

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
FEBRUARY 12, 2015**

- 4. APPLICATION: Z14-035 (14335-00000-0000547) (RECONSIDERATION)**
Location: **2932 BRICE ROAD (43109)**, being ~~6.46~~ **6.92***± acres located on the east side of Brice Road, 445± feet north of the intersection of Refugee Road and Brice Road (530-166431; Far East Commission).
Existing Zoning: R, Rural District.
Request: L-M, Limited Manufacturing District.
Proposed Use: Limited industrial development.
Applicant(s): Green Earth Recycling LLC, c/o Julia Cotugno; 6820 Clearhurst Drive; Columbus, Ohio 43229.
Property Owner(s): Major Contracting Co.; 3923 East Main Street; Columbus, OH 43213.
Planner: Eliza Thrush, 645-1341, ecthrush@columbus.gov

**Site acreage was adjusted on May 6th, 2015 based on legal description after the staff report was completed.*

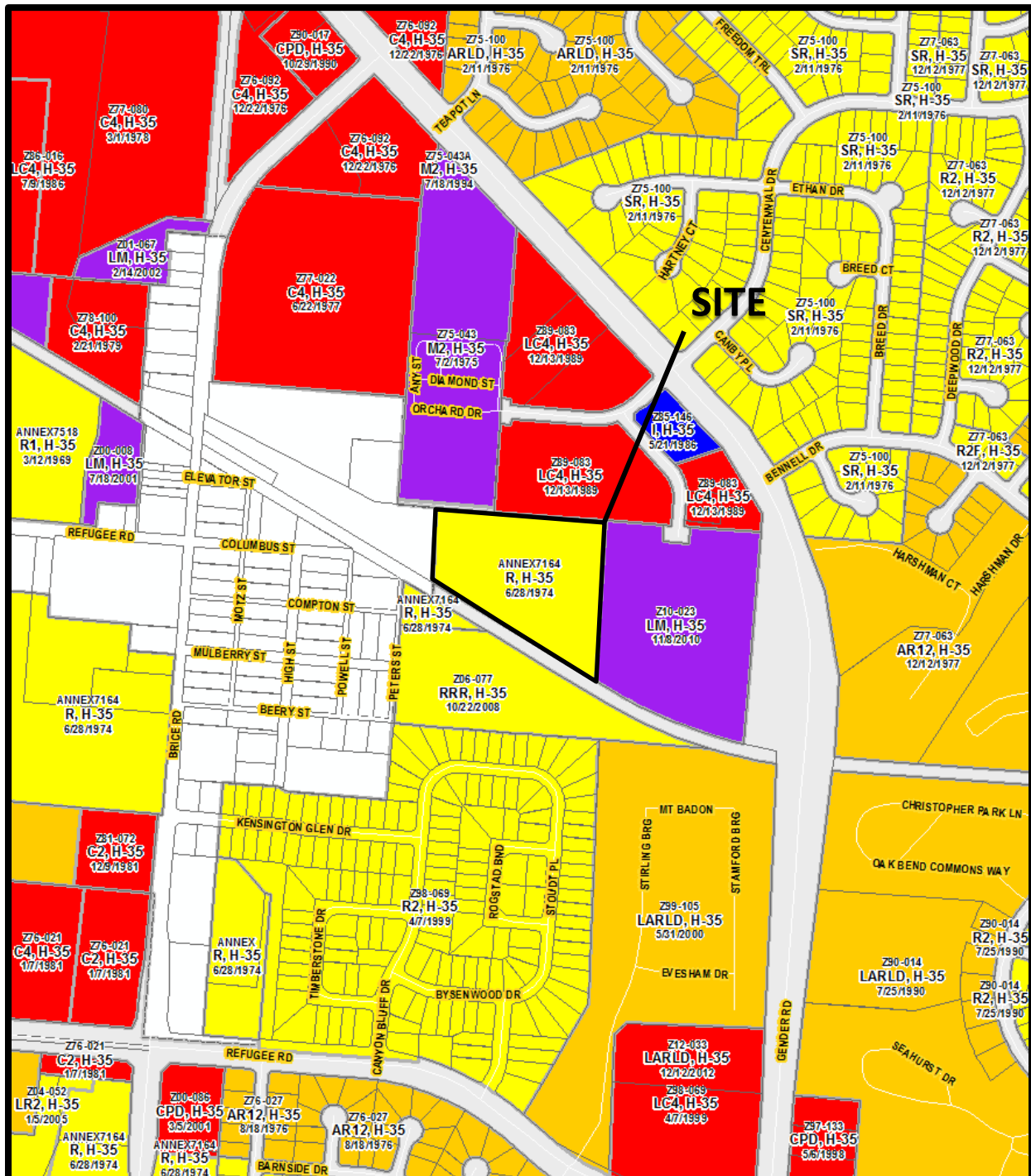
BACKGROUND:

