



## Legislation Details (With Text)

**File #:** 0986-2007      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/12/2007      **In control:** Zoning Committee  
**On agenda:** 7/30/2007      **Final action:** 8/2/2007  
**Title:** To rezone 830 EAST FULTON STREET (43205), being 1.74± located acres located at the northwest and northeast corners of East Fulton Street and 18th Street, From: AR-3, Apartment Residential and R-2F, Residential Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z06-084)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0986-2007attchmts.pdf, 2. ORD0986-2007bls.pdf, 3. City Council Data Form\_Z06-084.pdf

| Date      | Ver. | Action By             | Action                             | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 8/2/2007  | 1    | CITY CLERK            | Attest                             |        |
| 8/1/2007  | 1    | MAYOR                 | Signed                             |        |
| 7/30/2007 | 1    | COUNCIL PRESIDENT     | Signed                             |        |
| 7/30/2007 | 1    | Zoning Committee      | Approved                           | Pass   |
| 7/23/2007 | 1    | Columbus City Council | Read for the First Time            |        |
| 7/2/2007  | 1    | Mayor Drafter         | Sent for Approval                  |        |
| 7/2/2007  | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |
| 7/2/2007  | 1    | DEVELOPMENT DIRECTOR  | Reviewed and Approved              |        |
| 7/2/2007  | 1    | Dev Zoning Drafter    | Sent to Clerk's Office for Council |        |
| 6/29/2007 | 1    | Dev Zoning Reviewer   | Reviewed and Approved              |        |
| 6/29/2007 | 1    | Dev Reviewer          | Reviewed and Approved              |        |
| 6/29/2007 | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |
| 6/12/2007 | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |

### Rezoning Application Z06-084

**APPLICANT:** The Children's Hospital; c/o Daniel H. Schoedinger, Atty.; 52 East Gay Street, P.O. Box 1008; Columbus, Ohio 43216.

**PROPOSED USE:** Parking and hospital / medical facilities.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (7-0) on May 10, 2007.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. Staff recommends approval because the proposal will temporarily solve parking problems for Children's Hospital while in the long term the site will be redeveloped with office or institutional uses within 12 years per a provision included in the CPD Text. This would be an investment in the area which could spur further redevelopment as well as providing jobs while ensuring the site will not always be used for parking. These reasons are consistent

with provisions in the Near East Plan *Near East Area Plan* (2006) and would be a great benefit to the area.

To rezone **830 EAST FULTON STREET (43205)**, being 1.74± located acres located at the northwest and northeast corners of East Fulton Street and 18<sup>th</sup> Street, **From:** AR-3, Apartment Residential and R-2F, Residential Districts, **To:** CPD, Commercial Planned Development District. (Rezoning # Z06-084)

**WHEREAS**, application #Z06-084 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.74± acres from the AR-3, Apartment Residential and R-2F, Residential Districts to the CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Staff recommends approval of this rezoning because the proposal will temporarily solve parking problems for Children's Hospital while in the long term the site will be redeveloped with office or institutional uses within 12 years per a provision included in the CPD Text. This would be an investment in the area which could spur further redevelopment as well as providing jobs while ensuring the site will not always be used for parking. These reasons are consistent with provisions in the Near East Plan *Near East Area Plan* (2006) and would be a great benefit to 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:

**830 EAST FULTON STREET (43205)**, being 1.74± located acres located at the northwest and northeast corners of East Fulton Street and 18<sup>th</sup> Street, and being more particularly described as follows:

**LEGAL DESCRIPTION**

**TRACT I:**

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

Being Lots Numbered Six (6) and Seven (7) of MICHAEL McALISTER'S EXECUTORS SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 121, Recorder's Office, Franklin County, Ohio.

Auditor's Parcel No. 010-016793

**TRACT II:**

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

Being Lots Numbered Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) of A. A. STEWART'S HEIRS' SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 298, Recorder's Office, Franklin County, Ohio.

