

Rezoning Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

OFFICE (PHONE)

Application Number: 216-019 Date Received: 3/31/16
Application Accepted by: SP & TD Fee: \$7,000
Comments: Assigned to Shannon Pine; spinc@columbus.gov; 614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 433 London Groveport Road, Lockbourne, Ohio Zip: 43137
Is this application being annexed into the City of Columbus? Select one: YES NO
If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.
Parcel Number for Certified Address: 495-232643-00
 Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): EQ Requested Zoning District(s): M
Area Commission or Civic Association: FAR SOUTH COLUMBUS AREA COMMISSION
Proposed Use or reason for rezoning request (continue on separate page if necessary):
SEE ATTACHMENT 1
Proposed Height District: 35' [per Columbus City Code Section 3309.14] Acreage 195.061

APPLICANT:

Name: ACT Commodities, LLC Phone Number: (740) 503-3979 Ext.: _____
Address: 433 London Groveport Road City/State: Columbus, Ohio Zip: 43137
Email Address: robert@agcontainertransport.com Fax Number: _____

PROPERTY OWNER(S) Check here if listing additional property owners on a separate page

Name: ACT Commodities, LLC Phone Number: (740) 503-3979 Ext.: _____
Address: 433 London Groveport Road City/State: Columbus, Ohio Zip: 43137
Email Address: robert@agcontainertransport.com Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): Attorney Agent

Name: William J. Loveland Phone Number: (614) 928-9107 Ext.: _____
Address: 3300 Riverside Drive - Suite 125 City/State: Upper Arlington, Ohio Zip: 43221
Email Address: wloveland@lovelandlaw.net Fax Number: (614) 737-9857

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Robt Zepko, President
PROPERTY OWNER SIGNATURE Robt Zepko, President
ATTORNEY / AGENT SIGNATURE William J. Loveland

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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Rezoning Application

216-019

Attachment 1

Application of:

ACT Commodities, LLC

+/- 195.061 Acres of Land at 433 London Groveport Road, Columbus, Ohio

Request to Rezone Property From EQ District to M District

The applicant, ACT Commodities, LLC ("ACT"), purchased the previously quarried property that is the subject of this rezoning application from Columbus Limestone, Inc. in a transaction that closed in January of this year. ACT is seeking this rezoning in order to recognize the uses that have been established on the property for a number of years, pursuant to leases from Columbus Limestone. A small concrete batch plant has long operated, and continues to operate at and from the property, and the business of AG Container Transport, LLC (an entity that is a sister company to the applicant) has operated an agricultural product containerization business at the property. The applicant seeks the "M" zoning classification in order to allow these businesses to continue, and grow.

The batch plant employs approximately 15 people at and from this location, and AG employs approximately 65 people at or from this site.

As noted above, for many years this property was a part of the extensive limestone quarrying operations pursued by Columbus Limestone, Inc., and others on Columbus' far south side. This is a parcel that was a part of a larger parcel that for was owned by and was used by Columbus Limestone, Inc. as a quarry, for the excavation of stone, sand and gravel. Quarrying operations on this property ceased several years ago, and are now prohibited by deed restriction (deed attached) . A substantial portion of the property is covered by quarry lakes and ponds, and most of the property is located in the regulatory floodway.

At some time before 1994, when this property was located still located in Hamilton Township, the property was zoned Rural (R), overlaid by the Excavation and Quarry (EQ) District. In 1994, Franklin County approved "The processing of concrete products and ready mix concrete using temporary plants and equipment", requiring that the concrete plant(s) remain 600' set back from the property lines. A concrete batch plant was then constructed on the site, and remains in operation on the site to the present day.

Not long ago the property was annexed to the City of Columbus. In 2012 Columbus Limestone, Inc. leased the part of the property not occupied by the concrete batch plant to AG Container Transport, LLC. Following the annexation, the property was designated as within the City of Columbus' EQ, "Excavation and Quarrying" zoning district. That district exists and is defined in Chapter 3369 of Columbus City Zoning Code.

