



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(November 29, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/UV-16-05 (Indy Pack & Material Handling)
Staff: Allie Keen
Applicant: Indy Pack & Material Handling
Property Size: 3.00 Acres
Current Zoning: CC (Commercial: Community)
Location: 2740 North State Road 9, in Clay Township

Background Summary:

The applicant has indicated that the proposed use variance from Zoning Ordinance Section 3.20(A) is for the purpose of allowing the expansion of a general industrial production facility in the CC (Commercial: Community) zoning district. The applicants are proposing to construct a 1,300 square foot building addition onto the west of the building to enclose an area that is currently used for outdoor storage.

Preliminary Staff Recommendation:

Approval, all criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CC (Commercial: Community) zoning district is as follows: To establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

Permitted Uses: The following uses are permitted in the CC (Commercial: Community) zoning district.

1. **Communications/Utilities Uses:**
 - a. Communication service exchange
 - b. Utility substation
 - c. Water tower
2. **Public/Semi-Public Uses:**
 - a. Clinic
 - b. Community Center
 - c. Day-care center (adult or child)
 - d. Funeral home
 - e. Government office
 - f. Police, fire, or rescue station
 - g. Post office
 - h. Trade or business school
 - i. Worship facility

- 3. **Park Uses:**
 - a. Nature preserve / conservation area
 - b. Park / Playground
- 4. **Commercial Uses:**
 - a. Auto-oriented uses (small scale)
 - b. Auto-oriented uses (medium scale)
 - c. Auto-oriented uses (large scale)
 - d. Auto rental (includes truck, RV, etc.)
 - e. Builder's supply store
 - f. Equipment rental
 - g. Health spa
 - h. Hotel / Motel
 - i. Instructional center
 - j. Liquor store
 - k. Office uses
 - l. Personal service uses
 - m. Recreation uses (small scale)
 - n. Recreation uses (medium scale)
 - o. Recreation uses (large scale)

Permitted Locations: The proposed use is permitted in the following zoning districts:

- 1. I2 (Industrial: General)
- 2. I3 (Industrial: Heavy)

Current Property Information:	
Land Use:	Industrial production facility
Site Features:	7,000 square foot building, gravel driveway, and some mature trees.
Flood Hazards:	There are no flood hazards at this location.
Vehicle Access:	This property gains access from SR 9 (Principle Arterial, Residential, Rural)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Worship Facility (Columbus Midway Assembly of God)
South:	CC (Commercial: Community) AP (Agriculture: Preferred)	Commercial (Gilliland's Trailer Sales) Single-Family Residential
East:	CC (Commercial: Community)	Industrial (Ferguson Construction & Power House Brewing)
West:	AP (Agriculture: Preferred)	Agriculture Field

Interdepartmental Review:	
Code Enforcement:	Code Enforcement does not have any issues with this proposal. State and local approvals will be required as well as a building permit and inspections.
County Fire Inspector:	No comments.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Agriculture.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **POLICY J-3-1:** Limit the growth of industrial activity to the areas most suited for this use, minimizing the impact of this type of development on agricultural businesses.
2. **POLICY J-3-2:** Promote infill development in existing industrial areas.

This property is located in the Eastern Rural Area character area. The following Planning Principle(s) apply to this application: Commercial and industrial development should be located only along arterials or at major intersections. This development should be in neighborhood business centers or rural business centers, not on individual parcels with separate curb cuts.

Planning Consideration(s):

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

1. Indy Pack and Material Handling (IPMH) is a company that designs and manufactures packaging and has been at this location since November of 2014. A Zoning Compliance Certificate was not required when IMPH moved to this location because the previous user, Custom Cabinets, was also classified as a general industrial production facility.
2. At this time, IPMH would like to construct a 50 foot x 26 foot (1,300 square foot) building addition on the west side of the building to enclose an area that is currently used for storage. The proposed expansion requires use variance approval from the Board of Zoning Appeals. Per Zoning Ordinance 3.20(A), general industrial production facilities are neither permitted nor conditional in the CC (Commercial: Community) zoning district. A general industrial production facility is defined by Zoning Ordinance Section 14.2 as industrial production involving manufacturing, fabrication, and related processes.
3. The applicant has indicated that they currently have 2 employees and the proposed expansion will not necessitate additional employees to be hired. They have also indicated that they do not propose to do any additional site improvements with the expansion, such as fencing, lighting, or parking.
4. The subject property is located at the intersection of 25th Street, State Road 46 and State Road 9, which are both classified as primary arterial roads. The businesses at this intersection include a gas station (Marathon), trailer sales (Gilliland’s Trailer Sales), contractor’s office (Ferguson Construction), microbrewery (Power House Brewing), and a worship facility (Midway Assembly of God). The remaining surrounding property is primarily agricultural fields with a few residences. The nearest residential home is located approximately 314 feet from the proposed expansion.
5. If the Board of Zoning Appeals approves this use variance, IPMH’s next step will be to submit a Zoning Compliance Certificate application to the Planning Department for review. This application will allow Planning Department staff to review site details such as building setbacks and landscaping.

Provisional Findings of Fact / Decision Criteria

The Board may approve a variance of use from the provisions of the zoning ordinance upon finding that each of the following is true.

