



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(November 26, 2013 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/CU-13-19 & C/DS-13-33 (Estep & Company)  
**Staff:** Melissa Begley  
**Applicant:** Estep & Company, Inc.  
**Property Size:** 20,473 square feet  
**Zoning:** I-2 (Industrial: General)  
**Location:** 2665 State Street, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed conditional use will allow a restaurant in an I-2 (Industrial: General) zoning district. They are also requesting a development standards variance from Zoning Ordinance Section 7.1(Part 2)(D)(1) to allow 8 stacking spaces, 2 less than the 10 required stacking spaces for a restaurant drive-up window.

**Key Issue Summary:**

The following key issue(s) should be resolved through the consideration of this application:

1. Is a restaurant appropriate at this location?
2. Will the reduction of staking spaces negatively impact the traffic flow on the site?

**Preliminary Staff Recommendation:**

Conditional Use: Approval, all criteria have been met.

Development Standards Variance: Approval, all criteria have been met.

**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 & 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.

**Development Standards:**

**Section 7.1(Part 2)(D)(1):** Number Required: Restaurant Drive-up Windows are required 10 stacking spaces. The space used for remote ordering or communicating with the employees within the use may be one of the required stacking spaces.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single family residential
<b>Site Features:</b>	The site contains a single family residence, a detached garage, driveway and lawn area.
<b>Flood Hazards:</b>	No flood hazards exist on the property.
<b>Vehicle Access:</b>	State Street (Principal Arterial, Commercial, Suburban)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CC (Commercial: Community)	Columbus Carpet, Casey's Convenience Store and Gas Station (under construction), former Marsh Grocery Store
<b>South:</b>	I-2 (Industrial: General)	Faurecia (automotive parts supplier), Cummins
<b>East:</b>	I-2 (Industrial: General)	Single Family Residential
<b>West:</b>	CC (Commercial: Community) I-2 (Industrial: General)	Convenience and Gas Station Dorel

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	No comments provided.
<b>INDOT</b>	State standard separation distances between commercial drives are not able to be met for this project. We request the drive be located as close to the East property line as possible. We also request an ingress/egress easement across the drive to the property to the East so that when the adjoining property to the East is developed it would be used as a shared drive. This was advised prior to their purchase of the property and they advised that would not be an issue. The site plan provided does not show an ingress/egress easement.
<b>City Utilities:</b>	No comments provided.

**Planning Consideration(s):**

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

1. The site is currently a single family residence. The applicant has indicated they would like to remove the single family residence and construct a new restaurant facility with associated parking and a drive-thru window.
2. The property is zoned I-2 (Industrial: General) and permits the following uses: farm, communication service exchange, sewage treatment plant, utility substation, water tower, government facility, parking

lot, police, fire or rescue station, nature preserve, auto-oriented uses (medium scale), builder's supply store, conference center, data processing/call center, contractor's office/workshop, dry cleaners, food & beverage production, general industrial production, light industrial assembly & distribution, light industrial processing & distribution, mini-warehouse self-storage facility, research & development facility, truck freight terminal, warehouse & distribution facility.

3. Restaurants are allowed in I-2 (Industrial: General) zoning districts by conditional use. Restaurants are an amenity in industrial areas by providing the industrial workforce a place to eat during breaks. A restaurant would not be a benefit to an industrial area if by its location and the traffic it generated, interfered with the industrial semi-trailers and other cargo truck traffic. This site is located on a Principal Arterial that is able to handle a large volume of traffic and there is an existing mix of passenger vehicles and industrial traffic.
4. The Zoning Ordinance requires driveway entrances on Arterial streets or roads to be separated from other driveway entrances by a minimum of 400 feet. The minimum driveway separation cannot be met on this site due to existing driveway entrances on both sides of the subject property that are less than 400 feet in separation. The Zoning Ordinance includes an exception in these instances when the separation distance cannot be met to allow an entrance to the property.
5. Southeast of the subject property along State Street, there is a row of 8 single family residences. These properties are all zoned I-2 and are considered legal non-conforming uses. These houses are permitted to exist as single family homes, but if removed, would not be permitted to be rebuilt, without a use variance or the property being rezoned. Behind the row of houses are two large industrial properties.
6. The Zoning Ordinance requires a minimum number of stacking space for all non-residential uses that provide drive through facilities. Restaurants require 10 stacking spaces measured from the service window. The applicant has indicated that the restaurant guidelines require 5 cars waiting in line from the service window. The applicant has provided 8 stacking spaces, 2 less than required. If the site were to exceed the 8 stacking spaces, the additional cars would not back up into the right-of-way or onto the street, but would back-up within the site.
7. The site is 100 feet wide and 231 feet long and is relatively small for a commercial site. Many of the properties along State Street are small and awkwardly shaped. Any new development along State Street will be challenged to meet the Zoning Ordinance requirements including the minimum parking lot spaces, parking lot setbacks, building setbacks, drive widths and parking lot stacking spaces.
8. Rezoning the property to CC (Commercial: Community) was a possible option for the applicants. The greatest drawback of rezoning is the longer process which requires a public hearing by the Plan Commission and a public hearing by the City Council. The Conditional Use process is shorter with only one public hearing by the Board of Zoning Appeals. By retaining the I-2 zoning designation, a larger building setback is required as compared to the commercial standards. The I-2 zoning designation permits fewer wall signs and a smaller freestanding sign than the commercial standards.