Auditor's Parcel No. 010-016792

**TRACT III:**

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

Beginning at a point in the East line of South Eighteenth Street and its intersection with the South line of Engler Street; thence South with the East line of South Eighteenth Street, approximately 187.5 feet to the intersection of the East line of Eighteenth Street and the

North line of Fulton Street; thence easterly with the North line of Fulton Street, approximately 94.5 feet to a point; thence North parallel with the East line of South Eighteenth Street, approximately 187.5 feet to a point in the South line of Engler Street; thence westerly with the South line of Engler Street, approximately 94.5 feet to the point of beginning.

Auditor's Parcel No. 010-000404

Prior Instrument Reference for Tracts I, II and III: Instrument No. 200501110007130

**TRACT IV:**

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

Being Lots Numbers One (1), Two (2), Three (3), Four (4) and Five (5) of GEORGE B. STEWART'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 11, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-022907

Prior Instrument Reference: Instrument No. 200610270216161

**TRACT V:**

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

Being Lot No. 6 of GEORGE B. STEWART'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 11, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-029131

Prior Instrument Reference: Instrument No. 200603170050809

**To Rezone From:** AR-3, Apartment Residential and R-2F, Residential Districts,

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

**SECTION 2.** That a Height District of Sixty (60) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**SECTION 3.** That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**PROPOSED ZONING FOR 830 EAST FULTON STREET,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both signed by Gretchen D. Jeffries, Attorney for the Applicant, and dated April 9, 2007, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

PROPOSED DISTRICT: Commercial Planned Development District

PROPERTY ADDRESSES: 830 East Fulton Street, 415 South Eighteenth Street, 419 South Eighteenth Street, Columbus, Ohio 43205

OWNERS: The Children's Hospital

APPLICANT: The Children's Hospital

DATE OF TEXT: April 9, 2007

APPLICATION NUMBER: Z06-084

I. **INTRODUCTION:** The property consists of five tax parcels which, together, contain a total of approximately 1.74 acres (the "Subject Property"). The Subject Property is all of the west side of Eighteenth Street between Fulton Street and Mound Street

and the northeast corner of the intersection of Fulton Street and Eighteenth Street. The site plan entitled "Proposed Zoning For: 830 East Fulton Street, 415 S. 18<sup>th</sup> Street, 419 S. 18<sup>th</sup> Street," signed and dated April 9, 2007 by Gretchen D. Jeffries, is incorporated into this zoning for the purposes of schematically showing the Subject Property, the parking and building setbacks and the height district.

The portion of the Subject Property fronting Fulton Street (the "Fulton Street Property") is zoned AR-3 Apartment Residential District, while the remaining portion of the Subject Property located on the west side of Eighteenth Street between Engler Street and Mound Street is zoned R-2F Residential District. The Fulton Street Property is improved with three temporary parking lots serving as off-site parking for use by the employees of The Children's Hospital. These temporary parking lots were authorized in Ordinance No. 2238-2004, which granted, among other necessary variances, a variance from the permitted uses in the AR-3 District to permit the non-ancillary parking lots. The variances granted in Ordinance No. 2238-2004 were for a period of only two years.

The requested zoning classification is compatible with existing city zoning in this area.

The subject real property falls within the jurisdiction of the Near East Area Commission.

II. **PERMITTED USES:**

A. (1) All uses permitted by Columbus City Codes Sections 3349.03, 3353.03, and all other uses listed in the Columbus City Codes as being permitted in the I or C-2 zoning district, except banking facilities providing drive-thru windows, and (2) until the date which is twelve (12) years after the date on which the ordinance enacting this zoning becomes effective, all uses permitted by Columbus City Codes Sections 3371.01, 3373.01 and all other uses listed in the Columbus City Codes as being permitted in the P-1 or P-2 zoning district.

B. Uses listed in the Columbus City Codes as special or conditional uses in I, C-2, P-1 or P-2 zoning district are special or conditional uses for the Subject Property.

C. Each use which is accessory to a principle use, building or structure may be located off of the parcel(s) on which such principle use, building or structure is located.

