

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
NOVEMBER 13, 2014**

- 2. APPLICATION: Z14-035 (14335-00000-0000547)**
Location: 2932 BRICE ROAD (43109), being 6.46± 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

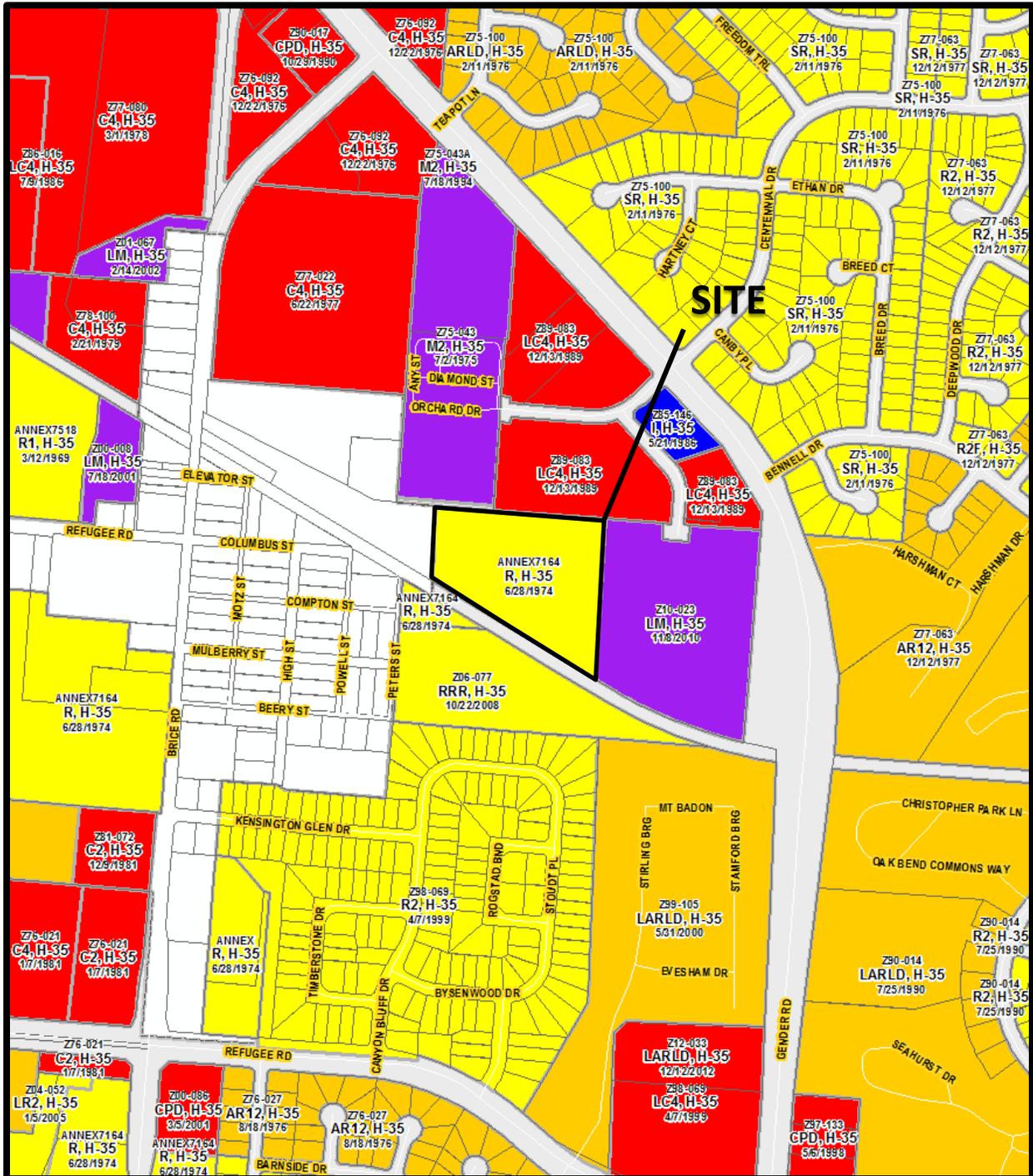
BACKGROUND:

- 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 will allow the applicant to proceed with requesting a Special Permit from the Board of Zoning Adjustment for the salvage use.
- 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 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 a Special Permit application.

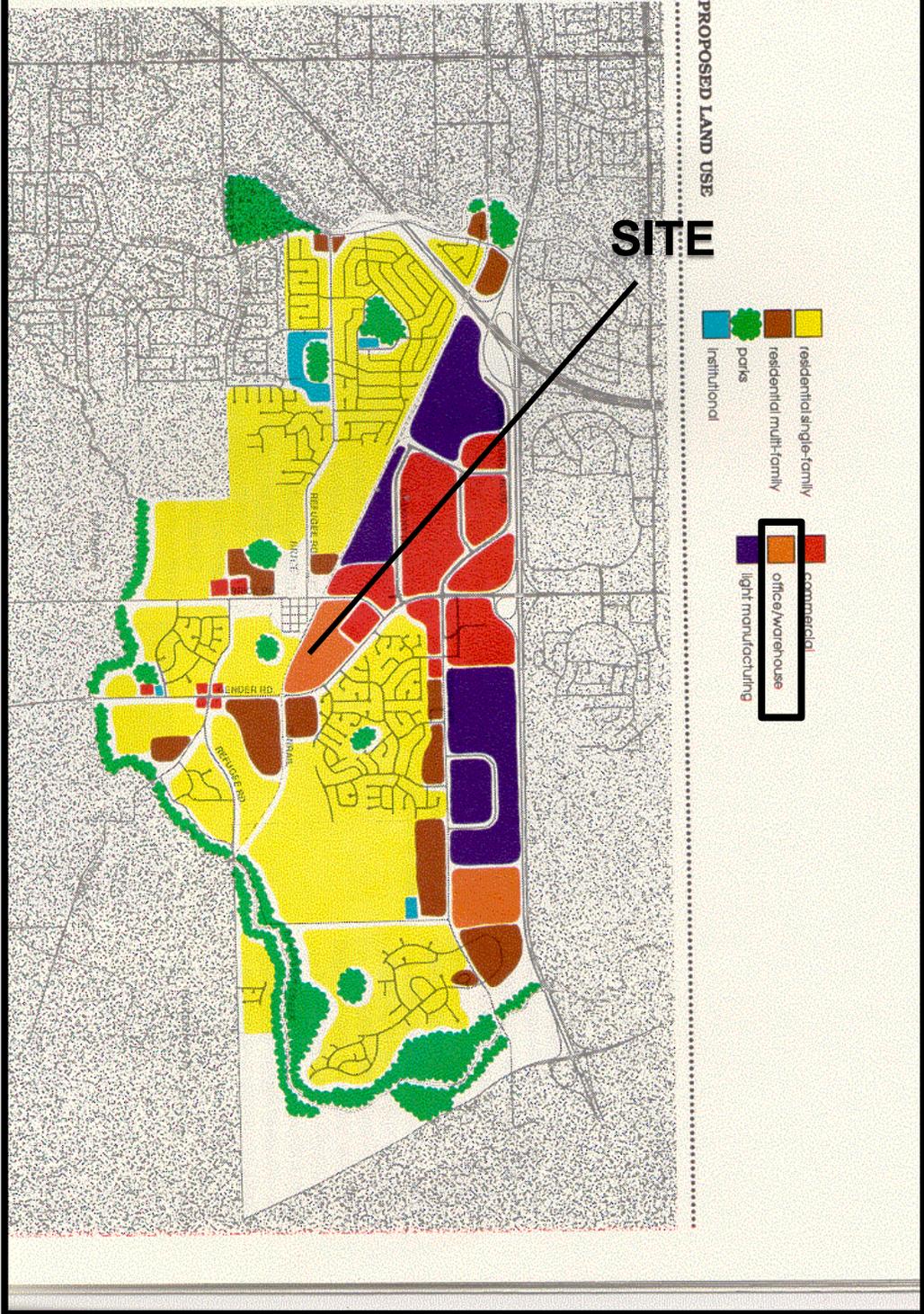
CITY DEPARTMENTS' RECOMMENDATION: Approval.

This request will establish a limited manufacturing district with appropriate use restrictions and development standards including a fifty-foot no build zone and privacy fencing along the southern boundary in consideration of the residential uses south of the rail road tracks. 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 6.46 acres
 Request: R, Rural to M, Manufacturing

Brice/Tussing Area Plan (1990)



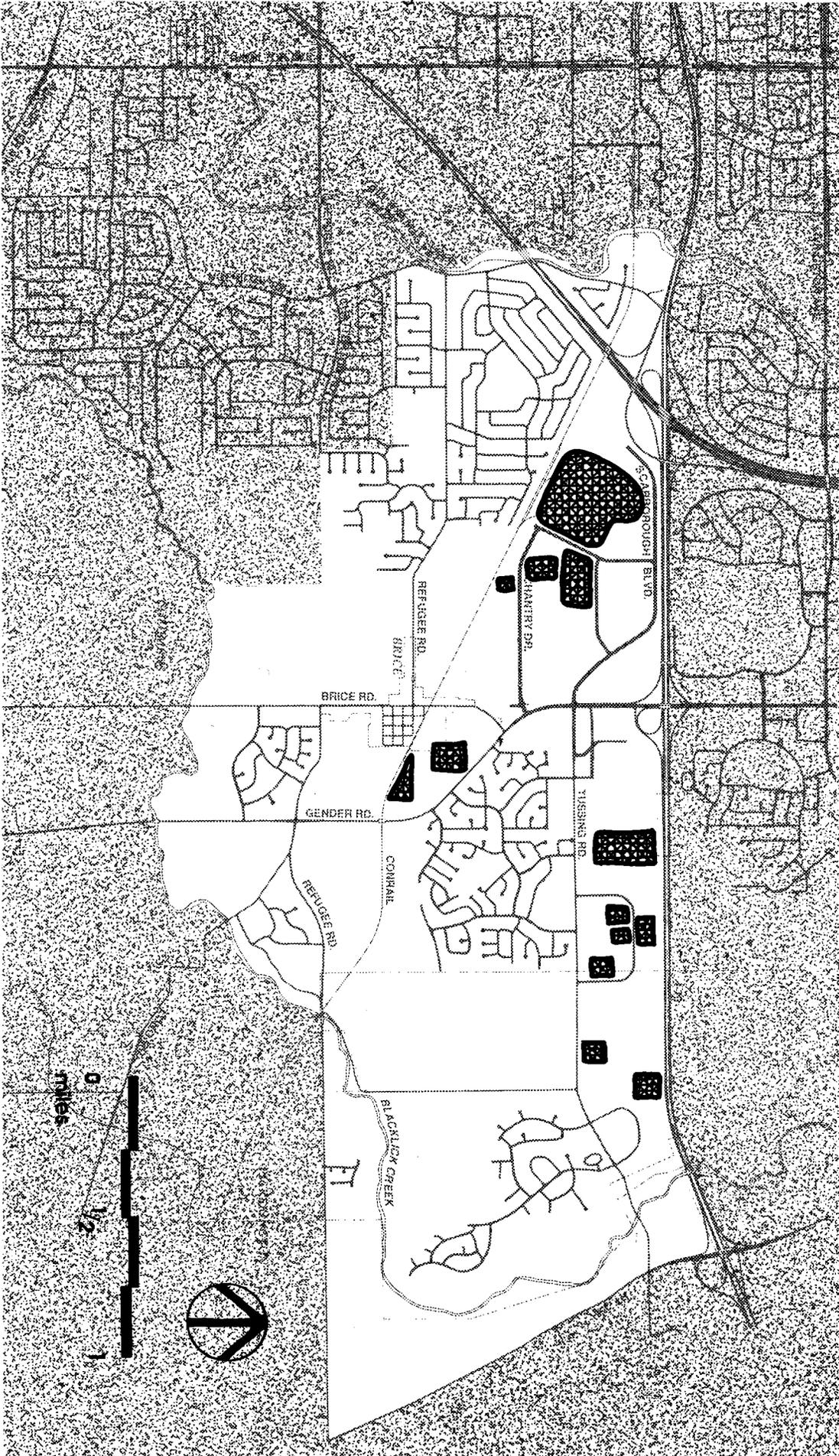
Z14-035
2932 Brice Road
Approximately 6.46 acres
Request: R, Rural to M, Manufacturing

Brice/Tussing Area Plan (1990)

EXISTING
MANUFACTURING LAND USE



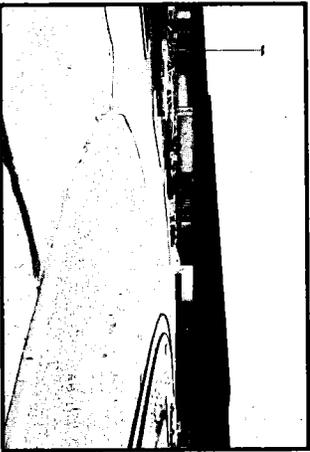
existing light industrial and office/warehouse uses



- between residential and commercial development.
- Designate a route for truck traffic that minimally impacts commercial circulation, entering the 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.



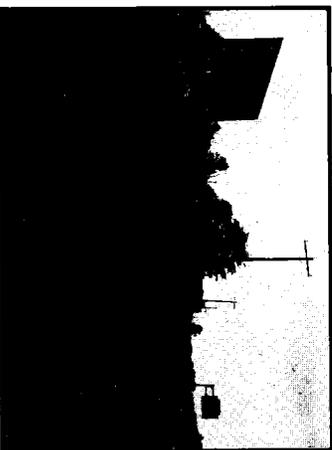
**MANUFACTURING
LAND USE
OBJECTIVES**

- 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

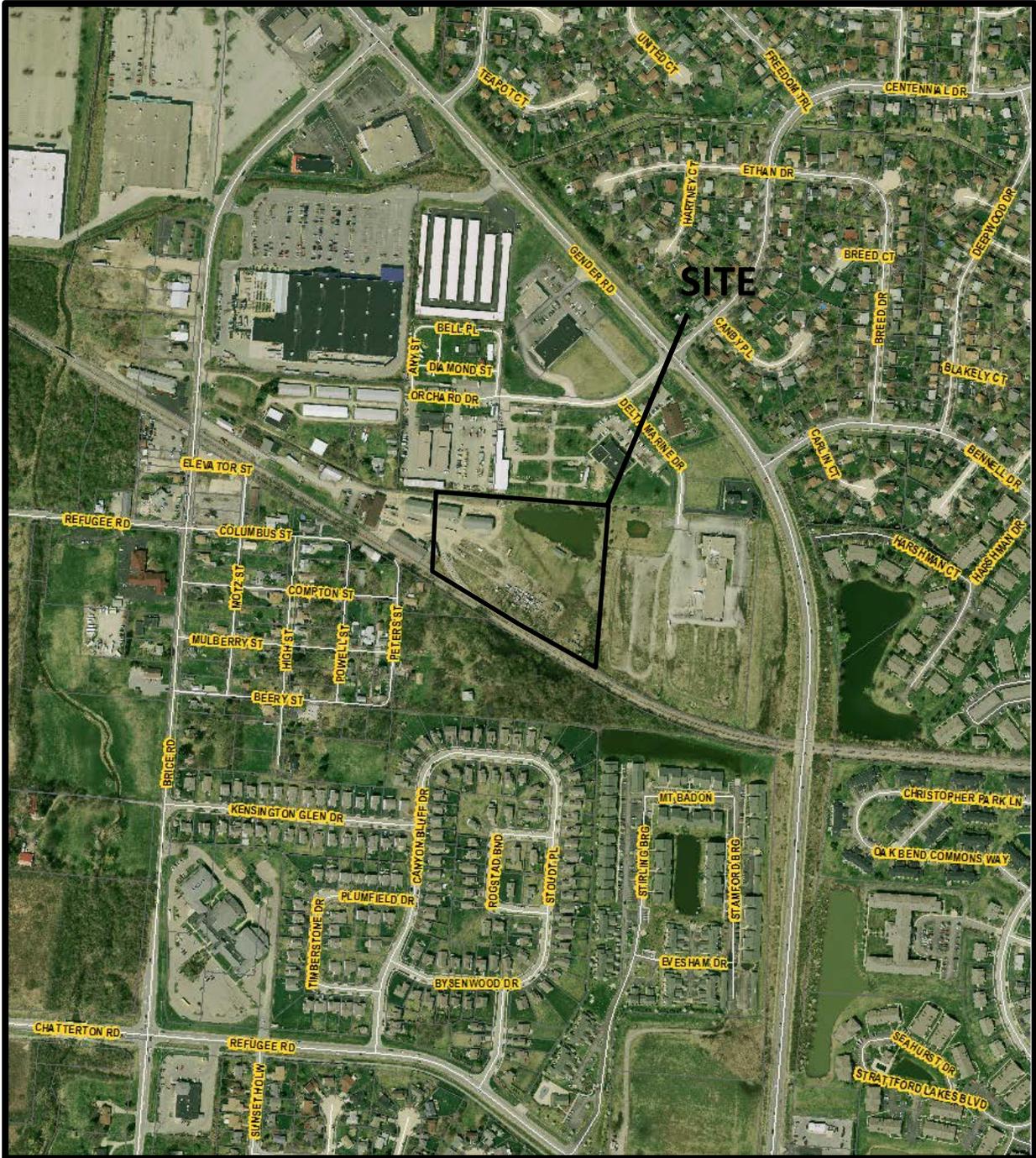
Much of the land north of the railroad tracks is zoned for manufacturing uses. J.C. Penney's Distribution Center, the oldest and largest industrial site in the area, is located on the west side of Brice Road abutting the expansive commercial uses to the east. Close proximity to Interstate 70 and the 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 6.46 acres
Request: R, Rural to M, Manufacturing

LIMITATION TEXT

Property Location: 2932 Brice Rd (43068), being 6.57± 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: Lynn Edleman

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: October 21, 2014

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

I. INTRODUCTION

The property consists of being 6.57± 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 salvage and processing of roofing and related 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, and 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 other than processing of roofing materials, building paper and felt (including asphalt and composition) listed in Chapter 3363.16, and 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 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 undersigned, being the agent for the owner of the subject property together with the applicant in the subject application, does hereby agree on behalf of the owner and the applicant, singularly and collectively for themselves, their 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.

Signature

Date

FEAC ZONING/REZONING/VARIANCE APPLICATION STAFF REPORT

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 RESIDENTAIL
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.

SEE NARRATIVE FOR APPLICATION ANALYSIS.

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