



Legislation Text

File #: 1451-2012, **Version:** 2

Rezoning Application Z12-015

APPLICANT: David A. Brown, Esq; 5100 Parkcenter Avenue, Suite 100; Dublin, Ohio 43017.

PROPOSED USE: Modifying the CPD Text to allow the sale of used automobiles.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 10, 2012.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District would remove the prohibition on the sale of used cars without new cars being sold as well. Staff finds no difference in the off site impact between the sale of used cars and the sale of new cars. The proposal remains consistent with the established zoning and development patterns of the area.

To rezone **2435 BILLINGSLEY ROAD (43235)**, being 3.04± acres located on the south side of Billingsley Road, 5± feet east of Dunsworth Drive, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z12-015).

WHEREAS, application #Z12-015 is on file with the Department of Building and Zoning Services requesting rezoning of 3.04± acres from the L-C-4, Limited Commercial District, to CPD, Commercial Planned Development District; and **WHEREAS**, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of because Staff finds no difference in the off site impact between the sale of used cars and the sale of new cars. The proposal remains consistent with the established zoning and development patterns of the area; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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: **2435 BILLINGSLEY ROAD (43235)**, being 3.04± acres located on the south side of Billingsley Road, 5± feet east of Dunsworth Drive, and being more particularly described as follows:

DESCRIPTION OF A 3.037 ACRE TRACT

AT 2435 BILLINGSLEY ROAD, CITY OF COLUMBUS, FRANKLN CO., OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, in Lot Number Nine (9) in Quarter Township 1, Township 2 North, Range 19 West, United States Military Lands, and being a portion of an original 12.309 acre tract of land conveyed as Parcel No. 2 to Zimmerman Investment Limited Partnership by deed of record in Official Record 5954, Page H 08, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at a railroad spike found in the centerline of Billingsley Road (60 feet wide) and at the southwest corner of Foxboro Village Section 4, as shown of record in Plat Book 55, Page 21, Recorder's Office, Franklin County, Ohio:

thence N 87' 30" 00" W along the centerline of Billingsley Road a distance of 257.58 feet to a point at the northeast corner of said original 12.309 acre tract, at the northeast corner of a 0.505 acre tract of land conveyed partially out of said

original 12.309 acre tract to The City of Columbus, Ohio, for Billingsley Road right-of-way purposes by deed of record in Official Record 14124, Page E 14, Recorder's Office, Franklin County, Ohio, at the northwest corner of an original 6.453 acre tract of land conveyed to Jo Ellen Lanning by deed of record in Official Record 8843, Page A 13, Recorder's Office, Franklin County, Ohio, and at the northwest corner of a 0.526 acre tract of land conveyed out of said original 6.453 acre tract to City of Columbus, Ohio, for Billingsley Road right-of-way purposes by deed of record in Official Record 14124, Page E 11, Recorder's Office, Franklin County, Ohio;

thence S 3 52' 04" E along a portion of the east line of said original 12.309 acre tract, along the east line of said 0.505 acre tract, along a portion of the west line of said original 6.453 acre tract and along the west line of said 0.526 acre tract a distance of 30.19 feet to a 3/4-inch I.D. iron pipe set in the south right-of-way line of Billingsley Road, at the southeast corner of said 0.505 acre tract, at the southwest corner of said 0.526 acre tract and at the true place of beginning of the tract herein intended to be described;

thence continuing S 3' 52' 04" E along a portion of the east line of said original 12.309 acre tract and along a portion of the west line of said original 6.453 acre tract a distance of 778.91 feet to a 3/4-inch I.D. iron pipe set in a north limited access right-of-way line of Interstate Route 270, at the southeast corner of said original 12.309 acre tract and at the southwest corner of said original 6.453 acre tract, as said north limited access right-of-way line is shown upon Sheet 16 of 23 of Ohio Department of Transportation right-of-way plans for FRA-270-10.33 N;

