



Legislation Details (With Text)

File #: 2843-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/25/2020 **In control:** Zoning Committee

On agenda: 12/14/2020 **Final action:** 12/17/2020

Title: To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3367.01, M-2, manufacturing district; 3370.05 Permitted uses; and 3309.14, Height districts, of the Columbus City Codes; for the property located at 4560 HILTON CORPORATE DR. (43232), to permit ground floor residential uses, apartment units, and increased building height in a mixed-use development in the C-4, Commercial District and L-M, Limited Manufacturing District (Council Variance #CV20-102).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#2843-2020_Attachments, 2. ORD#2843-2020_Labels

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-------------------------|--------|
| 12/17/2020 | 1 | CITY CLERK | Attest | |
| 12/16/2020 | 1 | MAYOR | Signed | |
| 12/14/2020 | 1 | COUNCIL PRESIDENT | Signed | |
| 12/14/2020 | 1 | Zoning Committee | Approved | Pass |
| 12/7/2020 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV20-102

APPLICANT: Repvblik Fort Rapids LLC; c/o David J. Robinson, Atty., 100 East Broad Street, Suite 1340; Columbus, OH 43215.

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

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels developed with a hotel and water park. The site is zoned in the C-4, Commercial district and the L-M, Limited Manufacturing district. The applicant proposes to convert the hotel guest rooms and suites to apartment units with first-floor commercial and residential uses. A total of 270 apartment units are proposed on the site along with 12,000 square feet of co-working space that will be open to the public. A Council variance is necessary because the L-M district does not permit residential uses and the C-4 district does not permit residential uses on the first floor. The site is located within the boundaries of the *Hamilton Road Corridor Revitalization Plan* (2008) and includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). While the Plan recommends hospitality and attraction land uses at this location reflective of the original use, Planning Division staff notes that the proposal includes the adaptive re-use of existing buildings, the provision of public space, and incorporates site improvements which include crosswalk ramps, improved internal site connectivity, and adequate landscaping. This proposal does not address the defunct water park portion of the site which will be re-purposed at a later date.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3367.01, M-2, manufacturing district; 3370.05 Permitted uses; and 3309.14, Height districts, of the Columbus City Codes; for the property located at **4560 HILTON CORPORATE DR. (43232)**, to permit ground floor residential uses, apartment units, and increased building height in a mixed-use development in the C-4, Commercial District and L-M, Limited Manufacturing District (Council Variance #CV20-102).

WHEREAS, by application #CV20-102, the owner of the property at **4560 HILTON CORPORATE DR. (43232)**, is requesting a Variance to permit ground floor residential uses, apartment units, and increased building height in a mixed-use development in the C-4, Commercial District, and L-M, Limited Manufacturing District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit residential uses on the first floor, while the applicant proposes accessory ground floor residential uses in the existing hotel tower building, and to convert existing ground-level hotel suites into apartment units as part of a mixed-use development, as shown on the submitted site plan; and

WHEREAS, Section 3367.01, M-2, manufacturing district, prohibits residential uses, while the applicant proposes to proposes to convert existing hotel guest rooms and suites to apartment units; and

WHEREAS, Section 3370.05 Permitted uses, allows one or more of the uses permitted by the underlying zoning district, which are limited to specific M-2, Manufacturing uses listed in Chapter 3367 of the Columbus City Code, and certain accessory commercial uses as listed in the limitation overlay text in Ordinance 829-88 (Z87-1496), while the applicant proposes to convert existing hotel guest rooms and suites to apartment units; and

WHEREAS, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes to maintain an existing building with an approximate height of 120 feet; and

WHEREAS, the Greater South East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval despite the *Hamilton Road Corridor Revitalization Plan's* recommendation for hospitality and attraction uses at this location, as the proposed development includes the reuse of existing buildings, and includes site improvements that address landscaping and site connectivity; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **4560 HILTON CORPORATE DR. (43232)**, 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 3356.03, C-4 Permitted uses; 3367.01, M-2, manufacturing district; 3370.05 Permitted uses; and 3309.14, Height districts, of the Columbus City Codes, is hereby granted for the property located at **4560 HILTON CORPORATE DR. (43232)**, insofar as said sections prohibit ground-floor residential uses in the C-4, Commercial District and apartment units in the M-2, Manufacturing District, with an increased building

height from 35 feet to 120 feet; said property being more particularly described as follows:

