



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(September 27, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/CU-16-10 & C/DS-16-40 (Kroot)
Staff: Melissa Begley
Applicant: Kroot Corporation
Property Size: 18.45 Acres
Zoning: I-3 (Industrial: Heavy)
Location: 2915 State Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed conditional use will allow the expansion of their existing scrap metal yard into a 6.85 acre area of the property that is currently unused. This expansion contemplates the full usage of the entire property at build-out. The property is located in the I-3 (Industrial: Heavy) Zoning District. The applicant is also requesting a development standards variance to waive the requirement to install a Buffer Yard Type C along the northwest property line, per Zoning Ordinance Section 8.2 (Table 8.3).

Key Issue Summary:

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

1. Is the expansion of a scrap metal yard appropriate at this location?
2. Is a Type C Buffer beneficial to the adjoining property owners?

Preliminary Staff Recommendation:

Conditional Use: Approval, all criteria have been met. The approval shall include the commitment that the existing wooded area along the west property line shall be retained. This area shall be shown with approximate dimensions, on the conditional use exhibit, and indicated as “to remain”.

Development Standards Variance: Denial, criteria #2 and #3 have not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the I-3 (Industrial: Heavy) zoning district is as follows: to provide locations for industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure.

Development Standards: According to Zoning Ordinance Section 8.2 (Table 8.3), when a property in the I-3 (Industrial: Heavy) zoning district is developed, a Buffer Yard Type C shall be provided along any property line that abuts a property zoned I-2 (Industrial: General). Zoning Ordinance Section 8.2(F) states that a Buffer Yard Type C shall include a minimum width of 15 feet in addition to the setback otherwise required by the Zoning Ordinance. The following standards apply to the Buffer Yard Type C:

1. Landscaping Required: A minimum of 50 landscape points shall be provided within every 50 linear feet of buffer yard required. Any buffer yard segment less than 50 feet shall be provided

with plant material equal to 1.0 points for every linear foot of that segment. The required point value shall be met by providing landscaping consistent with the Landscaping Points Requirements Table (Table 8.1). At least 50% of the required points must be met with evergreen trees and shrubs. [Section 8.2(F)(1)]

2. **Landscape Placement:** The required landscaping for Buffer Yard Type C may be located within the additional setback or anywhere within the adjacent required setback. However, where the buffer is adjacent to agricultural zoning districts the landscaping materials shall not be located within 10 feet of the property line to prevent interference with agricultural activities. [Section 8.2(F)(2)]
3. **Berms:** A berm shall be permitted within the buffer, subject to the requirements of Section 8.2(F). [Section 8.2(F)(3)]
4. **Fences and Walls:** Decorative fences or walls shall be permitted within a Type C buffer, subject to the construction requirements of Section 8.2(C)(1)(c); however, no fence or wall shall be counted towards meeting the buffer requirement. If utilized, fences or walls shall meet the maintenance requirements of Section 8.2(C)(4). [Section 8.2(F)(4)]

| Current Property Information: | |
|--------------------------------------|---|
| Land Use: | An existing scrap metal yard/vacant land |
| Site Features: | 4 large industrial type buildings, several smaller structures, various scrap metal piles and metal sorting bids/vacant land |
| Flood Hazards: | No flood hazards exist at this location. |
| Vehicle Access: | State Street (Principle Arterial, Commercial, Suburban) Behren Court (Local, Industrial, Suburban) |

| Surrounding Zoning and Land Use: | | |
|---|--|---|
| | Zoning: | Land Use: |
| North: | RS4 (Residential: Single Family 4) CC (Commercial: Community) | Meadowbrook Addition Single Family Residential Neighborhood Columbus Bowl, Commercial Strip Center |
| South: | I-3 (Industrial: Heavy) | Premier Ag Bulk Fueling Facility, Becker Electric, Louisville and Indiana Railroad |
| East: | I-3 (Industrial: Heavy) CC (Commercial: Community) | Sterling Garage Doors, Vacant Industrial Building, Airgas South Central Company |
| West: | I-2 (Industrial: General) | Cummins, Faurecia |

| | |
|----------------------------------|---|
| Interdepartmental Review: | |
| City Engineering: | We have no comments on the conditional use at this time. |
| City Fire Department: | The only comments that the fire department would have are: 1) what is the location of the nearest water supply for fire protection? 2) Will the location of future buildings in relationship to property lines be an issue? |

Planning Consideration(s):

