



Legislation Details (With Text)

File #: 1038-2019 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 4/5/2019 **In control:** Zoning Committee
On agenda: 4/29/2019 **Final action:** 5/2/2019
Title: To rezone 2445 BILLINGSLEY ROAD (43235), being 9.88± acres located on the south side of Billingsley Road, 2,780± feet east of Sawmill Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z18-041).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1038-2019_Attachments.pdf, 2. ORD0482-2019_Attachments, 3. ORD1038-2019_Labels

Date	Ver.	Action By	Action	Result
5/2/2019	2	CITY CLERK	Attest	
5/1/2019	2	ACTING MAYOR	Signed	
4/29/2019	2	COUNCIL PRESIDENT	Signed	
4/29/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
4/29/2019	1	Zoning Committee	Approved as Amended	Pass
4/29/2019	1	Zoning Committee	Amended as submitted to the Clerk	Pass

Rezoning Application Z18-041

APPLICANT: 1948 Holdings, LLC; c/o Jeffrey L. Brown, Smith & Hale; 37 West Broad Street, Suite 460; Columbus, Ohio 43215.

PROPOSED USE: Expanded vehicle display area for existing automobile dealerships.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval ~~(5-1) on June 11, 2015~~ **(4-0-1) on February 14, 2019.**

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with two automobile dealerships in the L-C-4, Limited Commercial District. The requested L-C-4, Limited Commercial District will allow additional retail display areas and parking while preserving landscaped parking setbacks between 100 and 125 feet to continue the established development pattern for automobile dealerships to the west. The site is located within the boundaries of the *Northwest Plan* (2016), which recommends "Commercial" land uses at this location. The proposal provides increased landscaping in the setback area, and includes a site plan, use restrictions, and commitments addressing setbacks, lighting controls, delivery and refuse service restrictions, and outdoor speaker prohibitions. Staff believes the proposal contains appropriate development standards in consideration of the residential properties to the north, and is unlikely to support any greater setback reductions for dealerships in this vicinity as long as the north side of Billingsley Road is developed with residential uses.

To rezone **2445 BILLINGSLEY ROAD (43235)**, being 9.88± acres located on the south side of Billingsley Road,

2,780± feet east of Sawmill Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z18-041).

WHEREAS, application #Z18-041 is on file with the Department of Building and Zoning Services requesting rezoning of 9.88± acres from L-C-4, Limited Commercial District, to L-C-4, Limited Commercial District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, will permit expansion of vehicle display areas for existing automobile dealerships with appropriate development standards in consideration of the residential properties to the north. The proposal will allow additional retail display area and parking, while preserving a landscaped parking setback along Billingsley Road; 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:

2445 BILLINGSLEY ROAD (43235), being 9.88± acres located on the south side of Billingsley Road, 2,780± feet east of Sawmill Road, and being more particularly described as follows:

**East Parcel (590-144972)
2445 Billingsley Road**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Lot 9, Quarter Township 1, Township 2, Range 19, United States Military Lands, being a part of that tract of land conveyed to Argonaut Holdings Inc. by deed of record in Instrument Number 200001040002840, (all references being to records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Dunsworth Drive and Billingsley Road;

Thence North 87 deg. 36' 23" West, with said centerline of Billingsley Road, a distance of 51.43 feet to a point;

Thence South 03 deg. 58' 35" East, leaving said centerline, a distance of 30.19 feet to an iron pin set on the southerly right-of-way line of Billingsley Road at the True Point of Beginning for this description;

Thence crossing said Argonaut Holdings Inc. tract following courses and distances:

South 03 deg. 58' 35" East, a distance of 17.56 feet to an iron pin set;

North 86 deg. 01' 25" East, a distance of 15.23 feet to an iron pin set;

South 03 deg. 58' 35" East, a distance of 86.54 feet to an iron pin set;

North 86 deg. 01' 25" East, a distance of 15.23 feet to an iron pin set;

South 03 deg. 58' 35" East, a distance of 321.22 feet to an iron pin set;

South 86 deg. 01' 25" West, a distance of 84.00 feet to an iron pin set; and

South 03 deg. 58' 35" East, a distance of 409.42 feet to an iron pin set in the northerly right-of-way line of Interstate 270

Thence South 84 deg. 17' 18" West, with said northerly right-of-way line, a distance of 244.20 feet to an iron pin found

At the southeasterly corner of that tract conveyed to Datalife Insurance Agency Inc. by deed of record in Official Record 15939C09;

Thence North 00 deg. 14' 02" West, with the easterly line of said Datalife Insurance Agency Inc. tract, a distance of 870.88 feet to an iron pin found in the southerly right-of-way line of Billingsley Road;

Thence South 87 deg. 36' 23" East, with said southerly right-of-way line, a distance of 242.28 feet to the true point of beginning, and containing 5.018 acres of land, more or less, including approximately 0.142 acres (previously dedicated) in the right-of-way of Billingsley Road.