- The property is zoned in the R, Rural District and is occupied by a salvage facility that recycles shingles, plastics, and other materials. The use also occupies adjacent property in the Village of Brice. The occupant was issued a notice of zoning code violation for establishing the use without obtaining zoning clearance. The applicant initially requested the M, Manufacturing District but subsequently revised the request to the L-M, Limited Manufacturing District based on initial feedback from Staff and the Far East Area Commission. The requested L-M district proposes limited commercial and industrial uses, and is a prerequisite for obtaining the necessary Special Permit from the Board of Zoning Adjustment (BZA) for the salvage use.
- The applicant's request was recommended for disapproval at the December 11, 2014 Development Commission meeting (5-0). The applicant has subsequently added commitments to their limitation text that grinding activities shall take place within an enclosed structure at least 150 feet from the south property line. Zoning staff considers this change to be substantial which makes the request eligible for reconsideration by the Development Commission.
- To the north are offices in the L-C-4, Limited Commercial District and industrial uses in the M-2, Manufacturing District. To the east are industrial uses in the L-M, Limited Manufacturing District. To the south, across the rail road tracks, is residential development in the R, Rural, and RRR, Restricted Rural Residential Districts. To the west are commercial and industrial uses in the Village of Brice.
- The site is located within the planning area of the *Brice Tussing Plan* (1990), which recommends office/warehouse uses for the site and notes that rail spurs attract manufacturing uses (page 16). The site does have access to a rail spur, and has historically been used as a lumber yard. The Plan also recommends adequate buffering between manufacturing and neighboring land uses.

- The site is located within the boundaries of the Far East Area Commission whose recommendation is for disapproval.
- The limitation text prohibits most of the manufacturing use categorized as *more objectionable* and provides appropriate development standards related to size of potential future commercial uses as negotiated with the Public Service Department, and screening elements requested by the Planning Division and Department of Building and Zoning Services including a fifty-foot no build zone and a privacy fence along the southern boundary. The applicant has also revised the proposal by providing additional information regarding dust mitigation efforts, placed limitations on hours of operation, and has committed to relocating the grinding equipment into an enclosed structure at a minimum distance of 150 feet from the south property line. The Planning Division has concerns regarding salvage activity at this location, but recognizes that such a use would require a separate review process by way of the Special Permit application.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

This request will establish a limited manufacturing district with appropriate use restrictions and development standards including a fifty-foot no build zone, a privacy fence along the southern boundary in consideration of the residential uses south of the rail road tracks, and limit shingle-grinding activities to an enclosed structure. The limitation text places restrictions on hours of operation and also stipulates the location of the grinding equipment to be no closer than 150 feet from the south property line. The subject property historically was used as a lumber yard that was annexed into Columbus in 1974. The request is consistent with the land use recommendations of the *Brice Tussing Plan*, which recommends light manufacturing and office uses, and is consistent with the zoning and development patterns in the area. However, the requested L-M district will not permit the continuation of the salvage use. Rather, the requested L-M district will allow the applicant to request a Special Permit necessary for the salvage use. Development standards specific to the salvage use are more appropriately addressed in the Special Permit application because the Board of Zoning Adjustment has the authority to impose requirements and conditions regarding the location, character, and other features as the Board deems necessary to carry out the intent and purpose of the Zoning Code and to otherwise safeguard the public safety and welfare (CC3307.06.C.).