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

1. The subject property is (1) a 6.85 acre undeveloped area on the west side of the current Kroot Corporation site and (2) a parking area on the east side of the site. The applicants are requesting to expand their existing scrap metal facility. The entire property is 18.45 acres. The proposal includes a new processing and storage area and 2 future building areas to the west of the existing operation onto the vacant area. The proposal also includes a future building addition to an existing building just south of Behren Court.
2. The subject property has frontage on State Street and Behren Court. State Street is also known as State Road 46 and is a 5 lane road with 2 east bound lands and 2 west bound lanes and a continuous center turn lane. Behren Court is a local street that dead ends into the Kroot facility. Only 4 other businesses share access onto Behren Court.
3. The western expansion area will not be visible from any public streets and would back up to the adjacent Cummins and Faurecia properties. The expanded area gains access internally and does not have additional direct access onto Behren Court or State Street. The eastern building addition would be visible from Behren Court and the two adjoining properties (South Central Co. and a vacant industrial building), but would not likely be an objectionable view. There is currently a lawn averaging 300 feet in width and a double row of mature evergreen trees and a row of trees and shrubs that screens the Kroot operation from State Street.
4. Permitted uses in the I-3 zoning district include: farm (general), communication service exchange, sewage treatment plant, utility substation, water tower, parking lot, police, fire, or rescue station, nature preserve, conference center, agricultural products processing, agri-industrial facility, concrete/asphalt production facility, contractor's office/workshop, dry cleaners (commercial), food & beverage production, general industrial production, light industrial assembly & distribution, light industrial processing & distribution, research & development facility, truck freight terminal, warehouse & distribution facility.
5. A scrap metal yard falls into the category of a "waste disposal facility". A waste disposal facility requires conditional use approval in the I-3 zoning district and is defined as "any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps and inoperable vehicle storage".
6. In 2005 the 6.85 acre area was transferred to the Kroot property through an administrative subdivision (AD-05-30). This 6.85 acre property was zoned I-2 (Industrial: General). The original Kroot site was zoned I-3 (Industrial: Heavy). Section 1.4(G)(4) of the replacement zoning ordinance adopted in 2008 indicates that any lot that has multiple zoning classifications shall be governed by the district in which a majority of the lot is included. In this case, the entire 18.19 acre lot shall be considered as being zoned I-3. The Zoning Ordinance does require a Type C buffer between I-2 (Industrial: General) and I-3 (Industrial: Heavy). A Type C buffer requires a 15 foot setback from the property line with a minimum of 50 landscape points per every 50 linear feet. This equates to 2 trees or 7 shrubs or a combination of the two. This buffer would apply only along the property line that adjoins Cummins and Faurecia in the western expansion area.
7. The Buffer Yard Type C includes a minimum width of 15 feet in addition to the setback otherwise required, which is 20 feet for a structure.
8. There is some existing vegetation on the properties adjoining the western expansion area. The property to the north has a wooded area on the southeast corner of their property. The property to the west has a wooded area along their southeast corner of their property and the subject property

has a wooded area that is approximately 30 feet in width along their western property line. There is an area of approximately 350 feet in length where no vegetative buffer exists between the properties.

9. There is an elevation change that exists on the subject property from the adjoining properties. The Faurecia site and Cummins property both sit at a base elevation of 624 feet. The Kroot property sits at an elevation of 612. This represents a 12 foot drop in elevation between the properties.

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: Prohibit new or expanded industrial development, except in industrial park areas.

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

1. **POLICY J-2-3:** Encourage industrial development to be integrated with its surroundings, providing smooth transitions between differing land uses.
Columbus economic success has been tied to successful local industry. In years past, industries located in the downtown and other neighborhood areas, close to the work force and to public facilities and services. Different types of industries are appropriate in different types of surroundings. The city should take steps to ensure that industries are good neighbors and that appropriate measures are employed to ensure compatibility of adjacent uses.
2. **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.
The city needs to continue its industrial growth for long-term economic health. Much of this growth will take place on land that now is used for farming. While it is recognized that some farmland will be lost to this growth, the city should minimize the impacts on farm operations.
3. **POLICY J-3-2:** Promote infill development in existing industrial areas.
Infill development conserves land and helps ensure compatibility of new development with neighboring uses.
4. **POLICY J-7-1:** Encourage industrial development consistent in character with the existing industries to locate in this area, particularly within the city limits, where infrastructure and services can be provided.
New development of a similar nature will enhance the strength of the existing businesses and continue to provide economic and job growth.
5. **POLICY J-9-1:** Encourage economic growth to take place in areas where appropriate infrastructure and services are available or can be provided at reasonable cost.
Healthy industrial development needs appropriate infrastructure and services. Adequate sewer and water service, police and fire protection, and convenient transportation networks all are important. These facilities and services are costly to provide, and locational decisions should be made in a manner which conserves resources.
6. **POLICY J-10-1:** Create a positive business climate characterized by flexibility.
The needs of businesses are continuously changing, and the city needs to have sufficient flexibility in its regulatory system to respond to these changes and to encourage and nurture new businesses.
7. **POLICY J-10-3:** Promote the growth of local companies.
Columbus' economic history is tied to the growth of its industrial base. In addition to attracting outside companies to locate in Columbus, the city should nurture the growth of those companies already located in the community.
8. **POLICY S-L-2-4:** Encourage use of landscape buffers to reduce the impacts of noise, including traffic noise.