AG Container Transport, LLC, is the company that the Landis family formed, and has operated, for many years. The company was formed and operated in conjunction with the family's farm operations, which involve approximately 4,000 acres of farmed property near Baltimore, Ohio.

AG's business involves the operation for the handling and containerization of agricultural products, including agricultural products produced by the family's farms, for distribution. AG accepts deliveries of farm products arriving in a variety of conveyance vehicles, transferring those agricultural products to shipping containers, and assisting with the logistics of transferring those shipping containers to the railroad terminal at Rickenbacker, and to other locations. To date 100% of the product handled by the facility has been agricultural products, consisting primarily of soy beans and the distiller's grain. As a part of the operation, shipping containers and appropriate tractor trailer trucks come to and from, and for brief periods of time are stored at, the property. Additionally, transfer and processing equipment and storage silos have been brought to the property, or are planned for construction on the property. AG has brought a construction trailer to serve as its temporary office on the property. In the future, it would like to construct an additional office facility and, if permitted, a small warehouse. Of course, all operations and construction will need to be designed and build in accordance with the applicable floodplain regulations.

As is shown by the survey, drawings, and aerial views submitted with this application, the site is surrounded by bodies of water, and is in large part screened by substantial hills and earthen mounds. The surrounding uses are agricultural, mining uses, and a cemetery - and only one residentially used property abuts the property. The site is in an area of Franklin County that is dominated by industrial and manufacturing uses, and the rezoning would be consistent with that development pattern. The rezoning is needed because the primary use permitted under current zoning, mining activity, is no longer viable or possible on this parcel. Because of the jobs involved, because of the configuration and the location of the property, and because rezoning is a necessity, the Applicant respectfully submits that this rezoning request is proper and appropriate.

Rezoning Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: 216-019

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME William L. Loveland
of (1) MAILING ADDRESS 3300 Riverside Drive, Suite 125, Upper Arlington, Ohio 43221

deposes and states that (he/she) is the applicant, agent or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 433 LONDON GROVEPORT ROAD
for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 3-31-16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME (4) ACT Commodities, LLC
AND MAILING ADDRESS 433 London-Groveport Road
Columbus, Ohio 43137

APPLICANT'S NAME AND PHONE # (5) ACT Commodities, LLC
(same as listed on front application) Attn: Robert Landis (740) 503-3979

AREA COMMISSION OR CIVIC GROUP (5) FAR SOUTH COLUMBUS AREA COMMISSION
AREA COMMISSION ZONING CHAIR Robin Winters / Becky Walcott
OR CONTACT PERSON AND ADDRESS 723 TROTTER RD., COLUMBUS OH 43205

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

(8) SIGNATURE OF AFFIANT [Handwritten Signature]

Sworn to before me and signed in my presence this 31st day of March, in the year 2016