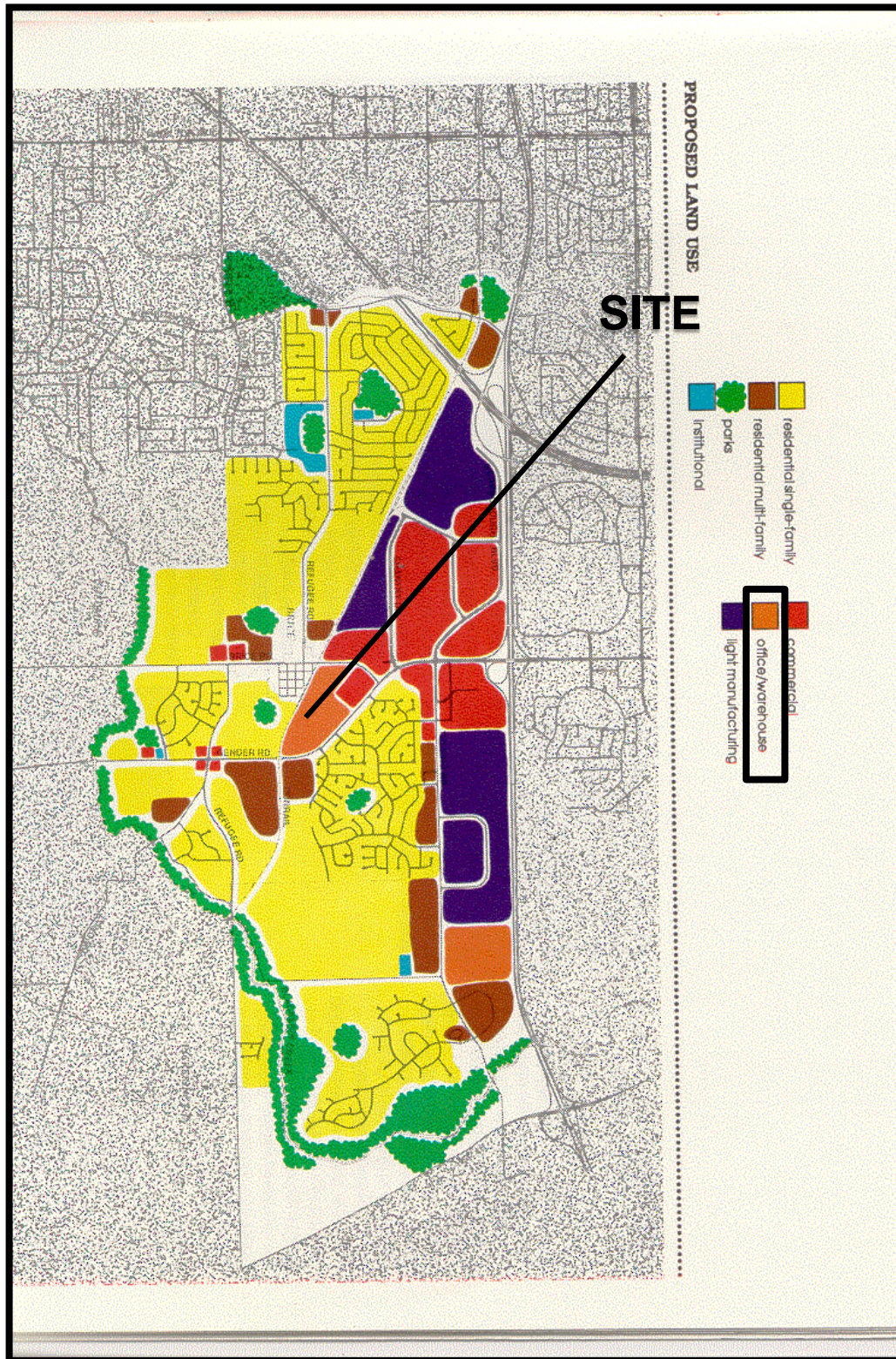


Z14-035

2932 Brice Road

Approximately 6.92 acres

Request: R, Rural to L-M, Limited Manufacturing



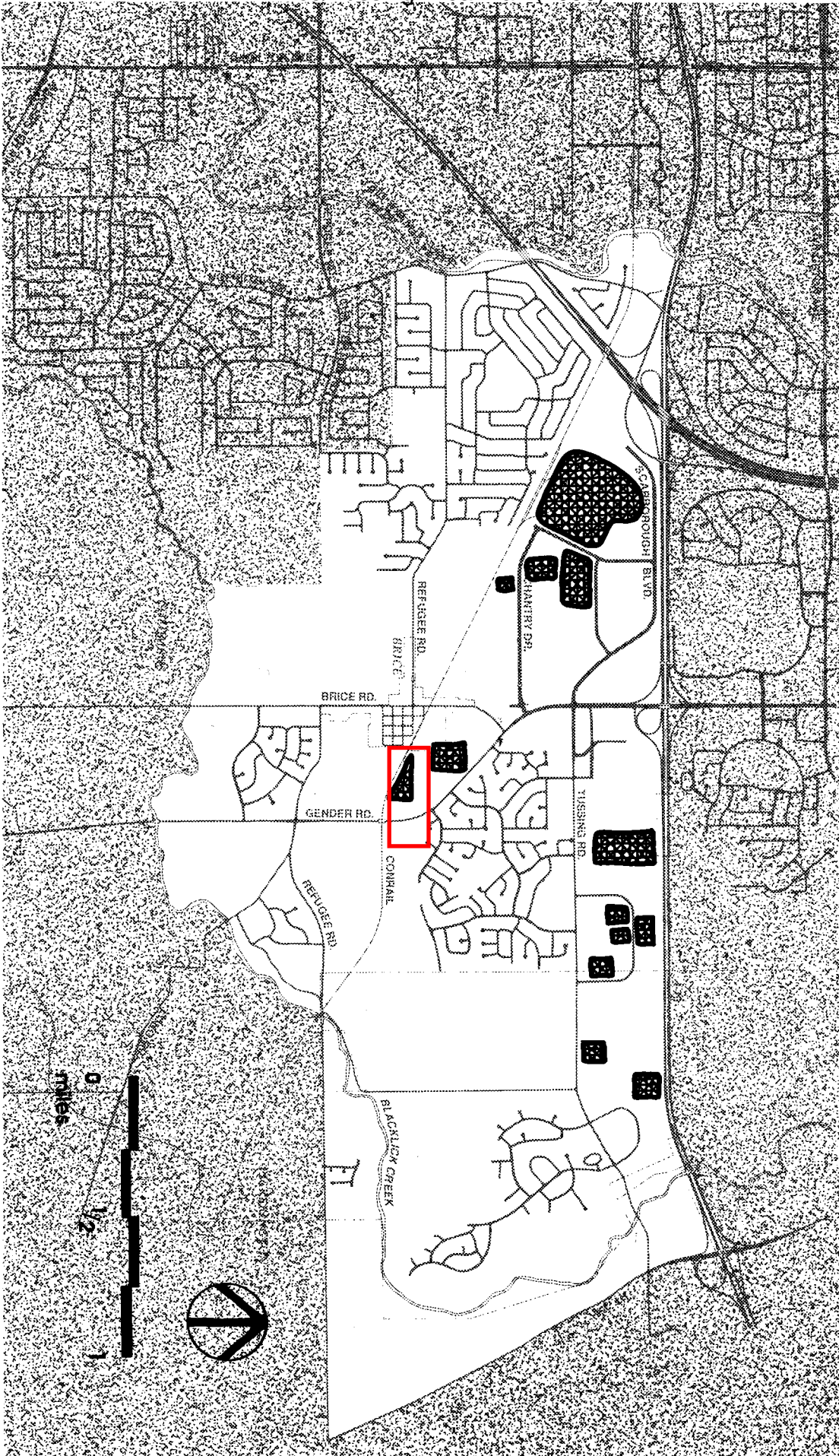
Z14-035
2932 Brice Road
Approximately 6.92 acres
Request: R, Rural to L-M, Limited Manufacturing

Brice/Tussing Area Plan (1990)

EXISTING
MANUFACTURING LAND USE



existing light industrial and office/warehouse uses

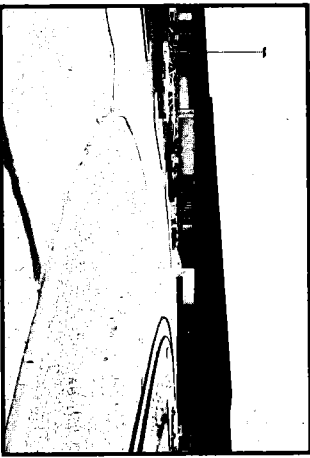


between residential and commercial development.

☐ Designate a route for truck traffic that minimally impacts traffic circulation, entering the commercial node on the west side of Brice Road.

APPLICABLE CITY POLICIES

- * Zone major commercial developments of five or more acres in planned or limited districts to ensure that development meets proper standards.
- * Encourage location of retail commercial development at major intersections rather than along arterial roads.



MANUFACTURING LAND USE OBJECTIVES

- ☐ Locate industrial uses within specifically designated areas.
- ☐ Provide adequate buffering between manufacturing uses and neighboring land uses.
- ☐ Discourage intrusion of industrial uses into existing and future residential and commercial areas.
- ☐ Encourage high quality industrial development by establishing development standards.
- ☐ Utilize freeway orientation.