The Comprehensive Plan's State Street Corridor Plan references the subject property as being located in the Industrial-Commercial Zone where there is a mix of large industrial operations, such as Cummins, Dorel, Faurecia and Kroot's. The plan identifies several opportunities to improve the State Street corridor's appearance, including enhancements along what is considered the Industrial Park Frontage and is intended to both enhance the streetscape along State Street and to improve pedestrian safety. Specifically the plan suggests:

1. Refine entrances to businesses using iconic identity signage that marks the entrance to the business and utilizes coordinated materials and design with the other industrial businesses.
2. Install a new marked crosswalk at State and Coover Street with ADA ramps and adequate lighting. This crosswalk could be designed with special pavers or stamped concrete.
3. Install a more formally designed landscape with plantings that includes pedestrian paths and public art.

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 approval of the expansion of a scrap metal facility will not be injurious to the public health, safety or general welfare of the community. The operation is required to comply with IDEM regulations. It is located adjacent to existing industrial property. There is adequate access to the site and the expansions will not generate traffic issues. *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 applicant has indicated the development will be consistent with the intent of the development standards established by the Zoning Ordinance, with the exception of the associated variance request to waive a Type C buffer along the western property line. *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 are industrial uses and will not be permanently injured by the development. The site has good road access through the existing Kroot facility from Behren Court and State Street. The expansion will not significantly change the traffic in the area. Further, the expansion area is set back significantly and is not visible from State Street. The building addition at the end of Behren Court would not create an objectionable view for the adjacent 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 Comprehensive Plan promotes the growth of local companies and promotes infill within existing industrial areas. Kroot is a local company that has been in business at the present location since 1965. *This criterion has been met.*

Board of Zoning Appeals Options – Conditional Use:

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.

Provisional Findings of Fact/Decision Criteria – Buffer 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: Absence of a Buffer Yard Type C at this location will not be detrimental to the public health or the general welfare of the community. The use of the subject property is a scrap metal yard facility and is not visible to the public from any major roadways or the public areas of adjacent businesses. *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.**

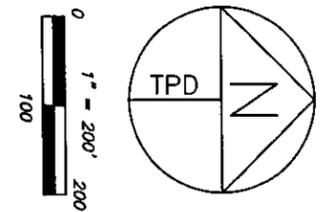
Provisional Findings: The absence of a Buffer Yard Type C could affect the property values or continued use of adjacent properties. The scrap metal facility will be expanding toward the 2 adjoining properties to the west. The scrap metal facility will be more visible and any noise generated will be significantly louder to the adjoining properties. *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: Although the subject property is at a lower elevation than the adjoining properties and there is the possibility that an installed buffer will not effectively screen the scrap metal facility from the adjoining properties, the Buffer Yard will not interfere with the use of the property as a scrap metal facility, and there is nothing peculiar about the property that precludes the installation of landscaping. *This criterion **has not** been met.*

