

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
NOVEMBER 10, 2016**

- 9. APPLICATION: Z16-019**
Location: **433 LONDON-GROVEPORT ROAD (43137)**, being 195.06± acres located on the south side of London-Groveport Road, 880± feet east of Parsons Avenue (part of 495-232643; Far South Columbus Area Commission).
Existing Zoning: EQ, Excavation and Quarrying District.
Request: L-M, Limited Manufacturing District.
Proposed Use: Limited industrial development.
Applicant(s): ACT Commodities, LLC; c/o William J. Loveland, Atty.; 3300 Riverside Drive, Suite 125; Upper Arlington, OH 43221.
Property Owner(s): The Applicant.
Planner: Shannon Pine; 614-645-2208; spine@columbus.gov

BACKGROUND:

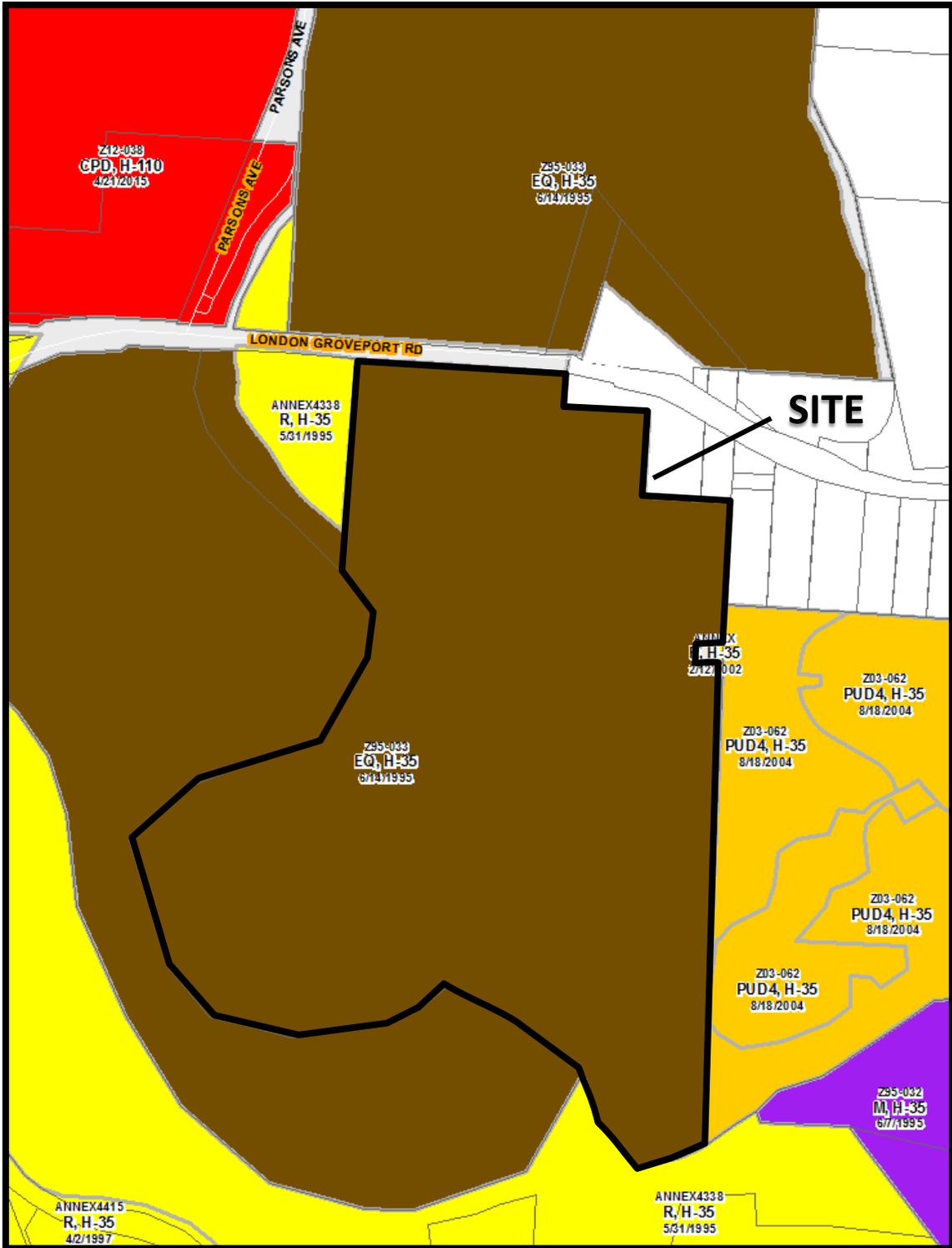
- o The 195.06± acre site is being used for quarrying, a concrete batch plant, and container transport/storage, and is zoned EQ, Excavation and Quarrying District. The requested L-M, Limited Manufacturing District will permit continuation of the batch plant and container transport uses after the quarry discontinues operations, and will also permit limited industrial development, including grain storage.
- o To the north is undeveloped land in the EQ, Excavation and Quarrying District. Also north are a VFW and a single-unit dwelling, both in Hamilton Township. To the east are single-unit dwellings in Hamilton Township, and undeveloped land in the PUD, Planned Unit Development District. To the south is undeveloped land in the EQ, Excavation and Quarrying, and R, Rural districts. To the west is undeveloped land in the EQ, Excavation and Quarrying District.
- o 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 existing 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.
- o The site is located within the boundaries of the Far South Columbus Area Commission who recommends approval of the requested L-M district.
- o The L-M text proposes less objectionable 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. Office uses permitted in the C-2 Office Commercial District are also permitted, and are limited to a maximum of 25,000

