



Legislation Text

File #: 0668-2017, **Version:** 1

Rezoning Application Z16-019

APPLICANT: ACT Commodities, LLC; c/o William J. Loveland, Atty.; 3300 Riverside Drive, Suite 125; Upper Arlington, OH 43221.

PROPOSED USE: Limited industrial and office development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on November 10, 2016.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is a former quarry being used for a concrete batch plant and container transport and storage, zoned in the EQ, Excavation and Quarrying District. The requested L-M, Limited Manufacturing District will permit continuation of the batch plant and container transport uses, and will also permit limited industrial development, including grain storage. The site is located within the boundaries of the South Central Accord (2004), which recommends "Excavation/Quarrying" land uses for this location, based on the former use. The Accord notes that quarry reclamation often results in reclaimed areas that may serve as recreational, residential, or office uses. A limited range of industrial uses that incorporate appropriate buffering and screening of adjacent residential areas can be supported. The L-M text proposes office uses, "less objectionable" manufacturing uses, and one "more objectionable" use specifically for "Flour, feed and grain milling or storage" use, as permitted by Section 3363.14 of the Zoning Code. The text also provides setbacks and a landscaped no-build buffer area that varies between 35- and 100-feet in width adjacent to residential uses and zoning designations as shown on the attached Buffer Plat. The requested L-M, Limited Manufacturing District will allow limited industrial development with appropriate use restrictions and buffered setbacks in consideration of adjacent residential uses and zoning. The proposal is consistent with other Limited Manufacturing districts that abut residential areas, and provides an appropriate reuse of a former quarrying site.

To rezone **433 LONDON-GROVEPORT ROAD (43137)**, being 195.06± acres located on the south side of London-Groveport Road, 880± feet east of Parsons Avenue, **From:** EQ, Excavation and Quarrying District, **To:** L-M, Limited Manufacturing District (Rezoning # Z16-019).

WHEREAS, application #Z16-019 is on file with the Department of Building and Zoning Services requesting rezoning of 195.06± acres from EQ, Excavation and Quarrying District, to the L-M, Limited Manufacturing District; and

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

WHEREAS, the Far South Columbus 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 will allow limited office and industrial development with appropriate use restrictions and buffered setbacks in consideration of adjacent residential uses and zoning. The proposal is consistent with other Limited Manufacturing districts that abut residential areas, and provides an appropriate reuse of a former quarrying site; 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:

433 LONDON-GROVEPORT ROAD (43137), being 195.06± acres located on the south side of London-Groveport Road, 880± feet east of Parsons Avenue, and being more particularly described as follows:

Situated in the State of Ohio, Franklin County, City of Columbus, part of Section 3 & 4, Township 3, Range 22, Part of Mathews Survey of the Congress Lands East of the Scioto River an part of lot 2 of the Mordecai-Cloud Farm as recorded in Plat Book 3, Page 318 and re-recorded in Plat Book 3, Page 382 and being part of a 355.942 acre tract conveyed to Columbus Limestone, Inc., an Ohio Corporation, in instrument number 200206200153278, as recorded in the Franklin County Recorder's Office and being more particularly described as follows:

COMMENCING at an aluminum cap stamped F.C.G.S. #0042 found at the northeast corner of section 3, Thence, along the north line of said section 3, North 86 degrees 27 minutes 04 seconds West, 3863.68 feet to a P.K nail set on the north line of section 3 and the northwest corner of a 7.359 acre tract conveyed to Nancy D. Eakin in instrument number 201309110154904 and being the TRUE POINT OF BEGINNING for the parcel herein described:

Thence, along the west line of said 7.359 acre tract, South 02 degrees 21 minutes 14 seconds West, passing a 5/8 inch rebar at 51.23 feet for a total distance of 254.73 feet to a 5/8 inch rebar found at the southwest corner of said 7.359 acre tract;

Thence, along the south line of said 7.359 acre tract, South 86 degrees 49 minutes 01 seconds East, 462.97 feet to a 5/8 inch rebar set;

Thence, along the west line of said 7.359 acre tract, South 03 degrees 40 minutes 22 seconds West, 464.48 feet to a 5/8 inch rebar set;

