



**CITY OF COLUMBUS
 BOARD OF ZONING APPEALS
 HEARING OFFICER
 (October 8, 2013 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/CU-13-18 (Fraternal Order of Eagles)
Staff: Melissa Begley
Hearing Officer: Melissa Begley

Applicant: Fraternal Order of Eagles
Property Size: 25,700 square feet
Zoning: Current: CN (Commercial: Neighborhood) Proposed: CD (Commercial: Downtown)
Location: 930 Washington Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed conditional use will allow a private club in the CD (Commercial: Downtown) zoning district.

Preliminary Hearing Officer Decision:

Approval, subject to the following condition to provide a dumpster screen in accordance with Zoning Ordinance Section 6.1(C)(2) and contingent upon approval of the rezoning application filed by the FOE on August 12, 2013 by City Council.

Zoning District Intent:

The intent of the CD (Commercial: Downtown) zoning district is as follows: to serve as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely developed area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian-focused character, and to enable continued investment.

Current Property Information:	
Land Use:	Vacant commercial structure – formerly Hostess Thrift Store
Site Features:	9,000 square foot vacant building and parking area
Flood Hazards:	No flood hazards exist on the property.
Vehicle Access:	The property is accessed from Washington Street (Urban, Commercial, Collector Street) and 9 th Street (Urban, Commercial, Local Street).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CN (Commercial: Neighborhood Center)	Single Family Residence
South:	CD (Commercial: Downtown Center)	Office Use
East:	CN (Commercial: Neighborhood Center)	Commercial Uses
West:	CN (Commercial: Neighborhood Center)	AT&T Communications Building

Interdepartmental Review:	
City Engineering:	No comments received.
City Fire:	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. The Fraternal Order of Eagles (FOE) is proposing to relocate to the subject property. The FOE is an international, non-profit organization whose members unite for fellowship and philanthropic activities. Common activities at the Eagles Lodge include bingo, card tournaments, music performances, and other social gatherings.
2. The property is currently zoned CN (Commercial: Neighborhood) and the applicant is in the process of rezoning the property to CD (Commercial: Downtown). To date, they have received a favorable recommendation from the Plan Commission and will go before the City Council for a final decision on October 15, 2013. The Zoning Ordinance classifies the FOE as a private club, a “facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.” Private clubs are not outright permitted in the CD (Commercial: Downtown Center) zoning district; they are permitted by conditional use only.
3. Per Zoning Ordinance Section 7.1(Part 1)(A)(1)(a), properties located within the CD zoning district are not required to provide on-site parking. However, for private clubs in zoning districts other than the CD zoning district, the Zoning Ordinance requires the on-site provision of 1 parking space for every 4 seats. The FOE expects to provide 182 seats within the renovated facility; therefore, 46 parking spaces would be required in any other zoning district. Currently, the subject property has approximately 36 on-site parking spaces.
4. On-street parking, while limited, is available near the subject property, along Washington and Jackson Streets. On-street parking is not available along 9th Street. Freestanding parking areas near the subject property are privately owned and parking within these lots is restricted. Approximately 75 on-street parking spaces are provided with 1.5 blocks of the subject property.
5. The subject property is not currently constructed to the standards of the CD zoning district. Many of these features are legal non-conforming, however, any subsequent improvements to the property would be required to meet the standards of the CD zoning district. The following are examples of the current development’s inconsistencies with the CD zoning district:
 - o Zoning Ordinance Section 6.1 (C)(2) states that all dumpsters shall be screened from view of all public streets and roads and all adjacent properties. There is currently an unscreened dumpster on the property.

- Zoning Ordinance Section 7.2(Part 4)(B)(3)(c) prohibits the installation of a parking area in the front yard. Parking is currently provided within the 9th Street front yard.
- Zoning Ordinance Section 8.1(C)(1) states that parking lot frontage landscaping is required whenever parking areas are provided and abut a public street frontage. This landscaping requirement consists of large or medium deciduous trees and shrubs. The current landscaping does not meet this requirement.