D. Billboards are prohibited.

III. **DEVELOPMENT STANDARDS:**

A. Development Standards.

1. Density, Height, Lot and/or Setback commitments.

a. Except as otherwise provided below in this III.A.1, the height district shall be a sixty (60) foot height district, subject to the limitations that the maximum height for flat roof buildings shall be forty-five (45) feet, and the maximum height for pitched roof buildings shall be fifty-five (55) feet. The height of each part of each building may be increased above the applicable limit set forth in the preceding sentence by the distance in feet from that part to the building setback closest to that part.

b. The building setback shall be a minimum of zero (0) feet and a maximum of ten (10) feet along all Streets (public rights-of-way 35 feet or more in width).

c. The parking and maneuvering setback shall be five (5) feet along all Streets.

d. The building setback from side or rear lot lines which are not along a Street shall be ten (10) feet; provided however, that no setback shall be required from a side or rear lot line that is adjacent to or across an Alley (right-of-way width less than 35 feet) from a tax parcel which comprises part of the Subject Property.

2. Access, Loading, Parking and/or other Traffic related commitments.

a. All existing curb cuts being used for vehicular access to any part of the Subject Property on the date of this Text shall be permitted to remain, except that, promptly after the use of any such curb cut for such access is hereafter abandoned, that curb cut shall be removed. All new curb cuts shall be designed to the specifications of the Division of Transportation.

b. The required number of loading spaces for each type of use shall be determined by aggregating all of the uses of that type located on the Subject Property.

c. The required number of loading spaces for any use may be located off of the parcel(s) on which that use is located so long as such loading spaces are located on the Subject Property.

d. Maneuvering for loading spaces shall be permitted in the right-of-way of Mound Street. Should the entrance ramp to I-71 North off of Fulton Street be permanently closed in connection with the proposed changes to the I-70/I-71 corridor, maneuvering for loading spaces shall be permitted in the right-of-way of Fulton Street.

e. Subject to the approval of the Division of Transportation, which may be conditioned on providing alternative means of vision, the clear vision triangles provided for in Section 3342.25, Columbus City Codes, are eliminated.

f. The required minimum size of up to thirty percent (30%) of the required off-street parking spaces shall be eight (8) feet by sixteen (16) feet.

g. Subject to the approval of the Division of Transportation, the required widths of drive aisles in parking structures may be reduced to widths less than those provided for in Section 3342.06, Columbus City Codes.

h. The number of off-street parking spaces required for each use referred to in III.B below will be determined in accordance with III.B below. The determination of parking spaces available to satisfy off-street parking requirements is subject to the provisions of III.B below.

i. The required minimum width of one way driveways shall be ten (10) feet.

j. Any (i) parking space, (ii) loading space, (iii) aisle providing access to or maneuvering for any parking space, loading space or dumpster and (iv) other access to or maneuvering for any parking space, loading space or dumpster may be located on two or more parcels (that is, part on one parcel and part on one or more other parcels) within the Subject Property. Access to and maneuvering for any parking space, loading space or dumpster, including any aisle providing such access or maneuvering, may be located on one or more parcels within the Subject Property which are not the parcel(s) on which that parking space, loading space or dumpster is located. The intent of this item j is to permit all of the parcels constituting the Subject Property be treated as a single parcel for the purpose of arranging parking spaces, loading spaces and access to and maneuvering for parking spaces, loading spaces and dumpsters.

k. Off-street parking spaces required for any use may be located off of the parcel(s) on which that use is located so long as such parking spaces are located on the Subject Property, except as provided in the next sentence. Subject to the limitation set forth in the next-following sentence, at any time that The Children's Hospital Main Campus (defined below) includes a provision substantially the same as III.A.2.1 below with The Children's Hospital Main Campus and the Subject Property reversed, off-street parking spaces required for any use on the Subject Property may be located off of the parcel(s) on which that use is located so long as such parking spaces are located on the Subject Property or The Children's Hospital Main Campus. Parking spaces required for any use may be located on a parcel or parcels not owned by the owner of the parcel(s) on which that use is located only if the owner(s) or lessee(s) of the parcel(s) on which such parking spaces are located consent(s) thereto.

