



Legislation Text

File #: 2238-2004, Version: 1

Council Variance Application: CV04-039

APPLICANT: Children's Hospital; c/o Gretchen D. Jeffries, Atty.; 52 East Gay Street; Columbus, OH 43215.

PROPOSED USE: To permit the use of three temporary parking lots for an additional two years.

NEAR EAST AREA COMMISSION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This Council variance will permit three temporary off-site parking lots for use by Children Hospital employees north of I-70 for two additional years. Non-accessory parking lots are a commercial use and not permitted in the AR-3, Apartment Residential District. The lots were to replace approximately 113 parking spaces displaced during construction of a parking garage at the southwest corner of the intersection of 18th and Mooberry Streets. Council Variance CV01-036 stipulated that upon completion of the garage, the parking lots were to be removed and the lots returned to their former condition. However in 2004, Children's Hospital still finds that this parking is needed in addition the parking which was added with the parking garage that was built. Staff supports the extension of this use, but for only two years and only in order to give the applicants time to plan for a permanent solution for this property. Staff is concerned that continued Council variance approvals of temporary parking lots which will have existed for five years by the expiration of this Council variance will result in these lots becoming permanent gravel parking lots conflicting with the Near East Area Plan's recommendation discouraging institutional use encroachment. Staff's position is that if the applicants wish for this to become permanent parking they should pursue a rezoning for such and if successful, develop the parking lots in accordance with the Zoning Code. A hardship exists in that use as temporary parking lots on residentially zoned property can only be permitted through the variance procedure.

To grant a Variance from the provisions of Sections 3333.03, AR-3, Apartment Residential District use; 3333.27, Vision Clearance; 3342.06, Aisle; 3342.08, Driveway; 3342.11, Landscaping; 3342.17, Parking lot screening; 3342.18, Parking setback line; 3342.19, Parking space; and 3342.24, Surface; for the property located at **824 EAST FULTON STREET (43205)**, to permit three temporary parking lots in the AR-3, Apartment Residential District.

WHEREAS, by application No. CV04-039, the owner of property at **824 EAST FULTON STREET (43205)**, is requesting a Council Variance to permit three temporary parking lots in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3, Apartment Residential District use, limits parking in the district to those accessory to principal permitted uses in the district, while the applicant plans to continue use of three temporary parking lots with a total of 100-120 spaces over several parcels for a period not to exceed two years after passage of this ordinance; and

WHEREAS, Section 3333.27, Vision Clearance, requires a 30-foot clear vision triangle at intersections, while the applicant proposes to maintain chain link fences in the clear vision triangle at the intersection of 18th and Fulton Streets; and

WHEREAS, Section 3342.06, Aisle, requires minimum 20-foot wide aisles for 90 degree parking, while the applicant proposes to maintain several 15-foot wide one way aisles; and

WHEREAS, Section 3342.08, Driveway, requires minimum 20-foot wide driveways for parking lots, while the applicant

proposes to maintain a 18-foot wide driveway from 18th Street; and

WHEREAS, Section 3342.11, Landscaping, requires interior landscaping for parking lots, while the applicant proposes no interior parking lot landscaping; and

WHEREAS, Section 3342.17, Parking lot screening, requires a minimum 75% screening opacity, while the applicant proposes no screening; and

WHEREAS, Section 3342.18, Parking setback line, requires a 25-foot setback for parking along undeveloped frontage, while the applicant proposes a 10-foot parking setback along Fulton and 18th streets; and

WHEREAS, Section 3342.19, Parking space, requires a 9 x 18 foot dimension for each parking space, while the applicant proposes to maintain 8 x 18-foot parking spaces; and

WHEREAS, Section 3342.24, Surface, requires a parking lot surface of asphaltic concrete, Portland cement or other hard surface other than gravel or loose fill, while the applicant proposes a gravel surface; and