Comprehensive Plan Consideration(s):

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

The Comprehensive Plan includes this property in the Downtown Columbus character area. The following planning principles for that character area apply to this application:

1. New development or redevelopment should enhance the positive qualities of downtown. A healthy land-use mix should be retained, including a variety of retail, office, financial, professional, and institutional uses. Suburban-type uses such as big-box retail stores should not be permitted.
2. Retail and restaurant uses should be encouraged in the downtown but not to the exclusion of existing office, professional, financial, and institutional uses.
3. As uses change or expand, the city should ensure that smooth traffic flow will be maintained and that convenient parking is available.
4. Locate off-street parking behind structures rather than in front of or beside them.
5. Retain the urban character by locating buildings close to the street.

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

1. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located.
2. **POLICY E-1-1:** Maintain the downtown as the heart of the city, retaining its function as the government, institutional, and financial center of the community.
3. **POLICY E-1-2:** Encourage retail, entertainment, restaurant, and similar uses which add to the vitality of the downtown, with emphasis on after-hours and weekend activities.

Provisional Findings of Fact/Decision Criteria:

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer 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: Washington Street is a collector and is adequate to handle traffic from the FOE. Traffic to and from the site will be staggered throughout the day and will not conflict with surrounding businesses or typical rush hour traffic. *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 site currently exceeds the parking space requirement standards of the ordinance. Conditions of approval recommended by the Planning Department bring the site into compliance with the dumpster screening requirements. Future improvements will be required to be in compliance with the current zoning standards. *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.**

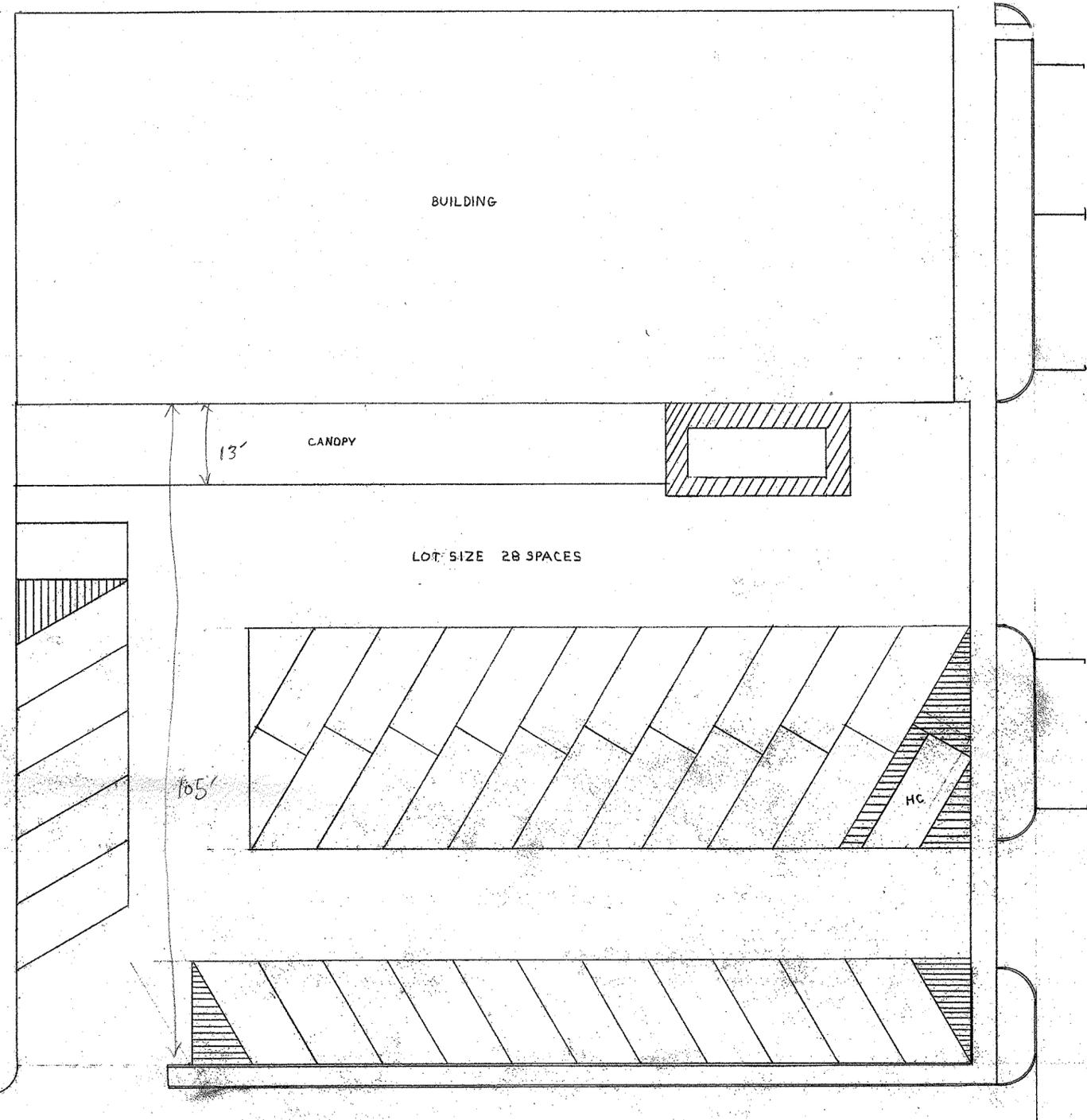
Provisional Findings: The site is primarily surrounded by other commercial and office uses. Many of the events at the site will be in the evenings and on weekends when the surrounding businesses are closed. The property located to the north of the subject property is currently used as a single family residence but has a commercial zoning designation. In a mixed-use area, such as this, it is not uncommon to have commercial adjacent to residential. The FOE would not be creating any excessive or unreasonable noise that would be atypical for this type of area. It is a reasonable expectation that surrounding residents are more accustomed to urban sounds and activity and will not permanently injure the surrounding properties. *This criterion has been met.*

