



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 3069-2021, **Version:** 1

Rezoning Application: Z21-041

APPLICANT: Hidden Creek Landscaping, Inc.; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Landscaping/contractor's yard and wholesale/retail nursery.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 8, 2021.

WEST SCIOTO AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-M, Limited Manufacturing District will permit landscaping and contractor's storage yard with wholesale and retail nursery uses at this location. The limitation text includes appropriate use restrictions and supplemental development standards that address traffic access, a no-build zone, a stream-corridor protection zone, buffering, fencing, and screening. The requested L-M district is consistent with the *Trabue/Roberts Area Plan's* (2011) recommendation for "Light Industrial" land uses at this location, as well as the adjacent zoning and development pattern, and does not add incompatible land uses to the area.

To rezone **3900 SCIOTO DARBY CREEK RD. (43026)**, being 2.01± acres located on the north side of Scioto Darby Creek Road, 750± west of Scioto Parkway, **From:** R-1, Residential District, **To:** L-M, Limited Manufacturing District (Rezoning #Z21-041).

WHEREAS, application #Z21-041 is on file with the Department of Building and Zoning Services requesting rezoning of 2.01± acres from R-1, Residential District, to L-M, Limited Manufacturing District; and

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

WHEREAS, the West Scioto Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-M, Limited Manufacturing District is consistent with the *Trabue/Roberts Area Plan*, the adjacent zoning and development pattern, and will not add incompatible land uses to the area; 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:

3900 SCIOTO DARBY CREEK RD. (43026), being 2.01± acres located on the north side of Scioto Darby Creek Road, 750± west of Scioto Parkway, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being described as follows:

Being part of Survey 547 Virginia Military District: Beginning at a point in the centerline of Mill Road, N 73 degrees 37' E 720.14 feet from the west line of Survey 547, thence on a line parallel to said survey line N 9 degrees 30' W 882.61 feet to an iron pipe, (passing an iron pipe at 30.22 feet) thence N 73 degrees 14' E 100.08 feet to an iron pipe, thence on a line parallel to said survey line S 9 degrees 30' E 883.37 feet to the centerline of said Mill Road (passing an iron pipe at 850.15 feet) thence with the centerline of said Road S 73 degrees 37' W 100 feet to the place of beginning and containing 2.01 acres more or less.

Parcel ID: 560-162430

Commonly Known As: 3900 Scioto Darby Road, Hilliard, Ohio 43026

To Rezone From: R-1, Residential District.

To: L-M, Limited Manufacturing District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-M, Limited Manufacturing 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-M, Limited Manufacturing 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 text titled, "**DEVELOPMENT TEXT**," dated November 15, 2021, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

PROPERTY ADDRESS: 3900 Scioto Darby Creek Road, Columbus, OH 43026

PID: 560-162430

AREA: 2.01 +/- ac

EXISTING ZONING: R-1, Residential (annexation)

PROPOSED ZONING: L-M, Limited Manufacturing District

APPLICANT: Hidden Creek Landscaping, Inc. c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, Ohio 43215

PROPERTY OWNER: Lunar Lighting, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, Ohio 43215

DATE OF TEXT: November 15, 2021

APPLICATION NUMBER: Z21-041

I. INTRODUCTION: The subject site ("Site") is located on the north side of Scioto Darby Creek Road 900 +/- feet west of Scioto Darby Executive Court. The parcel was annexed to the City of Columbus in 1973 and R-1, Residential District zoning was established. The site is the last residential parcel between large areas of M-2 and L-M zoning to the east and west. Large areas on the south side of Scioto Darby Creek and Dublin Roads are zoned M, M-1 and M-2. The proposed zoning is supported by the [Trabue/Roberts Area Plan](#) (2011). There is an existing single-family dwelling on the frontage of the property. The dwelling may remain as a legal non-conforming use following rezoning until such time as Applicant razes or changes the use of dwelling.

II. PERMITTED USES: The Subject Site is to be used as an office, parking and equipment storage area for a contractor

business as permitted by Sections 3363.01(A) and 3363.02(a). The site may have a dwelling unit for a resident security person as permitted by Columbus City Code Section 3363.01(B)(1). Property may also be used for a wholesale nursery as permitted by Section 3363.02(d) and open storage pursuant to the limitations and distance requirements listed in Section 3363.41 of the Columbus Zoning Code. The Subject Site may also be used as a retail Nursery (Garden Center) with a display area of planting or landscape stock including greenhouses.

III. DEVELOPMENT STANDARDS: Except as otherwise specified herein, the applicable development standards shall be as specified in the M, Manufacturing District.

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

N/A.

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

1. There shall be no direct vehicular access to Scioto Darby Creek Road other than the existing driveway for use for the existing single family dwelling. Upon removal of the single family dwelling or change of use of the single family dwelling to a non-residential use, all vehicular access shall be from an adjacent parcel to either the east or west.

2. Right of way totaling 50 feet from centerline shall be deeded to the City of Columbus in conjunction with the final Site Compliance Plan (FSCP) process.

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

1 The applicant shall maintain a 20-foot no-build zone/no disturb zone as measured from the rear (north) property line extending the entire length of the rear (north) property line, for as long as the abutting property to the north is zoned residential. Applicant shall install and/or maintain a 6-foot wood or similar privacy fence (75% opacity) and/or landscaping along the north property line as long as the abutting property to the north is zoned residential.

2. There is Stream Corridor Protection Zone (SCP) area from an unnamed tributary to the Scioto River on part of the north end of the site. The SCPZ shall be shown on the Site Compliance Plan (SCP).

D. Dumpster, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

N/A.

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

N/A.

F. Graphics and Signage Commitments.

All signage and graphics shall conform to Article 15, Title 33 of the Columbus City Code as it applies to M, Manufacturing classification. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

Applicable Parkland Dedication Ordinance (PDO) fees shall be paid prior to approval of a final Site Compliance Plan.

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