



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

STAFF REPORT

Docket No. / Project Title: C/DS-16-27 (Starbucks/Anytime Fitness)
Staff: Melissa Begley
Applicant: Culp Ventures
Property Size: 40,510 square feet
Current Zoning: CR (Commercial: Regional)
Location: 1585 N. National Road, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10 (Table 10.1) is for the purpose of allowing a secondary element on a freestanding sign to be 64 square feet in size, 40 feet larger than the maximum 25 square feet. The purpose is to allow the two occupants of the building to have equal size signage on the sign.

Preliminary Staff Recommendation:

Denial, Criteria #2 and #3 have not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CR (Commercial: Regional Center) zoning district is as follows: to establish appropriate locations for a variety of businesses that either (1) serve a regional market or (2) require convenient access to high volume transportation routes. This district should be limited to locations with access and infrastructure which is compatible with the needs of regional-serving businesses and facilities. This district should be focused at key intersections, rather than extended along corridors.

Development Standards: Zoning Ordinance Section 10 (Table 10.1) for a freestanding sign on a multiple use lot allows a primary element to be 150 square feet and up to three secondary elements to be 25 square feet each.

| Current Property Information: | |
|--------------------------------------|--|
| Land Use: | Starbucks, Anytime Fitness |
| Site Features: | Commercial building, parking lot, dumpster and landscaping |
| Flood Hazards: | No flood hazards exist at this property. |
| Vehicle Access: | National Road/US 31 (Principle Arterial, Commercial, Suburban) |

| Surrounding Zoning and Land Use: | | |
|---|---|---|
| | Zoning: | Land Use: |
| North: | CR (Commercial: Regional) | Commercial Strip Center (Bubba Blues BBQ, Guardian Kung Fu, Columbus Pawn Shop) |
| South: | CR (Commercial: Regional) | MFG Furniture, Crew Cawash |
| East: | CR (Commercial: Regional) RS3 (Residential: Single Family 3) | Crew Carwash Hiker Trace/Edgewood Subdivision |
| West: | I-2 (Industrial: General) | Cummins Fuel Systems |

| Interdepartmental Review: | |
|----------------------------------|--|
| City Fire Department: | Columbus Fire Department does not have any issues with this request. |
| Code Enforcement: | Code Enforcement does not have any issues with this request. |

Planning Consideration(s):

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

1. The applicants are requesting to install a 22 foot tall freestanding sign at the east entrance drive in an existing parking lot island. The sign will display a 64 square foot primary element and a 64 square foot secondary element (one each for Starbucks and Anytime Fitness).
2. The Zoning Ordinance distinguishes between primary and secondary elements for freestanding signs. The primary element describes the facility as a whole, which may include the name of the multiple-use facility, the name of a primary user of the facility, or similar description. Secondary elements may describe any other uses or activities within the facility other than those noted in the primary element. The ordinance regulates the number and size of primary and secondary elements in order to minimize distraction to drivers and avoid visual clutter.
3. The Zoning Ordinance permits all primary elements to be 150 square feet in size and secondary elements to be 25 square feet in size. The total square footage permitted for a freestanding sign on a multiple use lot is 225 square feet.

| | Permitted Area / Quantity | Proposed Area / Quantity |
|---------------------------|--------------------------------------|-------------------------------------|
| Primary Elements | 150 sq. ft. (1) | 64 sq. ft. (1) |
| Secondary Elements | 25 sq. ft. (3) | 64 sq. ft. (1) |
| Total | 225 sq. ft. | 128 sq. ft. |

4. In addition to the freestanding sign, the Zoning Ordinance also permits each business to display up to three wall signs per public street frontage on their tenant space. Currently, Starbucks has 6 wall signs and Anytime Fitness has 1 wall sign.
5. The properties located to the north of the subject property are setback an average of 88 feet from the property line. The subject property is setback approximately 50 feet from the property line. The two properties to the south of the subject property are the closest to the road with a 35 foot setback from the property line. Crew carwash is setback approximately 80 feet and Aldi’s is setback 150 feet from

the property line. All of the businesses surrounding the subject property have wall signage and all of the properties, with the exception of the property directly to the south have freestanding signs as follows:

| | Primary Element | Secondary Element(s) |
|------------------------|------------------------|-----------------------------|
| Jimmy Johns | 25 sq. ft. (1) | 25 sq. ft. (3) |
| Qdoba | 48 sq. ft. (1) | 16 sq. ft. (1) |
| Brands* | 48 sq. ft. | NA |
| Bubba Blues BBQ | Unknown | 32 sq. ft. (1) |
| Crew Carwash | 147 sq. ft. | NA |
| Aldi | 56 sq. ft. | NA |

*A legal non-conforming sign – 2 freestanding signs are not permitted on a single lot with only 1 street frontage.