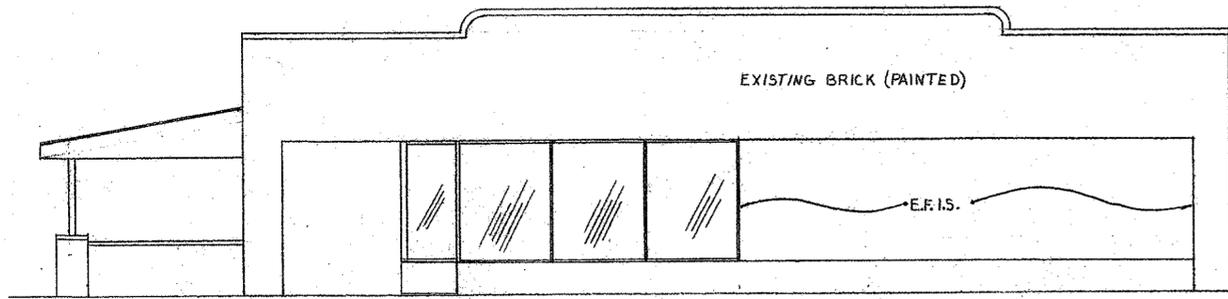
4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: The intent of the CD (Commercial: Downtown) zoning district is to serve as the primary commercial and activity center of the community, where a complete range of goods, services, and entertainment is located. The FOE serves as an activity center for their membership and also draws non-members for the variety of philanthropic activities hosted by the FOE. The Comprehensive Plan identifies the area as mixed use and encourages entertainment and restaurant uses. *This criterion has been met.*

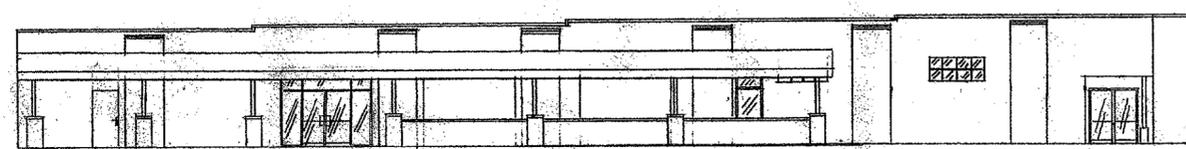
Hearing Officer Options:

In reviewing a request for *conditional use* the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.