4560 HILTON CORPORATE DR. (43232), being 16.59± acres located at the northwest corner of Hilton Corporate Drive and Cloverleaf Street East, and being more particularly described as follows:

PARCEL I:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 21, Township 12, North, Range 21 West, Refugee Lands containing approximately 7.689 acres of land, being pan of that original 69.577 acre tract as conveyed to Eastland Investment Company by deed of record in Deed Book 3153, page 535; (all references to Deed Books and Plat Books in this description refer to the record of the Recorder's Office, Franklin County, Ohio), said 7.689 acres being, more particularly described as follows:

Beginning, for reference, at a point in the northerly right-of-way line (60 feet in width) of the T. & O. C. Railroad, said point located S 89° 43' 46" E, a distance of 874.19 feet from the centerline of Hamilton Road, said point being the southeasterly corner of a 4.498 acre tract, as conveyed to the State of Ohio, of record in Deed Book 2621, page 310 and Deed Book 2642, page 433, said point being also the southwesterly corner of said 69.577 acre tract; thence S 89° 43' 46" E, with the southerly line of said 69.577 acre tract; a distance of 790.98 feet to a point, passing an iron pin at a distance of 750.98 feet, said point being in the centerline of Cloverleaf Street East (80 feet in width) as same is shown upon the recorded plat of "DEDICATION OF CLOVERLEAF STREET EAST" of record in Plat Book 41, page 112; thence N 0° 22' 16" W, with said centerline and the same extended northerly, a distance of 560.03 feet to an iron pin at the TRUE POINT OF BEGINNING of the herein described tract;

Thence, from said true point of beginning, N 89° 43' 46" W, parallel with and 560.00 feet northerly from (as measured at right angles) the northerly right-of-way line of said Railroad, a distance of 220.36 feet to a point of curvature;

Thence, with the arc of a curve to the left having a radius of 340.00 feet, whose chord bears S 70° 16' 14" W, a chord distance of 232.57 feet to a point of tangency;

Thence S 50° 16' 14" W, a distance of 68.88 feet to a point;

Thence N 39° 43' 46" W, perpendicular to the preceding course, a distance of 160.80 feet to a point;

Thence N 0° 22' 16" W, parallel with and 595.00 feet westerly from (as measured at right angles) the said centerline extended northerly, a distance of 412.90 feet to a point in the southerly limited access right-of-way line of Interstate Route No. 70, as same is shown on plans for FRA- 40-18.69, said point being in the southerly line of a 45.139 acre tract conveyed to the State of Ohio, of record in Deed Book 2621, page 307 and Deed Book 2642, page 450, said point also being the northerly line of the aforementioned 69.577 acre tract.

Thence, with said southerly limited access line and the northerly line of said 69.577 acre tract, by the following three (3) courses and distances:

N 35° 52' 27" E, a distance of 50.17 feet to a point; N 69° 13' 34" E, a distance of 298.82 feet to a point;
N 85° 59' 00" E, a distance of 285.84 feet to an iron pin set;

Thence S 0° 22' 16" E, with the northerly extension of the centerline of Cloverleaf Street East, a distance of 581.74 feet to the true point of beginning and containing 7.689 acres of land, more or less.

PARCEL II:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Beginning at a point in the southerly line of said 69.577 acre tract at the northwesterly terminus of Hilton Lane as conveyed to the City of Columbus, Ohio, in Deed Book 3396, page 294, said beginning point being located South 89° 43' 46" East, 874.19 feet and North 00° 21' 46" West, 102.21 feet and North 79° 03' 10" West, 113.54 feet from the point of intersection of the north Line of the Penn Central Railroad with the center line of Hamilton Road;

Thence with northerly and easterly lines of a 4.498 acre tract of land as conveyed to the State of Ohio, in Deed Book 2621, page 310 and Deed Book 2642, page 433, the following four (4) courses and distances:

1. North 79° 03' 10" West, a distance of 39.43 feet to a point;
2. North 83° 06' 35" West, a distance of 277.22 feet to a point;
3. North 26° 12' 54" West, a distance of 74.42 feet to a point;
4. North 03° 25' 19" East, a distance of 73.30 feet to a point in the southerly limited access of Interstate Route 70 as conveyed to the State of Ohio, in Deed Book 2621, page 307 and Deed Book 2642, page 450;