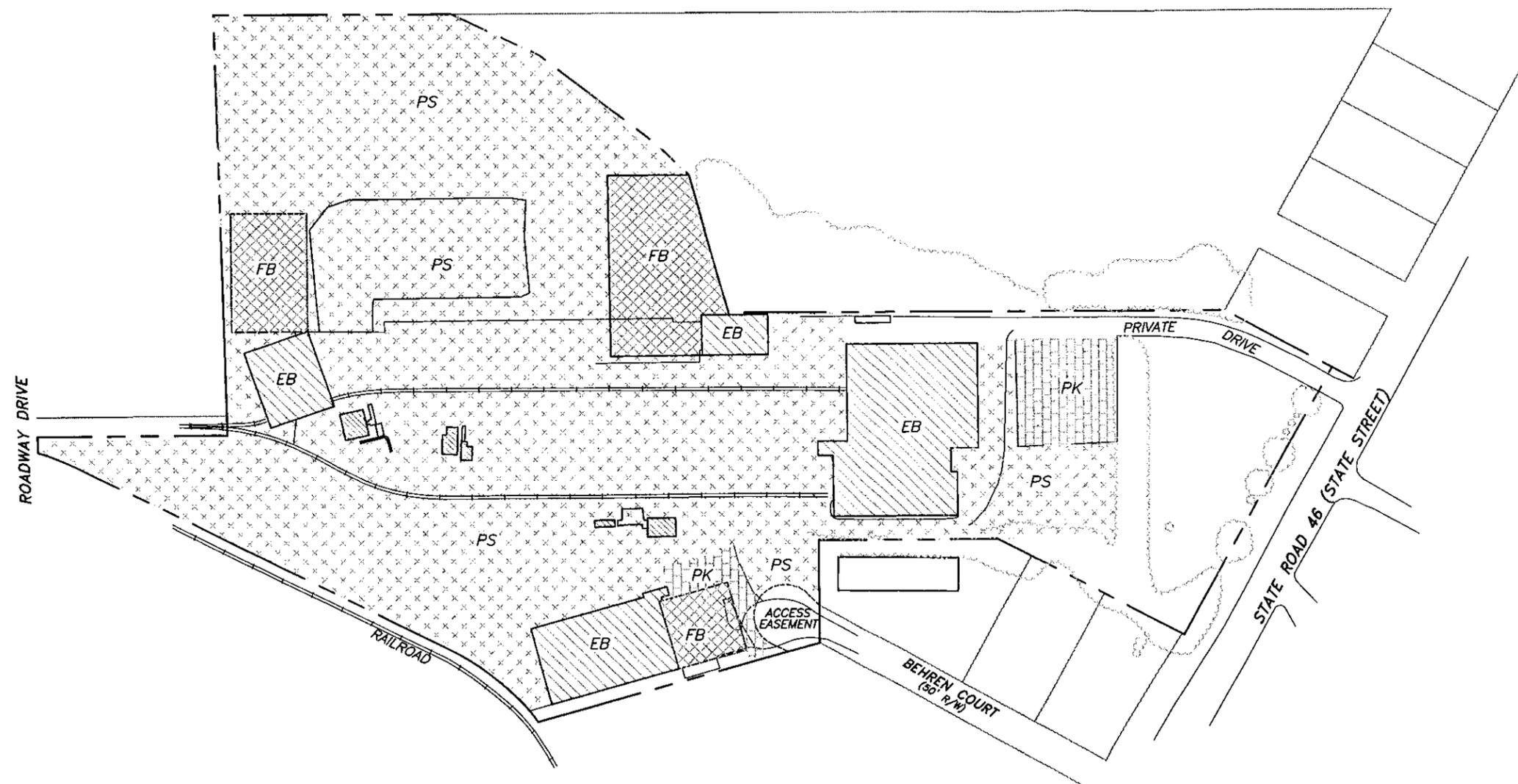
Board of Zoning Appeals Options – Buffer Variance:

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.



LEGEND

- EXISTING PARKING
 - EXISTING BUILDING
 - FUTURE BUILDING AREA
 - PROCESSING & STORAGE
- (PROCESSING & STORAGE AREAS MAY CONTAIN MACHINERY, EQUIPMENT, EQUIPMENT SHEDS, AND MISCELLANEOUS IMPROVEMENTS INCIDENTAL TO SCRAP METAL PROCESSING)



LEGAL DESCRIPTION

LOT 1B IN KROOT SECOND ADMINISTRATIVE SUBDIVISION REPLAT AS RECORDED IN PLAT BOOK "R", PAGE 362 D IN THE OFFICE OF THE RECORDER BARTHOLOMEW COUNTY, INDIANA.

