



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 1/10/2023 **In control:** Zoning Committee

On agenda: 1/30/2023 **Final action:** 2/1/2023

Title: To grant a Variance from the provisions of Sections 3351.03, C-1 permitted uses; 3312.21, Landscaping and screening; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3372.604, Setback requirements; 3372.607, Landscaping and screening; 3372.609, Parking and circulation; of the Columbus City Codes, for the property located at 827 E. MAIN ST. (43205), to permit a temporary parking lot with reduced development standards in the C-1, Commercial District, and to repeal Ordinance #1611-2020 (CV20-025), passed July 20, 2020 (CV22-094).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0174-2023.Attachments, 2. ORD0174-2023.Labels

Date	Ver.	Action By	Action	Result
2/1/2023	1	CITY CLERK	Attest	
1/31/2023	1	MAYOR	Signed	
1/30/2023	1	COUNCIL PRESIDENT	Signed	
1/30/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
1/30/2023	1	Zoning Committee	Approved	Pass
1/30/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
1/30/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass

Council Variance Application: CV22-094

APPLICANT: Turner Construction; c/o Charlie Egbert; 262 Hanover Street; Columbus, OH 43215.

PROPOSED USE: Temporary parking lot.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned C-1, Commercial District, and is currently being used as a temporary parking lot as approved by Ordinance #1611-2020 (CV20-025) and Ordinance #2874-2016 (CV16-066) for the parking of personal vehicles of construction employees as construction continues at the Nationwide Children's Hospital campus. The previously approved ordinances were conditioned on a three year expiration from the effective dates. This Council variance will permit a two-year extension of the temporary parking lot which is to expire on August 19, 2023, with a new expiration date of August 19, 2025. Variances to C-1 District uses, and requirements for setbacks, landscaping/screening, and parking lot standards are carried forward in this request. The site is subject to the East Main Street Urban Commercial Overlay and is located within the planning area of the *Near East Area Plan* (2005), which recommends "Higher density residential and mixed use" development along the northern half of the site. The Plan also encourages Urban Commercial Overlay (UCO) guidelines for parking lots, which includes the lot

being screened from public streets with a four-foot-high decorative metal tube or solid metal bar fence and landscaping, or a masonry or stone wall. Although the Plan endorses these UCO guidelines for parking lots, Planning Staff recognizes that this parking lot is temporary in nature and is a renewal of an existing Council variance. Staff is supportive of extending the time for the temporary parking lot as it will alleviate short term parking issues created by ongoing construction projects in the area, will only be used for workers' private vehicles and not construction equipment, and will be screened appropriately and augmented with murals along the East Main Street frontage. The variances for reduced development standards and gravel surface are also supported due to the temporary nature of the proposal. The site is also subject of Ordinance #3052-2015 (CV15-049), which will remain intact to allow proposed residential development in the future.

To grant a Variance from the provisions of Sections 3351.03, C-1 permitted uses; 3312.21, Landscaping and screening; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3372.604, Setback requirements; 3372.607, Landscaping and screening; 3372.609, Parking and circulation; of the Columbus City Codes, for the property located at **827 E. MAIN ST. (43205)**, to permit a temporary parking lot with reduced development standards in the C-1, Commercial District, and to repeal Ordinance #1611-2020 (CV20-025), passed July 20, 2020 (CV22-094).

WHEREAS, by application #CV22-094, the owner of property at **827 E. MAIN ST. (43205)**, is requesting a Council Variance to permit a temporary parking lot with reduced development standards in the C-1, Commercial District; and

WHEREAS, Section 3351.03, C-1 permitted uses, limits parking in the district to only accessory to principal permitted uses in the district, while the applicant plans to construct a temporary parking lot with a total of 310 spaces for a period not to exceed three years after passage of this ordinance; and

WHEREAS, Section 3312.21, Landscaping and screening, requires interior landscaping and parking setback and perimeter landscaping, while the applicant proposes to instead provide a chain link fence with fabric mesh screening; and

WHEREAS, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes a gravel parking area with no striping; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking area to be an approved hard surface other than gravel or loose fill, while the applicant proposes a gravel parking surface; and

WHEREAS, Section 3372.604, Setback requirements, requires a parking setback of no less than five feet, while the applicant proposes a zero foot setback along East Main Street, South 17th Street, and South 18th Street; and

WHEREAS, Section 3372.607, Landscaping and screening, requires perimeter landscaping, screening, and interior landscaping for commercial parking lots in the Urban Commercial Overlay, while the applicant proposes chain link fencing with fabric mesh screen and no interior landscaping for the proposed temporary parking lot; and

