



## Legislation Details (With Text)

**File #:** 1768-2006      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/3/2006      **In control:** Zoning Committee

**On agenda:** 11/20/2006      **Final action:** 11/22/2006

**Title:** To rezone 2465 BILLINGSLEY ROAD (43235), being 8.0± acres located on the south side of Billingsley Road, opposite of Shirlington Drive, From: CPD, Commercial Planned Development District To: CPD, Commercial Planned Development District. (Rezoning # Z06-048)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1768-2006.attchmnts.pdf, 2. ORD1768-2006.labels.pdf, 3. City Council Data Form\_Z06-048.pdf

Date	Ver.	Action By	Action	Result
11/22/2006	1	CITY CLERK	Attest	
11/21/2006	1	MAYOR	Signed	
11/20/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
11/20/2006	1	Zoning Committee	Approved	Pass
11/20/2006	1	COUNCIL PRESIDENT	Signed	
11/7/2006	1	Dev Reviewer	Reviewed and Approved	
11/7/2006	1	Dev Zoning Drafter	Sent for Approval	
11/7/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/7/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/6/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
10/3/2006	1	Dev Zoning Drafter	Sent for Approval	

**Rezoning Application Z06-048**

**APPLICANT:** Byers Realty LLC; c/o Jeffrey L. Brown, Atty., Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Automobile sales.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on August 10, 2006.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The current CPD, Commercial Planned Development District was established in 1999 with application Z99-064. The applicant is modifying the CPD text to allow a secondary building of up to 7,000 square feet to be built on the northern part of the site. The current CPD text allows a building of up to 5,000 square feet in that area. The requested CPD, Commercial Planned Development District would permit expansion of the existing automobile dealership within established zoning and development patterns of the area. The site is located within the boundaries Subarea 14 of *The Northwest Plan (1991)*, which calls for the maintenance of the deep setback from Billingsley Road. *The Northwest Plan* is currently being updated and this provision is to be included in the new version. The proposal is consistent with this provision. The additional height and square footage of the proposed structure will not significantly impact the residential uses on the north side of Billingsley Road as the

existing 200 foot setback limitation remains in place.

To rezone **2465 BILLINGSLEY ROAD (43235)**, being 8.0± acres located on the south side of Billingsley Road, opposite of Shirlington Drive, **From:** CPD, Commercial Planned Development District **To:** CPD, Commercial Planned Development District. (Rezoning # Z06-048)

**WHEREAS**, application #Z06-048 is on file with the Building Services Division of the Department of Development requesting rezoning of 8.0± acres from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District; and

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

**WHEREAS**, the current CPD, Commercial Planned Development District was established in 1999 with application Z99-064. The applicant is modifying the CPD text to allow a secondary building of up to 7,000 square feet to be built on the northern portion of the site. The current CPD text allows a building of up to 5,000 square feet in that area. The site is located within the boundaries Subarea 14 of *The Northwest Plan (1991)*, which calls for the maintenance of the deep setback from Billingsley Road. *The Northwest Plan* is currently being updated and this provision is to be included in the new version. The proposal is consistent with this provision. The additional height and square footage of the proposed structure will not significantly impact the residential uses on the north side of Billingsley Road as the existing 200 foot setback limitation remains in place; 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:

**2465 BILLINGSLEY ROAD (43235)**, being 8.0± acres located on the south side of Billingsley Road, immediately east of Shirlington Drive, and being more particularly described as follows:

