



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0696-2008, Version: 1

APPLICANT: Liberty Place, LLC; c/o Donald Plank, Atty; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Multi-family Development.

BREWERY DISTRICT COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council variance to modify an approved site plan. The previously approved Council variances committed to specific site plans which can no longer be complied with because the State of Ohio recently took 0.84 acres of the site as right-of-way along Interstate 70. Those Council variances allowed 314 dwelling units. The applicant wishes to add 33 additional dwelling units which Staff has found would not cause a negative impact. The site is located within the boundaries of the *Brewery District Plan* (1993).

To grant a Variance from the provisions of Sections 3363.01, M-Manufacturing district; 3342.18, Parking setback line; 3342.25, Vision clearance; 3342.28, Minimum number of parking spaces required, and 3363.24, Building lines, of the Columbus City Codes for property located at **204 LIBERTY STREET (43215)**, being 7.65± acres located at the intersection of Short Street and Liberty Street, to permit 347 dwelling units with reduced development standards in the M, Manufacturing District.

WHEREAS, by application No. CV07-046, the owner of property at **204 LIBERTY STREET (43215)**, is requesting a Council variance to permit multi-family dwellings in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M-Manufacturing districts, prohibits multi-family residential development, while the applicant proposes a total of 347 multi-family dwelling units; and

WHEREAS, Section 3342.18, Parking setback line, requires parking to be setback a minimum of twenty-five (25) feet, while the applicant proposes a parking setback of two (2) feet from the retaining wall to be built by ODOT along the south right-of-way line of I-70 and a minimum nineteen (19) foot setback along Short Street; and

WHEREAS, Section 3342.25, Vision clearance requires clear vision triangles to be 10 feet on each of the perpendicular sides, while the applicant proposes to reduce this to zero (0) feet at the driveway/entrances/egress for the parking garages; and

WHEREAS, Section 3342.28, Minimum Number of Parking Spaces Required, requires two off-street parking spaces per dwelling unit for a total of 694 parking spaces, while applicant proposes a ratio of 1.29 off-street parking spaces per dwelling unit for a total of 447 parking spaces; and

WHEREAS, Section 3363.24, Building lines in an M-Manufacturing District, provides for minimum building lines along public streets, while the applicant proposes to eliminate the building lines along all applicable public rights-of-way; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, the Brewery District Commission recommends approval; and

WHEREAS, the City Departments recommend approval; 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 **204 LIBERTY STREET (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 from the provisions of Sections 3363.01, M-Manufacturing districts; 3342.18, Parking setback line; 3342.25, Vision clearance; 3342.28, Minimum number of parking spaces required; and 3363.24, Building lines, of the Columbus City Codes for property located at 204 LIBERTY STREET (43215), insofar as said sections prohibit 347 dwelling units with the following reduced development standards: parking setbacks reduced to two (2) feet along I-70 and nineteen (19) feet along Short Street, vision clearance at garage entrances and exits reduced from ten (10) feet to zero (0) feet, with off-street parking spaces reduced from 694 to 447; and with building setbacks reduced to zero (0) feet along public streets; said property being more particularly described as follows:

DESCRIPTION OF 3.011 ACRES OF LAND
SOUTH OF FULTON STREET
WEST OF SECOND STREET

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 27, Township 5, Range 22, Refugee Lands, being a 3.011 acre tract of land all out of that 3.847 acre tract of land as described in a deed to Liberty Place, LLC, filed November 12, 2004, of record in Instrument Number 200411120260440, all references to records herein are on file in the Recorder's office, Franklin County, Ohio, said 3.011 acre tract being more particularly described as follows:

Commencing for reference at a 5/8" rebar with a plastic cap stamped "7159-ms consultants" found at the intersection of the southerly right-of-way line of Fulton Street and the westerly right-of-way line of Second Street, being the northeasterly corner of said 3.847 acre tract;

Thence South 00° 01' 21" west, along the westerly right-of-way line of said Second Street, along the easterly line of said 3.847 acre tract, a distance of 81.92 feet to an iron pin to be set and being the True Place of Beginning of the 3.011 acre tract herein described;

Thence South 00° 01' 21" west, continuing along the westerly right-of-way line of said Second Street, along the easterly line of said 3.847 acre tract, a distance of 283.54 feet to a 3/4" iron pipe found with no cap, 1 foot deep at the southeasterly corner of said 3.847 acre tract, at a northeasterly corner of that Parcel #1 as described in an Affidavit to Alan Wasserstrom, Reid Wasserstrom, and Rodney Wasserstrom, the Trustees of the Front & Fulton Real Estate Trust, filed May 7, 2002, of record in Instrument Number 200205070114506;