### **Comprehensive Plan Consideration(s):**

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

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

1. Encourage family-friendly neighborhood businesses, and limit the development of bars and adult businesses.
2. Retain the traditional character of commercial areas by encouraging off-street parking to be located behind buildings wherever possible.
3. Limit general commercial development to arterial streets, primarily State Street.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application: None

### **Provisional Findings of Fact/Decision Criteria (Conditional Use):**

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:* The restaurant will not create any noxious smells or wastes that could be injurious to the public health. The building will be built to the current building code standards and will not endanger the safety of the public. *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:* With the exception of the development standards variance for the reduction of stacking spaces, the restaurant will meet all of the other development 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 adjoining properties to the south are industrial uses (manufacturing) and the property to the west is a commercial use (gas station/convenience store). These properties will not be negatively impacted and a restaurant will very likely benefit the employees from the industrial properties. The single family residence to the east will experience the greatest impact with the conversion of the single family residence on the subject property to a commercial business, in particular the increased traffic. However, the lot could be developed with an industrial use that would not require conditional use approval and could have a much greater negative impact. *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 East Columbus Character Area in the Land Use Plan element of the Comprehensive Plan encourages family-friendly neighborhood businesses and recommends limiting general commercial development to arterial streets, primarily State Street. This application is consistent with all of these recommendations. *This criterion has been met.*

#### **Provisional Findings of Fact/Decision Criteria (Development Standards Variance):**

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:* The reduction of stacking spaces will not create a public health or safety issue. If the drive-thru were to exceed 8 cars, the additional cars would back up within the site and not into the right-of-way or onto State Street. *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 adjoining properties will not be impacted by the drive-thru and will not be negatively impacted with a reduction of stacking spaces. If the drive-thru were to exceed 8 cars, the additional cars would back up within the site and not into the right-of-way or onto State Street. *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:* By residential standards the subject property is a medium sized lot, however as a commercial lot, the site is small and there is a practical difficulty to meet all of the Zoning Ordinance requirements for minimum parking spaces, parking lot setbacks, building setbacks, drive widths and parking lot stacking spaces. *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.

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  
Conditional Use Application**



**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County  
Zoning: Industrial I2 (General)  
Docket No.: CJCU 13-19  
Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

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**Conditional Use Application:**

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

Name: Estep & Company, Inc.  
Address: 3685 N. National Rd Columbus IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: (812) 375-0140 Fax No.: (812) 375-6198 E-mail Address: rfitzpatrick@estep-co.com

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

Name: Tom's Rentals, LLC  
Address: 2300 Washington St Columbus IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: (812) 375-1234 Fax No.: (812) 379-4652 E-mail Address: Trwetherald@sbcglobal.net

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

Name: Ryan Fitzpatrick, Director of Development - Estep & Company, Inc.  
Address: 3685 N. National Rd Columbus IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: (812) 375-0140; 350-7329 Fax No.: (812) 375-6198 E-mail Address: rfitzpatrick@estep-co.com

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

**Property Information:**

Address: 2665 State Street (Parcel # 03-96-29-320-004.400-005) 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):

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**Conditional Use Requested:**

I am requesting a conditional use as listed by Section \_\_\_\_\_ Article 12.4 \_\_\_\_\_ of the Zoning Ordinance to allow the following:  
Estep & Company, Inc. dba Subway Restaurants, is formally requesting a Conditional Primary Use for the property located at \_\_\_\_\_  
2665 State Street, which is currently zoned as Industrial: General (I2). According to Article 3.24 of the Zoning Ordinance, \_\_\_\_\_  
a Restaurant is specified as a Conditional Commercial Use for this zoning designation. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Conditional Use Criteria:**

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each 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.**

