properties are:

North: Apartment and commercial uses

East: Apartments

South: Apartment and commercial uses

West: Apartments and single homes

5. View and Visibility: existing structures.

6. Proposed development: (C.C.C.§ 3351.03) uses, including eating and drinking establishments that may occupy 1255 square feet with a patio of 915 square feet, and excluding Check Cashing, Laundromats and Rooftop Communication Towers.

7. Behavior Patterns: Existing traffic flows will be maintained.

8. Emissions: Wood fired pizza oven requiring new chimney.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.