CURRENT CONDITIONS

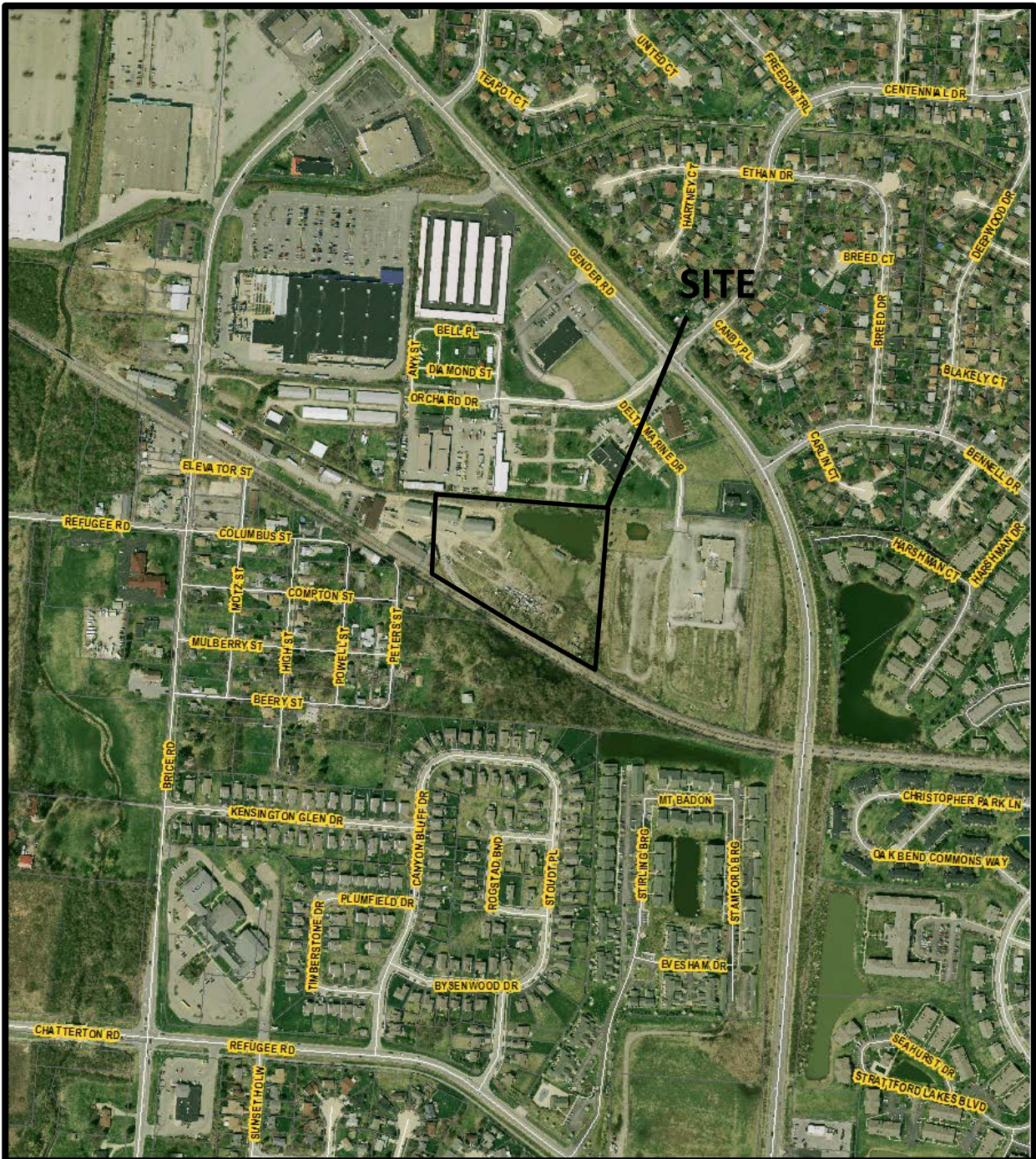
Much of the land north of the railroad tracks is zoned for manufacturing uses. J.C. Penney's Distribution Center, the oldest and largest industrial site in the area, is located on the west side of Brice Road abutting the expansive commercial uses to the east. Close proximity to Interstate 70 and the railroad make this site

ideal for its current use. Another area, east of Brice Road and north of Tussing Road, is also developing as a light manufacturing district. Several warehouses and an industrial office park are located there. Sites located along this corridor benefit from close access to Interstate 70 and deep large lot development potential.



ISSUES

The area along the north side of Tussing Road is most appropriately designated as an industrial corridor for light manufacturing and office uses. In addition, commercial uses located near the intersection of Tussing and Brice Roads would be appropriate. However, newly constructed housing is located within this corridor, near State Route 256. Several small areas have non-conforming farm homes, remnants from the previous agricultural community. As development continues eastward along this corridor, meticulous buffering of industrial sites, locating near the newly constructed residential complex west of State Route 256, should be required.



Z14-035
2932 Brice Road
Approximately 6.92 acres
Request: R, Rural to L-M, Limited Manufacturing

This form is strictly for use of the Area Commission to help in the review of information and flow of handling this application while being reviewed by the Area Commission. It is not to be construed as a legal document in content or meaning.