Thence, along the south line of said 7.359 acre tract and the south line of a 2.654 acre tract conveyed to Nancy D. Eakin in Deed Volume 3297, Page 218 and Instrument number 200812180181483, South 86 degrees 47 minutes 44 seconds East, passing a 1/2 inch pipe at 31.19 feet for a total distance of 461.40 feet to a 3" pipe found at the southeast corner of said 2.654 acre tract and on the west line of a 3.320 acre tract conveyed to Richard and Annette G. Starkey in instrument number 200807280114841;

Thence, along the west line of said 3.320 acre tract, South 02 degrees 49 minutes 55 seconds West, 551.52 feet to a 3/4 inch pipe found at the northwest corner of a 134.829 acre tract conveyed to Soil Works, LLC in instrument number 201501020000444;

Thence, along the West line of said 134.829 acre tract, South 02 degrees 25 minutes 48 seconds West, 205.41 feet to a 5/8 inch rebar set on the northeast corner of a 0.191 acre tract conveyed to South Central Power Company in Deed Volume 3047, Page 258;

Thence, along the north line of said 0.191 acre tract and the north line of a 0.126 acre tract conveyed to South Central Power Company in instrument number 200801300014518, North 86 degrees 40 minutes 24 seconds West, passing a 5/8 inch rebar found at 78.01 feet for a total distance of 127.73 feet to a 5/8 inch rebar found at the northwest corner of said 0.126 acre tract;

Thence, along the west line of said 0.126 acre tract, South 03 degrees 15 minutes 48 seconds West, 110.53 feet to a 5/8 inch rebar found at the southwest corner of said 0.126 acre tract;

Thence, along the south line of said 0.126 acre tract and the south line of said 0.191 acre tract, South 86 degrees 47 minutes 31 seconds East, passing a 5/8 inch rebar found at 50.04' for a total distance of 129.35 feet to a 5/8 inch rebar set on the west line of said 134.829 acre tract;

Thence, along the west line of said 134.829 acre tract, South 02 degrees 25 minutes 48 seconds West, 1298.93 feet to a 1 inch pipe found at an angle point in the west line of said 134.829 acre tract;

Thence, along the west line of said 134.829 acre tract, South 02 degrees 31 minutes 57 seconds West, passing a 1 inch pipe at 1136.41 feet for a total distance of 1261.34 feet to a point in Big Walnut Creek and the north line of a tract conveyed to Edward J. Herrmann, Bishop of the Diocese of Columbus in Deed Volume 3689, Page 713;

Thence, with Big Walnut Creek and the north and east lines of said tract conveyed to Edward J. Herrmann, Bishop of the Diocese of Columbus, the following courses;

South 71 degrees 01 minutes 20 seconds West, 15.98 feet to a point;

South 56 degrees 45 minutes 40 seconds West, 102.13 feet to a point;

South 77 degrees 21 minutes 20 seconds West, 244.37 feet to a point;

North 40 degrees 08 minutes 00 seconds West, 312.06 feet to a point;

North 20 degrees 12 minutes 00 seconds West, 282.34 feet to a point;

North 34 degrees 46 minutes 30 seconds West, 393.74 feet to a point;

North 62 degrees 00 minutes 00 seconds West, 466.95 feet to a point;

South 63 degrees 44 minutes 50 seconds West, 237.89 feet to a point;

South 42 degrees 04 minutes 01 seconds West, 167.19 feet to a point;

South 78 degrees 08 minutes 22 seconds West, 518.75 feet to a point;

North 81 degrees 20 minutes 57 seconds West, 214.54 feet to a point;

North 89 degrees 00 minutes 47 seconds West, 239.29 feet to a point;

North 53 degrees 34 minutes 55 seconds West, 350.44 feet to a point;

North 21 degrees 36 minutes 20 seconds West, 366.91 feet to a point;

North 11 degrees 35 minutes 17 seconds West, 325.75 feet to a point;