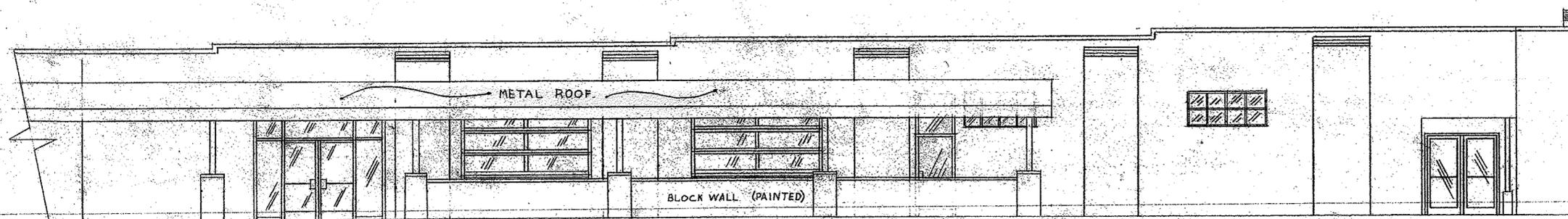




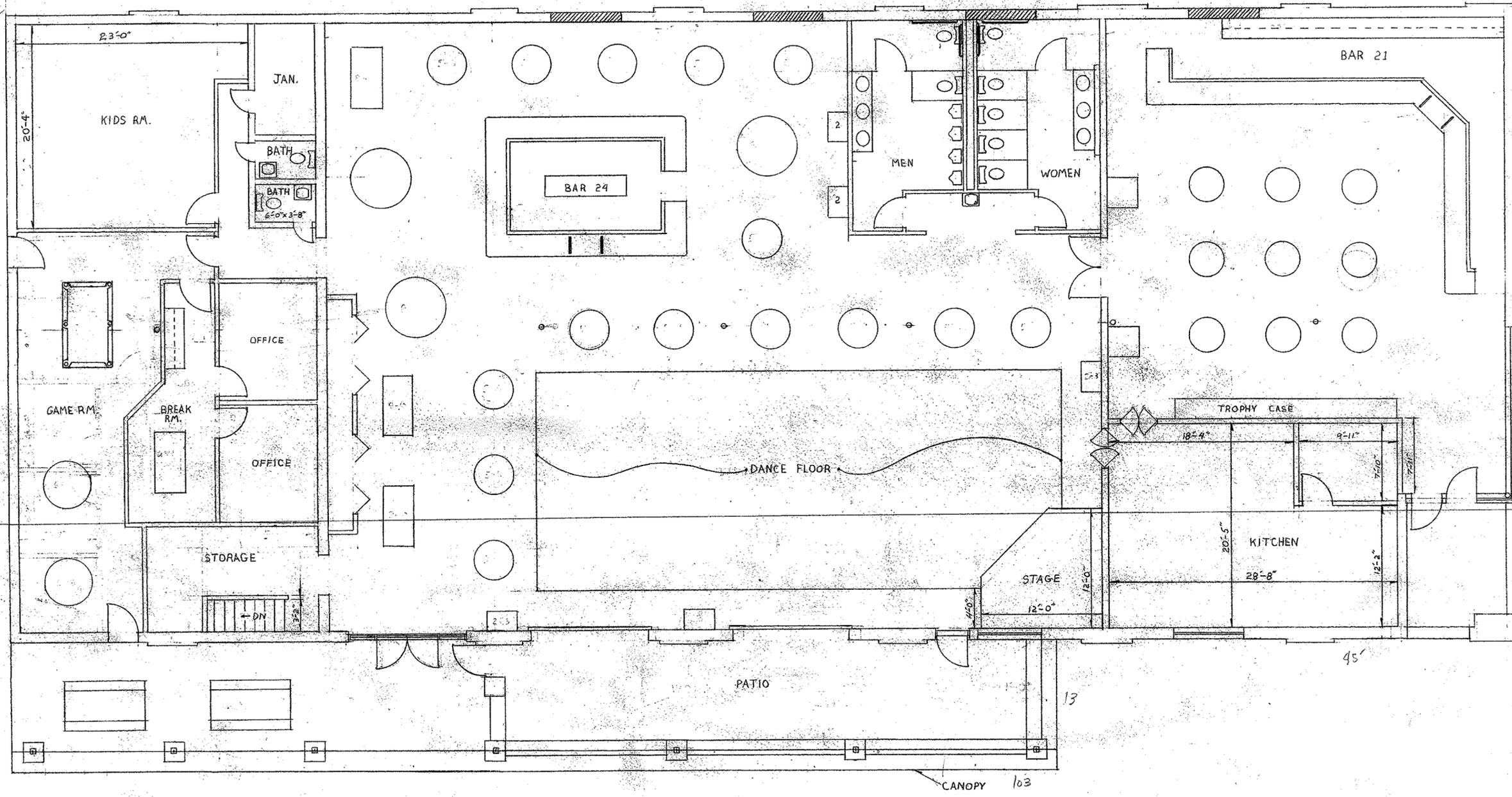
EAST ELEV. SCALE $\frac{1}{4}'' = 1'-0''$



