



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(July 26, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/CU-16-07 (Guardian K9)
Staff: Charles Russell
Applicant: Sean Pendleton
Property Size: 21,780 square feet
Zoning: AP (Agriculture: Preferred)
Location: 2346 North 200 West, in Columbus Township

Background Summary:

The applicant is requesting a conditional use to establish a kennel in the AP (Agriculture: Preferred) Zoning District. The applicant has indicated the dogs will be kept indoors, and the business will primarily serve as a daycare/training service. There will be 6 single occupancy kennels to provide overnight boarding if it is needed.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is a kennel an appropriate use for this location?

Preliminary Staff Recommendation:

Approval – All criteria have been met.

Zoning District Intent:

The intent of the AP (Agriculture: Preferred) Zoning District is as follows: To provide an area suitable for agriculture and agriculture-related uses. It is further intended to preserve agricultural operations while limiting non-agricultural development in areas with minimal and incompatible infrastructure.

Current Property Information:	
Land Use:	Vacant – Formerly CCI Roofing & Insulation
Site Features:	The site includes a 4,276 square foot commercial building with 15 parking spaces and a 30 foot wide drive access onto 200 West.
Flood Hazards:	No FEMA mapped flood hazards.
Vehicle Access:	200 West (Rural, Residential, Local Road)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Single-family residential Agriculture
South:	AP (Agriculture: Preferred)	Agriculture
East:	AP (Agriculture: Preferred)	Agriculture
West:	AP (Agriculture: Preferred)	I-65 Agriculture

Interdepartmental Review:	
City Engineering:	No comments at this time.
City Utilities:	No comments for this request.
County Highway:	“I don’t feel that this business will put more traffic on the road than it can handle, since it will be primarily passenger cars and not trucks. Depending on the route to get to the location may be a different matter. Traffic from the north won’t be a problem, but Tellmen Road, 100 North and 250 West are narrow and curvy roads. I don’t think they will cause excessive wear on the roads, just worry about safety of people getting to this location.”

Planning Consideration(s):

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

1. The applicant is requesting conditional use approval to allow a kennel in an AP (Agriculture: Preferred) Zoning District. According to Zoning Ordinance Article 14 a kennel is defined as “any property where 5 or more dogs, cats, or other similar animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, treat, or groomed either for commercial or non-commercial purposes.”
2. The business will operate as a dog daycare facility between 6am and 6 pm Monday through Friday. It will primarily serve as a daily training daycare facility, but will have 6 single canine kennels for overnight boarding. Dogs will be kept indoors except when taken outside on a leash to urinate or defecate in the rear grassy area. This grassy area is located on the west side of the building out of view from public right-of-way. The applicant has indicated all dog waste will be cleaned up immediately and disposed of properly. The kennel will serve a maximum of 50 dogs.
3. The property is located on 200 West approximately 1,000 feet north of 100 North. It has an existing commercial structure on-site with 15 parking spaces for customers and employees. The surrounding area is largely agriculture with some single-family residences located nearby. A single-family residence borders the subject property to the north. A 6 foot privacy fence separates these properties.
4. As part of this request the applicants are seeking approval for one 3 foot x 3 foot (9 square feet) wall sign in association with their conditional use. Wall signs in the AP (Agriculture: Preferred) Zoning

District are considered conditional, but may be approved in association with any conditional use. The applicants would be permitted one 212 square foot sign according to the ordinance.

5. In 2008 the property received a use variance approval (C/UV-08-01) for a roofing and insulation business. The variance was approved with the condition that signage shall be limited to 1 wall sign on the front of the existing building, no larger than 150 square feet in area. In December of 2008 CCI Roofing & Insulation received its Zoning Compliance Certificate, which included the drive off 200 West to be reduced to 30 feet, 270 landscape points, 48 square foot sign, 15 parking spaces and 1 handicap space, and a dumpster with an opaque enclosure.
6. The kennel is located on 200 W between Lowell Road and Tellman Road. 200 W is a straight, paved, north-south county road approximately 20 feet wide. According to the County Engineer this road would be able to handle the additional traffic from the kennel.
7. 200 W can be accessed many ways. These include Lowell Road, Tellman Road, and 100 N. All of these access roads are paved and run east and west. All run from Indianapolis Road to 200 W, though Tellman Road and 100 N are curvy in these sections. Tellman Road and Lowell Road are both 20 feet in pavement width, while 100 N is 16 feet wide. The kennel would still be accessible via Lowell during a flood event, as it is not located in any FEMA mapped flood zone. Approximately half of Tellman Road is located in the Floodway, and the majority of 100 N is located in the AE 100 year flood zone.