LEGAL DESCRIPTION

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

Being Lot Number Nine (9) in Quarter Township 1, Township 2 North, Range 19 West, United States Military Lands, and being all of a 6.259 acre tract of land conveyed to Zimmerman Investment Limited Partnership by deed of record in Official Record 5954, Page H08, Recorder's Office, Franklin County, Ohio, and being a portion of a 4.772 acre tract of land conveyed to Zimmerman Investment Limited Partnership by deed of record in Official Record 5954, Page H03, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a railroad spike set in the centerline of Billingsley Road, at the northwest corner of said 6.259 acre tract and at the northeast corner of a 5 acre tract of land conveyed as Parcel No. 2 to University Lodge #631, Free and Accepted Masons, by deeds of records in Deed Book 3168, Page 460, and Deed Book 3566, Page 659, Recorder's Office, Franklin County, Ohio, said railroad spike being S 87 degree 26' 52" E a distance of 2.94 feet from a railroad spike found at the intersection of the centerline of Billingsley Road with the center line of Shirlington Drive (50 feet wide), as shown upon the recorded plat of Summerwood Section No. 4 Part One (Dedication of Sawbury Boulevard, Shirlington Drive and Billingsley Road and Easements), of record in Plat Book 60, Page 48, Recorder's Office, Franklin County, Ohio;

thence S 87 degree 26' 52" E along the centerline of Billingsley Road and along the north line of said 6.259 acre tract a distance of 282.00 feet to a railroad spike found at the northeast corner of said 6.259 acre tract, at the northwest corner of said 4.772 acre tract and at an angle point in the centerline of Billingsley Road;

thence S 87 degree 36' 37" E along the centerline of Billingsley Road and along a portion of the north line of said 4.772 acre tract a distance of 67.85 feet to a railroad spike set;

thence S 0 degree 15' 19" E crossing said 4.772 acre tract a distance of 935.63 feet to a ¾- inch I.D. iron pipe set in the north limited access right-of-way line of Interstate Route 270 and in the south line of said 4.772 acre tract (passing a ¾-inch I.D. iron pipe set in the south right-of-way line of Billingsley Road at 20.02 feet), as said north limited access right-of-way line of Interstate Route 270 is shown upon Sheet 16 of 23 of Ohio Department of Transportation right-of-way plans for FRA-270-10.33 N;

thence S 84 degree 16' 45" W along the north limited access right-of-way line of Interstate Route 270, along a portion of the south line of said 4.772 acre tract and along a south line of said 6.259 acre tract a distance of 282.44 feet to a ¾-inch I.D. iron pipe set at a corner of said 6.259 acre tract and at the most easterly corner of a 2.100 acre tract of land conveyed as Parcel II to Storage Equities/PS Partners III-Mid-Ohio by deed of record in Official Record 5763, Page J06, Recorder's Office, Franklin County, Ohio (passing a point at the southwest corner of said 4.772 acre tract and at the southeast corner of said 6.259 acre tract at 94.35 feet);

thence N 87 degree 20' 40" W along a south line of said 6.259 acre tract and along a portion of the north line of said 2.100 acre tract a distance of 95.26 feet to a ¾-inch I.D. iron pipe found at the southwest corner of said 6.259 acre tract and at the southeast corner of said 5 acre tract;

thence N 1 degree 19' 23" E along the west line of said 6.259 acre tract and along the east line of said 5 acre tract a distance of 975.01 feet to the place of beginning (passing a ¾-inch I.D. iron pipe found not on the south right-of-way line of Billingsley Road at 954.41 feet);

Containing 8.000 acres of land more or less and being subject to all legal highways, easements and restriction of record.

Parcel No.: 590-144971 (8.000 acre tract)  
Street Address: 2455 Billingsley Road  
Prior Reference: Instrument Number 199905070116439

**To Rezone From:** CPD, Commercial Planned Development District,

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

**SECTION 2.** That a Height District of Thirty-five (35) 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, "CPD EXHIBIT," signed by Jeffrey L. Brown, Attorney for the Applicant, and dated September 27, 2006; and text titled, "COMMERCIAL PLANNED DEVELOPMENT TEXT," signed by Jeffrey L. Brown, Attorney for the Applicant, and dated August 3, 2006, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT  
DEVELOPMENT PLAN**

PROPOSED DISTRICT: CPD Commercial Planned Development  
PROPERTY ADDRESS: 2437 Billingsley Road, Columbus, Ohio 43235  
OWNER: Byers Realty, Inc.  
APPLICANT: Same as owner  
DATE OF TEXT: 8/3/06  
APPLICATION NUMBER: Z06-048

**1. INTRODUCTION:** The subject property consists of approximately 8 acres on the south side of Billingsley Road, east of Sawmill Road. The site is currently being utilized as an automobile dealership . To the west and to the east are automobile dealerships, and to the north are single family houses across from Billingsley Road.