Estep & Company, Inc. currently operates the Subway Restaurant located at 2601 State St. Due to current limitations in amenities and space, we cannot adequately serve the local community. Therefore, we are proposing to relocate this store and its staff to the adjoining \_\_\_\_\_  
property hereby requesting Conditional Use approval. This opportunity will provide the local community an easily accessible, healthy, \_\_\_\_\_  
and enjoyable restaurant experience. This project will help serve as a catalyst for future redevelopment along State Street. \_\_\_\_\_

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

Estep & Company, Inc. fully intends to submit development plans that coincide and adhere to all public Zoning Ordinances set for \_\_\_\_\_  
our zoning designation. This includes but is not limited to standards in general parking, landscaping, exterior lighting, signage, and \_\_\_\_\_  
permitting. We respectfully request open collaboration throughout the design and development phase with our team on any discrepancies \_\_\_\_\_  
or variances required due to currently unforeseen site limitations. \_\_\_\_\_

**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.**

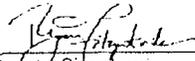
Based on the General Industrial Standards specified in Article 6.4 of the Zoning Ordinance, our proposed development fully complies \_\_\_\_\_  
with all requirements stated. Daily restaurant operation will not release smoke, cause electrical disturbance, raise fire hazards, excessive \_\_\_\_\_  
noise, objectionable odors and vibrations, toxic waste materials, or water pollutants, etc. The restaurant will have a grease interceptor \_\_\_\_\_  
for applicable waste according to Board of Health requirements. \_\_\_\_\_

**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.**

Based on the Zoning Map #12 for the City of Columbus, the proposed property is part of the general zoning district classified as \_\_\_\_\_  
Industrial: General (I2). This area encompasses most properties south of State Street, from Cherry Street to Marr Road. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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)

10/14/13  
\_\_\_\_\_  
(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.

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

10/16/13  
\_\_\_\_\_  
(Date)

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

10/16/13  
\_\_\_\_\_  
(Date)

Columbus – Bartholomew County Planning Department  
Development Standards Variance Application



Planning Department Use Only:

Jurisdiction:  Columbus  Bartholomew County

Zoning: Industrial I2 (General)

Docket No.: C/DS-13-33

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: Estep & Company, Inc.

Address 3685 N. National Rd Columbus IN 47201  
(number) (street) (city) (state) (zip)

Phone No.: (812) 375-0140 Fax No.: (812) 375-6198 E-mail Address: rfitzpatrick@estep-co.com

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

Name: Tom's Rentals, LLC

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Phone No.: (812) 375-1234 Fax No.: (812) 379-4652 E-mail Address: Trwetherald@sbcglobal.net

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

Name: Ryan Fitzpatrick, Director of Development - Estep & Company, Inc.

Address 3685 N. National Rd Columbus IN 47201  
(number) (street) (city) (state) (zip)

Phone No.: (812) 375-0140; 350-7329 Fax No.: (812) 375-6198 E-mail Address: rfitzpatrick@estep-co.com

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

**Property Information:**

Address 2665 State Street (Parcel # 03-96-29-320-004.400-005) 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):

**Variance Requested:**

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

Estep & Company, Inc. dba Subway Restaurants, is formally requesting a Variance for the property located at 2665 State St. This is to request (8) stacking spaces to be utilized in lieu of the required (10) per the Stacking Spaces Table 7.5 of the Zoning Ordinance. Due to site limitations and parking lot flow logistics, we have determined that only (8) stacking spaces can realistically be achieved without compromising the traffic flow or proposed parking spaces. (According to Subway guidelines, a typical drive-thru lane should be designed to handle a minimum of (5) cars waiting in line from the service window.)

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that 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.**

Estep & Company, Inc. currently operates the Subway Restaurant located next to this property, which does not offer a drive-thru for customers. This proposed amenity will add substantial value to the local community, providing a convenient option for healthy eating.

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

This request does not affect the use and value of the area(s) adjacent to the property.

**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.**

This Variance is being requested due to site limitations and parking lot flow logistics required. After numerous attempts to relocate the building's position, orientation, as well as variations with parking space angles and orientations, we have determined that the proposed site layout shown on the one-page drawing provided exhibits the best possible layout for the store, parking lot spaces, and drive-thru lane.

**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:

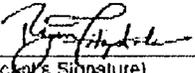
Name: Estep & Company, Inc.

Address 3685 N. National Rd Columbus IN 47201

(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.

 10/17/13

(Applicant's Signature) (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.