Comprehensive Plan Consideration(s):

The Comprehensive Plan designates the future land use of properties in this area as Agriculture.

The Comprehensive Plan includes this property in the U.S. 31/Indianapolis Road character area. The following planning principles for that character area apply to this application:

1. Buffers should be provided between any new development and agricultural areas.
2. Commercial uses that do not detract from the neighboring residential and industrial areas are appropriate. These should be located only on arterial streets and should be in planned commercial areas, not developed as individual lots with curb cuts along the highway.

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

1. **POLICY A-2-7:** Require appropriate buffer areas to be maintained between farm and nonfarm uses.
2. **POLICY E-1-12:** Encourage businesses that are consistent in scale and character with the residential neighborhood and which do not detract from the enjoyment of residential properties.
3. **POLICY E-2-7:** Require signs to be designed in accordance with street types and traffic patterns so that signs are appropriate to the condition in which they are seen and in a manner which effectively informs drivers about available business activities along the corridors.

Provisional Findings of Fact/Decision Criteria:

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose reasonable conditions as part of an approval.

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

Provisional Findings: Dogs will be located indoors at all times except when taken outside on a leash for bathroom breaks. The business would have normal hours with peak traffic times being in the morning and evening during pick-up and drop-off. The kennel is accessible from several county roads including Lowell Road which would provide the safest access to the kennel. Approval of this request will not create a threat to public health or safety. *This criterion has been met.*

2. **The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

Provisional Findings: The property has sufficient parking for this type of business, and the business will not operate outside the norm of any other commercial use. Adequate buffering is provided by a fence between the kennel and the adjacent house. *This criterion has been met.*

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

Provisional Findings: It is not unusual for commercial uses to be located near or adjacent to residential and agricultural properties. In many instances buffering is suggested or required to offset any potential negative affects these uses may have on each other. A 6 foot privacy fence serves as a buffer between the kennel and residence to the north. This fence ensures neither use will negatively affect the use or value of the adjacent property. *This criterion has been met.*

4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: The Comprehensive Plan encourages commercial uses that do not detract from the neighboring residential. Because the existing privacy fence serves as an adequate buffer between the kennel and the neighboring residential, and the building is not unlike other agricultural buildings in the area, the proposed use would not be out of character for the zoning district it is located in. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for conditional use 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
Conditional Use Application

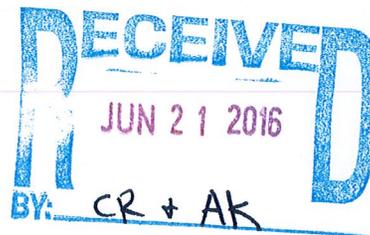
Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AP

Docket No.: CJW-16-07

Hearing Procedure: Board of Zoning Appeals Hearing Officer



Conditional Use Application:

Note: It is recommended that all conditional use 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 meeting.

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

Name: Guardian-K9, LLC Sean P. Pendleton

Address 2346 N 200 W Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-371-3423 Fax No.: _____ E-mail Address: spendleton@guardiank9columbus.com

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

Name: Fred and Jodi Cusack

Address 8700 W Georgetown Road Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-350-4355 Fax No.: _____ E-mail Address: info@macpropertygroup.com

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

Name: Sean Pendleton

Address 2346 N 200 W Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-371-3423 Fax No.: _____ E-mail Address: spendleton@guardiank9columbus.

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.

Email Fax Mail

Property Information:

Address 2346 N 200 W Columbus IN 47201
(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):

N/A

Conditional Use Requested:

I am requesting a conditional use as listed by Section 3.5 (B) of the Zoning Ordinance to allow the following:

Kennel

Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

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

See Attached Exhibit "A"

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

See Attached Exhibit "B"

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

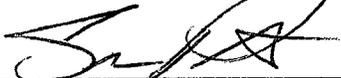
See Attached Exhibit "C"

4. The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

See Attached Exhibit "D"

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)

06/20/16

(Date)

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.