WHEREAS, Section 3372.609, Parking and circulation, requires parking to be located to the rear of a principle building, while the applicant proposes no building on the site, and use of the site as a temporary parking lot; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested Council variance to extend the use of the temporary parking lot at this location because it will alleviate short term parking issues created by ongoing construction projects in the area, will only be used for workers' private vehicles and not construction equipment, and will be screened appropriately and augmented with murals. The variances for reduced development standards and gravel surface are also supported due to the temporary nature of the proposal; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance

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 **827 E. MAIN ST. (43205)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3351.03, C-1 permitted uses; 3312.21, Landscaping and screening; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3372.604, Setback requirements; 3372.607, Landscaping and screening; and 3372.609, Parking and circulation, of Columbus City Codes, are hereby granted for the property located at **827 E. MAIN ST. (43205)**, insofar as said sections prohibit a temporary parking lot in the C-1, Commercial District, with a chain link fence with fabric mesh screening in lieu of required parking lot landscaping and screening; no striping of parking spaces; a gravel surface rather than a hard surface; a parking setback reduction from 5 to 0 feet along East Main Street, South 17th Street,; and South 18th Street, and parking on a lot without a principle structure, said property being more particularly described as follows:

827 E. MAIN ST. (43205) being 3.62± acres located at the southeast corner of East Main Street and South 17th Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 24, Section 13, Township 5, Range 22, United States Military Lands, being all of Lots 87 and 88 of "Crosby's Addition", a subdivision of record in Plat Book II, Page 263, conveyed as Parcel 3, Tracts A, B, C, D and E to The Lula Douglas Foundation, Inc. by deed of record in Official Record 16626 B10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of East Main Street (80 feet wide) with the easterly right-of-way line of Seventeenth Street (33 feet wide), being the northwesterly corner of said Lot 87 and Parcel 3, Tract C;

Thence North 90° 00' 00" East, a distance of 381.00 feet, with the northerly lines of said Lots 87 and 88, the northerly lines of said Parcel 3, Tracts C, A, B and D, and said southerly right-of-way line, to an iron pin set at the intersection of said southerly right-of-way line with the westerly right-of-way line of Eighteenth Street (60 feet wide), being the northeasterly corner of said Lot 87 and Parcel 3, Tract D;

Thence South 01° 11' 13" West, a distance of 418.89 feet, with the easterly line of said Lot 88 and Parcel 3, Tract D and said westerly right-of-way line, to an iron pin set at the intersection of said westerly right-of-way line with the northerly right-of-way line of East Mound Street (60 feet wide), being the southeasterly corner of said Lot 87 and Parcel 3, Tract D;

Thence North 89° 57' 38" West, a distance of 372.32 feet, with the southerly lines of said Lots 88 and 87, the southerly lines of said Parcel 3, Tracts D, B, A and E, and said northerly right-of-way line, to an iron pin set at the intersection of said northerly right-of-way line with said easterly right-of-way line, being the southwestly corner of said Lot 88 and Parcel 3, Tract E;

Thence North 00° 00' 00" West, a distance of 418.54 feet, with the westerly line of said Lot 87, the westerly line of said Parcel 3, Tracts E and C, and said easterly right-of-way line, to the POINT OF BEGINNING, containing 3.620 acres, more or less, and being all of Auditor Parcel Number 010-066971 and Auditor

Parcel Number 010-093457.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the assumed bearing of North 90° 00' 00" East for the centerline of East Main Street.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a temporary parking lot, or those uses permitted in the C-1, Commercial District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed use.

SECTION 4. That this ordinance is further conditioned upon the following:

1. Variances expire August 19, 2025. This is the last extension of the temporary parking lot via Council variance for this property.
2. All components of the temporary parking lot shall be removed at the conclusion of its use.
3. The parking lot is for construction worker personal vehicles only. No construction equipment will be stored on site.
4. Mural art to be provided by a local artist on the East Main Street fence elevation. For the murals, there will be total of four panel locations (each about 20 feet long), located on the northeast and northwest corners of the site at East Main Street (2 panels at each corner) These locations will temporarily be left blank on the new fence fabric replacement as Nationwide Children's Hospital moves through the process of working with neighborhood artists to create a mural which will be installed on these panels once completed. This information will also be shared with the Near East Area Commission's community engagement group.
5. Maintenance will be conducted regularly.
6. Contact information for Nationwide Children's Hospital will be posted on all sides of the site.

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

SECTION 6. That Ordinance #1611-2020 (CV20-025), passed July 20, 2020 , be and is hereby repealed.