Thence South 89° 34' 54" west, along the southerly line of said 3.847 acre tract, along a northerly line of said Parcel #1, a distance of 154.50 feet to a 5/8" iron pin with a plastic cap stamped "7159-ms consultants" found at the northwesterly of said Parcel #1, at the northeasterly corner of that 2.882 acre tract of land as described in a deed to Liberty Place, LLC, filed November 8, 2004, of record in Instrument Number 200411080256406;

Thence South 87° 18' 14" west, continuing along the southerly line of said 3.847 acre tract, along the northerly line of said 2.882 acre tract, a distance of 240.40 feet to a 5/8" iron pin with a plastic cap stamped "7159-ms consultants" found at the southwesterly line of the Columbus Feeder to the Ohio and Erie Canal (abandoned) as described in a Lease of Canal Lands to the Columbus & Southern Ohio Electric Company, of record in Lease Record 83, Page 346;

Thence North 01° 41' 46" west, along the easterly line of said Columbus Feeder to the Ohio and Erie Canal (abandoned), along the westerly line of said 3.847 acre tract, a distance of 386.26 feet to an iron pin to be set in the arc of a curve;

Thence along the arc of a non-tangent curve to the right, into said 3.847 acre tract, along a proposed limited access right-of-way for Interstate Route 70, having a radius of 3877.36 feet, a central angle of 01° 41' 56", an arc distance of 114.97 feet to an iron pin to be set at a point of tangency, said arc being subtended by a chord bearing South 75° 28' 26" East, a chord distance of 114.96 feet;

Thence South 74° 37' 28" east, continuing through said 3.847 acre tract, along a proposed limited access right-of-way line for Interstate Route 70, a distance of 125.11 feet to an iron pin to be set at a point of curvature;

Thence along the arc of a curve to the left, continuing through said 3.847 acre tract, along a proposed limited access right-of-way line for Interstate Route 70, having a radius of 793.11 feet, a central angle of 13° 15' 29", an arc distance of 183.52 feet to the True Place of Beginning and containing an area of 3.011 acres of land within Tax Parcel Number 010-002760, said arc being subtended by a chord bearing South 81° 15' 15.5" east, a chord distance of 183.11 feet;

Basis of Bearing: For the purpose of this description a bearing of South 00° 01' 21" west was used on the westerly right-of-way line of Second Street (19.5') as described in a deed to Liberty Place, LLC, of record in Instrument Number 200411120260440.

This description was prepared from an actual field survey of the premises in January 2006 by MS Consultants, Inc., under the direct supervision of John L. Price, Registered Professional Surveyor No. 7159. All iron pins set are 5/8" x 30" rebar with a yellow plastic cap stamped "7159-ms consultants".

DESCRIPTION OF 2.882 ACRES OF LAND
SOUTH OF FULTON STREET
WEST OF FRONT STREET

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 27, Township 5, Range 22, Refugee Lands, being a 2.882 acre tract of land all out of that 6.729 acre tract as described in a deed to Liberty Place, LLC, of record in Instrument Number 200111060267193, all references to records herein are on file in the Recorder's office, Franklin County, Ohio said 2.882 acre tract being more particularly described as follows:

Beginning at a 5/8" iron pin with a plastic cap stamped "ms cons, colum" found in the northerly right-of-way line of Liberty Street, at the southeasterly corner of said 6.729 acre tract, at the southwesterly corner of that 1.093 acre tract as described in a deed to 503 South Front Street Limited Partnership, of record in Official Record Volume 27075 G03, and being referenced north 87° 53' 56" west, a distance of 300.00 feet from a drill hole found at the intersection of the northerly right-of-way of said Liberty Street and the westerly right-of-way line of Front Street;

Thence north 87° 53' 56" west, along the northerly right-of-way line of said Liberty Street, along a westerly line of said 6.729 acre tract, a distance of 5.07 feet to an 3/4" iron pin found with no cap, 1 foot deep at a southwesterly corner of said 6.729 acre tract;

Thence north 11° 53' 46" east, continuing along a right-of-way line of said Liberty Street, along a westerly line of said 6.729 acre tract, a distance of 5.07 feet to an 3/4" iron pin found with a plastic cap stamped Hockaden and Assoc.;

Thence north 87° 53' 56" west, continuing along the northerly right-of-way line of said Liberty Street, as delineated on the plat "Liberty Street Dedication and Easements", of record in Plat Book 86, Page 18, along the southerly line of said 6.729 acre tract, a distance of 12.66 feet to an iron pin set at a point of curvature;

Thence continuing along the northerly right-of-way line of said Liberty Street; along the southerly line of said 6.729 acre tract, along the arc of a curve to the left, having a radius of 276.56 feet, a central angle of 10° 50' 44", an arc distance of 52.35 feet to an 3/4" iron pin found with a plastic cap stamped Hockaden and Assoc., at a point of tangency, said arc being subtended by a chord bearing South 86° 40' 42" west, a chord distance of 52.27 feet;