This request of the applicant is intended to amend an existing CPD to increase the size of the building permitted within the 400 foot setback from 5,000 to 7,000 sq. ft. and allow that square footage to be divided into two buildings.

**2. PERMITTED USES:** Automobile and truck sales, rentals, leasing and servicing shall be permitted. Used vehicles can only be sold in connection with new vehicle sales.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the submitted site plan or in the written text, the applicable development standards shall be those contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

1. A 40-foot setback for all buildings and parking areas shall be established along and adjacent to I-270. The western and eastern side yards shall be 5 feet for the buildings and parking areas.
2. A 200-foot setback for all parking areas (except for outdoor display areas) shall be established along and adjacent to Billingsley Road. In an area which is between 200 feet and 400 feet from Billingsley Road, a total of 7,000 square foot of building area may be constructed. This square footage maybe in one or two one story buildings. No service or body work shall be performed in that building (except that the used vehicles may be washed and detailed within said building. No overhead doors shall face Billingsley Road).
3. There are currently two buildings on the site, a used car building and the main dealership building. The used car building shall not be expanded, while the main dealership building may be expanded to a total maximum square footage of 50,000. No other buildings except for the one identified in Section 3 A(3) shall be constructed on the site.

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

1. Access. The subject site is currently serviced by one curb cut.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Buffering and Landscaping. Buffering and landscaping along Billingsley Road shall be maintained as currently shown on the plan. Display areas at Billingsley Road shall be flat, not raised. In addition the developer shall install street trees along its Billingsley Road frontage (one tree for every forty feet of frontage). These trees maybe evenly spaced or grouped.

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

N/A

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

1. Dumpsters. All dumpsters shall be screened with opaque wood or brick or plantings which shall be a minimum of 6 feet in height and be so designed to interrupt vision into such areas from adjacent streets and properties.
2. Lighting. All external outdoor lighting shall be cutoff fixtures, not flood or spotlights. All external outdoor lighting fixtures to be used shall be from the same or a similar manufacturer's type to insure aesthetic compatibility. Parking lot lighting standards shall not exceed 33 feet in height except for an area within four hundred feet of Billingsley Road where the maximum height standard shall be 28 feet.
3. Outdoor display areas. Outdoor display areas shall be permitted within the 200-foot setback line south of Billingsley Road as shown on the submitted plan and limited to a display of a maximum of six vehicles. Lighting in the display areas shall be ground mounted downlighting with cutoff type fixtures not exceeding 4 feet in height.

4. Emissions. There will be minimal emissions of sound, smell or dust, if any.

F. Graphics and Signage commitments.

Graphics shall be in conformance with Article 15 of the Columbus Graphics Code as it applies to the C-4, Commercial classification except that no off premise nor billboards shall be permitted. Any variance to the permitted graphics shall be submitted to the Columbus Graphics Commission. Any graphic along Billingsley Road shall be a monument style sign with a maximum height of eight feet.

G. Miscellaneous commitments:

1. Utilities. All utility lines for the development shall be installed underground.
2. Storm Water. The applicant shall comply with the current City requirements regarding storm water runoff and sanitary sewers.
3. No out side speakers shall be permitted.
4. CPD Criteria:

**NATURAL ENVIRONMENT:** The site is developed with an existing automobile dealership.

**EXISTING LAND USES:** to the east and west are existing automobile dealerships; to the south is I-270 and to the north across from Billingsley Road are single family houses.

**TRANSPORTATION AND CIRCULATION:** Access point is shown on the submitted site plan.

**VIEW AND VISIBILITY:** In the development of the subject property and in the location of the buildings and access points, consideration will be given to the visibility and safety of the motorist and pedestrian.

**EMISSIONS:** No adverse affects from emissions shall result from the proposed development.

**BEHAVIOR PATTERNS:** Existing developments in the area as well as the freeway interchange have established behavior patterns for the motorist.

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