l. Off-street parking spaces located on the Subject Property shall be used solely for the uses located on the Subject Property and for the uses located on the real property that is, from time to time, subject to Ordinance No. 0827-2006 and any amendments to or replacements of that Ordinance ("The Children's Hospital Main Campus"). As a part of any zoning clearance for development (other than parking) on the Subject Property, the property owner shall establish that both of the following will be satisfied: (a) the number of off-street parking spaces required by this text for all of the uses on the Subject Property and (b) the number of off-street parking spaces required by Ordinance No. 0827-2006, as then amended or replaced, for The Children's Hospital Main Campus.

### 3. Buffering, Landscaping, Open Space and/or Screening commitments.

a. For any parcel developed with a parking lot, walls, fences, plantings or a combination thereof shall be installed and maintained to a height of not less than thirty-six (36) inches and to an opacity of not less than seventy-five percent (75%) along those portions of the perimeter of the parking lots along Streets. Whenever live plants are installed, alone or in combination with other materials, the plants shall be selected to achieve the height and density specified by this provision within three (3) years of installation.

b. No internal parking lot landscaping will be required. However, one (1) shade tree for every ten (10) parking spaces or fraction thereof shall be planted along those portions of the perimeter of the parking lots along Streets.

c. Any portion of a parking lot abutting, or directly across an Alley from, residentially zoned property shall be screened with a

wood fence not less than five (5) feet in height with no greater than one and half (1½) inch gaps between the boards.

d. The existing parking lots may be maintained with the same buffering, landscaping and screening as exists on the date on which the ordinance enacting this zoning becomes effective.

4. Building design and/or Interior-Exterior treatment commitments.

a. The existing parking lots may be maintained as developed on the date on which the ordinance enacting this zoning becomes effective; provided however, the surface of the existing parking lots shall be improved with Portland cement, asphaltic concrete or hard surface other than gravel or loose fill.

b. Each building frontage along Fulton Street, Eighteenth Street or Mound Street will incorporate at least one main entry door. At a building corner where two (2) primary building frontages meet, one (1) main entrance door may be located so as to meet the requirement for both building frontages. In either case, the entry door should be recessed from the façade line, to define the entry.

c. Exterior materials will reflect adjacent historic buildings and include brick or stone, manufactured brick or stone, glass, ornamental steel, stucco or stucco-equivalent.

d. Each building frontage that exceeds a width of fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of fifteen (15) feet to thirty-five (35) feet along the entire building frontage.

e. Any mechanical equipment or other utility equipment on the roof of a building shall be screened to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

f. Ground-mounted mechanical equipment shall be screened by landscaping, a wall or fencing to the height of the equipment. Whenever live plants are installed, alone or in combination with other materials, the plants shall be selected to achieve the height and density specified by this provision within three (3) years of installation.

5. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

a. All lighting shall be cut-off type fixtures (downlighting), except that pedestrian and accent lighting and lighting for signs are not required to be cut-off.

b. Light poles shall be no higher than twenty-six (26) feet.

c. Dumpsters shall be located at the rear of the building.

6. Graphics and Signage commitments.

a. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

7. Miscellaneous commitments. N/A.

**B. Parking Requirements.**

1. To the extent that the following uses are located on the Subject Property, the following shall be the parking requirements for those uses:

a. Outpatient/Day Surgery Clinic - one (1) parking space for each two hundred fifty (250) square feet of gross floor area.

b. Research Facility - one and three-quarters (1.75) parking spaces for each one thousand (1,000) square feet of gross floor area.

c. Meeting/Conference Facility - one (1) parking space for each fifty (50) square feet of gross floor area of meeting room area. Zero (0) parking spaces shall be required for lobby area, corridors, restrooms and other space ancillary to those meeting rooms.

- d. Sleeping quarters (including, but not limited to, houses and apartments) which are not part of a hospital or part of a facility described in III.B.1.e below, - one (1) parking space for every sleeping room provided in such sleeping quarters.
- e. Living quarters for use of families of patients - one (1) parking space for every sleeping room provided in such living quarters.
- f. Corridors and atria utilized as connections between buildings - zero (0) parking spaces shall be required.
- g. Vacated space, regardless of the use for which the same shall have been constructed - zero (0) parking spaces shall be required.