APPLICANT: GREEN EARTH RECYCLING LLC

APPLICATION/ ZONING / DEVELOPMENT COMMISSION CASE NUMBER: Z14-035

DATE RECEIVED City of Columbus Dept Building & Zoning Service: 7-31-2014 Eliza Thrush

AREA COMMISSION: FAR EAST AREA COMMISSION

DATE RECEIVED BY AREA COMMISSION: 8-12-14

LOCATION AND ZONING REQUEST:

Certified address: 2932 BRICE RD BUILDING 9 PO BOX 251, 43109

Parcel Number for Certified Address: 530-116431

Current Zoning District: Rural Residential

Requested Zoning District: M-Manufacturing. (with limitation text October with final revision received 12:30pm 11-4-2014)

Proposed Use or reason for rezoning request: Going from residential to Commercial. Multiple Material Recycling

Proposed Height District: H-35

APPLICANT CONTACT: Applicant / Property Owner / Attorney-Agent

Name Green Earth Recycling LLC

Phone: 614 206 1848 Fax

Cell:

Email: rmeyer@porterwright.com

ADJACENT PROPERTIES CURRENT ZONE AND OCCUPANCIES:

NORTH: 3100 DELTA MARINE DR Manufacturing LM 11-8-2010

EAST: "" AND RESIDENTIAL AR-12 ACROSS GENDER RD

SOUTH: 3010/3050 PETERS ST ACROSS CONRAIL RR TRACKS RESIDENTIAL

WEST: VILLAGE OF BRICE residential

PROBLEMS/COMMENTS:

PRECEDENCE WAS SET 11-11-2010 BY THE DEVELOPMENT COMMISSION ON ADJACENT PROPERTIES 3100 DELTA DRIVE APPLICATION Z10-023 WHICH REZONED THE ADJACENT PROPERTIES ON DELTA DRIVE TO Limited Manufacturing (LM) . Z10-023 PROHIBITED "MORE OBJECTIONABLE MANUFACTURING USES LISTED IN TITLE 33 CHAPTER 3363.09 THROUGH 3363.17.

3363.16 "other more objectionable uses permitted only in M-manufacturing districts" specifically lists "Junk and salvage (METAL, PAPER, RAGS, WASTE, OR GLASS), STORAGE, BALING, ALL BEING A SPECIAL PERMIT UNDER RESTRICTIONS SPECIFIED IN c.c. Section 3389.02 AND 3392 AND "Roofing materials, building paper, and felt (including asphalt and composition)"

APPLICATION Z14-035 PROPOSED USE IS MULTIPLE MATERIAL RECYCLING

CURRENT OPERATIONS INCLUDE THE SHREDDING OF ASPHALT ROOFING SHINGLES AS WELL AS OTHER WASTE MATERIALS INCLUDING PAPER AND PLASTIC. THE OPERATION GENERATES DUST, WHICH IS SUPPOSE TO BE INHIBITED BY "WETTING", AS WELL AS SOUND. RESIDENTS OF BRICE AND COLUMBUS FILED COMPLAINTS WITH CODE ENFORCEMENT DUE TO THE VIBRATION, NOISE AND DUST WHICH HAVE SUBSEQUENTLY BEEN VERIFIED BY PICTURES.

CURRENT STACK OF ASPHALT SHINGLES IS STATED TO BE 20' HIGH, 40-50' WIDE AND 150 TO 200' LONG.

IN RESPONSE TO THE APPLICANTS STATEMENT THAT THE PRIOR BUSINESS WAS ALSO A MANUFACTURING AND THAT THEY SHOULD BE ABLE TO CONTINUE AS HAD BEEN, IT WAS POINTED OUT THAT THE PRIOR USE WAS A BUILDERS SUPPLY AND THEY WERE IN VIOLATION OF THE ZONING BY NOT REQUESTING A REZONING.

GREEN EARTH HAS BEEN OPERATING A SALVAGE OPERATION AT THIS PARCEL SINCE AT LEAST APRIL OF 2013 IN VIOLATION OF ZONING CODES. THIS WAS FIRST NOTICED BY A FEAC COMMISSIONER IN MAY 2014 AND JUST BEFORE CODE ENFORCEMENT INVESTIGATED AND FILED VIOLATIONS AGAINST GREEN EARTH PROMPTING GREEN EARTH TO FILE FOR A REZONING. WHEN ASKE IF THE SHREDDING OPERATION COULD BE RELOCATED ELSEWHERE ON THE PROPERTY , GREEN EARTH INDICATED THEY NEEDED IT ADJACENT TO THE RAIL SPUR, WHICH IS WITHIN 50 FEET OF THE RESDENTIAL PROPERTY LINES.

