



Legislation Text

File #: 1339-2015, **Version:** 1

Rezoning Application Z14-035

APPLICANT: Green Earth Recycling LLC; c/o Julia Cotugno, Agent; 6820 Clearhurst Drive; Columbus, Ohio 43229.

PROPOSED USE: Salvage and recycling operation.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-1) on February 12, 2015.

FAR EAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The property is zoned in the R, Rural District and is occupied by a salvage facility that recycles shingles. 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 subject property historically was used as a lumber yard that was annexed into Columbus in 1974. 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 request is consistent with the land use recommendations of the *Brice Tussing Plan*, which recommends light manufacturing and office uses. 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. Although the proposed limitation text provides restrictions for the recycling operation that were negotiated with the area commission and the Development Commission, this rezoning will not permit the recycling operation. The recycling operation must be zoned manufacturing and must obtain a Special Permit from the Board of Zoning Adjustment (BZA). This rezoning request will establish a limited manufacturing district as recommended by the area plan and will permit the applicant to request a Special Permit from the Board of Zoning Adjustment to legitimize the recycling operation. The Zoning Code provides that when considering Special Permit requests, the BZA may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures 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. Staff has concerns regarding the appropriateness of the recycling facility at this location, but recognizes that such use will require a separate review process by way of the Special Permit application to the BZA. Additional conditions and limitations may be imposed during that process.

To rezone **2932 BRICE ROAD (43109)**, being 6.92± acres located on the east side of Brice Road, 445± feet north of the intersection of Refugee Road and Brice Road, From: R, Rural, To: L-M, Limited Manufacturing District (Rezoning # Z14-035).

WHEREAS, application #Z14-035 is on file with the Department of Building and Zoning Services requesting rezoning of 6.92± acres from R, Rural District, to L-M, Limited Manufacturing District; and

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

WHEREAS, the Far East Area Commission recommends disapproval; and

WHEREAS, the City Departments recommend approval of said zoning change because the request is consistent with the land use recommendations of the *Brice Tussing Plan*, contains appropriate limitations in consideration of residential uses south of the adjacent railroad tracks, and will allow the applicant to request the necessary Special Permit from the Board of Zoning Adjustment to permit the continuation of the recycling operation; and

WHEREAS, although the proposed limitation text provides restrictions for the recycling operation that were negotiated with the area commission and the Development Commission, this rezoning will not permit the recycling operation. The recycling operation must be zoned manufacturing and must obtain a Special Permit from the Board of Zoning Adjustment. This rezoning request will establish a limited manufacturing district as recommended by the area plan and will permit the applicant to request a Special Permit from the Board of Zoning Adjustment to legitimize the recycling operation. The Zoning Code provides that when considering Special Permit requests, the BZA may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures 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. Staff has concerns regarding the appropriateness of the recycling facility at this location but recognizes that such as use will require a separate review process by way of the Special Permit application to the BZA; 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:

2932 BRICE ROAD (43109), being 6.92± acres located on the east side of Brice Road, 445± feet north of the intersection of Refugee Road and Brice Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of the southwest quarter of Section 25, Township 12, Range 21, Refugee Lands, and being part of a 10 acre tract conveyed to Major Contracting Co. in Deed Book (D.B.) 3046, pg. 104, Franklin County Recorder's Office;

All records referred to are those of record in the Franklin County Recorder's Office;
BEGINNING for reference at the northeast corner of the J. B. Powell's Addition to Brice, Plat Book (P.B.) 5, pg. 72, being the intersection of the east line of Peters St. (20' wide) and the south line of the Conrail Railroad (50' wide), being the northwest corner of a 1.33 acre tract conveyed to Tonya L. Beaver in Instrument (Instr.) No. 201310240179539, and being a corner of the Village of Brice, Miscellaneous Records (M.R.) 124, pg. 252 and P.B. 32, pg. 17-A, and of the City of Columbus, Case COC No. 461, M.R. 162, pg. 613;

THENCE South 58 degrees 49 minutes 08 seconds East, a distance of 109.18 feet, along the south line of the said Conrail Railroad and the north line of the said 1.33 acre tract, and the common incorporation line of the said Village of Brice and of the said City of Columbus, to a point, being a corner of the said common incorporation line;

THENCE North 04 degrees 31 minutes 44 seconds East, a distance of 55.94 feet, crossing the said Conrail Railroad and along the said common incorporation line, to a point, being in the north line of the said Conrail Railroad and in a south line of the said 10 acre tract, and being the True Point of Beginning;

THENCE North 04 degrees 31 minutes 44 seconds East, a distance of 283.72 feet, crossing the said 10 acre tract and along the said common incorporation line, to a point, being in a north line of the said 10 acre tract and in the south line of a 5.446 acre tract conveyed to The Ohio Bell Telephone Co. in D.B. 3470, pg. 26, and being a corner of the said common incorporation line;

THENCE South 85 degrees 33 minutes 23 seconds East, a distance of 667.02 feet, along a north line of the said 10 acre

tract and the south line of the said 5.446 acre tract, and the south line of 5.262 acre tract conveyed to David Donley in Instr. No. 201501290011932, to a point, being the northeast corner of the said 10 acre tract and the northwest corner of a 9.851 acre tract conveyed to SB Columbus, LLC in Instr. No. 201012230175432;

THENCE South 04 degrees 26 minutes 37 seconds West, a distance of 619.96 feet, along the east line of the said 10 acre tract and the west line of the said 9.851 acre tract, to a point, being the southeast corner of the said 10 acre tract and the southwest corner of the said 9.851 acre tract, and being a point on the north line of the said Conrail Railroad;

THENCE North 58 degrees 49 minutes 08 seconds West, a distance of 747.35 feet, along a south line of the said 10 acre tract and the north line of the said 9.851 acre tract, to the True Point of Beginning, having an area of 301,518 square feet or 6.922 acres to be rezoned;

The area to be re-zoned is comprised of all of P.I.D. 530-166431.