(Owner's Signature)

6/20/16

(Date)

Frederick N. Cusack

(Owner's Printed Name) SPOUSE

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.

Conditional Use Requested:

I am requesting a conditional use as listed by Section 3.5 (B) of the Zoning Ordinance to allow the following:

Kennel

* Guardian-K9, LLC will operate a dog daycare facility that will supervise a population of dogs on a daily basis that will range from 1 at minimum to 50 at maximum. Guardian-K9, LLC is not a kennel in the traditional meaning of the word. Unlike a typical kennel with many dog(s) in "cages," it operates with placing compatible dogs in grouped secured areas during the day for social interaction (see attached rough drawing of facility layout. Lodging of dogs may be conducted overnight in single canine kennels (6 kennels). Checkup visits from staff during the evening hours will be conducted and monitoring of dog(s) via security cameras that can be accessed on site or off site.

Exhibit "A"

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

The approval of the conditional use as listed by Section 3.5 (B) Commercial Use-Kennel will not be injurious to the public health, safety, and general welfare of the community. The kennel is located in a primarily agriculture area. The kennels will be operated between the hours of 6:00am-6:00pm Mon.-Fri. Vehicle traffic will be minimal during the day, during drop off and pick up of dog(s). The population of dogs at the kennel on a daily basis will range from 1 at minimum to 50 maximum. The dogs will be inside the building at all times, except when taken outside to urinate or defecate in the rear grass area. The grass area that will be used will be out of public view located on the west side of the building. When outside, the dogs will be on leash and all dog waste will be cleaned up immediately and disposed of properly. The noise of the facility as a result of dogs will be managed effectively by properly trained staff to keep noise at a minimum to not disrupt the residential homes in the area. Improvements are being made to the property. Landscaping will be placed on the property (see attached site plan), the blacktop will be seal coated and striped and the landscaping will be maintained on a weekly basis. The property has adequate parking as required. Property has motion detector outside lighting and security cameras. The dog training and behavioral modification conducted at the kennel will additionally improve the behavior of the dog(s) that will result in improvement to the public health, safety, and general welfare of the community.

Exhibit "B"

The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

The use of the property as a kennel is consistent with the intent of the development standards established by the Zoning Ordinance for similar uses. The building is of commercial structure located in a

rural agricultural area. No additional development to the exterior of the building will be conducted. The property has adequate parking.

Exhibit "C"

Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

The granting of this conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity. The area surrounding this property includes residential homes, farm fields, and by other businesses. The closest residential home (2348 N 200 W) is 72ft north of the building separated by a 6 ft tall wooden privacy fence. The homeowner, Mellodee Bishop has been notified of the potential use of the property and had no dispute of the use. The granting of the conditional use of the property will not diminish the property value of the neighbors. The improvements of the building will improve the outside aesthetic and overall appeal of the area. Many of the permitted uses in this zoning district are much more intrusive, create more noise, and generate significantly more traffic than a kennel/dog daycare facility. The kennel/dog daycare facility will have no adverse impact in the vicinity.

Exhibit "D"

The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan. Guardian-K9, LLC meets and exceeds many recommendations of the Comprehensive Plan. Goal 13 of the Bartholomew County Comprehensive Plan recognizes the importance of preserving and enhancing the beauty of Bartholomew County. The property owner and Guardian-K9, LLC understands the importance of Goal 13 of the Comprehensive Plan and will be adding landscaping around the building and parking lot to enhance the appearance and reuse of a currently empty building. Goal 18 is promote economic growth in the county by encouraging the location and expansion of businesses and industries that are compatible with their surroundings and providing with adequate services. The property is located in a primarily agricultural area surrounded with farm fields, four residential homes in the area, and two businesses (Rumpke & M3 Commodities). A kennel would not be out of character for the area. Granting this conditional use and allowing Guardian-K9, LLC to operate at the proposed location is consistent with the recommendations of the Comprehensive Plan.