Thence south 81° 15' 20" west, continuing along the northerly right-of-way line of said Liberty Street, along the southerly line of said 6.729 acre tract, a distance of 245.68 feet to an iron pin set at the southwesterly corner of said 6.729 acre tract, in the easterly line of the Columbus Feeder to the Ohio and Erie Canal (abandoned) as described in a Lease of Canal Lands to the Columbus & Southern Ohio Electric Company, of record in Lease Record 83, Page 346, witness a 3/4" iron pin found with a plastic cap stamped Hockaden & Assoc., in the northerly right-of-way line of said Liberty Street at a point of curvature, bearing South 81° 15' 20" west, a distance of 22.76 feet;

Thence North 08° 32' 59" west, along the easterly line of said Columbus Feeder to the Ohio and Erie Canal (abandoned), along the westerly line of said 6.729 acre tract, a distance of 190.21 feet to an original concrete canal marker with a 3/4" steel rod set

within;

Thence north 02° 41' 46" west, continuing along the easterly line of said Columbus Feeder to the Ohio and Erie Canal (abandoned), along the westerly line of said 6.729 acre tract, a distance of 174.70 feet to an iron pin set;

Thence north 87° 1' 8" east, crossing through said 6.729 acre tract, a distance of 240.40 feet to a 5/8" iron pin with a plastic cap stamped "ms con colum" found at a corner in the easterly line of said 6.729 acre tract, at the northwesterly corner of that Parcel #1 as described in an Affidavit to Alan Wasserstrom, Reid Wasserstrom, and Roney Wasserstrom, the Trustees of the Front & Fulton Real Estate Trust, of record in Instrument Number 200205070114509;

Thence south 04° 24' 37" west, along the easterly line of said 6.729 acre tract, along the westerly line of said Parcel #1, a distance of 158.80 feet to a 5/8" iron pin with a plastic cap stamped "ms con colum" found at a corner in the easterly line of said 6.729 acre tract, at southwest corner of said Parcel #1;

Thence south 78° 33' 20" east, along a southerly line of said Parcel #1, along a northerly line of said 6.729 acre tract, a distance of 149.95 feet to a railroad spike found at corner of easterly line of said 6.729 acre tract;

Thence south 11° 53' 46" west, along the westerly line of said Parcel #1, along a easterly line of said 6.729 acre tract, a distance of 17.19 feet to a 5/8" iron pin with a plastic cap stamped "ms cons, colum", found at a southwest corner of said Parcel #1, at a corner of easterly line of said 6.729 acre tract;

Thence south 87° 53' 56" east, along the southerly line of said Parcel #1, along a northerly line of said 6.729 acre tract, a distance of 186.18 feet to a 5/8" iron pin with a plastic cap stamped "ms cons, colum", found at a northeasterly corner of said 6.729 acre tract, in the westerly line of that 1.093 acre tract as described in a deed to 503 South Front Street Limited Partnership, of record in Official Record Volume 27075 G03;

Thence south 02° 06' 04" west, along the easterly line of said 6.729 acre tract, the westerly line of said 1.093 acre tract, a distance of 135.00 feet to the True Place of Beginning and containing an area of 2.882 acres of land.

For the purposes of this description a bearing of north 87° 53' 56" west was used on the northerly right-of-way line of Liberty Street (50') as delineated on the plat "Liberty Street Dedication and Easements", of record in Plat Book 86, Pages 18, 19 & 20, and all other bearing relate to this basis of bearing.

This description was prepared from an actual field survey of the premises in September, 2000 by MS Consultants, Inc. under the direct supervision of John L. Price, Registered Professional Surveyor No. 7159. All iron pins set are 5/8" x 30" rebar with a yellow plastic cap stamped "ms cons, colum".

DESCRIPTION OF 1.761 ACRES OF LAND
SOUTH OF FULTON STREET
WEST OF FRONT STREET

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 27, Township 5, Range 22, Refugee Lands, being a 1.761 acre tract of land located in the abandoned Columbus Feeder to the Ohio and Erie Canal and described in a Lease of Canal Lands to the Columbus & Southern Electric Company, of record in Lease Record 83, Page 346, all references to records being on file in the Recorder's Office, Franklin County, Ohio said 1.761 acre tract being more particularly described as follows:

Beginning for reference at a drill hole found at the intersection of the northerly right-of-way line of said Liberty Street and the westerly right-of-way line of Front Street;

Thence north 87° 53' 56" west, along the northerly right-of-way line of said Liberty Street, as delineated on the plat "The L. Hoster Brewing Company's Sub.", of record in Plat Book 5, Page 362, a distance of 509.48 feet to an iron pin found (1 foot deep).