Thence, leaving Big Walnut Creek and along the north and east line of said tract conveyed to Edward J. Herrmann, Bishop of the Diocese of Columbus, North 83 degrees 45 minutes 25 seconds West, 85.00 feet to a 5/8 inch rebar set on the west bank of Big Walnut Creek;

Thence, along the west bank of Big Walnut Creek and the north and east lines of said tract conveyed to Edward J. Herrmann, Bishop of the Diocese of Columbus, the following courses;

North 31 degrees 47 minutes 49 seconds East, 448.11 feet to a 5/8 inch rebar set;

North 67 degrees 47 minutes 26 seconds East, 526.29 feet to a 5/8 inch rebar set;

North 71 degrees 52 minutes 06 seconds East, 210.81 feet to a 5/8 inch rebar set;

North 46 degrees 12 minutes 43 seconds East, 317.92 feet to a 5/8 inch rebar set;

North 27 degrees 35 minutes 23 seconds East, 197.52 feet to a 5/8 inch rebar set;

North 11 degrees 29 minutes 13 seconds East, 243.64 feet to a 5/8 inch rebar set;

North 29 degrees 28 minutes 24 seconds West, 260.67 feet to a 5/8 inch rebar set at the southeast corner of a 16.33 acre tract conveyed to Rhett A. Plank, Trustee, ET AL in Deed Volume 964, Page 483, instrument number 199709050087459 and instrument number 199709050087460;

Thence, along the east line of said 16.33 acre tract, North 04 degrees 59 minutes 28 seconds East, passing a 5/8 inch rebar set at 1201.28 feet for a total distance of 1252.28 feet to a P.K. nail set on the north line of section 3;

Thence, along the north line of section 3, South 86 degrees 27 minutes 04 seconds East, 1122.88 feet to the TRUE POINT OF BEGINNING, containing 195.061 acres.

It is understood that the parcel of land described contains, 195.061 acres, more or less, including the present road occupies, 1.292 acres, more or less located in Franklin County Auditor's Parcel No. 495-232643-00.

All iron pins set are 5/8 inch x 30 inch rebar with an orange plastic cap stamped "2LMN".

Description prepared from an actual field survey by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. #7798, August, 2015.

The bearings described herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The west line of said 0.126 acre tract, having a bearing of South 03 degrees 15 minutes 48 seconds West and monumented as shown is designated the "basis of bearing" for this description.

To Rezone From: EQ, Excavation and Quarrying 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 plan being titled, "**FINAL BUFFER PLAT**," signed by Robert Landis, Owner, and text titled, "**FINAL LIMITATION TEXT**," signed by William J. Loveland, Attorney for the Applicant, both dated February 23, 2017, and the text reading as follows:

FINAL LIMITATION TEXT

**PROPERTY AT 433 LONDON GROVEPORT ROAD,
COLUMBUS, OHIO
REZONING APPLICATION Z16-019
(Development Commission Approval November 10, 2016)**

Existing District: EQ, Excavation and Quarrying District

Proposed District: L-M Limited Manufacturing District

Property Address: 433 London Groveport Road (43137)

Owner: ACT Commodities, LLC

Applicant: ACT COMMODITIES, LLC

Application Number: Z16-019

Date of Final Text: February 23, 2017

I. INTRODUCTION

The subject site ("the Site") consists of 195.06+/- acres of land located on the south side of London-Groveport Road, 880+/- feet east of Parsons Avenue, and is Franklin County Auditor Parcel No. 495-232643-00. It consists of acreage that was, for many years, a part of the Columbus Limestone, Inc. quarry. Quarrying operations on the Site were discontinued several years ago. Approximately ½ of the acreage of the Site consists of a large quarry lake or ponds. The Site is bordered on its west and south borders by a meander of the Big Walnut Creek, and alongside much of the southerly 2/3 of the east border of the Site, but not on the Site, is a second large quarry lake or pond. The applicant purchased the Site in October of 2015.

For many years a concrete batch plant has operated at and from the Site, and that plant continues to operate at the Site, pursuant to a long-term lease, as a lawful non-conforming use. For several years the Applicant, through a sister company named AG Container Transport, LLC, has also used the Site for the operation of a grain containerization facility. At this facility agricultural products are delivered, transferred to shipping containers, and then transported by truck, generally to nearby rail facilities.