 10/17/13

(Owner's Signature) (Date)

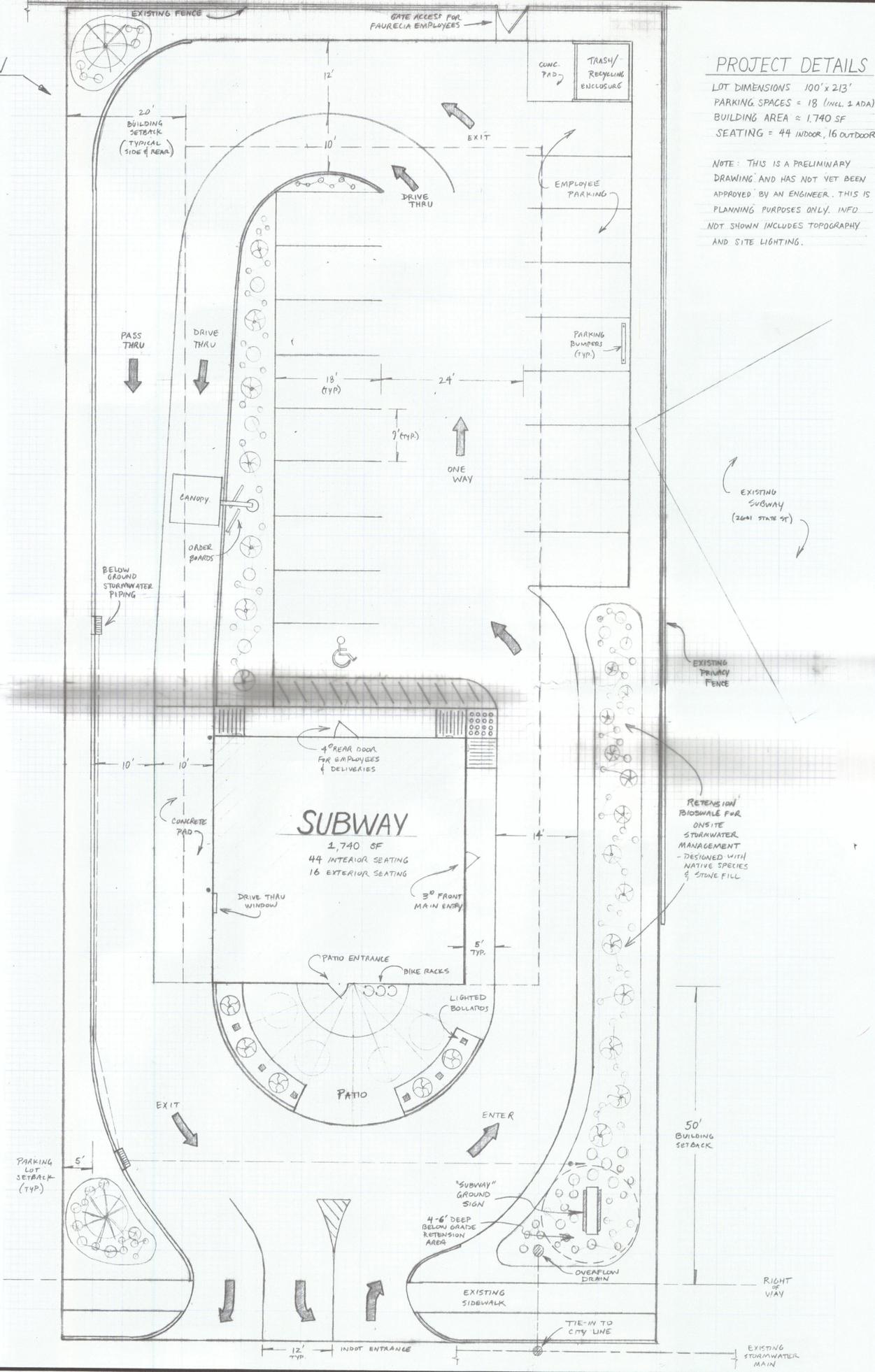
 10/17/13

(Owner's Signature) (Date)

**1** ELEVATIONS



**3** PROPOSED SITE PLAN  
SCALE 1" = 10'



**PROJECT DETAILS**  
 LOT DIMENSIONS 100' x 213'  
 PARKING SPACES = 18 (INCL. 2 ADA)  
 BUILDING AREA = 1,740 SF  
 SEATING = 44 INDOOR, 16 OUTDOOR  
 NOTE: THIS IS A PRELIMINARY DRAWING AND HAS NOT YET BEEN APPROVED BY AN ENGINEER. THIS IS PLANNING PURPOSES ONLY. INFO NOT SHOWN INCLUDES TOPOGRAPHY AND SITE LIGHTING.

**2** PROPOSED FLOOR PLAN  
SCALE 1/4" = 1'