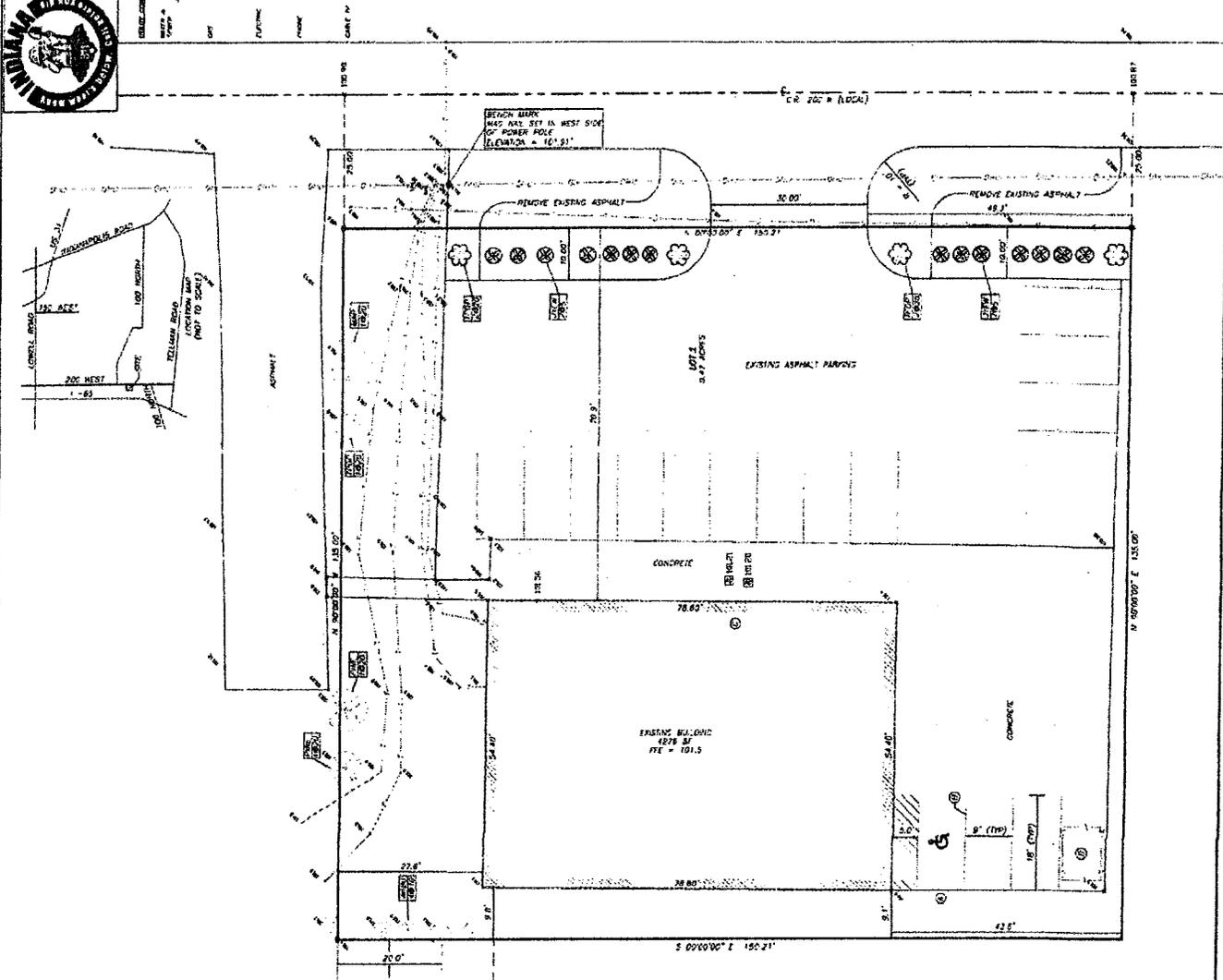
CITY OF COLUMBIA, SOUTH CAROLINA
 PLANNING DEPARTMENT
 1115 BROADWAY, SUITE 100
 COLUMBIA, SOUTH CAROLINA 29201
 TEL: 803/792-1111
 FAX: 803/792-1112

DATE: 08/11/2011
TIME: 10:00 AM
PROJECT: 1115 BROADWAY, SUITE 100
CLIENT: CROWDER DARNALL
DESIGNER: CCI ROOFING
SCALE: 1" = 10'
DATE: 08/11/2011