APPLICATION: **Z14-035**

AREA COMMISSION: **FAR EAST AREA COMMISSION**

SCHEDULED TO BE PRESENTED TO FEAC ON: 11-4-2014

Notification of Identifiable Civic Organization recognized by the City:

Organizations: **TUSSING BLOSCK WATCH**

CONTACT date: 8-12-14 **SUMMER MOYNIHAN** **BY:** LARRY MARSHALL

APPLICANT COMMENTS: JULIA COTUGNO AND JIM COTUGNO ATTENDED 11-4-14 MEETING

APPLICANT STATES THE PREVIOUS OCCUPANY WAS ALSO MANUFACTURING AND THEREFORE THEY SHOULD BE ABLE TO CONTINUE AS IN THE PAST. APPLICANT ALSO MENTIONED THEY WANTED TO EXPAND THE SHREDDING TO INCLUDE CONCRETE PRODUCTS AT A LATER DATE. (Please note application states "multiple material recycling")

CIVIC ORGANIZATION COMMENTS:

AREA COMMISSION COMMENTS, DECISION AND ACTIONS 11-4-2014 MEETING:

FEAC RECOMMENDATION: see 11-6-14 email to ECThrush for FEAC statement

8 MEMBERS PRESENT AND BEING A QUORUM:

VOTES: FOR: 0 AGAINST: 8 ABSTAINED: 0 .

DATE: 11-4-2014

-

DECISIONS NOTIFICATION TO DEPT OF BUILDING & ZONING SERVICES/ DEPT OF DEVELOPMENT

DATE: 11-6-14

TO:

Eliza Thrush

-

DECISIONS NOTIFICATION CONFIRMED:

DATE:

BY:

Thrush, Eliza C.

From: Larry Marshall <ldmarshall1965@yahoo.com>
Sent: Friday, November 07, 2014 8:33 AM
To: Thrush, Eliza C.; Cedar Run
Subject: Fw: Z14-035 Green Earth
Attachments: LIMITATION TEXT Z14-035 revised.docx; Z14-035 Green Earth work sheet 11-4-2014.docx; Z14-035 Green Earth Zoning Map.docx

Eliza,

Here is the final email with several corrections in dates on the worksheet. I have also attached a copy of the zoning map that was part of the original application and point out that the original application indicates the "purpose to be "multiple materials recycling", which adds to the credibility of Mr. Catogno's intention to expand the operations into "other than asphalt shingle recycling"

Larry

----- Forwarded Message -----

From: Larry Marshall <ldmarshall1965@yahoo.com>
To: Eliza C. Thrush <ecthrush@columbus.gov>
Cc: Cedar Run <cedarrunbw@gmail.com>
Sent: Friday, November 7, 2014 8:26 AM
Subject: Z14-035 Green Earth

Dear Ms. Thrush,

Attached is the Far east Zoning Staff Report for Z14-035 (aka Green Earth) and the last limitation text received Tuesday 11-4-2014 12:30pm.

There were 8 of 9 Commissioners present constituting a quorum.

The vote was:

For: 0

Against: 8

Abstained: 0

The overall purpose of this application was to allow the recycling of asphalt shingles, which includes shredding of shingles, wood and metal from roofing projects. Mr. Cotugno (Green Earth Recycling LLC) indicated in the September meeting with the FEAC that he would be considering including recycling of concrete material at a later date, but nothing has been declared in writing..

All Commissioners were given a packet which included:

Staff Report

Application Z14-035

Limitation Text revision RECEIVED 1:00 PM 11-4-2014

Franklin County Website GIS map and summary

City of Columbus One Stop Zoning report for 2932 Brice Rd Parcel 530166431

Muni-Code Chapter 3363 M-MANUFACTURING DISTRICT Sections 3363.01 through 3363.44
Muni-Code Chapter 3311 Administration and Enforcement Procedures for Manufacturing,
Excavation and Quarrying District Development Sections 3311.15 through 3311.28
Muni-Code Chapter/Section 3387.01 - PROHIBITED USES
Muni-Code Chapter/Section 3389.07 - Impound lot, junk or salvage yard.
Muni-Code Chapter/Section 3392 - JUNK, IMPOUND AND SALVAGE YARDS
Muni-Code Chapter/Section 3392.01 through 3392.15

The primary AREA OF CONCERN was limitation text II PERMITTED USES CHAPTER/SECTION 3363.16 AND limitation text III DEVELOPMENT STANDARDS PARAGRAPH D.

Per my discussion with you Tuesday afternoon, under CC 3361.16, the BZA is considering this operation a "salvage" operation instead of Roofing materials due to additional materials such as wood and metal salvage. You also stated this would include salvage "storage". UNDER 3363.16, this classification would be subject to Chapter 3392. Chapter/Section 3392.12 states No.... or salvage yard shall operate within 600 feet of any residential or institutional zoning district. Since the applicant related in our September FEAC meeting with him that he intended to eventually include construction materials in addition to the asphalt shingles (application Z14-035 states intended purpose to be "multiple material recycling"), we would agree with your classifying the use as "salvage"

The limitation text would amend this to "II.D. A 50 feet no build zone will be placed along south side of property closest to residential district, also the fence from the rail spur to Village of Brice line shall be maintained and in good repair."