IV. **PARKLAND DEDICATION REQUIREMENT:**

In lieu of payment of the parkland dedication fee set forth in Columbus City Code Chapter 3318 and in full satisfaction of the provisions thereof, the applicant will perform any one or more of the following types of work, having a total value of not less than \$696, on or at Livingston Park: landscape improvements, equipment improvements, other improvements, maintenance and repairs.

V. **CPD REQUIREMENTS:**

- A. Natural environment: The Subject Property is essentially flat and contains no wetlands or streams. The only vegetation is street trees and landscaping which have been provided in connection with the existing development of the property.
- B. Existing land uses: The Fulton Street Property is developed with gravel parking lots. The portion of the Subject Property located on the west side of Eighteenth Street between Engler Street and Mound Street is improved with an industrial facility and an older house with a detached garage, each recently acquired by The Children's Hospital.
- C. Transportation and circulation facilities: The Subject Property is located across Fulton Street from an entrance ramp for I-71 North. Eighteenth Street runs north and south from Livingston Avenue through the Subject Property beyond Main Street, a main arterial street for the east side of Columbus. COTA's East Main Street local bus route runs along Main Street servicing this area. Fulton Street runs east and west and borders the Subject Property to the south. Mound Street runs east and west and borders the Subject Property to the north.  
  
The plans for I-70/I-71 anticipate major changes to the exit and entrance ramps for I-70 and I-71. The applicant understands that the entrance ramp for I-71 North on Fulton Street is planned to be closed, rerouting traffic north on Eighteenth Street and west on Main Street to a freeway entrance planned near the intersection of Parsons Avenue and Main Street. The new traffic pattern resulting from these and other anticipated changes will increase the travel on Eighteenth Street for those persons coming to or leaving The Children's Hospital, as well as the other businesses and neighborhoods in the area.
- D. Visual form of the environment: As previously discussed, the Subject Property is developed with surface parking facilities, an industrial facility and a house. The temporary parking facilities on the Fulton Street Property will be converted to permanent parking facilities (subject to the time limitation set forth in II.A above), and at that time, the gravel surface will be resurfaced with asphaltic concrete. It is anticipated that eventually the Subject Property will be redeveloped with low rise facilities related to the hospital/medical uses located on The Children's Hospital Main Campus. The Subject Property is one block south of Main Street, considered by the Near East Area Plan as a historic commercial district. Along with the commercial development along Main Street, located on the corner of Mound Street and Seventeenth Street is a two story office building and across Seventeenth Street from the office building is an electric substation. There are also several apartment buildings in the area.
- E. View and visibility: Visibility at intersections is good for the urban environment in which the Subject Property is located and is compatible with the speed limits on the various streets in and surrounding the Subject Property.
- F. Proposed development: It is anticipated that the Subject Property will be developed and redeveloped with a combination of the following: facilities for medical- and health-related uses; other office uses; and parking facilities. Because the Subject Property is in a fully-developed urban location, public infrastructure improvements are in place. As discussed in V.D, the area around the Subject Property contains a mix of commercial and residential uses. As such, the uses currently on and proposed for the Subject Property are compatible with the mixed-use components of the area.

- G. Behavior patterns: The principal use of the Subject Property is to provide parking facilities for the employees of The Children's Hospital and its related facilities, including a medical research facility, a medical office building, an outpatient surgery center and a medical education facility. The hospital operates 24-hours a day seven days a week, although the more intensive activity

is during the daytime. The other activities operate primarily during normal business hours. Approximately 85% of the staff utilizes private vehicles for transportation to and from the Subject Property, while approximately 15% utilize public transportation. As previously discussed, there are several commercial uses surrounding the Subject Property and as such, the behavior patterns regarding the uses on the Subject Property, including primary activity during business hours, are similar to the behavior patterns of the commercial uses in the area.

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