square feet. No other commercial uses are proposed. The text also provides setbacks and a landscaped no-build buffer area adjacent to residential uses and zoning designations. The revised limitation text had not been thoroughly reviewed at the time this report was finalized, but Staff will continue to work with the applicant to have any necessary revisions made prior to City Council consideration.

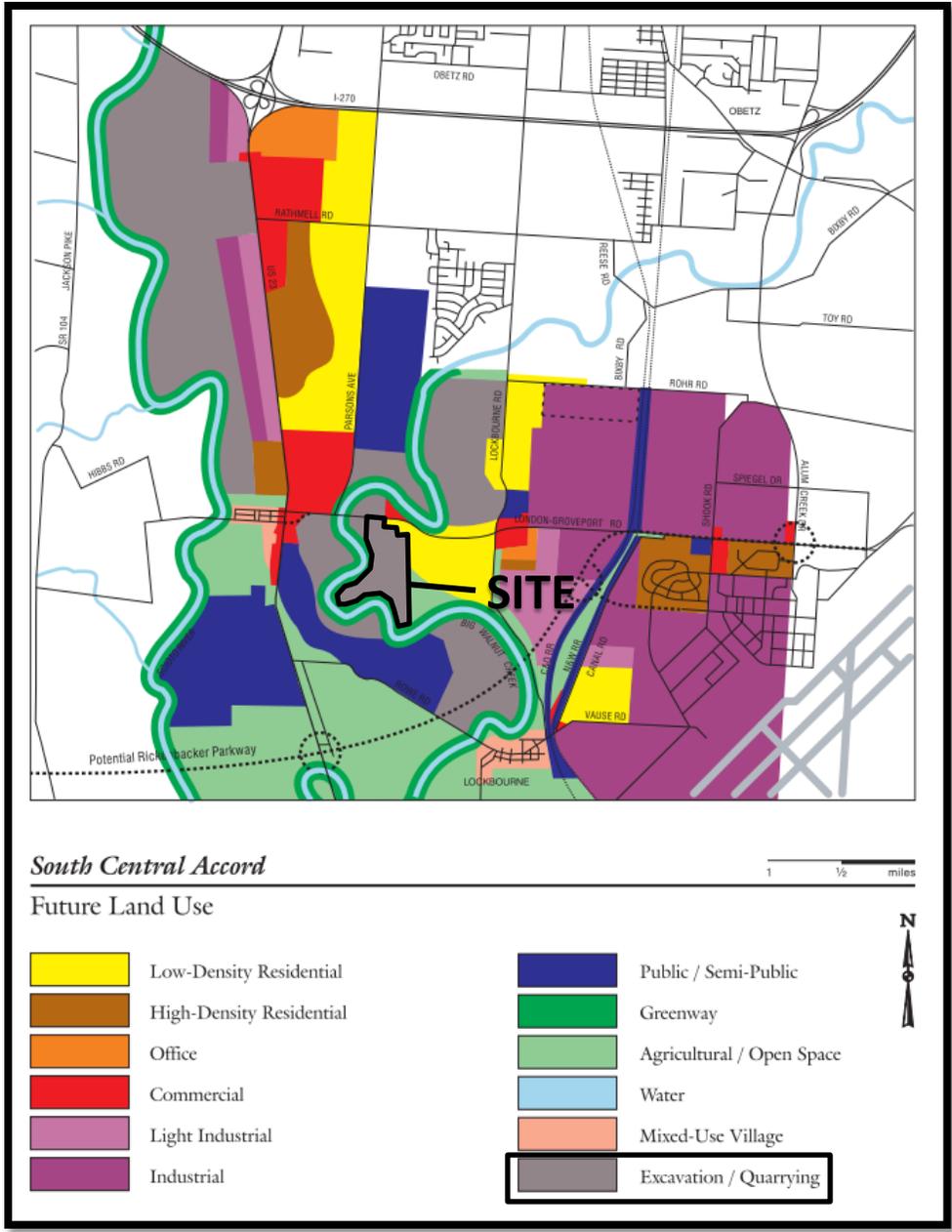
- o The *Columbus Thoroughfare Plan* identifies London-Groveport Road as a 4-2D arterial requiring a minimum of 60 feet of right-of-way from the centerline.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

