



## Legislation Details (With Text)

**File #:** 2310-2020      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 10/6/2020      **In control:** Zoning Committee

**On agenda:** 11/9/2020      **Final action:** 11/12/2020

**Title:** To grant a Variance from the provisions of Sections 3355.03, C-3 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes; for the property located at 777 N. FOURTH ST. (43215), to permit ground floor residential uses in a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV20-073CV20-077).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2310-2020\_Attachments, 2. ORD2310-2020\_Labels

Date	Ver.	Action By	Action	Result
11/12/2020	2	CITY CLERK	Attest	
11/11/2020	2	MAYOR	Signed	
11/10/2020	2	COUNCIL PRESIDENT	Signed	
11/9/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
11/9/2020	1	Zoning Committee	Amended as submitted to the Clerk	Pass
11/9/2020	1	Zoning Committee	Approved as Amended	Pass

### Council Variance Application: CV20-073

**APPLICANT:** Lykens Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Ground floor residential use as part of a mixed-use development.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with two former warehouse buildings zoned CPD, Commercial Planned Development District, which are to be converted into a mixed-use development as permitted by rezoning Ordinance ORD #0610-2018 (Z17-005). The existing zoning permits all C-3 and some C-4, Commercial District uses; and allows the southern building (Building A) to be redeveloped with 14,200 square feet of office space and 10 second-story apartment units. The requested Council variance will permit Building A to be converted to a maximum of 24 apartment units thus eliminating ground floor commercial uses. No changes are proposed for Building B which is being converted to an eating and drinking establishment. The site is located within the boundaries of the *Italian Village East Redevelopment Plan* (2000), which recommends commercial land uses for this location. The Plan also recommends that the North Fourth and East Fifth corridors have a mix of commercial, residential, and office land uses. The request remains consistent with these Plan recommendations and is compatible with the recent infill development pattern along the North Fourth Street corridor. The site is also located within the Short North Special Parking Area (SNSPA), and the parking variance permitted in Z17-005 remains intact because that application was filed

prior to the SNSPA code change becoming effective. The change from first-floor commercial use to apartment units does not represent an increase in the required number of parking spaces.

To grant a Variance from the provisions of Sections 3355.03, C-3 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes; for the property located at **777 N. FOURTH ST. (43215)**, to permit ground floor residential uses in a mixed-use development in the CPD, Commercial Planned Development District (Council Variance #CV20-073 CV20-077).

**WHEREAS**, by application #CV20-073CV20-077, the owner of the property at **777 N. FOURTH ST. (43215)**, is requesting a Variance to permit ground floor residential uses in a mixed-use development in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3355.03, C-3 Permitted uses, does not permit ground floor residential uses, while the applicant proposes apartment units on the first floor of Building A; and

**WHEREAS**, Section 3361.02, CPD Permitted uses, specifies C-3 and limited C-4, Commercial district uses, and does not permit ground-floor residential uses, while the applicant proposes residential uses on the first floor of Building A; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because it is consistent with the land use recommendations of the *Italian Village East Redevelopment Plan*, and the recent infill development pattern along the North Fourth Street corridor; 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 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**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **777 N. FOURTH ST. (43215)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3355.03, C-3 Permitted uses; and 3361.02, CPD Permitted uses, of the Columbus City Codes, is hereby granted for the property located at **777 N. FOURTH ST. (43215)**, insofar as said sections prohibit ground-floor residential uses in Building A; said property being more particularly described as follows:

**777 N. FOURTH ST. (43215)**, being 0.79± acres located at the west side of North Fourth Street, 60± feet north of Warren Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being lots Numbered Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21) and Twenty-Two (22), in W.A. Neil's Trustees First Subdivision, as the same is numbered and

delineated upon the recorded plat thereof, or record n Plat Book 7, Page 2 and 3, Records' Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development with a maximum of 24 units contained in Building A, or those uses permitted in the CPD, Commercial Planned Development District as specified by Ordinance #0610-2018 (Z17-005).

**SECTION 3.** That this ordinance is further conditioned on general conformance with the plan titled, "**SITE PLAN**," drawn by Shremshock Architecture, Inc., dated September 23, 2020, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.