NOTES

- 1) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THERE MAY BE EASEMENTS, RESTRICTIONS, RIGHT-OF-WAYS, OR OTHER ENCUMBRANCES THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE TRACT SHOWN HEREON. THIS TRACT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RIGHT-OF-WAYS, OR OTHER ENCUMBRANCES OF RECORD.
- 2) THIS DRAWING DOES NOT CONSTITUTE A COMPLETE TOPOGRAPHIC SURVEY OF THE SITE. ALL OF THE PHYSICAL IMPROVEMENTS TO THE SITE WERE NOT LOCATED AS A PART OF THIS SURVEY. THERE ARE IMPROVEMENTS AND OR UTILITIES ON THIS SITE, ABOVE AND OR BELOW GROUND, THAT ARE NOT DEPICTED HEREON.
- 3) SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS SITE.

| | | | |
|--|---|--------------------------|--------|
| 4 | 7/14/16 | LABEL EASE. ADD P&S NOTE | TPD |
| 3 | 7/12/16 | EDIT EB & PS AREAS | TPD |
| REV.NO. | DATE | DESCRIPTION | BY: |
| <p>CROWDER AND DARNALL INC. LAND SURVEYING 826 3RD STREET COLUMBUS INDIANA 47201 (812) 376-3391</p> | | | |
| VARIANCE EXHIBIT | | | |
| KROOT CORPORATION | | | |
| JOB NO: | 08012Q | SHEET: | 1 OF 1 |
| FILE NAME: | Q:\2008\08012Q\08012Q_variance_2015.dwg | | |

**Columbus – Bartholomew County Planning Department
Conditional Use Application**



Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: _____

Docket No.: C/CU-16-10

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: The Kroot Corporation

Address 2915 State Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: 812.372.8203 Fax No.: 812.375.2384 E-mail Address: N/A

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

Name: The Kroot Corporation

Address 2915 State Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: 812.372.8203 Fax No.: 812.375.2384 E-mail Address: N/A

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

Name: Jeffrey C. Rocker, Beck Rocker PC

Address 320 Franklin Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: 812.372.8858 Fax No.: 812.378.4732 E-mail Address: jrocker@beckrocker.com

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

Property Information:

Address 2915 State Street, Columbus, Indiana 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 3.25(B) of the Zoning Ordinance to allow the following:

Modification of existing conditional use approval for operation of scrapyards as permitted as a conditional use on property zoned I-3.

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.

See Attached

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

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

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

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)

*Jeffrey C Rucker, Attorney
for Applicant*

(Date)

7/19/16

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)

*Jeffrey C Rucker, Attorney
for Owner*

(Date)

7/19/16

(Owner's Signature)

(Date)

CONDITIONAL USE APPLICATION FOR 3.25(B)

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

The Kroot Corporation has been in continuous operation since 1900, having originally begun in Edinburgh, Indiana. In 1907, Joseph Kroot moved his operation to Columbus. This facility and use has operated at the above location since 1965.

The present application is our attempt to address The Kroot Corporation (“Kroot”) need for flexibility. Over the course of 115 years, Kroot has continued to evolve to meet the ever-changing demands of the scrap industry. One challenge in doing so has been that the present facility must be flexible so as to accommodate operational changes. Under the current zoning ordinance, Kroot is required to maintain its scrapyard as a “conditional use”. As such, changes must be approved. This requires a long lead time, engineering and other delays which are costly and impractical. In order to address the changes now known and, additionally, to attempt to forecast what we predict the future will hold, Kroot seeks approval of a site “master plan” which both identifies the various present uses and forecasts likely future uses of the property.

Kroot presently operates its scrapyard in a manner that exceeds state and federal environmental standards. Non-Ferrous metals are predominantly stored inside buildings. Ferrous metals are sorted and stored on concrete pads or within concrete lined bins. All environmental inspections, monitoring, and reporting are conducted in compliance with the facility's environmental permits and written programs.

The proposed concept plan does not deviate from that longtime corporate philosophy.

In addition, traffic patterns are not expected to change from historic norms and, as such, no increased risk is expected. This proposal does not contemplate any off-site impact.

As they are needed, additional structures will be constructed in compliance with local and state requirements and would still be required to file for a zoning compliance certificate which would ensure compliance with developmental standards. This proposal does not seek any exemption from those requirements.

2. Development Standards: The development of the property will be consistent with the intent of the development standards established by this Ordinance for similar uses.

The expansion meets all development standards for the zoning district, including lot standards, setbacks, and lot coverage.

The following additional items of the proposed use support approval of the conditional use:

1. The existing site maintains a northern buffer of landscaping that is nearly 3 acres in size. In addition, there are significant tree buffers on both the east and western boundaries. It is likely

many of Columbus' citizens have no idea that there is a scrapyards located there. Those wooded areas provide natural topographical site features which help to screen and buffer the use.

2. The distance of this use from State Street, as well as the significant natural buffering provide ample screening of the use from adjacent properties.