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

Provisional Findings: The proposed building expansion will be on the back side of the existing building and will not create any visibility issues on State Road 9. Additionally, the proposed expansion will not require any additional employees. Approval of this request will not be injurious to the 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: Allowing the building expansion will not affect the ability of adjacent property owners to continue using their properties as they currently do. The proposed addition will enclose an area that is currently used for outdoor storage of materials and will be aesthetically more pleasing to the neighboring properties. Additionally, the building expansion will be constructed of similar materials of the existing building. *This criterion has been met.*

3. The need for the variance arises from some condition peculiar to the property involved:

Provisional Findings: The existing land uses in the immediate area are a mix of industrial and commercial with some residential. These uses primarily use the adjacent roads for access rather than visibility. There likely is not enough residential in the area to support a retail center at this intersection and that is not expected to change in the near future, therefore the uses permitted within the CC (Commercial: Community) zoning district may not be viable at this location due to the context of the area. *This criterion has been met.*

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

Provisional Findings: The subject property is located at a major intersection of two state roads. This area currently has a mix of industrial and some commercial uses. There are a few residential properties in the area, however, not enough to support a retail center at this location. The permitted uses within the CC (Commercial: Community) zoning district may not be viable at this location due to the context of the area. Therefore, the limitations on the property result in an unnecessary hardship. *This criterion has been met.*

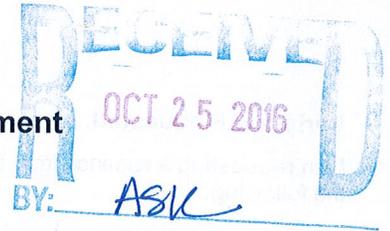
5. The approval does not interfere substantially with the comprehensive plan:

Provisional Findings: The comprehensive plan encourages the placement of industrial facilities and uses in locations where industrial facilities have already been developed. The Land Use Plan Element of the Comprehensive Plan further encourages the placement of industrial uses along arterial streets. Additionally, the subject property is located in the Eastern Rural Area character area, which states that any commercial or industrial development should be limited to arterial roadways at major intersections. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for a use 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
Use Variance Application



Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning:

Docket No.: C/UV-16-05

Hearing Procedure: Board of Zoning Appeals Hearing Officer (see IC 36-7-923(a)(3) for use variance eligibility)

Use Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

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

Name: Indy Pack + Material Handling

Address: 2740 North State Rd 9 Columbus IN 47203
(number) (street) (city) (state) (zip)

Phone No.: 812-546-2137 Fax No.: - E-mail Address: _____

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

Name: Kerth Allison + Joan Allison

Address: 9052 W Evergreen Dr Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812 343 2465 Fax No.: - E-mail Address: j.allison@indypackmh.com

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

Name: Joan Allison

Address: 9052 W. Evergreen Dr Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812 343 2465 Fax No.: _____ E-mail Address: j.allison@indypackmh.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used. E-mail Fax Mail

Property Information:

Address: 2740 North State Rd 9 Columbus IN 47203
(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 3.20 of the Zoning Ordinance to allow the property to be used for the following:

We are requesting the expansion of a General Industrial Production facility. We are wanting to enclose a paved section on the west side of the building on either side of the overhead door that equates to approximately 1054 sqft. It will resemble a pole barn w/ colors to match existing building w/ a tensile steel roof. The addition will serve as storage for pallets + materials that currently sit uncovered in this area.

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 use variance to be approved. Describe how the variance request meets each of the following criteria.

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

If anything, enclosing this area will enhance safety in area since pallets + other materials are left outside + could injure someone if they were ^{moved} around.

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.

We are currently using this area for the same type of storage. So by adding the addition, all of the materials will be inside making it look better + help keep the materials clean.

3. The need for the variance arises from some condition peculiar to the property involved.

The need for the variance arises since IPMN is a General Industrial Production use facility that was grandfathered into a CC zoned property. The building has a large open area used for light assembly + warehousing with a small office area. The building is better suited for a General Industrial Production facility than a commercial facility.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

The Zoning Ordinance creates a hardship because some of our materials (pallets, containers, etc) will be stored outside uncovered. So they will get dirty + wet + have to be cleaned and/or dried in order to use which will take alot of time for our employees. Plus it creates an eyesore for the neighborhood to see these materials outside. It

could also be a safety issue when we bring wet materials in the building, causing a potential for our employees to slip + fall.

5. The granting of the variance does not interfere substantially with the Comprehensive Plan.

What we are planning to do does not interfere with the City of Columbus Comprehensive Plan. This property is located in the Eastern Rural Area character area & in this area commercial & industrial development should be located along arterials or at major intersections. Our proposal is consistent with that.

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: ~~Tracy Pack + Material Handling~~ (Joan Allison)
Address: PO Box 314 Columbus IN 47202
(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.

J. Allison (Applicant's Signature) 10-21-16 (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.

J. Allison (Owner's Signature) 10-21-16 (Date)

Joan M Allison
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.

pg 1

Bartholomew County, IN

Property Assessment Detail Report
Parcel Number: 03-97-17-000-000.800-001
39°North- 855.GIS.3939



Parcel Information

Parcel Number: 03-97-17-000-000.800-001

Alt Parcel Number: 01-97-17.00-800

Property Address: 2740 N Sr 9
COLUMBUS, IN 47203

Neighborhood: Clay Twp. C&I

Property Class: Light Manufacturing & Assembly

Owner Name: Indy Pack & Material Handling LLC

Owner Address: 2740 N SR 9
Columbus, IN 47203

Legal Description: SE NW Section 17-T9N-R7E containing
3.00 acres

Taxing District

Township: CLAY TOWNSHIP

Corporation: BARTHOLOMEW CONSOLIDATED

Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
11	None	2.0000
13	None	1.0000

elev te

keith ?