The Site is currently bounded on the easterly portion of its north boundary, across the pond adjacent to much of its east boundary, and adjacent to +/3 300 feet of the south end of the east boundary line, by residentially zoned property. The three lots adjacent to the stair-step northeast boundary of the Site contain rural residences, on land zoned R-1 in the City of Columbus, and the land to the east across and south of the large pond adjacent to the east border of the Site is zoned Planned Residential in Hamilton Township, but is undeveloped. The properties south of and west of the Site, all located across the Big Walnut Creek from the Site, are zoned EQ or Manufacturing in the City of Columbus. Currently, only three residentially used properties adjoin the Site. The area is predominantly zoned as quarrying and manufacturing with, again, some single-family residential parcels along the north-east corner of the Site.

In its amended rezoning application, and pursuant to the November 10, 2016 Recommendation of Approval of the City of Columbus Development Commission, Applicant proposes to rezone the Site from EQ to Limited Manufacturing to allow the current uses to continue and, in the case of the containerization business, expand, and to allow for other non-objectionable manufacturing and office uses on the property, subject to the Limitations of this Development Text.

II. PERMITTED USES

Those uses permitted in Sections 3363.02 through 3363.08 inclusive, consisting of those less objectionable uses permitted in M-Manufacturing districts under the Columbus City Zoning Code, shall be permitted. Additionally, “Flour, feed and grain milling or storage” uses, as permitted by Section 3363.14 of the Columbus City Zoning Code, shall be permitted. Office uses permitted in the C-2 Office Commercial District shall also be permitted uses, provided that not more than 25,000 square feet of office space shall be constructed or used on the Site. No other commercial uses shall be permitted uses on the Site.

III. DEVELOPMENT STANDARDS

Unless otherwise indicated, the applicable development standards are contained in Chapter 3363 M, Manufacturing of the Columbus City Code.

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

1. Building setback from London Groveport Road shall be a minimum of 60 feet.
2. Parking setback from London Groveport Road shall be a minimum of 35 feet.
3. The building setbacks shall be a minimum of 100 feet from any residentially-zoned and residentially-used property, except as stipulated in III.C. below.

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

1. Any and all traffic related commitments shall be designated and located to the specifications of the City of Columbus Department of Public Service. A traffic access study shall be completed and submitted to the City of Columbus Department of Public Service prior to completion of review of the Applicant’s site compliance plan, and the approval of that study and the Owner’s commitment to implementation of any access improvements or changes required as a result of that study shall be required prior to approval of the Applicant’s site compliance plan.
2. Applicant will additionally commit a right of way dedication of 60 feet from the centerline along London Groveport Road as required by C.C.C. Section 4309.17.

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

Except for at the location where the entrance roadway and easement ingress-egress prevents it, the applicant shall maintain a 100-foot no-build and vegetated buffer zone, as measured from the irregular “stair-step” border of the northeast corner of the Site, and as shown on the Final Buffer Plat that is submitted with and hereby made a part of this Limitation Text. Additionally, the applicant shall establish and maintain this 100-foot no-build and vegetated buffer zone along the south portion of the east border of the property, south of the pond on the adjacent property, and adjacent to the property that is currently undeveloped, but zoned PUD-4, Planned Unit Development District. This buffer zone will buffer and screen the Site from residential property owners located to the northeast and east of the Site, and shall be maintained as a natural treed buffer zone for as long as those properties are zoned residential. Along the remainder of the east and irregular northeast boundaries of the site, the Owner shall establish and maintain a 35’ wide no-build natural buffer and screening zone. It is the intent of these no-build buffer zones to buffer and screen the manufacturing uses of the Site from the residences existing adjacent to the northeast borders of the Site, and the residentially zoned properties located in the Township to the east of the Site and south of the residential properties located in the City of Columbus.

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

Outdoor storage of equipment and materials shall be permitted provided that all storage areas shall be completely screened from view from the existing adjacent residentially-zoned properties.

E. Graphics and Signage Commitments

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

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