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: The installation of the sign will not be injurious to the public health or safety. The freestanding sign will not block vehicular movement or visibility as it will be located outside of the public right-of-way and is out of any sight visibility triangles located on the subject property. Also, the tenant panel sign is associated with a business that has a direct connection to the property. *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 secondary element to exceed the maximum area creates a fairness issue with the majority of the surrounding properties that conform to the standards of the ordinance. *This criterion **has not** 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: The restriction of the size of the secondary element does not prevent the applicant from using the subject property as a multi-tenant commercial facility. The Zoning Ordinance permits both tenants to be displayed on the sign, in addition to the wall signs that are permitted. *This criterion **has not** 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: CR

Docket No.: C/DS-16-27

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Development Standards 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: ROI Consulting/Construction LLC Robert G. Ostby

Address 3807 Bonaventure Drive COLUMBUS INDIANA 47203
(number) (street) (city) (state) (zip)

Phone No.: 812-447-0704 Fax No.: 812-378-4106 E-mail Address: rgostby@comcast.net

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

Name: CULP VENTURES LLC

Address 901 Wabash Ave. Terre Haute INDIANA 47807
(number) (street) (city) (state) (zip)

Phone No.: 812-234-4480 Fax No.: _____ E-mail Address: Steve@culpventuresllc.com

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

Name: ROI Consulting/Construction LLC Robert G. Ostby

Address 3807 Bonaventure Drive COLUMBUS INDIANA 47203
(number) (street) (city) (state) (zip)

Phone No.: 812-447-0704 Fax No.: 812-378-4106 E-mail Address: rgostby@comcast.net

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 1585 & 1565 North National Road/US 31 COLUMBUS INDIANA 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):

STARBUCKS/ANYTIME FITNESS

Variance Requested:

I am requesting a variance from Section 10 (TABLE 10.1) of the Zoning Ordinance to allow the following:

We want to treat our building lessors equally on the sign sizing and provide the proper Professional sizing for the visibility. We are requesting a variance to install approx. 22' (Foot) tall pylon sign with two (2) metal post supports. The first or upper portion to be STARBUCKS and second or lower portion to be ANYTIME FITNESS. Both sign faces to be 8'X8' foot for both STARBUCKS & ANYTIME FITNESS internally lite with LED and are two (2) sided. Corporate Sign Standards are required to be followed by both Companies. SECTION 10 (Table 10.1) under CR requires the primary (or Top portion) sign to be no larger than 150 Sq.Ft. We are reducing the size of the primary (STARBUCKS) sign to 64 Sq.Ft. SECTION 10 (Table 10.1) also states the secondary (lower) sign (ANYTIME FITNESS) to be no larger than 25 Sq.Ft. We are requesting the variance to install 64 Sq.Ft. This is one (1) building on this property that has two (2) different businesses.

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.

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

No injurious to pulbic Health, morals and general welfare of the community will be affected. It's a metal framed sign with plastic faces, and LED lite that will be approx. 22' foot in the air supported by two (2) 8" steel painted post. We will address the only category that would possibly have an impact and this is Safety from a possible visual obstruction, but there are NO visual obstructions because the sign faces are approx.22' foot in the air. This proposed sign will provide good distance visibility of the business. From being at the site all day long for days during construction, we have observed numerous close call accidents from people not seeing the business until the last second then braking hard to turn in. There is NO Pylon sign for either of these business at the current time.

- 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.**

There are Pylon Signs for the adjacent properties to the North and South of our property. The use and value of the area adjacent to the property will not be affected. See attached Photographs.

- 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.**

The new Pylon sign will be located in a curbed island at the entrance and exit on the South side of the property and with the required set back. This will not result in practical difficulties in the use of the property. We strongly believed that this new sign installation will provide a Safer early visual ability to the businesses location and reduce the sudden last second braking to turn in to the businesses. Our building is set back from the next building just South of our property. See attached Photographs

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: CULP VENTURES LLC

Address 901 Wabash Ave. Terre Haute INDIANA 47807
(number) (street) (city) (state) (zip)

Applicant's Signature:

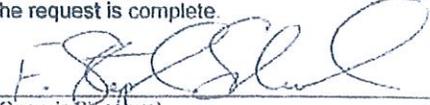
The information included in and with this application is completely true and correct to the best of my knowledge and belief.

✓ 
(Applicant's Signature)

6-11-2016
(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.

X 
(Owner's Signature)

6/13/16
(Date)

F Stephen Schroke for Culp Ventures, LLC
(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.

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RECEIPT COLUMBUS PLAN COMMISSION

No 8979

GENERAL FUND

COLUMBUS IN., June 17 2016

RECEIVED FROM Culp Ventures LLC \$ 250.00

THE SUM OF Two-hundred & Fifty Dollars $\frac{\$}{100}$ 00 100 DOLLARS

ON ACCOUNT OF Starbucks Sign Variance C/PD-16-27

PAYMENT TYPE & AMOUNT

CASH _____ CHECK 10700 M.O. _____

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

Alexandra Keen

AUTHORIZED SIGNATURE