SOUTH ELEV. SCALE $\frac{1}{8}'' = 1'-0''$



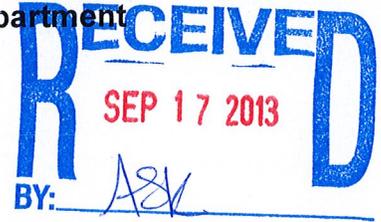
SOUTH ELEV. PATIO AREA SCALE $\frac{1}{4}'' = 1'-0''$



SHEET A-2 FLOOR PLAN SCALE 1/4" = 1'-0"
EAGLES

148
62
9176
1339 addition 14.5%

Columbus – Bartholomew County Planning Department
Conditional Use Application



Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: CD

Docket No.: C/CU-13-18

Hearing Procedure: Hearing Officer Board of Zoning Appeals

Conditional Use Application:

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

Name: Fraternal Order of Eagles 741 by Charles Zapfe, Officer

Address 217 1/2 Washington Street Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: (812) 376-7075 Fax No.: _____ E-mail Address: eagleslodge741@sbcglobal.net

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

Name: Hilger Fox Hilger LLP

Address 2545 Foxpointe Dr.-Ste.A Columbus IN 47203
(number) (street) (city) (state) (zip)

Phone No.: _____ Fax No.: _____ E-mail Address: _____

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

Name: Charles Zapfe

Address 217 1/2 Washington Street Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: (812) 371-8259 Fax No.: _____ E-mail Address: coachzap203@yahoo.com

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

Property Information:

Address 930 Washington Street 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):

Conditional Use Requested:

I am requesting a conditional use as listed by Section 3.16 of the Zoning Ordinance to allow the following:

The Fraternal Order of Eagles 741 anticipating a favorable rezoning of the subject property from CN to CD by the Columbus City Council requests the Columbus Board of Zoning Appeals grant a conditional use for the subject property to be used as a private club. The subject property will be used by the members, family and friends of the Fraternal Order of Eagles 741 will be used as a meeting hall and as a gathering place for socialization, recreation and entertainment.

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.

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

The subject property is a vacant property that was developed in the late 1940s and was used as a grocery store and most recently used as a bakery thrift store. The Fraternal Order of Eagles 741 desires to improve the property to use as their meeting hall. Redeveloping the vacant property at this location will enhance and improve the public health, safety and general welfare of the neighborhood community. The subject property that has been under utilized for an extended period of time. Bringing the property into full use by the Eagle members, their families and friends will provide patrons and customers to the businesses in the Downtown Expansion District to the North and the Urban Residential District.

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

The development of the property, as a private club, will be consistent with the development standards for the downtown. The downtown is intended to evoke an urban character with higher density, and enhanced activity. The FOE expects to provide 182 seats within the renovated facility with 36 on site parking spaces. The CD zoning has no on site parking requirement. There are 75 on-street parking spaces within 1.5 blocks of the subject property. Landscaping would be provided in the unpaved areas between the street, building and parking lot subject to the approval of the Board of Works and with removable seasonal planters, consistent with downtown landscaping in an urban environment.

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 CD zoning district is intended to serve as the primary commercial and activity center for the community where a complete range of goods, services and entertainment is available to the community. The FOE's conditional use of the property as a private club as a meeting place for its members, family and friends is consistent to the general purposes of the CD zoning district. The FOE's plan to renovate the building on the property will enhance the neighborhood, create addition opportunities for commerce, entertainment and promote the downtown as a destination and will not be injurious to other property or uses in the vicinity.

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 subject property is located within the downtown Columbus character area, as identified by the land use elements of the comprehensive plan and is identified as mixed use by the future land use map. The comprehensive plan encourages the use of existing buildings and infrastructure wherever possible in order to reduce urban sprawl on undeveloped land. Local businesses within vacant or underutilized buildings utilizes existing infrastructure, saves resources, and preserves undeveloped land. The Comprehensive Plan further encourages uses in and near the downtown that add vitality during weekend and evening hours. The conditional use of this property, as a private club, is consistent with all of these goals.