CCI ROOFING
 2245 N. 200 W. COLUMBUS, SC 29201
 TEL: 803/792-1111
 FAX: 803/792-1112

CROWDER DARNALL
 1115 BROADWAY, SUITE 100
 COLUMBIA, SOUTH CAROLINA 29201
 TEL: 803/792-1111
 FAX: 803/792-1112

SHEET 1 OF 1
 DATE: 08/11/2011
 TIME: 10:00 AM
 PROJECT: 1115 BROADWAY, SUITE 100
 CLIENT: CROWDER DARNALL
 DESIGNER: CCI ROOFING



PLANT LIST (EXISTING)

PLANT	QUANTITY	SIZE	PRICE	TOTAL
SPRING BURNING BUSH	1	3"	1.00	1.00
DOGWOOD	1	3"	1.00	1.00
HYDRANGEA	1	3"	1.00	1.00
SPRING BURNING BUSH	1	3"	1.00	1.00
DOGWOOD	1	3"	1.00	1.00
HYDRANGEA	1	3"	1.00	1.00
TOTAL				3.00

PLANT LIST (NEW INSTALLATION)

PLANT	QUANTITY	SIZE	PRICE	TOTAL
SPRING BURNING BUSH	1	3"	1.00	1.00
DOGWOOD	1	3"	1.00	1.00
HYDRANGEA	1	3"	1.00	1.00
SPRING BURNING BUSH	1	3"	1.00	1.00
DOGWOOD	1	3"	1.00	1.00
HYDRANGEA	1	3"	1.00	1.00
TOTAL				3.00

LANDSCAPE POINTS REQUIRED
 POINT SYSTEM: 10.00 + 0.00 = 10.00
 TOTAL: 10.00

LANDSCAPE POINTS PROVIDED
 POINT SYSTEM: 10.00 + 0.00 = 10.00
 TOTAL: 10.00

LEGAL DESCRIPTION
 LOT 1 IN TELLERS MAP AS RECORDED IN PLAN BOOK 37, PAGE 19 IN THE OFFICE OF THE RECORDER OF DEEDS, COLUMBIA COUNTY, SOUTH CAROLINA.

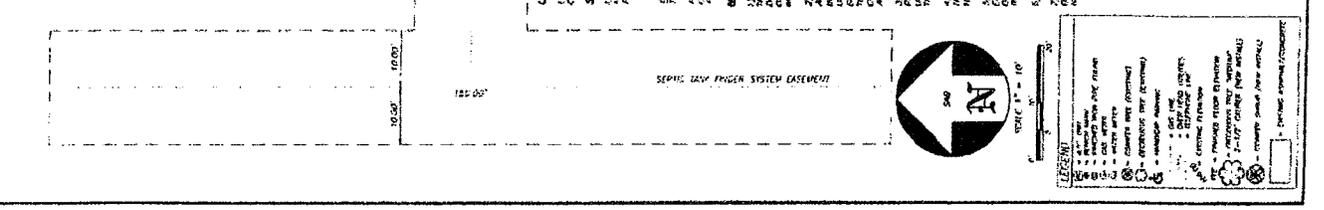
NOTES
 1) THE SUBJECT PROPERTY DOES NOT FALL WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR COLUMBIA COUNTY, SOUTH CAROLINA.