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 quarrying site.



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



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



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

Amended Rezoning Application
Application No. Z16-019

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 L-M (Limited Manufacturing) District

In January of 2016 the applicant, ACT Commodities, LLC ("ACT"), purchased the previously quarried property that is the subject of this amended rezoning application from Columbus Limestone, Inc. 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, Inc. 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 "L-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.

This application has been amended from an application seeking the "M" zoning district to an application seeking to rezone to the "L-M" district in response to the comments contained in the April 26, 2016 Staff Report addressing the original application. The amended application substantially limits the permissible uses for the property by excluding all more objectionable uses (as defined by the Columbus City Code), and by excluding retail uses. Additionally, the amendment responds to comments requesting the establishment of vegetated "no-build" buffer zones adjacent to the northeast and east borders of the Site, to preserve existing wooded areas that to buffer the commercial activities on the Site from the residential and possible residential uses of the parcels to the northeast, and to the east of the property.

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 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 still 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 built in accordance with the applicable floodplain regulations.

As is shown by the survey, drawings, and aerial views submitted with this application, the site contains and is surrounded by bodies of water, and is in large part screened by substantial hills, forest, and earthen mounds. The surrounding uses are agricultural, mining uses, and a cemetery - and only three residentially used properties

abut the property, and they are all screened by a forested area that is proposed to be preserved.

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 the rezoning is a necessity, the Applicant respectfully submits that this amended and limited rezoning request is proper and appropriate.

LIMITATION TEXT

**PROPERTY AT 433 LONDON GROVEPORT ROAD,
COLUMBUS, OHIO
REZONING APPLICATION Z16-019
(Second Amendment to Rezoning Application 11-4-16)**

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: October 21, 2016

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 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.

II. PERMITTED USES

Those uses permitted in Sections 3363.02 thru 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 use 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 at 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.
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 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 drawings that area attached to and made a part of this Limitation Text, as Exhibits A and B. 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. 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.

The undersigned, being the owner of the subject property together with the applicant in the subject application, or their authorized representatives does hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code.



LIMITATION TEXT - 2-16-019

FRANKLIN COUNTY, OHIO

EXHIBIT B

9-13

THE DATA ON THIS MAP WAS ORIGINALLY COMPILED AT 1"=100'

= 100' BUFFER

= 35' BUFFER

THIS M
USE BY

Pine, Shannon L.

From: Pine, Shannon L.
Sent: Wednesday, April 20, 2016 9:31 AM
To: 'Becky Walcott'
Subject: RE: Rezoning Application Z16-019 433 London Groveport Road

Thank, Becky. Are you able to complete the attached form? If not, could you include the meeting date and vote in an e-mail response to me? This is information desired by the Development Commission and City Council.

Sincerely,

Shannon Pine
Planning Manager



DEPARTMENT OF BUILDING
AND ZONING SERVICES
Zoning/Council Activities Section
757 Carolyn Avenue
Columbus, OH 43224
Direct: 614.645.2208
Public Hearings: 614.645.4522
Fax: 614.645.2463
E-mail: spine@columbus.gov
www.columbus.gov

From: Becky Walcott [<mailto:bwalcott65@gmail.com>]
Sent: Wednesday, April 20, 2016 8:48 AM
To: Pine, Shannon L.
Subject: Rezoning Application Z16-019 433 London Groveport Road

Shannon,

The Far South Cols. Area Commission voted to approve this application.

Thank You,

Becky Walcott
Far south Columbus Areas Commission
Zoning Chair
Bwalcott65@gmail.com
614-491-6786