[Handwritten Signature]
(8) SIGNATURE OF NOTARY PUBLIC



DELLA M. CROSS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5-02-16

Notary Seal Here

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

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216-019

Applicant
ACT COMMODITIES LLC
433 LONDON GROVEPORT RD
COLUMBUS OH 43137

Property owner
ACT COMMODITIES LLC
433 LONDON GROVEPORT RD
COLUMBUS OH 43137

Attorney
WILLIAM L LOVELAND
ATTORNEY AT LAW
3300 RIVERSIDE DR - #125
UPPER ARLINGTON OH 43221

FAR SOUTH COLUMBUS
AREA COMMISSION
BARCACK RECREATION CENTER
580 E WOODROW
COLUMBUS OH 43207

FAR SOUTH COLUMBUS
AREA COMMISSION
C/O ROBIN WATSON CHAIRPERSON
3802 HIGHEE DRIVE EAST
COLUMBUS OH 43207

FAR SOUTH COLUMBUS
AREA COMMISSION
C/O BECKY WALCOTT, ZONING CHAIR
723 IVORTON ROAD SOUTH
COLUMBUS OH 43207

Surrounding property owners

SOUTH CENTRAL POWER CO
DIRECTOR OF ACCOUNTING
P O BOX 250
LANCASTER OH 43130-0250

NATIONAL LIME AND STONE
COMPANY
P O BOX 120
FINDLAY OH 45839-0120

FRANKLIN COUNTY
COMMISSIONERS
373 S HIGH ST - 26TH FLOOR
COLUMBUS OH 43215-4591

FVW POST 2505
P O BOX 15
LOCKBOURNE OH 43137-0015

NANCY D EAKIN
645 LONDON GROVEPORT RD
LOCKBOURNE OH 43137-9219

YAN KE
2137 AVALON PLACE
COLUMBUS OH 43219-2618

SCIOTO DOWNS INC
P O BOX 7823
COLUMBUS OH 43207-0823

NAKANISHI NAAMON
2956 MUFFIN WAY
COLUMBUS OH 43207-8619

RICHARD L STARKEY
ANNETTE G STRAKEY
677 LONDON GROVEPORT RD
LOCKBOURNE OH 43137-9219

VICKIE E WARD
9725 BUSSERT RD SW
AMANDA OH 43102-9420

RHETT A PLANK 1/12 TRUSTEE
CHARLES A OGER ET AL
7545 SLATE RIDGE BLVD
REYNOLDSBURG OH 43068

CITY OF COLUMBUS
REAL ESTATE MANAGEMENT
90 W BROAD ST - ROOM 425
COLUMBUS OH 43215-9000

COLUMBUS LIMESTONE INC
P O BOX 266
THORNVILLE OH 43076-0266

PATRICK SHIPLEY
665 E LONDON GROVEPORT RD
LOCKBOURNE OH 43137

ST JOSEPH S CEMETERY
EDWARD J HERRMANN BISHOP
6440 S HIGH ST
LOCKBOURNE OH 43137-9207

CABOT IV-OH1B01 LLC
1 BEACON ST - SUITE 1700
BOSTON MA 02108-3106

SOIL WORKS LLC
2040 ALUM CREEK DR
COLUMBUS OH 43207-1797

Rezoning Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
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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 # 216-019

STATE OF OHIO
COUNTY OF FRANKLIN

William L. Loveland

Being first duly cautioned and sworn (NAME) _____
of (COMPLETE ADDRESS) 3300 Riverside Drive, Suite 125, Upper Arlington, Ohio 43221

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

<p>1. ACT Commodities, LLC 433 London-Groveport Road Columbus, Ohio 43147</p>	<p>2. Contact: Robert Landis 433 London-Groveport Road Columbus, Ohio 43137 740-503-3979</p>
<p>3. The batch plant employs ±15 people working at or from the site. A.G. Container Transport, LLC employs ±65 people at or from the site.</p>	<p>4.</p>

SIGNATURE OF AFFIANT *William L. Loveland*

Sworn to before me and signed in my presence this 30th day of March, in the year 2016

Della M. Cross
SIGNATURE OF NOTARY PUBLIC



Notary Seal Here
DELLA M. CROSS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5-02-16

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

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City of Columbus Zoning Plat *z/16-019*



