



## Legislation Details (With Text)

**File #:** 0271-2023      **Version:** 2

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

**File created:** 1/20/2023      **In control:** Zoning Committee

**On agenda:** 2/6/2023      **Final action:** 2/8/2023

**Title:** To amend Ordinance #1038-2019, passed April 29, 2019 (Z18-041), for property located at 2441 BILLINGSLEY RD. (43235), by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include the legal description for this specific property, and to modify the limitation text as it pertains to building design standards and to replace the site plan and to declare an emergency. (Rezoning Amendment #Z18-041A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#0271-2023\_Attachments

Date	Ver.	Action By	Action	Result
2/8/2023	2	CITY CLERK	Attest	
2/7/2023	2	MAYOR	Signed	
2/6/2023	2	COUNCIL PRESIDENT	Signed	
2/6/2023	1	Zoning Committee	Approved as Amended	Pass
2/6/2023	1	Zoning Committee	Amended to Emergency	Pass
1/30/2023	1	Columbus City Council	Read for the First Time	

**Rezoning Amendment: Z18-041A**

Ordinance #1038-2019, passed April 29, 2019 (Z18-041), rezoned 9.89± acres at 2441 and 2445 Billingsley Road from L-C-4, Limited Commercial District to L-C-4, Limited Commercial District to permit additional retail display areas for two existing automobile dealerships. That rezoning established use restrictions and supplemental development standards which included setbacks, height, access, landscaping and screening, building design, and commitments for utilities, car transport, and delivery and trash-pick up time restrictions. This requested amendment affects the 4.88± acre eastern dealership on Parcel #590-144972, where, in the renovation of the existing building, ACM panels were used, which are not listed as an approved building material in the limitation text. This ordinance amends the limitation text by removing the building design commitments and updating the submitted site plan. The 5.01± acre western parcel included in Ordinance #1038-2019 is not subject to this amendment, and remains unchanged.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1038-2019, passed April 29, 2019 (Z18-041), for property located at **2441 BILLINGSLEY RD. (43235)**, by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include the legal description for this specific property, and to modify the limitation text as it pertains to building design standards and to replace the site plan **and to declare an emergency.** (Rezoning Amendment #Z18-041A).

**WHEREAS**, Ordinance #1038-2019, passed April 29, 2019 (Z18-041), rezoned 9.89± acres at **2441 & 2445 BILLINGSLEY RD. (43235)**, from the L-C-4, Limited Commercial District, to the L-C-4, Limited Commercial District for additional retail display areas at two existing automobile dealerships; and

**WHEREAS**, that rezoning established specific use restrictions and supplemental development standards which included setbacks, height, access, landscaping and screening, building design, and commitments for utilities, car transport delivery, and trash-pick up time restrictions in the limitation text and site plan; and

**WHEREAS**, the Applicant proposes to modify the limitation text in reference to 2441 Billingsley Road, the 4.88± acre eastern dealership on Parcel #590-144972, by removing the building design commitments, and updating the submitted site plan; and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #1038-2019, passed April 29, 2019 (Z18-041), to revise the legal description in Section 1 of this ordinance for the property that is subject to this amendment; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #1038-2019, passed April 29, 2019 (Z18-041) to revise the limitation text in reference to 2441 Billingsley Road, the 4.88± acre eastern dealership on Parcel #590-144972, by removing the building design commitments and updating the submitted site plan, and;

**WHEREAS**, all other aspects of Ordinance #1038-2019 are unaffected by this amendment and remain in effect, and are repeated below for clarity; ~~now, therefore;~~ and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus on that it is immediately necessary to pass this ordinance due to the need 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 Section 1 of Ordinance #1038-2019, passed April 29, 2019 (Z18-041), as it applies to 2441 Billingsley Road, Parcel #590-144972, be hereby repealed and replaced with a new Section 1 to establish a revised legal description for the property subject to this amendment ordinance and reading as follows:

**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:

**2441 BILLINGSLEY RD. (43235)**, being 4.88± acres located on the south side of Billingsley Road, 2,720± feet east of Sawmill Road, and being more particularly described as follows:

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.

Subject, however, to all legal rights of way and/or easements, if any, of previous record (approximately 0.14 acre located within the right-of-way of Billingsley Road).

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.

Parcel No. 590-144972

Address: 2441 Billingsley Road

**To Rezone From:** L-C-4, Limited Commercial District,

**To:** L-C-4, Limited Commercial District.

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

**SECTION 3.** That Section 3 of Ordinance #1038-2019, passed April 29, 2019 (Z18-041), as it applies to 2441 Billingsley Road, Parcel #590-144972, be hereby repealed and replaced with new Section 3 reading as follows:

**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 plan being titled, "**DENNIS HYUNDAI IMAGE UPGRADE**," dated January 12, 2023, and text titled, "**TEXT**," dated July 7, 2022, both signed by Jeffery L. Brown, Attorney for the Applicant, and the text reading as follows:

**TEXT**

**PROPOSED DISTRICT:** L-C-4, Limited Commercial Development

**PROPERTY ADDRESS:** 2441 Billingsley Road

**OWNER:** 1948 Holdings LLC

**APPLICANT:** 1948 Holdings LLC

**DATE OF TEXT:** 7/7/22

**APPLICATION:** Z18-041A (ZA22-004)

**1. INTRODUCTION:** The subject site is the east parcel #590-144972 referenced in Z18-041. In the last renovation of the building ACM panels were used in the remodeling. Although the building permit was approved, the limitation text did not list ACM panels as a permitted building material. This application removes the building material language which did not apply to the west parcel in Z18-041 and updates the site plan to show a building expansion.

**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 site 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 for parking and maneuvering; and two hundred (200) feet for buildings. 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. 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.

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

1. The one hundred (100) 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 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.
- 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

N/A

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 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 plan. The site plan 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 City's Director of the Department of Building and Zoning Services or his/her designee, upon submission of the appropriate data regarding the proposed adjustment. The general layout and site concept shall, however, conform to the site plan.
4. Site Plan Revision Allowance. The Property shall be developed in accordance with the Site plan; however, the Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data at the time of the development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director's designee may approve any slight adjustment to the Site Plan upon submission of the appropriate data regarding the proposed adjustment.

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

**SECTION 4. 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.**