Thence north 11° 53' 46" east, continuing along a right-of-way line of said Liberty Street, as delineated on the plat "Liberty Street Dedication and Easements", of record in Plat Book 86, Page 18, a distance of 5.07 feet to an iron pin found with a plastic cap stamped Hockaden & Assoc.;

Thence north $87^{\circ} 53' 56''$ west continuing along the northerly right-of-way line of said Liberty Street, a distance of 12.66 feet to an iron pin set at a point of curvature;

Thence continuing along the northerly right-of-way line of said Liberty Street; along the arc of a curve to the left, having a radius of 276.56 feet, a central angle of $10^{\circ} 50' 44''$, an arc distance of 52.35 feet to an $3/4''$ iron pin found with a plastic cap stamped Hockaden and Assoc., at a point of tangency, said arc being subtended by a chord bearing South $86^{\circ} 40' 42''$ west, a chord distance of 52.27 feet;

Thence south $81^{\circ} 15' 20''$ west, continuing along the northerly right-of-way line of said Liberty Street, along the southerly line of said 6.729 acre tract, a distance of 245.68 feet to an iron pin set at the southwesterly corner of said 6.729 acre tract, in the easterly line of the Columbus Feeder to the Ohio and Erie Canal (abandoned) as described in a Lease of Canal Lands to the Columbus & Southern Ohio Electric Company, of record in Lease Record 83, Page 346, and being the True Place of Beginning of the 1.761 acre tract herein described;

Thence south $81^{\circ} 15' 20''$ west, continuing along the northerly right-of-way line of said Liberty Street, as described in a Governor's Deed State of Ohio, in Official Record Volume 23507 E13, a distance of 22.76 feet to an iron pin found with a plastic cap stamped Hockaden & Assoc., at a point of curvature;

Thence continuing along the northerly right-of-way line of said Liberty Street; along the arc of a curve to the left, having a radius of 50.00 feet, a central angle of $90^{\circ} 45' 54''$, an arc distance of 79.21 feet to an iron pin set, said arc being subtended by a chord bearing north $53^{\circ} 21' 43''$ west, a chord distance of 71.18 feet;

Thence south $82^{\circ} 01' 14''$ west, continuing along the northerly right-of-way line of said Liberty Street, a distance of 29.88 feet to a railroad spike set in the westerly line of said Feeder Canal, in the easterly right-of-way line of Short Street;

Thence north $07^{\circ} 58' 46''$ west, along the westerly line of said Feeder Canal, the easterly right-of-way line of Short Street, a distance of 144.82 feet to a railroad spike set;

Thence north $00^{\circ} 44' 56''$ west, continuing along the westerly line of said Feeder Canal, the easterly right-of-way line of Short Street, a distance of 667.69 feet to a railroad spike found at the intersection of the easterly right-of-way line of Short Street and the southerly right-of-way line of Fulton Street;

Thence south $78^{\circ} 00' 27''$ east, along the southerly right-of-way line of said Fulton Street, a distance of 81.35 feet to an iron pin set in the easterly line of said Feeder Canal, at the northwesterly corner of Parcel 3, as described in a deed to Harsco Corporation, of record in Deed Book 2152, Page 97;

Thence north $02^{\circ} 41' 46''$ east, along the easterly line of said Feeder Canal along the westerly line of said Parcel 3, the westerly line of Parcel 1 and Parcel 4, as described in said Deed Book 2152, Page 97, a distance of 641.63 feet to a concrete canal marker with $3/4''$ steel rod;

Thence south $08^{\circ} 32' 59''$ east, continuing along the easterly line of said Feeder Canal, along the westerly line of said Parcel 4 and Parcel 5 as described in said Deed Book 2152, Page 97, a distance of 190.21 feet to the True Place of Beginning and containing an area of 1.761 acres of land;

For the purposes of this description a bearing of north $87^{\circ} 53' 56''$ west was used on the northerly right-of-way line of Liberty Street ($50'$) as delineated on the plat "Liberty Street Dedication and Easements", of record in Plat Book 86, Pages 18, 19 & 20, and all other bearing relate to this basis of bearing.

This description was prepared from an actual field survey of the premises in September, 2000 by MS Consultants, Inc. under the direct supervision of John L. Price, Registered Professional Surveyor No. 7159. All iron pins set are $5/8''$ x $30''$ rebar with a yellow plastic cap stamped "ms cons, colum".

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for 347 dwelling units or those uses permitted in the M-Manufacturing District.

Section 3. That this ordinance is conditioned on at least one bicycle rack being provided on site.

Section 4. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**LIBERTY PLACE APARTMENTS ZONING PLAN**," drawn by Stantec, dated March 5, 2008, and signed by Donald Plank, attorney for the applicant. The Site 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 adjustments to the Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

Section 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.