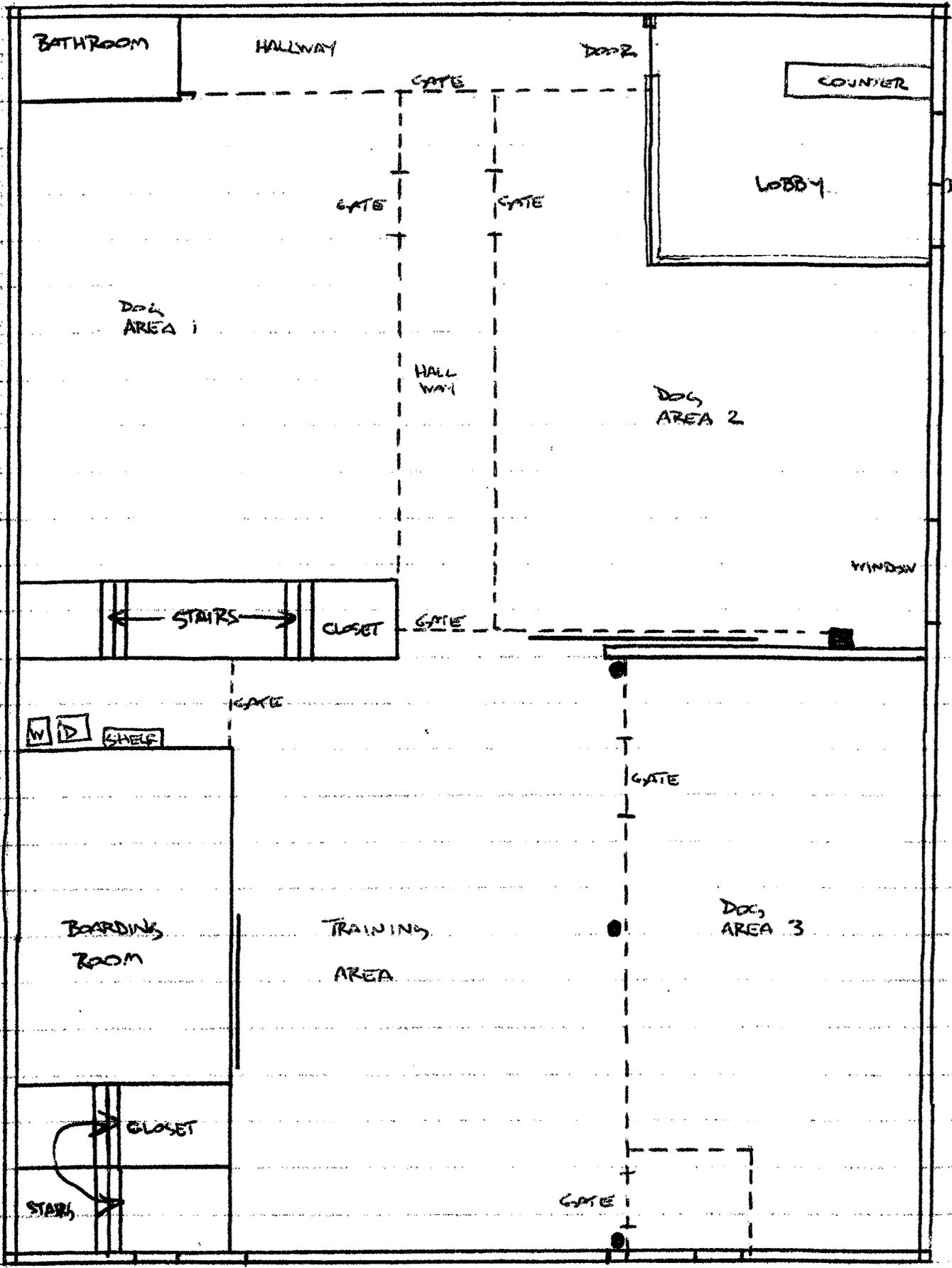
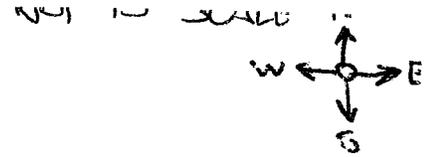
NOTES
 1) THE SUBJECT PROPERTY DOES NOT FALL WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR COLUMBIA COUNTY, SOUTH CAROLINA.

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1800
GATES
7 PANELS
K6X4 POST

W D SHELF

CLOSET
STAIRS

DOOR

OVERHEAD DOOR

DOOR

RECEIPT

COLUMBUS PLAN COMMISSION

No 8985

General FUND

COLUMBUS IN., June 21 2016

\$135.00

RECEIVED FROM Gaurdian K-9

~~\$135.00~~

THE SUM OF One-hundred & Thirty-five & 00/100 DOLLARS

ON ACCOUNT OF Conditional Use & Sign Application

PAYMENT TYPE & AMOUNT

CASH X CHECK _____ M.O. _____

Alexandra Keen

AUTHORIZED SIGNATURE

E.F.T. _____ C.C./BC _____ OTHER _____