thence S 76' 38' 53" W along a portion of a north limited access right-of-way line of Interstate Route 270 and along a south line of said original 12.309 acre tract a distance of 143.78 feet to a 3/4-inch I.D. iron pipe found at a corner of said original 12.309 acre tract;

thence S 84' 23' 49" W along a portion of a north limited access right-of-way line of Interstate Route 270 and along a portion of a south line of said original 12.309 acre tract a distance of 23.20 feet to a 3/4-inch I.D. iron pipe set;

thence N 3' 52' 04" W parallel with and 165.00 feet westerly by perpendicular measurement from the east line of said original 12.309 acre tract and from the west line of said original 6.453 acre tract a distance of 821.71 feet to a 3/4-inch I.D. iron pipe set in the south right-of-way line of Billingsley Road and in the south line of said 0.505 acre tract;

thence S 87' 30' 00" E along the south right-of-way line of Billingsley Road and along a portion of the south line of said 0.505 acre tract a distance of 166.02 feet to the true place of beginning;

containing 132,276 square feet (=3.037 acres) of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual boundary survey performed in the field in December, 1992. Basis of bearings is the centerline of Billingsley Road at N 87' 30' 00" W as per plat of Foxboro Village Section 4 (Plot Book 55, Page 21).

To Rezone From: L-C-4, Limited Commercial 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.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "LANDSCAPE PLAN," and "AUTOMAX SITE PLAN," both dated May 29, 2012, and text titled, " **COMMERCIAL PLANNED DEVELOPMENT TEXT**," dated June 29, 2012, signed by David A. Brown, Attorney for the Applicant, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT
DEVELOPMENT PLAN**

PROPOSED DISTRICT: CPD Commercial Planned Development

PROPERTY ADDRESS: 2435 Billingsley Road, Columbus, Ohio 43235

OWNER: Tire America, Inc.

APPLICANT: David A. Brown , Esq.
DATE OF TEXT: 06/29/12
APPLICATION NUMBER: Z12-015

1. INTRODUCTION: The subject property consists of approximately 3.037 acres located at the above address, currently zoned LC-4. The site was formerly utilized as a Dent Wizard vehicle repair facility. The property is situated on the south side of Billingsley Road, approximately one-half mile east of Sawmill Road. To the west of the subject property are four retail automobile dealerships. To the east of the property is a residential apartment complex. To the north of the property are single family houses, situated on the north side of Billingsley Road.

The Applicant is requesting that the current property be rezoned from LC-4 to CPD, to allow the property to be utilized as a pre-owned automobile dealership, similar to the CarMax operation located on the south side of I-270, east of Sawmill Road. The current zoning for this area of Billingsley Road permits the sale of new and used motor vehicles. However, the permitted current use only allows used automobile sales if such used car sales are part of the operations of a new car dealership.

The Applicant is further requesting that the parking/display area contained on the property be expanded to the current 200 foot set-back area, consistent with the parking/display areas utilized by the four retail automobile dealerships located directly west of the subject property.

In addition, the Applicant is intending to create a limited outdoor display area, through the use of two vehicle display pads, situated within the 200 foot set-back area, consistent with the vehicle display pads utilized by the four retail automobile dealerships located directly west of the subject property.

Also, the Applicant is intending to install a customer entrance on the north side of the building. The site plan does not include an expansion to the building, and the intended use of the property is consistent with the 2007 Northwest Area Plan.

2. PERMITTED USES: Pre-owned automobile sales and servicing shall be permitted, and shall be permitted although such pre-owned automobile sales and servicing is not part of a new car sales operation. In addition, allowable uses shall be limited to offices as defined by Chapter 3353, C-2, Commercial District, and the following C-4, Commercial uses:

Architects' supplies

Art academy

Artists' materials and supplies

Automobile sales - new

Automobile sales - pre-owned

Financial institutions

Business machines - sales

Carpet/rugs - sales (new only)