Thence along the southerly limited access line of Interstate Route 70, the following three (3) courses and distances:

1. North 50° 07' 58" East, a distance of 361.38 feet to an angle point;
2. North 46° 14' 15" East, a distance of 227.88 feet to an angle point;
3. North 35° 52' 27" East, a distance of 345.10 feet to the northwesterly corner of a 7.689 acre tract of land described in a deed to CHEVY CHASE LAKE CORPORATION of record in Deed Book 3634, page 230;

Thence South 00° 22' 16" East, along a westerly line of said 7.689 acre tract, a distance of 412.90 feet to a point;

Thence South 39° 43' 46" East, continuing along a westerly line of said 7.689 acre tract, a distance of 160.80 feet to a point in the northerly line of Hilton Lane as conveyed to the City of Columbus, Ohio, in said Deed Book 3396, page 294;

Thence South 50° 16' 14" West, along a northerly line of said Hilton Lane, a distance of 414.37 feet to a point of curvature;

Thence continuing along a northerly line of said Hilton Lane, the same being an arc of a curve to the right having a radius of 260.00 feet, a central angle of 22° 21' 01", an arc distance of 101.42 feet to the place of beginning and containing 6.403 acres of land, said arc being subtended by a chord bearing South 61° 26' 44" West, a chord distance of 100.78 feet;

NOTE: Bearings used in the above description are assumed.

The above descriptions were prepared by Hockaden and Associates, Inc. Consulting Engineers, from information obtained from a field survey of the parent tract made in November of 1973.

PARCEL III:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 21, Township 12 North, Range 21 West, Refugee Lands, being part of Lot 2 of "Lionmark Corporate Center", a subdivision of record in Plat Book 65, page 87, also being part of that original 7.093 acre tract as described in a deed to Lionmark Development Partners, of record in Official Record Volume 7793, Page J16, all references herein being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin found (no cap) at the northwesterly corner of Lot 2, the northeasterly corner of that 7.689 acre tract of land as described in a deed to Platinum Lodging, LLC, of record in Instrument No. 200404160085915 and in the southerly limited access right-of-way line of Interstate Route 70;

Thence North 85° 59' 00" East, along said right-of-way line, a distance of 183.49 feet to an iron pin set;

Thence South 0° 22' 16" East, through Lot 2 with a new division line, a distance of 605.46 feet to an iron pin set in the northerly right-of-way line of Hilton Corporate Drive (f.k.a. Hilton Lane), 30.00 feet from centerline;

Thence along said right-of-way line the following courses:

1. North 89° 43' 46" West, a distance of 112.13 feet to an iron pin set;
2. North 0° 16' 14" East, a distance of 10.00 feet to an iron pin found (no cap);
3. North 89° 43' 46" West, 40.00 feet North of and parallel to the centerline of Hilton Corporate Drive, a distance of 71.12 feet to an iron pine found (no cap) at the southwesterly corner of Lot 2, the southeasterly corner of said 7.689 acre tract;

Thence North 0° 22' 16" West, along the common line between Lot 2 and said 7.689 acre tract, a distance of 581.74 feet to the place of beginning and containing 2.500 acres of land.

Bearings herein are based on North 89° 43' 46" West for Hilton Corporate Drive as per the referenced plat "Lionmark Corporate Center" of record in Plat Book 65, page 87.

Iron pins set consist of a 1" (O.D.) pipe, 30" long with a plastic cap inscribed "M-E COMPANIES/S-6872". Iron pins found are 1" (O.D.) pipes with no cap.

This description was prepared by M-E Companies, Inc. Civil Engineering Group based on information obtained from an actual field survey performed in October, 2004.

Commonly known as: 4560 Hilton Corporate Drive, Columbus, OH Parcel No: 010-118862-00

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 270 units, or those uses permitted in the C-4, Commercial District and the L-M, Limited Manufacturing Districts as specified by Ordinance #829-88 (Z87-1496).

SECTION 3. That this ordinance is further conditioned on general conformance with the plan titled, "**RENOVATION PLATO'S CAVE: COLUMBUS**," dated November 19, 2020, and signed by Gregory E. Schwerdt, Architect 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 Certificates of Occupancy for the proposed uses.

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