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 495232643

Zoning Number: 433

Street Name: LONDON GROVEPORT RD

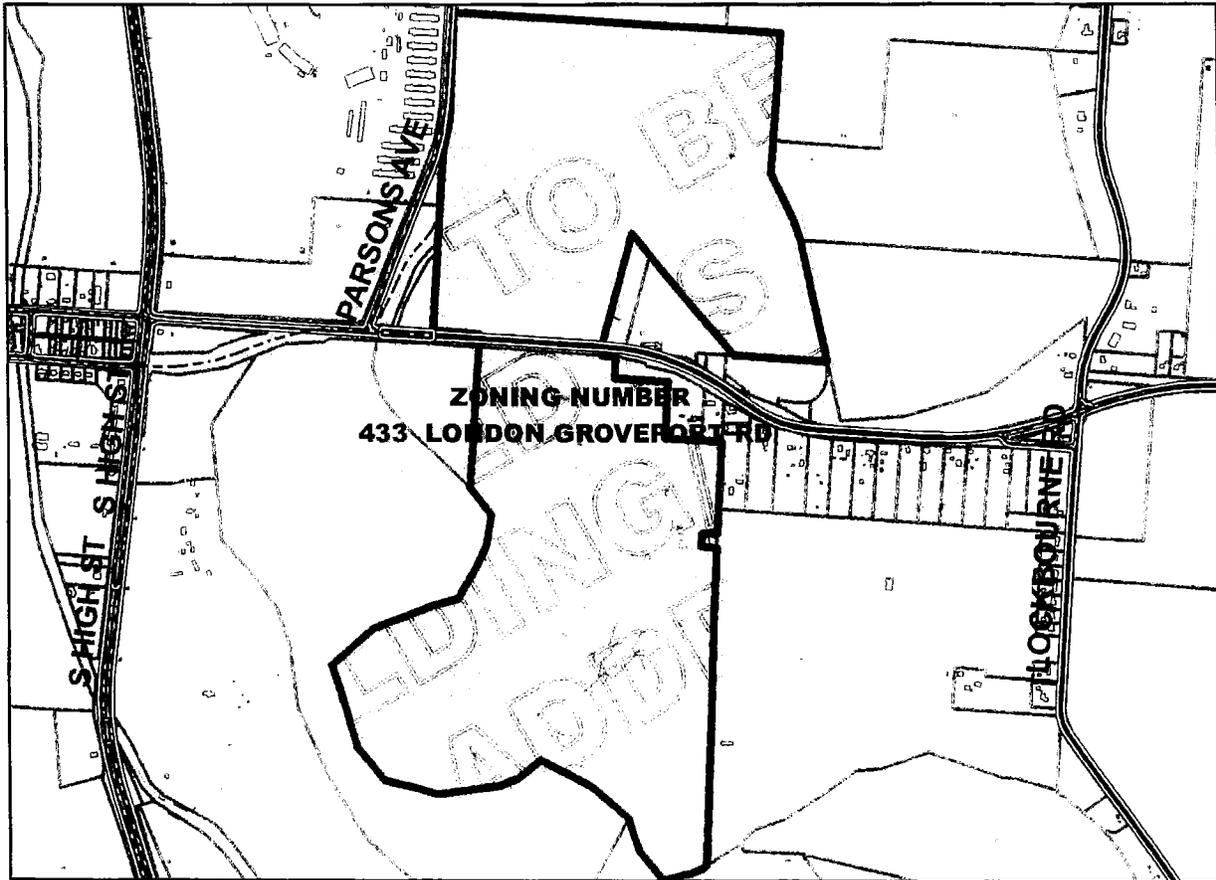
Lot Number: N/A

Subdivision: N/A

Requested By: LOVELAND LAW, LLC (DELLA M CROSS)

Issued By: *Delyna Amarican*

Date: 3/24/2016



SCALE: 1 inch = 1,500 feet

GIS FILE NUMBER: 60276



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

216-019

Page 1 of 4
1/28/2016

Legal Description
195.061 Acres

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;

Legal Description
195.061 Acres

Thence, along the west line of said 3.320 acre tract, **South 02 degrees 49 minutes 55 seconds West, 551.52 feet** to a ¾ 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. Hermmann, 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. Hermmann, 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;

Legal Description
195.061 Acres

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. Hermmann, 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. Hermmann, 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;

Legal Description
195.061 Acres

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.