WHEREAS, this Council variance will permit three temporary off-site parking lots for use by Children Hospital employees north of I-70 for two additional years. Non-accessory parking lots are a commercial use and not permitted in the AR-3, Apartment Residential District. The lots were to replace approximately 113 parking spaces displaced during construction of a parking garage at the southwest corner of the intersection of 18th and Mooberry Streets. Council Variance CV01-036 stipulated that upon completion of the garage, the parking lots were to be removed and the lots returned to their former condition. However in 2004, Children's Hospital still finds that this parking is needed in addition the parking which was added with the parking garage that was built. Staff supports the extension of this use, but for only two years and only in order to give the applicants time to plan for a permanent solution for this property. Staff is concerned that continued Council variance approvals of temporary parking lots which will have existed for five years by the expiration of this Council variance will result in these lots becoming permanent gravel parking lots conflicting with the Near East Area Plan's recommendation discouraging institutional use encroachment. Staff's position is that if the applicants wish for this to become permanent parking they should pursue a rezoning for such and if successful, develop the parking lots in accordance with the Zoning Code. A hardship exists in that use as temporary parking lots on residentially zoned property can only be permitted through the variance procedure; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments note a hardship exists and recommend approval because temporary parking lots in the AR-3, Apartment Residential District can only be permitted through a variance procedure; 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 **824 EAST FULTON STREET (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 3333.03, AR-3, Apartment Residential District use; 3333.27, Vision Clearance; 3342.06, Aisle; 3342.08, Driveway; 3342.11, Landscaping; 3342.17, Parking lot screening; 3342.18, Parking setback line; 3342.19, Parking space; and 3342.24, Surface; of Columbus City Codes are hereby granted for the property located at **824 EAST FULTON STREET (43205)**, insofar as said sections prohibit three temporary parking lots by varying the district's permitted use and the following development standards: aisles from 20 to 15 feet; driveways from 20 to 18 feet; vision clearance from 30 to 10 feet; reduced space width from 9 to 8 feet for 20 spaces, no interior landscaping, parking setback and maneuvering from 25

to 10 feet along 18th and Fulton Streets; and use of a gravel rather than hard surface, said property being more particularly described as follows:

LEGAL DESCRIPTION

Tract One:

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

Being part of a tract out of Lot Nos. 21, 22, 23, and 24 of A.A. Stewart's Heirs' Subdivision of record in Plat Book 4, Page 298, and part of Lot Nos. 1, 2, 3, and 4 of Graessle's Subdivision of record in Plat Book 4, Page 48, also known as Lot Nos. 1, 2, 3, 4, 5, and 6 of Allards Parcels, an unrecorded plat being further described as follows:

Beginning at a point in the East line of South 18th Street and the South line of Engler Street; thence South with the East line of South 18th Street, 187.5 feet to the intersection of East line of South 18th Street and the North line of Fulton Street; thence easterly with the North line of Fulton Street 94.5 feet to a point; thence North parallel with the East line of South 18th Street to the South line of Engler Street; thence westerly with the South line of Engler Street, 94.5 feet to the point of beginning.

Auditor's Tax Parcel Number 010-000404

Tract Two:

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

Being Lots Numbers 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 record plat thereof, of record in Plat Book 4, Page 298, Recorder's Office, Franklin County, Ohio and being part of Lot No. 13 A.A. Stewart Heir's Subdivision, as the same is shown of record in Plat Book 4, Page 298, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the west line of 18th Street, along the east line of Lot No. 13, above mentioned, said point being Northerly 14.56 feet from the southeast corner of said lot; thence westerly, passing along the center of the wall between the apartment at 445 and the apartment at 447 - 18th Street, a distance of 76.97 feet to a point in a line 45 feet from and parallel to the west line of Lot No. 13; thence along said line northerly 14.6 feet to a point; thence easterly, passing along the center of the wall between the apartment at 443 and the apartment at 445 - 18th Street a distance of 77.14 feet to a point in the west line of 18th Street thence with said west line southerly 14.6 feet to the place of beginning.

Auditor's Tax Parcel Number 010-016792

Tract Three:

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 of Outlot 98 and the east part of Outlot 106 of Crosby's Addition of Outlots to said city, 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 Tax Parcel Number 010-016793

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for three temporary parking lots, or those uses permitted in the AR-3, Apartment Residential District.

Section 3. That this ordinance is further conditioned on

- (a) Continued maintenance of the fences and security gates as shown on the site plan "**LANDSCAPING PLAN FOR CHILDREN'S HOSPITAL TEMPORARY PARKING LOT**";

- (b) Continued maintenance of the landscaping along the 18th Street, Fulton Street and Engler Street frontages;
- (c) Continued maintenance of all parking lot lighting, which consists of cut-off fixtures (downlighting) on poles not exceeding 16 feet in height and shielded to prevent glare from being cast off of the property onto neighboring residential properties;
- (d) The parking lots will be operated only during the hours of 6:00 a.m. through 7:00 p.m.;
- (e) The parking lots will be maintained in accordance with the standards of Section 3390.041, Columbus City Codes (temporary parking lots); and

Section 4. The variances will expire two years after the the effective date of this ordinance.

Section 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits for the proposed use.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.