To Rezone From: R, Rural 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 changes 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, "**LIMITATION TEXT**," dated February 12, 2015, and signed by Julia Cotugno, Applicant, and the text reading as follows:

LIMITATION TEXT

Property Location: 2932 Brice Rd (43068), being 6.92± acres located north of Norfolk Southern RR, west of Gender Road, east of Brice Road and south of Centennial Drive.

Parcel No.: 530 - 166431

Owner: Major Contracting Company

Applicant: Green Earth Recycling LLC. 2932 Brice Rd, PO Box 251, Brice OH 43109

Existing District: R-1 Rural

Proposed District: L-M - Limited Manufacturing

Date of Text: February 12, 2015

Application No.: Z14-035 (14335-00000-00547)

I. INTRODUCTION

The property consists of being 6.92± acres located north of Norfolk Southern RR, west of Gender Road, east of Brice Road and south of Centennial Drive. The property is in close proximity to a mix of light industrial/manufacturing, office, and commercial uses. Multi-family and single family residential development is located south (across the railroad tracks) of the subject property and is buffered from the site. The applicant proposes to rezone the subject site to Limited Manufacturing to allow for future warehouse, manufacturing, and commercial use/redevelopment.

II. PERMITTED USES

All M Manufacturing uses listed in Title 33, Chapters 3363.01 through 3363.03, and processing of roofing materials, building paper and felt (including asphalt and composition) under Chapter 3363.16 of the Columbus City Code shall be

permitted uses on the property, except that the following uses shall be prohibited:

- A. More objectionable manufacturing uses listed in Title 33, Chapter 3363.04 through Chapter 3363.15, all other uses listed in Chapter 3363.16, and all uses in Chapter 3363.17 of the Columbus City Code shall be prohibited;
- B. C-5 Commercial District uses listed in Title 33, Chapter 3357.01 of the Columbus City Code shall be prohibited;
- C. The following retail oriented uses shall be prohibited: Baked Goods Stores; Bars, Cabarets and Nightclubs; Bicycle Shop; Book, Newspaper and Magazine Stores; Butcher Shops, Fish, Meat, and Seafood Markets; Cafes, Delicatessens and Restaurants; Camera, Photo finishing and Photographic Supplies Stores; Check Cashing and Loans; Clothing and Clothing Accessories Stores; Coin and Stamp Dealers; Compact Disc, Music, Record and Video Stores (Includes rental); Confectionery and Nut Stores; Consumer Goods Rental; Discount Department Stores; Drug Stores and Pharmacies; Electronics Stores; Fabric, Needlework, Quilting, Sewing and Piece Goods Stores; Florists; Food and Beverage Stores; Footwear and Repair; Formal Wear and Costume Rental and Sales; Fruit and Vegetable Markets; Game, Hobby and Toy Stores; General Merchandise Stores; Gift, Novelty, and Souvenir Stores; Grocery Stores; Health Supplement and Personal Care Stores; Home Centers; Ice Cream and Yogurt Stores; Jewelry Stores; Luggage and Leather Goods Sales and Repair; Musical Instrument and Supplies Stores; News Dealers and Newsstands; Paint and Wallpaper Stores; Pawn Brokers; Shoe Stores; Specialty Food Stores; Sporting Goods and Outfitters Stores; Supermarkets; Tobacconist; Used Merchandise Stores; Warehouse Clubs and Super Centers; Window Treatment Stores;
- D. Adult entertainment establishments and adult stores shall be prohibited.
- E. Manufacturing, compounding, processing, assembling, packaging or treatment of insecticides, fungicides, disinfectants, and related industrial and household chemical compounds shall be prohibited.
- F. Plating and electrolytic process shall be prohibited.
- G. Dry cleaning plants and dyeing plants shall be prohibited.
- H. Billboards shall be prohibited.

III. DEVELOPMENT STANDARDS

Except as otherwise set forth below, the Development Standards as specified in Chapter 3363 of the Columbus City Code (M, Manufacturing District) shall apply.

- A. Subject to Paragraph III(C) below, office uses on the property shall be limited to a maximum of 67,000 square feet of gross floor area.
- B. Subject to Paragraph III(C) below, retail oriented uses on the property shall be limited to a maximum of 18,000 square feet of gross floor area.
- C. In the event a combination of office and retail oriented uses are developed on the site, development of each 1,000 square feet of gross floor area of retail oriented uses shall result in a reduction of 3,722 square feet of gross floor area from the permissible developable area of office uses as described in Paragraph III(A) above; conversely, development of each 1,000 square feet of gross floor area of office uses shall result in a reduction of 269 square feet of gross floor area from the permissible developable area of retail oriented uses as described in Paragraph III(B) above.
- D. A 50 foot no build zone will be placed along south side of property closest to residential district, also the 6 foot board on board fence from the rail spur to Village of Brice line shall be maintained and in good repair.

IV. MISCELLANEOUS CONDITIONS

In the event that that a special permit is granted to permit a grinding operation, the following conditions will apply:

- A. No grinding operation or any event that shall generate noise levels external to the site which exceed then-existing ambient conditions in the neighborhood shall take place between the hours of 5pm to 8am on weekdays and never on weekends.
- B. Grinding operation will not take place within 150 feet of the southern property line closest to residential districts.
- C. Shingle grinding operations shall take place in an enclosed structure.

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