Subject, however, to all legal rights of way and/or easements, if any, of previous record.

The basis of bearings for this description is based on the Ohio State Plane Coordinate System as per NAD 83.

Control for bearings was from coordinates of Monuments 7769 & 7772, established by the Franklin County Engineering Department using Global Positioning System procedures and equipment.

**West Parcel (590- 144973)
2445 Billingsley Road**

Being situated in the State of Ohio, County of Franklin, City of Columbus, Part of Lot 9, Tuller's Survey of Quarter Section 1, Township 2, Range 19, United States Military Lands, and being 2.920 acres out of the 4.772 acre tract and 2.080 acres out of the 12.309 acre tract as conveyed to Zimmerman Investment Limited Partnership in Official Records Volume 5954 H-03, and 5954 H-08, respectively, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at a spike found at the intersection of the centerline of Billingsley Road with the centerline of Shirlington Drive as shown on the dedication plat of parts of said roads recorded in Plat Book 60, Page 48 (Recorder's Office, Franklin County, Ohio);

Thence, easterly, along the centerline of said Billingsley Road, the following courses and distances:

South 89 deg. 50' 16" East, 2.94 feet to a spike;

South 87 deg. 19' 30" East, 282.0 feet to a spike found at the northwest corner of said 4.772 acre tract;

South 87 deg. 30' East, 67.85 feet to a spike found at the northeast corner of the 8.00 acre tract conveyed to Patrick K. Marsh (Official Record 8362 G-15);

Thence, southerly, along part of the east line of said 8.00 acre tract, South 00 deg. 08' 31" East, a distance of 30.03 feet to an iron pin, said pin being in the south line of the south line of the City of Columbus tract (Official Record Volume 14124 E-14) and the true point of beginning of this description:

Thence, easterly, along part of the south line of said City of Columbus tract said line being 30.0 feet south of (measured at right angles to) the centerline of Billingsley Road, and across part of the 4.772 acre tract and part of the 12.309 acre tract, South 87 deg. 30' East, 245.43 feet to an iron pin;

Thence, southerly across the said 12.309 acre tract, along a line parallel with the east line of the said Marsh 8.00 acre tract, South 00 deg. 07' 31" East, a distance of 870.99 feet to an iron pin in the northerly limited access right-of-way line of Interstate Route 270, and in the southerly line of the said 12.309 acre tract;

Thence, westerly, along part of the southerly lines of the said 12.309 acre and 4.772 acre tracts, and along, the said right-of-way line of Interstate Route 270, South 84 deg. 23' 46" West, 246.29 feet to an iron pin found at the southeast corner of the said Marsh 8.00 acre tract;

Thence, northerly across the said 4.772 acre tract and along the east line of the said Marsh 8.00 acre tract, North 00 deg. 07' 31" West, 905.75 feet to the place of beginning, containing 5.00 acres.

To Rezone From: CPD, Commercial Planned Development District

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of sixty (60) feet is hereby established on the L-C-4, Limited Commercial District on this property.

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 L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plans being titled, "**SITE PLAN - BOB BOYD LINCOLN PARKING EXPANSION,**" and "**SITE PLAN - DENNIS HYUNDAI-BOB BOYD,**" and text titled, "**LIMITATION TEXT,**" all dated January 22, 2019, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

PROPOSED DISTRICT: L-C-4, Commercial Development

PROPERTY ADDRESS: 2445 Billingsley Road

OWNER: 1948 Holdings LLC et al.

APPLICANT: 1948 Holdings LLC et al.

DATE OF TEXT: 1/22/19

APPLICATION: Z18-041

1. INTRODUCTION: The subject site is composed of two parcels: west parcel 590-144973 and east parcel 590-144972. The west parcel was zoned in 1993 and the east parcel was rezoned in 2011 to update its development standards. Both parcels are developed with automobile dealerships and want to adjust their parking setback on Billingsley Road from 200 to 125 feet for Parcel #590- 144973 and 100 feet Parcel #590- 144972.

2. PERMITTED USES: The permitted uses shall be limited to offices as defined by Chapter 3353, C-2, Commercial District, and the following C-4, commercial uses:

- Architect's supplies
- Art academy
- Artist's material and supplies
- Automobile sales, new; used car sales are permitted only as part of a new car sales operation
- Financial institutions
- Business machines - sales
- Carpets/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 to individual hotels 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 fixtures - sales

Office services

Police station

Post office

A maximum of two (2) restaurants - The term "restaurant" shall mean full menu restaurant with liquor service as an ancillary use. No fast food restaurants shall be permitted

Sale and installation of tires, batteries, shocks, and brakes, and suspensions, alignments and other related automotive service including oil changes

The following uses are specifically prohibited:

- a. Convenience store
- b. Night club, cabaret, dance hall
- c. Billboards
- d. Cellular towers
- e. Off-premise graphics

3. DEVELOPMENT STANDARDS: Except as otherwise noted, the applicable development standards of Chapter 3356 and C-4 shall apply. In addition, the following general and specific development standards shall apply:

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

1. The setback along and adjacent to Billingsley Road shall be a minimum setback of one hundred (100) feet on Parcel #590- 144972 and one hundred twenty five (125) feet Parcel #590- 144973 for parking and maneuvering, and two hundred (200) feet for buildings on both parcels. This restriction shall not prohibit entry features from being placed within such setback area or proposed display pads as shown on the site plan.

