



Legislation Text

File #: 3168-2017, **Version:** 2

Rezoning Application Z15-013

APPLICANT: Byers Realty LLC; c/o Jeffrey L. Brown, Smith & Hale; 37 West Broad Street; Columbus, Ohio 43215.

PROPOSED USE: Expanded vehicle display area for an existing automobile dealership.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-1) on June 11, 2015.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with an automobile dealership in the CPD, Commercial Planned Development District. The requested CPD, Commercial Planned Development District will allow additional retail display area and parking while preserving a 125 foot landscaped parking setback to match the setback for the automobile dealership to the west. The proposal contains development standards in consideration of the residential properties to the north; however, it is unlikely that future requests for display area expansion with less than a 125 foot setback will be supported for this or any other dealerships in the vicinity as long as the north side of Billingsley Road is developed with residential uses. This proposal was first submitted as Ordinance # 1752-2015, which was tabled by City Council on July 27, 2015, and September 21, 2015. That ordinance was amended once, and was to be amended a second time to correct attachment files and incorporate additional commitments for mounding, landscaping, lighting controls, and transport details into the proposal. This ordinance reflects all necessary corrections and additional commitments, and replaces Ordinance # 1752-2015, which will be defeated.

To rezone **2455 BILLINGSLEY ROAD (43235)**, being 8.0± acres located on the south side of Billingsley Road, 500± feet west of Dunsworth Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z15-013).

WHEREAS, application # Z15-013 is on file with the Department of Building and Zoning Services requesting rezoning of 8.0± 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 Far Northwest Coalition recommends disapproval 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 a vehicle display area for an existing automobile dealership 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 125 foot 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:

2455 BILLINGSLEY ROAD (43235), being 8.0± acres located on the south side of Billingsley Road, 500± feet west of Dunsworth Drive, and being more particularly described as follows:

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 deed 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 deg. 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 deg. 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 deg. 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 deg. 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 a 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 deg. 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 deg. 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 deg. 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.

Also known as Franklin County parcel number 590-144971

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 plans being titled, “**CPD EXHBIT**,” dated ~~January 18~~ **December 11**, 2017, “**EXHBIT A**,” and “**EXHBIT B**,” dated November 16, 2017, and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” dated ~~November 27~~ **December 8**, 2017, all signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD Commercial Planned Development
PROPERTY ADDRESS: 2455 Billingsley Road, Columbus, Ohio 43235
OWNER: Byers Realty LLC
APPLICANT: Same as owner
DATE OF TEXT: ~~11/27/17~~ **12/8/2017**
APPLICATION NUMBER: Z15-013

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.

The proposed adjustment to the existing zoning is to permit additional parking along Billingsley Road consistent with what City Council has approved for a similar development to the west.

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. No off premise graphics nor billboards shall be permitted.

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. An 125-foot setback for all parking areas (except for outdoor display pads which have a minimum setback of 60 feet) 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 feet of building area may be constructed. This square footage may be 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.

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

1. Access. The subject site is currently serviced by one curb cut.
2. Exhibit B shows the transport in and out maneuvering diagram which permits the transport to leave the site in a forward driving direction. **Signage will be installed along the driveway stating that no transports may load or unload in the driveway. Signage and/or pavement marking shall be used on site to indicate where the transports are to load and unload. The location of the signage and pavement marking shall be reviewed and approved by the Division of Traffic Management during site compliance review.**

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

1. Buffering and Landscaping. Buffering and landscaping along Billingsley Road shall be installed and maintained as shown on the plan. Display pads at Billingsley Road shall be flat, not raised.

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 display pads shall be permitted within the 125-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 fully-shielded cutoff type fixtures not exceeding 4 feet in height.
2. All new lighting ~~fixtures~~ **poles** in the expanded parking area ~~shall be cutoff fixtures with LED bulbs and the light poles shall be no higher than 18 feet. These new fixtures will have dimmers and motor sensors and will dim 50% between 10pm and 7am.~~ The design of the fixture is shown on Exhibit A but the color will match existing fixtures **and shall comply with Section 3321.03, Lighting. The poles in the expanded parking area are also limited to containing only two light fixtures per pole as opposed to the three fixtures shown on Page 1 of Exhibit A.**
3. All existing parking lot lighting ~~fixtures shall be retrofitted to accommodate LED bulbs; if the LED bulb extends below the fixture, then shields shall be added to the light fixture to block the portion of the LED bulb which is below the fixture~~ **comply with the Section 3321.03, Lighting. If existing light poles are replaced, the new poles will be limited to containing only two fixtures per pole.**

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. Any variance to the permitted graphics shall be submitted to the Columbus Graphics Commission except for the graphic along Billingsley Road which shall be a monument style sign with a maximum height of eight feet.

G. Miscellaneous commitments:

1. The site shall be developed in general conformance with the attached Site Plan. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of development and when engineering plans are complete. Any slight adjustment to the Site Plan is subject to review and approval by the Director of the Department of Building and Zoning Services or a designee, upon submission of the appropriate data regarding the proposed adjustment.
2. Utilities. All utility lines for the development shall be installed underground.

3. No outside speakers shall be permitted.
4. A stop sign shall be installed on the applicant's property at the driveway's intersection with Billingsley Road.
5. Car transport deliveries and trash pick-up shall be limited to Monday thru Friday between 730am to 8pm and Saturday between 8am to 6pm.
6. 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. The site is across the street from residential development. Landscaping and mounding has been used to screen the proposed parking expansion. The proposed parking has a setback of 125 feet from the south right of way of Billingsley Road and is behind the automobile display areas. The landscaping, mounding and large setback minimizes any effect on the residential units on the north side of Billingsley Road.

EMISSIONS: No adverse effects 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.