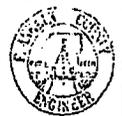
Richard F. Mathias
Richard F. Mathias, P.S.
Professional Land Surveyor No. 7798

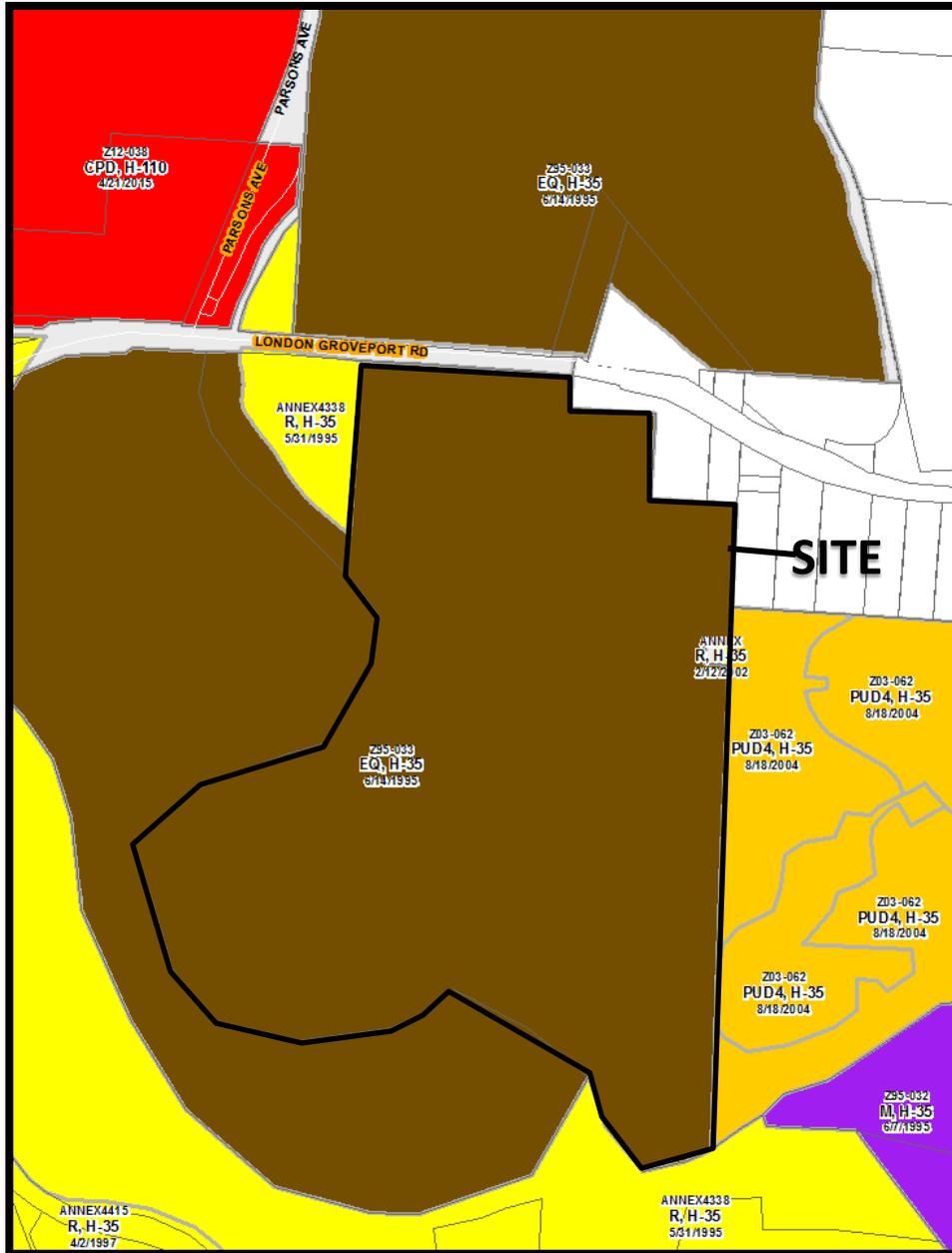


0-25-E
SPLIT
195.061 AC.
OUT OF
(495)
232643

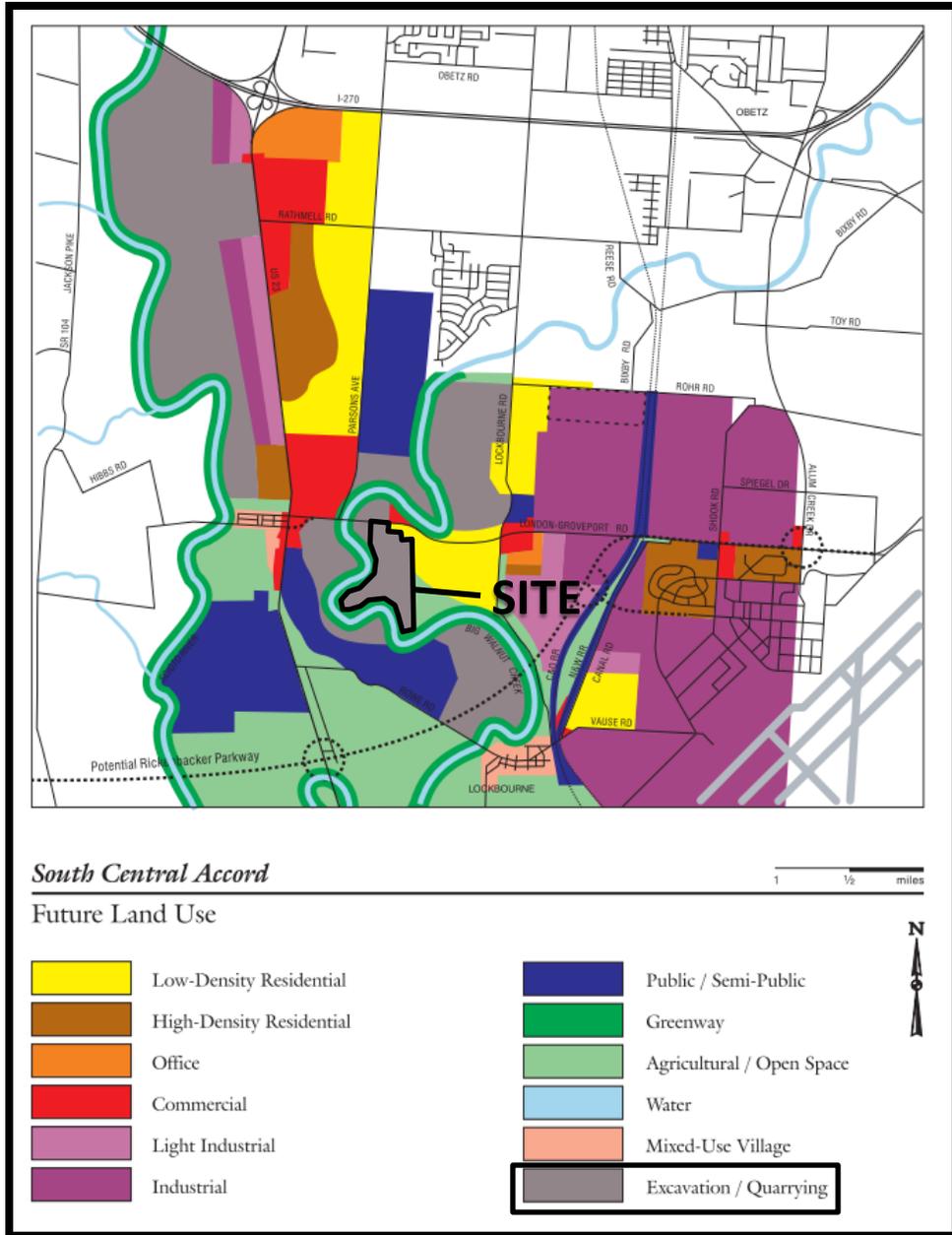
8-20-15

Date
DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: *DRS*
DATE: *1/28/16*





Z16-019
 433 London Groveport Road
 Approximately 195.06 acres
 EQ to M



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 EQ to M



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Approximately 195.06 acres
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