2. The setback along the adjacent to I-270 shall be a minimum setback of forty (40) feet for parking, maneuvering, and buildings.

3. An office building shall not exceed sixty (60) feet in height and a building for a non-office use shall not exceed forty-five (45) feet in height.

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

1. East Parcel:

The site shall share a full access curbcut to Billingsley Road. The exact location of the curbcut shall be subject to the review and approval of the Department of Public Service, Division of Traffic Management.

2. West Parcel:

This site shall have one full access curbcut to Billingsley Road. The exact location of the curbcut shall be subject to the review and approval of the Department of Public Service.

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

1. The one hundred (100) foot and one hundred twenty-five (125) foot setback area along Billingsley Road shall be landscaped in accordance with the submitted site plan. No retention ponds shall be located within the one hundred (100) feet and one hundred twenty-five (125) feet setback area.
2. There shall be a landscaped buffer area within the forty (40) foot setback area along I-270. An undulating mound between one and three feet in height shall be installed along the length of the buffer area. A tree planting program consisting of a combination of five foot evergreens and 2 ½ inch caliper deciduous trees shall be installed on the mound. One deciduous tree or evergreen shall be planted for every forty (40) feet of mounding in each buffer area. The required plantings may be either grouped or spaced.

East Parcel:

- a. Applicant has installed and will maintain nine (9) trees, a minimum of 2 ½ inch caliper, along the North entry drive as shown on the submitted drawing.
- b. Applicant has installed and will maintain one hundred twenty (120) square feet of flower beds around the signage of the property along Billingsley Road.

D. Building Design and/or Interior-Exterior Treatment Commitments

East Parcel:

Each building shall be constructed of or faced with split face block, brick, brick veneer, stucco, glass, wood, stone, or stone veneer, either individually or in any combination thereof.

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

1. Any accent lighting shall be directed toward the building, signage, or landscaping and shall not interfere with neighbors' uses or right-of-way traffic.
2. New parking lot lighting fixtures shall be similar to existing fixtures in type and color.
3. Lot coverage shall not exceed eighty-five percent (85%) for structures and paved areas and twenty-five percent (25%) for buildings of net usable area (gross acreage minus dedicated streets). Maximum square footage of office space shall be limited to 11,000 square feet per gross acre.
4. Loading areas, dumpsters, building mechanicals and satellite dishes shall be fully screened by a wood fence or brick walls and/or landscaping to a minimum height of six (6) feet from off-site views. Where said items are located on a building then said screening shall be accomplished by the use of building materials which are compatible with the building materials used in the buildings' elevations.
5. No outside speakers shall be permitted.
6. There shall be no outside storage and all work on the vehicles shall be performed within the confines of the building.
7. Outdoor display areas shall be permitted within the one hundred twenty-five (125) foot setback line south of Billingsley Road as shown on the submitted plan and limited to a display of a maximum of six (6) vehicles setback a minimum of forty-five (45) feet from Billingsley Road.
8. All new light poles in the expanded parking area shall be no higher than 18 feet. These new fixtures will have

dimmers and motion sensors and will dim 50% between 10 p.m. and 7 a.m.

F. Graphics and Signage Commitments

1. All signage shall be internally illuminated and in a rectangular shape. No neon shall be permitted on any signage.
2. All free-standing signs along Billingsley Road frontage shall be ground-supported signs (monument type, not pylons) and shall not exceed six (6) feet in height and 40.1 square feet in area with a minimum setback of thirty (30) feet from Billingsley Road. All free-standing signs along the I-270 road frontage shall not exceed twenty (20) feet in height and one hundred twenty-five (125) square feet in area, with a minimum setback of twenty-five (25) feet from I-270.
3. No wall signs which extend above the second story of the building shall be permitted on the north side of a building.
4. All other signage requirements for an office use or a non-office use shall be as otherwise indicated for C-2 uses in the City Graphics Code, Article 15, Title 33, of the Columbus City Code and any variance to those other requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. All utility lines for the development shall be installed underground.
2. Car transport deliveries and trash pick-up shall be limited to Monday thru Friday between 7:30 a.m. to 8 p.m. and Saturday between 8 a.m. to 6 p.m.
3. The vehicle display area and the Billingsley Road landscaping treatment shall be developed in accordance with the submitted site plans. These site plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the site plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his/her designee, upon submission of the appropriate date regarding the proposed adjustment. The general layout and site concept shall, however, conform to the site plan.

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