The Commissioners asked that the proximity to residential districts in the City of Columbus and the adjacent are of the Village of Brice be specifically noted as a primary concern.

A second primary concern was the effect a salvage yard would have on attracting more desirable business back to the Brice Gender Road business community as well as the effect on residential property values for homes to the east of Gender Road and the Village of Brice.

It has been pointed out to the Commission that the Commission needs to taken into consideration not only the City of Columbus and it's residents, but residential areas adjacent to the City of Columbus.

There is also a question that allowing a "more objectionable" use being permitted is not in keeping with the development concept under the Brice/Tussing Area Plan.

Larry Marshall, Commissioner
Far East Area Commission
Zoning Chair.

CC: Commissioner Jennifer Chamberlain
Chair Far east Area Commission

THE CITY OF
COLUMBUS
MICHAEL B. COLEMAN, MAYOR

COLUMBUS DEVELOPMENT COMMISSION
Basis for Recommendation

4

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Date: FEBRUARY 12, 2015

Application #: Z14-035	Requested: L-M	Address: 2932 BRICE ROAD (43109)					
# Hearings:	Length of Testimony: 6:56 → 7:05 15	Staff Position: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Disapproval <input type="checkbox"/> Conditional Approval					
# Speakers Support: 1 0 Opposition: 3 1 0	Development Commission Vote: 3 Yes 1 No 0 Abstain	Area Comm/ Civic Assoc: <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Disapproval <input type="checkbox"/> Conditional Approval					
Position Y=Yes N=No (write out ABSENT or ABSTAIN)	Y Fitzpatrick	NO Ingwersen	Y Anderson	ABSENT Cooley	ABSENT Conroy	ABSENT Onwukwe	Y Coe
+ = Positive or Proper - = Negative or Improper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use	+		+				++
Use Controls	+		-				+
Density or Number of Units							
Lot Size							
Scale							
Environmental Considerations	OK		-				
Emissions	OK		+(better)				
Landscaping or Site Plans							
Buffering or Setbacks							
Traffic Related Commitments							
Other Infrastructure Commitments							
Compliance with City Plans							
Timeliness of Text Submission							
Area or Civic Assoc. Recommendation	-		-				-
Governmental or Public Input	+						
MEMBER COMMENTS:							
FITZPATRICK: ADDED BUILDING SATISFIES MY CONCERN FOR DUST. DETAILS REGARDING ON-GOING USE CAN BE MONITORED BY "SPECIAL USE" PERMIT PROCESS. I APPRECIATE "GREEN" EFFORTS BY INTERVIEWED BUSINESSMAN.							
INGWERSEN: STILL CONCERNED WITH THE NATURE OF A SALVAGE OPERATION SO NEAR TO RESIDENTIAL. NO MATTER HOW IMPROVED, OPERATOR MUST OBTAIN A SPECIAL PERMIT. HOWEVER I HAVE NEVER LEARNED OF ONE BEING REVIEWED - AND THIS OPERATION HAS LIBERALLY DUSTED THE NEIGHBORS RECENTLY.							
ANDERSON: my hesitation was generated by the disapproval of the Area Commission. The additions to the text for non-permitted uses will help.							
COOLEY: (INGWERSEN II) THIS SITE IS WEST OF RESIDENTIAL, SO PREVAILING WINDS WILL CARRY DUST & ODORS TOWARDS THE HOMES. 'GREEN' OPERATIONS SHOULD BE GREEN.							
CONROY:							
ONWUKWE:							
COE: I believe this is an appropriate landuse. The special permit should address the community concerns. I appreciate the changes made by the applicant.							

THE CITY OF
COLUMBUS
MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Rezoning Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #

214-035

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

Julia Cotugno

of (COMPLETE ADDRESS)

88 N Waverly St Columbus OH 43213

deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. Major Contracting Company 3923 E Main St Columbus OH 43213 100 employees Lynn Edleman (614) 327-6524	2. Green Earth Recycling LLC 2132 Brice Rd, PO Box 261, Brice OH 43109 8 employees Jim Cotugno (614) 661-1304
3.	4.

SIGNATURE OF AFFIANT

Julia Cotugno

Sworn to before me and signed in my presence this

21st

day of

May

, in the year

2015

Notary Seal Here

SIGNATURE OF NOTARY PUBLIC

My Commission Expires



LUFUL FISHER
Notary Public, State of Ohio
My Commission Expires June 7, 2016

This Project Disclosure expires six (6) months after the date of notarization.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer