



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(October 27, 2015 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-15-21 (Keller Development)  
**Staff:** Melissa Begley  
**Applicant:** Keller Development  
**Property Size:** 1 Acre  
**Current Zoning:** Proposed Apartment Site: Existing: I-2 (Industrial: General) / CC (Commercial: Community) Proposed: RM (Residential: Multi-Family)  
Proposed Parking Site: I-2 (Industrial: General)  
**Location:** Northwest and northeast corners of 22<sup>nd</sup> Street and Cottage Avenue, in the City of Columbus.

**Background Summary:**

The applicant has indicated that the proposed variance from Zoning Ordinance Section 7.1(Part 1)(A)(2) is for the purpose of allowing a proposed multi-family development to utilize an off-site property for resident parking. The applicants would like to demolish the existing industrial building on the northeast corner of 22<sup>nd</sup> and Cottage Avenue and construct new apartments for seniors. They would also like to construct a parking lot on the adjacent property across Cottage Avenue to provide parking for the apartment residents.

**Preliminary Staff Recommendation:**

Approval, all criteria have been met. The approval shall include a condition that pedestrian crosswalks be installed across Cottage Avenue from the multi-family development to the parking lot. The pedestrian crosswalk shall be marked with high visibility pavement markings with a ladder or zebra design and shall include advance warning and crossing signs.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the I-2 (Industrial: General) zoning district is as follows: To provide locations for general production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate most modern industrial production facilities and should be considered as appropriate for most general industrial developments and uses.

**District Intent:** The intent of the RM (Residential: Multi-Family) zoning district is as follows: To provide areas for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums in areas with compatible infrastructure and services. Development in this zoning district should be served by sewer and water utilities. This district should be served by used in limited locations with highly developed infrastructure, immediate access to Arterial or Collector roads, and direct connections to public open space and convenience goods. This district may be used to provide a transition from regional commercial areas to moderate density single-family residences.

**Development Standards:** 7.1(Part 1)(A)(2) On-premise Requirements: All required parking spaces shall be located on the same property with the use(s) for which they are required.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Vacant parking lot and an industrial building that is currently vacant and an undeveloped railroad right-of-way and utility easement.
<b>Site Features:</b>	A Concrete parking lot in poor condition with a vacant storage building and a vacant industrial building and high transmission utility lines.
<b>Flood Hazards:</b>	No flood hazards exist at this property.
<b>Vehicle Access:</b>	Central Avenue (Principle Arterial, Residential, Urban) 22 <sup>nd</sup> Street (Local, Residential, Urban) 23 <sup>rd</sup> Street (Local, Residential, Urban) Cottage Avenue (Local, Residential, Urban)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CC (Commercial: Community)	Small commercial strip center, small commercial businesses, Single-Family Residential
<b>South:</b>	CC (Commercial: Community) I-2 (Industrial: General) RE (Residential: Established)	Family Video Vacant industrial building and parking Single-family Residential
<b>East:</b>	CC (Commercial: Community)	Columbus Massage Center, Lancaster Hearing Aid Center, Central Professional Building
<b>West:</b>	CC (Commercial: Community)  RS4 (Residential: Single-Family 4)	Wayne's Auto, Bruce Otto Painting, Single Family Residential  Single-Family Residential

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	No comments received.
<b>Code Enforcement:</b>	No comments received.

**Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. These parcels are the site of a proposed 51 unit multi-family senior housing development. The property on the northeast corner of 22<sup>nd</sup> and Cottage Ave. will contain a multi-story building and the

property on the northwest corner of 22<sup>nd</sup> and Cottage will provide the majority of the required parking for the development. In the I-2 (Industrial: General) zoning district, a parking lot (as a primary use) is a permitted use.

2. The multi-family development will require approximately 83 parking spaces. The applicant is currently showing 16 on-site parking spaces resulting in 67 required parking spaces to be located off-site. The provided site plan shows the off-site parking lot having 86 parking spaces.
3. The Zoning Ordinance does provide for off-site and shared parking, per Zoning Ordinance Section 7.1(Part 2), however it only applies to non-residential zoning districts. The requirements include that the off-site parking shall be located a maximum of 300 feet from the use to be served and shall not be located in any agricultural or residential zoning district. The off-site parking is further subject to approval by the Board of Zoning Appeals as a Conditional Use. The approval shall be based on the determination that the use of off-site parking will not provide hardships for pedestrians, will not result in potentially hazardous traffic conditions, and will provide the minimum number of parking spaces for the uses involved.
4. The proposed off-site parking arrangement will require residents to cross Cottage Avenue. Cottage Avenue is considered a Local, Residential, Urban Street.
5. Per Zoning Ordinance Chapter 8.1 Landscaping Standards, the parking lot site will be required to include landscaping. Specifically, along the street frontage and within the parking lot interior.
6. In addition to the landscaping, the construction of the parking lot will also include buffering per Zoning Ordinance Chapter 8.2. According to the Required Buffer Types Table, a Type A Buffer will be required on the west side of the parking lot adjacent to the RS4 (Residential: Single Family 4) zoned property the CC (Commercial: Community) zoned property. A Type A Buffer consists of a minimum width of 25 feet in addition to the minimum setback and shall consist of a dense buffer of a fence or wall with landscaping or an opaque tree screen.
7. This project represents infill development. Infill development is beneficial to the community because it makes use of vacant or underutilized lots within the center city, strengthens the real estate market and property values in the area, and utilizes existing infrastructure.
8. The Central Avenue Corridor Plan highlights these properties as 'critical properties' because of their prominence along the Central Avenue corridor and its ability, with redevelopment, to create meaningful connections between Central Avenue and adjacent uses. The corridor plan also includes design principles to enhance the design and aesthetics of any new development along the corridor. Relevant to this application, it states that parking areas should be located to the rear or side of primary buildings and areas of vast amounts of parking should be screened from street view with landscape treatments.
9. The multi-family building will be located on a site that was formerly an industrial site, located along an old railroad line. The adjacent parking lot was constructed to provide parking for the employees to the industrial operation. The rail line no longer exists and similar industrial properties throughout the area have recently been transitioning to more residential uses. The vacated railroad right-of-way angles across the multi-family property and existing powerlines also cross the property parallel to the old railroad bed. The presence of the powerlines creates a challenge to the development of this site and impacts the layout of buildings.

### **Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

#### **1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* Cottage Avenue is a local street and provided that appropriate pedestrian crossings are provided, the approval will not be injurious to the public health and safety of the community. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* The project includes an existing deteriorating parking lot and former industrial building. With the redevelopment of these properties, the Zoning Ordinance will require the installation of a vegetated buffer on the west side of the parking lot site to provide a buffer against the adjacent residential properties. This buffer will mitigate potential negative impacts from car lights and auto noise. The parking lot will also serve as a visual buffer from the higher intensity multi-family development from the lower density single family residential. *This criterion has been met.*

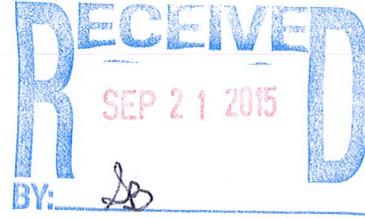
3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* Due to the location of the utility easement on the apartment site, the resulting configuration would require the parking lot to be placed along Central Avenue. Taking into account the design principles for new development in the Central Avenue corridor plan, it is recommended that parking areas be located to the rear or side of primary buildings and for areas of vast amounts of parking to be screened from street view with landscape treatments. With the location of the building and avoiding the placement of the parking along Central Avenue creates a practical difficulty in providing the sufficient parking on-site. *This criterion has been met.*

#### **Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department  
Development Standards Variance Application



Planning Department Use Only:

Jurisdiction:  Columbus  Bartholomew County

Zoning: \_\_\_\_\_

Docket No.: \_\_\_\_\_

Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

---

**Development Standards Variance Application:**

---

**Applicant Information** (the person or entity that will own and/or execute what is proposed):

Name: Keller Development, Inc.

Address: 4530 Merchant Road Fort Wayne Indiana 46818  
(number) (street) (city) (state) (zip)

Phone No.: (260) 497-9000 Fax No.: (260) 497-9800 E-mail Address: danelle@kellerdev.com

**Property Owner Information** (the "owner" does not include tenants or contract buyers):

Name: OTNA Realty, LLC

Address: 304 Flatrock Drive Columbus Indiana 467203  
(number) (street) (city) (state) (zip)

Phone No.: (812) 372-4034 Fax No.: \_\_\_\_\_ E-mail Address: Marilynwilliams8225@comcast.net

**Notification Information** (list the person to whom all correspondence regarding this application should be directed):

Name: Danelle Biberstine with Keller Development, Inc.

Address: 4530 Merchant Road Fort Wayne Indiana 46818  
(number) (street) (city) (state) (zip)

Phone No.: (260) 497-9000 Fax No.: (260) 497-9800 E-mail Address: danelle@kellerdev.com

How would you prefer to receive information (please check one):  E-mail  Phone  Fax  Mail

**Property Information:**

Address: 1804 22nd Street Columbus Indiana 467201  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):  
\_\_\_\_\_

**Variance Requested:**

I am requesting a variance from Section 7.1 of the Zoning Ordinance to allow the following:

The Applicant is requesting a variance from the development standards set forth in Section 7.1 of the Zoning Ordinance in order to allow off-site parking spaces serving the multi-family residential development proposed by the Applicant to be located on certain adjacent real estate currently zoned I-2.

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

**The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

The approval will not be injurious to the public health, safety, morals or general welfare of the community inasmuch as the subject real estate has historically been used as a parking lot serving the now abandoned industrial uses. Moreover, the Applicant is proposing to re-pave the lot and include an appropriate landscape buffer in accordance with the requirements set forth in the Zoning Ordinance, thereby further minimizing any impact to the surrounding and adjacent properties. All of the foregoing assures that the instant proposal will not adversely impact the surrounding community.

**The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

As noted above, the subject real estate has historically been used as a parking lot. In connection with this project, the parking area will be improved with new paving, striping, parking lot lighting (with appropriate cut off features to minimize light pollution on the surrounding properties), and landscaping. Moreover, the Applicant has a positive reputation of constructing high quality, well maintained multi-family facilities around and throughout the State of Indiana. All of the foregoing assures that this project will not affect the surrounding properties in a substantially adverse manner.

**The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.**

As noted throughout this application, the subject real estate has historically been used as a parking lot. Given the site limitations and constraints of the adjacent real estate being developed by the Applicant, which includes rail and utility easements that substantially limit the usable area, it is necessary to continue the parking uses on the subject real estate. Without the variance, it would be impractical to develop the adjacent property for multi-family residential uses, thereby necessitating that the real estate remain vacant and under-utilized.

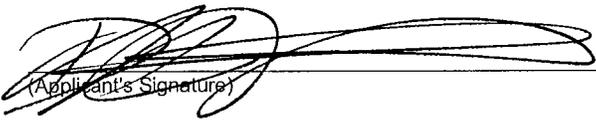
**Application Fee Refund Information:**

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Keller Development, Inc  
Address: 4530 Merchant Road Fort Wayne Indiana 46818  
(number) (street) (city) (state) (zip)

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

  
(Applicant's Signature)

9/15/15  
(Date)

**Property Owner's Signature (the "owner" does not include tenants or contract buyers):**

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Clint R. Williams  
(Owner's Signature)

9-14-13  
(Date)

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Date)

20040006554  
Filed for Record in  
BARTHOLOMEW COUNTY, IN  
BETTY JEAN BESHEAR  
05-05-2004 At 10:33 am.  
WARR DEED 16.00

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, That NSB REALTY COMPANY, an Indiana Partnership (Grantor) of Bartholomew County, in the State of Indiana, CONVEYS AND WARRANTS to CTNA REALTY, LLC, an Indiana Limited Liability Company (Grantee) of Bartholomew County, in the State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Bartholomew County, State of Indiana:

Lots numbered 149, 150, 151, 152, 153, 154, 155, 156 and 157 in William M. Graves' Third Addition to the City of Columbus, as per plat thereof, recorded in Plat Book C, page 22 in the Office of the Recorder of Bartholomew County, Indiana.

ALSO, beginning at the Northeast corner of said Lot Numbered 153 in William M. Graves' Third Addition; thence North 12 feet; thence West and parallel to the North line of said Lot numbered 153 to a point 12 feet North of the Northwest corner of said Lot Numbered 153; thence South to the Northwest corner of said Lot Numbered 153; thence East on and along the North line of said Lot numbered 153 to the place of beginning. The same being the South half of an alley vacated in Bartholomew Circuit Court on April 14, 1960 in Cause numbered 14987.

~~ALSO, all of Block "G" in William M. Graves' Third Addition to the City of Columbus as per plat thereof recorded in Plat Book C, page 22 in the Office of the Recorder of Bartholomew County, Indiana, including the former railroad right-of-way contiguous to said Block "G", EXCEPTING THEREFROM, the following described real estate conveyed to the City of Columbus:~~

~~Commencing at the northeast corner of the Southwest Quarter of Section 18, Township 9 North, Range 6 East, marked by an existing Bartholomew County Surveyor's Standard Monument; thence South 1 degree 05 minutes 03 seconds East (bearings based on Project M-6105), City of Columbus), along the east line of said quarter section, 477.90 feet to the point of beginning of this description; thence South 1 degree 05 minutes 03 seconds East, along said east line, 327.36 feet; thence South 22 degrees 19 minutes 41 seconds West 113.21 feet; thence North 1 degree 05 minutes 03 seconds West 49.62 feet; thence North 0 degrees 05 minutes 35 seconds West 289.33 feet; thence North 22 degrees 19 minutes 41 seconds East 106.67 feet to the point of beginning and containing 14,037 square feet, more or less.~~

Subject to taxes presently a lien.

Subject to easements and rights of way lying within the bounds of the former railroad right of way.

Subject to any and all Conditions, Restrictions, Covenants and Easements of record.

IN WITNESS WHEREOF, Grantor has executed this deed this 29th day of April, 2004.

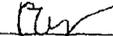
GRANTOR: NSB REALTY COMPANY

  
By: Bradford L. Sprouse, Partner

STATE OF MICHIGAN )  
COUNTY OF Leelanau ) ss: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared NSB Realty Company by Surviving Partner, Bradford L. Sprouse, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 29th day of April, 2004.

  
Pam DePuy, Notary Public

My Commission Expires: 4/20/08  
County of Residence: Leelanau

This instrument prepared by Thomas C. Bigley, Jr., SHARPNACK BIGLEY LLP, 321 Washington Street, P. O. Box 310, Columbus, IN 47202-0310.

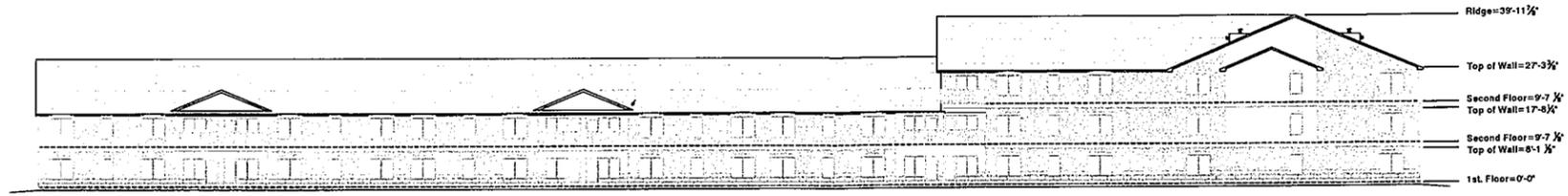
Return deed to: SMART & JOHNSON TITLE CORP.  
Tax bills to: 304 FLATROCK DR, COLUMBUS IN 47203  
Property address: 1804 22<sup>ND</sup> STREET, COLUMBUS IN 47201



DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

MAY 05 2004

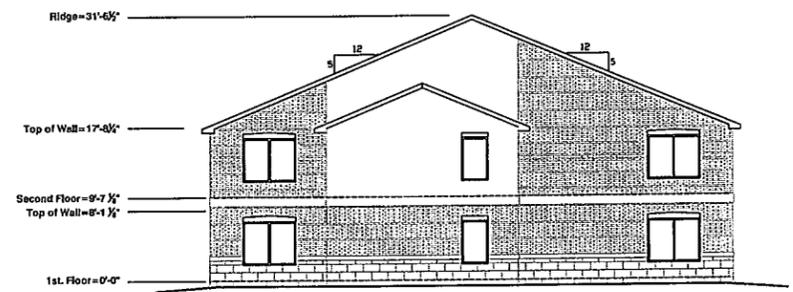
Forney, Inc. & Co.  
Auditor Bartholomew Co. Indiana



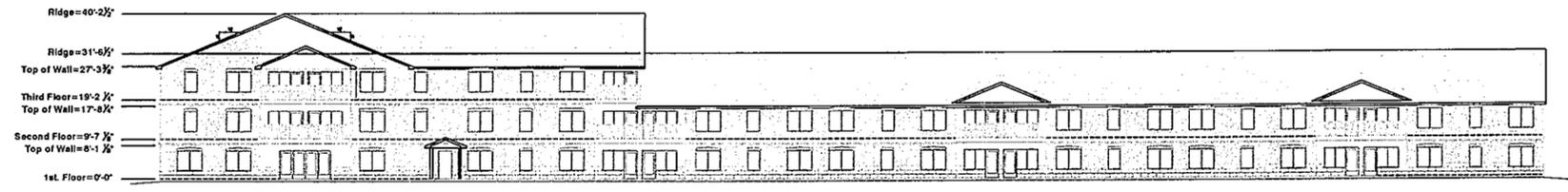
**Central Avenue Elevation**  
Scale 1/8"=1'-0"



**23rd Street Elevation**  
Scale 1/8"=1'-0"



**22nd Street Elevation**  
Scale 1/8"=1'-0"



**Cottage Avenue Elevation**  
Scale 1/8"=1'-0"

**Cheller**  
DEVELOPMENT INC.



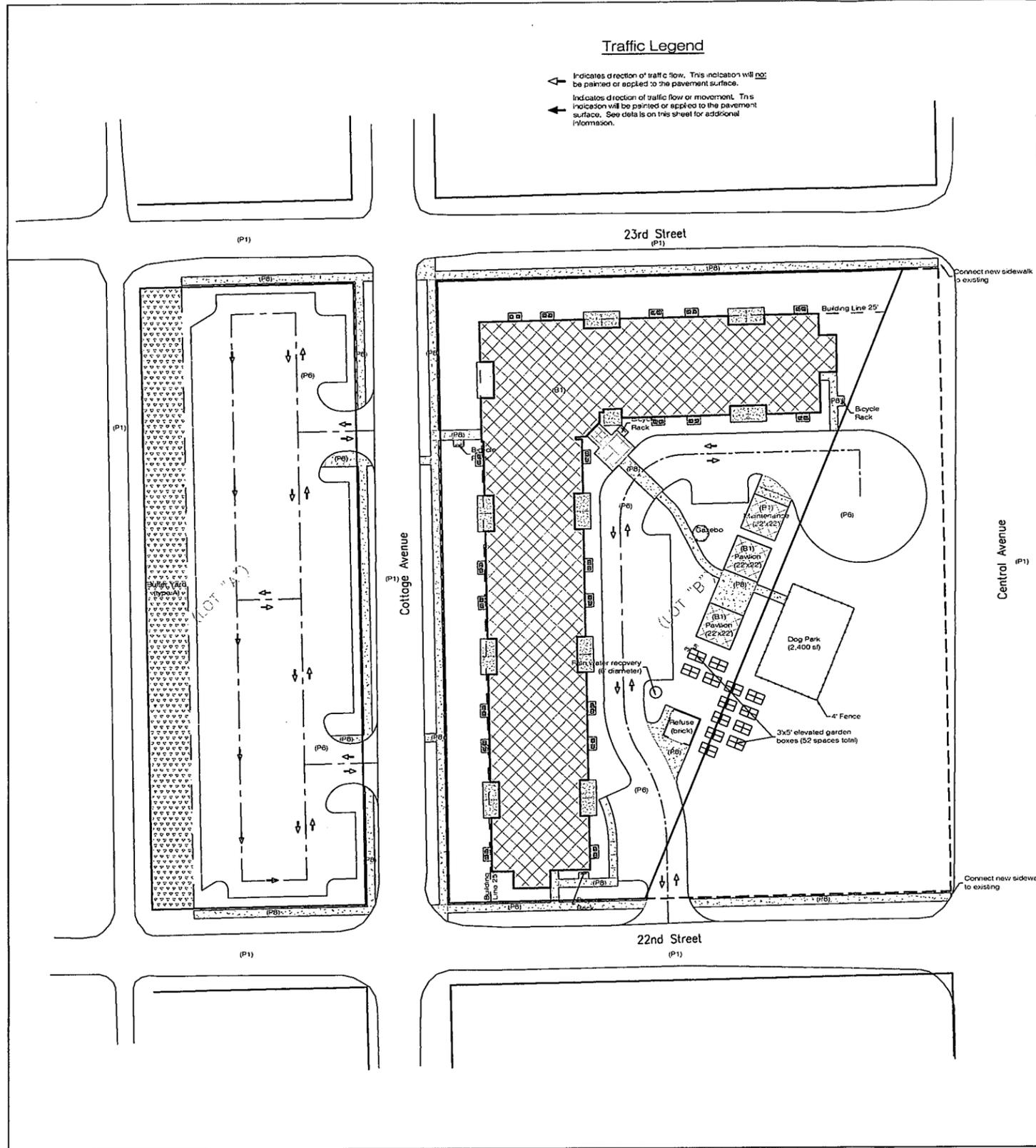
*Douglas A. McComb, Inc.*  
PROFESSIONAL ENGINEER  
15610 Lima Road, P.O. Box 503, Huntertown, IN, 46748  
Fax: 260-437-5551 Phone: 260-437-5551  
Email: doug@douglasmccomb.com

Building Elevations  
Cottage Avenue Apartments  
1804 22nd Street  
Columbus, Indiana 47202

DATE:	2015.06.01	DRAWN BY:	dmc
SCALE:	1/8"=1'-0"	CHECKED BY:	dmc
JOB NO.	1536		

A3.1

FILE Project\1536\Sheet\A3.1.dwg, 10/4/2015 2:55:55 PM, DWG To PDF.pc3



**Traffic Legend**

- ↔ Indicates direction of traffic flow. This indication will not be painted or applied to the pavement surface.
- Indicates direction of traffic flow or movement. This indication will be painted or applied to the pavement surface. See details on this sheet for additional information.

**Site Data**

1. Site Acreage	1.10 Acres
Lot 'A'	1.71 Acres
Lot 'B'	2.82 Acres
Total	
2. Total Parking Spaces	98
Standard	8
ADA	106
Total	
3. Residential Units	4
One Bedroom Units	47
Two Bedroom Units	51
Total Units	
4. Buildings	
Main Building 'Footprint'	24,553 sq.ft.
Pavilions	968 sq.ft.
Patios/Decks	484 sq.ft.
Total	26,005 sq.ft.
5. Density	18.09 Units/Acre
6. Parking Spaces per Residential Unit	2.08
7. Parking, Curbside & Driveway Area	39,899 sq.ft.
8. Green Space	58,935 sq.ft.

**Structure Legend**

Structure 'hatch'	Structure Designation	Structure Description
[Hatch]	(B1)	Proposed Structure
[Hatch]	(B2)	Existing Structure
[Hatch]	(B3)	Existing Structure - Remove
[Hatch]	(B4)	Future Structure

**Pavement Legend**

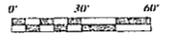
Pavement 'hatch'	Pavement Designation	Pavement Location & Description
[Hatch]	(P1)	Existing Pavement 'with in ROW'
[Hatch]	(P2)	Existing Private Drives 'with in ROW'
[Hatch]	(P3)	Existing Pavement 'site'
[Hatch]	(P4)	Proposed Pavement 'with in ROW'
[Hatch]	(P5)	Proposed Pavement 'site within ROW'
[Hatch]	(P6)	Proposed Pavement 'site'
[Hatch]	(P7)	Existing Concrete 'site or with in ROW'
[Hatch]	(P8)	Proposed Concrete 'site or within ROW'

**Site Legend**

- UT --- Existing Underground Telephone Line
- Existing Underground Power Line
- Existing Overhead Power Line
- G/A --- Guy Anchor
- E --- Existing Electric Line
- G --- Existing Gas Line
- G --- Proposed Gas Line
- SS --- Existing Sanitary Line
- SS --- Proposed Sanitary Line
- ST --- Existing Storm Line
- ST --- Proposed Storm Line
- W --- Existing Water Line
- W --- Proposed Water Line
- F --- Existing Fence
- F --- Proposed Fence
- SC --- Existing Storm Culvert
- SC --- Proposed Storm Culvert
- SM --- Existing Sanitary Manhole
- SM --- Proposed Sanitary Manhole
- SCN --- Existing Sanitary Cleanout
- SCN --- Proposed Sanitary Cleanout
- SNI --- Existing Storm Inlet
- SNI --- Proposed Storm Inlet
- UP --- Existing Utility Pole
- UP --- Proposed Utility Pole
- TB --- Existing Telephone Box
- WV --- Existing Water Valve
- WV --- Proposed Water Valve
- FH --- Existing Fire Hydrant
- FH --- Proposed Fire Hydrant
- WM --- Existing Water Meter
- WM --- Proposed Water Meter
- WW --- Existing Water Well
- WW --- Proposed Gas Valve
- GV --- Existing Gas Valve
- GV --- Proposed Gas Valve
- LP --- Existing Light Pole
- LP --- Proposed Light Pole
- ET --- Proposed Electrical Transformer
- B --- Existing Benchmark
- T --- Existing Topography
- T --- Proposed Topography
- SE --- Proposed Spot Elevation
- C --- to-top of concrete
- P --- to-top of pavement
- X 99.00 --- Existing Spot Elevation
- TL --- Tree Line
- E --- Existing Easement
- E --- Proposed Easement



1" = 30'



**Prattler**  
DEVELOPMENT INC.



**Douglas S. McComb, Inc.**  
PROFESSIONAL ENGINEER  
15610 Lima Road, P.O. Box 593, Huntstown, IN 46748  
Fax: 260-437-5551 Phone: 260-437-5551  
Email: doug@douglascomb.com

Site Plan - Proposed  
Cottage Avenue Apartments  
1804 22nd Street  
Columbus, Indiana 47202

DATE:	2015-06-01	DRAWN BY:	dmc
SCALE:	1"=30'	CHECKED BY:	dmc
JOB NO.	1538		

C2.1

PL15 Project\1538\sheet\C2.dwg 30/07/2015 6:15:01 AM DWG to PDF.plt