



## Legislation Details (With Text)

**File #:** 1275-2020      **Version:** 1

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

**File created:** 5/25/2020      **In control:** Zoning Committee

**On agenda:** 6/29/2020      **Final action:** 7/2/2020

**Title:** To rezone 2435 BILLINGSLEY RD. (43235), being 3.04± acres located on the south side of Billingsley Road, 3,080± feet east of Sawmill Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z20-012).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1275-2020.Attachments, 2. ORD1275-2020.Labels

Date	Ver.	Action By	Action	Result
7/2/2020	1	CITY CLERK	Attest	
7/1/2020	1	MAYOR	Signed	
6/29/2020	1	COUNCIL PRESIDENT	Signed	
6/29/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
6/29/2020	1	Zoning Committee	Approved	Pass

### Rezoning Application: Z20-012

**APPLICANT:** Byers Realty LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Commercial building expansion.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0-1) on May 14, 2020.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant commercial building in the CPD, Commercial Planned Development District. Ordinance #1451-2012 (Z12-015) was approved for this site and included automobile sales with a commitment to a site plan. The proposed CPD, Commercial Planned Development District will update the existing site plan and development text to permit a building expansion for a used automobile sales facility, with a reduction in the parking setback from 200 feet to 125 feet. The site is located within the boundaries of *The Northwest Plan* (2016), which recommends “Community Commercial” land uses for this location. The development text commits to a site plan and C-4, Commercial District uses with several use restrictions, and includes provisions for setbacks and access. In consideration of the nearby residential development, the CPD text also contains provisions for increased landscaping and screening along Billingsley Road and lighting controls, while prohibiting billboards and off-premise graphics. Staff believes the proposal contains appropriate development standards in consideration of the adjacent residential properties, and is consistent with the automobile sales developments located to the west.

To rezone **2435 BILLINGSLEY RD. (43235)**, being 3.04± acres located on the south side of Billingsley Road, 3,080± feet east of Sawmill Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned

Development District (Rezoning #Z20-012).

**WHEREAS**, application #Z20-012 is on file with the Department of Building and Zoning Services requesting rezoning of 3.04± acres from CPD, Commercial Planned Development 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 said zoning change because the requested CPD, Commercial Planned Development District is consistent with the land use recommendations of *The Northwest Plan*, contains appropriate development standards in consideration of the adjacent residential properties, and is comparable to the automobile sales developments located to the west; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**2435 BILLINGSLEY RD. (43235)**, being 3.04± acres located on the south side of Billingsley Road, 3,080± feet east of Sawmill Road, and being more particularly described as follows:

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 ¾ 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 ¾ 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 ¾ 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 ¾ 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 ¾ 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.

**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 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 plan being titled, “**SITE PLAN - 2435 BILLINGSLEY ROAD,**” lighting exhibit titled, “**EXHIBIT A,**” both dated May 1, 2020, and text titled, “**DEVELOPMENT TEXT,**” dated June 1, 2020, all signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** CPD Commercial Planned Development

**PROPERTY ADDRESS:** 2435 Billingsley Road, Columbus, OH 43235

**OWNER:** Byers Realty LLC

**APPLICANT:** Byers Realty LLC

**DATE OF TEXT:** 6/1/20

**APPLICATION:** Z20-012

**1. INTRODUCTION:** The site was rezoned in 2012 to allow for a pre-owned automobile operation and there was a commitment to a site plan which showed building and parking locations. The applicant wants to expand the existing building and reduce the parking setback to 125 feet from Billingsley Road to match the other automobile users.

**2. PERMITTED USES:** Pre-owned automobile sales and servicing 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 and service - new

Automobile sales and service - pre-owned

Financial institutions

Business machines - sales  
Carpets/rugs - sales (new only)  
Child care - nursery school  
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  
Office service  
Police station  
Post office

All other commercial uses are prohibited.

**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 Requirements

N/A

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

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

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

1. Buffering and landscaping shall be maintained as provided for in the CPD plan.
2. Any redevelopment of any parking areas or the expansion of any parking area shall comply with Section 3312.21 Landscaping and Screening of the Columbus City Code.

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

N/A

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

1. Outdoor Display Areas. Outdoor vehicle pads display shall be permitted within 125 foot setback area 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 fully-shielded cut off type fixtures not exceeding 4 feet in height. The two vehicle display pads shall be flat and shall not be elevated.
2. All new light poles in the expanded parking area shall be no higher than 18 feet. These new fixtures will have dimmers and motor sensors and will dim 50% between 10 pm and 7 am. The design of the fixture is shown on Exhibit A

but the color will match existing fixtures and comply with Section 3321.03, Lighting.

3. All existing parking lot light shall comply with the Section 3321.03, Lighting.

4. Any accent lighting shall be directed toward the building, signage, or landscaping and shall not interfere with neighbors' uses or right-of-way traffic.

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 (s).

7. Car transport deliveries and trash pick-up shall be limited to Monday thru Friday between 7:30 a.m. to 8:00 p.m. and Saturday between 9:00 a.m. to 6:00 p.m.

**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**

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.

A. NATURAL ENVIRONMENT: The site is developed with a single existing building that was formerly utilized as a pre-owned automobile facility.

B. 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.

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

D. VISUAL FORM OF THE ENVIRONMENT: The landscaping within the Billingsley Road setback and building and parking setbacks are shown on the submitted site plan.

E. VIEW AND VISIBILITY: The movement of motor vehicles, transports and pedestrians were considered in developing the site.

F. BEHAVIOR PATTERNS: Existing developments in the area, as well as the freeway interchange, have established behavior patterns for the motorists in the 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 automobile dealerships, and such traffic flow will be consistent with the previously intended use of the subject property.

G. EMISSIONS: The levels of light, sounds, smells and dust will not have a negative impact on adjacent properties.

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