Child care, nursery school

China store

Custom tailors

Floor covering sales

Florist

Furniture (new) sales including office furniture

Health spa or center

Hotel (This use is subject to the following restrictions: a. no outside entry hotel to individual hotel rooms; b. each hotel shall have a minimum of : 125 rooms, 1, 100 square feet of meeting rooms and 1,500 square feet of restaurant/lounge area;

Jewelry store

Laboratories - clinical

Laboratories - dental

Library

Lighting fixture - sales

Off-premises signs - (These signs are limited to a listing of users which are located in the subarea where the sign is situated. These signs shall not be billboards and shall comply with all the requirements in Section 2A2 "Signage" including the limitation of the number of free-standing signs in each subarea)

Office service

Police station

Post office

The following uses are specifically prohibited:

- a. A convenient store such as but not limited to UDF; Seven/Eleven or Dairy Mart;
- b. Night club, cabaret, dance hall; and
- c. Gasoline 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.

The two proposed vehicle display pads shall be developed in accordance with the submitted site plan, and consistent with the vehicle display pads utilized by the four retail automobile dealerships located directly west of the subject property. The vehicle display pad closest to Billingsley Road will maintain a setback of at least 50 feet from the northern boundary of the property line.

B. Access, Loading, Parking and/or Other Traffic Related Commitments.

The subject property is currently serviced by ingress and egress along Billingsley Road. Access to this site shall continue to be provided via a shared curb cut accessing Billingsley Road to the west of this site that is aligned with Dunsworth Drive.

C. Buffering, Landscaping, Open Space and/or Screening Commitments.

Buffering and landscaping shall be maintained as provided for in the landscape plan. The two proposed vehicle display pads shall be flat and shall not be elevated.

D. Miscellaneous.

1. Variances.

(a) From Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce the required number of minimum parking spaces from approximately 40 to 20. The parking variance being requested applies specifically and only to the use of the property as a motor vehicle dealership, as licensed by the State of Ohio, Bureau of Motor Vehicles. Such parking variance shall not apply to any other permitted use of the property.

2. Site Plan.

The subject site shall be developed in accordance with the site plan (Automax Site Plan, May 29, 2012). The site plan may be 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 of the site plan shall be subject to review and may be approved by the Director of the Department of Building and Zoning Services, or designee, upon submission of the appropriate data regarding the proposed adjustment.

E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

1. Dumpsters. The dumpster(s) shall be screened with opaque wood on three sides and such opaque wood shall be a minimum height of the height of the dumpster(s). In addition, a gate of opaque wood shall screen the fourth side of the dumpster(s) and such gate shall be a minimum height of the height of the dumpster(s).
2. Outdoor Display Areas. The outdoor display areas (vehicle display pads) shall be permitted within the 200-foot setback area south of Billingsley Road, as shown on the submitted site plan, and limited to a display of a maximum of six vehicles, consistent with the vehicle display pads utilized by the four retail automobile dealerships located directly west of the subject property.
3. Emissions. There will be minimal emissions of light, sound, smell or dust, if any.

F. Graphics and Signage Commitments.

Graphics and signage shall comply with Article 15, Title 33 of the Columbus City Code, as it applies to the C-4, Commercial District classification. Any variance to the permitted graphics shall be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

1. Sound. No outdoor audio speakers shall be installed.
2. Vehicle Repair. All vehicle repair shall be performed within the confines of the existing building.
3. CPD Criteria.

NATURAL ENVIRONMENT: The site is developed with a single existing building that was formerly utilized as a Dent Wizard repair facility.

EXISTING LAND USES: To the direct west are four existing retail automobile dealerships. To the south is I-270, to the north across from Billingsley Road are single family houses and to the east is a residential apartment complex.

TRANSPORTATION AND CIRCULATION: The subject property will utilize the currently established access.

BEHAVIOR PATTERNS: Existing developments in the area, as well as the freeway interchange, have established behavior patterns for the motorists in this area. In addition, the traffic flow emanating from the subject property will be consistent with and likely, less than, the traffic flow emanating from the neighboring retail automobile dealerships, and such traffic flow will be consistent with the previously intended use of the subject property.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.