3. The proposed use does not produce significant noise, odor or other nuisances to neighboring property owners.

4. As this use remains the same, no significant changes to traffic generation are expected.

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

The Kroot property is zoned I-3. The I-3 district's intent is to provide locations for industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure. The I-3 zone provides for "waste disposal facility" as a conditional use. Scrapyards are contained within that category of use under the zoning ordinance.

Kroot is bordered by properties zoned I-2 along much of its western boundary (Cummins, Inc. and Faurecia). Kroot's eastern neighbors are a mixture of properties zoned I-3 (Airgas, Sterling Garage Doors), as well as South Central Company (zoned CC). The property is bounded by State Street on the North. To the south, all of Kroot's neighbors are zoned I-3 (Premier Ag, Becker Electric, Louisville & Indiana Railroad Company, and Toyota Industrial Equipment).

4. Comprehensive Plan: 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.

The intent of the I-3 zone is to provide locations for industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure.

The following policy statements support this proposal:

POLICY J-2-3: Encourage industrial development to be integrated with its surroundings, providing smooth transitions between differing land uses. The Kroot Corporation has been in this location since 1965 and is surrounded by uses which are similar in either scale (Cummins/Faurecia) or type (construction/industrial supply). By maintaining a significant landscaping buffer, Kroot is, in essence, hidden from view of the general public.

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.* The property in question is zoned I-3 and is surrounded by properties similarly zoned (outside of a small section of CC zoned property for construction supply sales). Furthermore, much of the consumer sales are generated from people who live in the city. Finally, the rail spur allows for transportation of scrap in a manner which minimizes street traffic. This is the ideal location.

POLICY J-3-2: *Promote infill development in existing industrial areas.* Again, Kroot has been located in Columbus since 1907 and in this very location since 1965. During its time in Columbus, Kroot has always been located in or near downtown. Its present location is along a corridor which contains many of the city's largest industrial citizens including, Cummins, Faurecia, Dorel and Stone Container. Kroot has additional undeveloped land which is well-suited for expansion in a manner that will continue its history as an unobtrusive good neighbor.

POLICY J-10-1: *Create a positive business climate characterized by flexibility.* Approval of a concept plan allows the planners to have a voice today in the development of Kroot over time. Rather than a piecemeal approach, this proposal allows for an integrated development plan which accounts for future changes while maintaining sound development practices.

POLICY J-10-3: *Promote the growth of local companies.* Kroot is one of the oldest businesses in continual operation in Columbus, having been in operation here for over 100 years. It has continued to grow and prosper not only through smart business operations but, also, by being a good corporate citizen.

**Columbus – Bartholomew County Planning Department
Development Standards Variance Application**

AUG 23 2016
BY: ABK

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County
Zoning: I2 / I3
Docket No.: ADS-16-40
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: The Kroot Corporation
Address 2915 State Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)
Phone No.: 812.372.8203 Fax No.: 812.375.2384 E-mail Address: N/A

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

Name: The Kroot Corporation
Address 2915 State Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)
Phone No.: 812.372.8203 Fax No.: 812.375.2384 E-mail Address: N/A

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

Name: Jeffrey C. Rocker, Beck Rocker, PC
Address 320 Franklin Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)
Phone No.: 812.372.8858 Fax No.: 812.378.4732 E-mail Address: jrocker@beckrocker.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.

Email Fax Mail

Property Information:

Address 2915 State Street, Columbus, Indiana 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 8.2 (Table 8.4) of the Zoning Ordinance to allow the following:

To waive the requirement of a Type C buffer (per Table 8.4) pursuant to the requirements of Section 8.2 between the subject property which is Zoned I-2 (but classified as I-3 based upon Zoning Ordinance Section 1.4(G)(4) which indicates that any lot that has multiple zoning classifications shall be governed by the district in which the majority of the lot is included (in this case I-3).

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.

The subject property adjoins Cummins, Inc. and Faurecia. Both are industrial uses. In addition, the view from each site is largely screened by mature trees which exist on Kroot, Cummins and Faurecia property. Also, the topography is such that the sites occupied by Cummins and Faurecia sit approximately 12' higher in elevation than the subject property owned by Kroot. As such, any new screening would be ineffectual. Finally, the portions of the neighboring properties which face the Kroot property are generally non-public spaces, being the back and side walls of existing plants. The public areas of those plants face, generally, north, which does not afford a view of the Kroot property. This approval will have no effect on the public health, safety, morals and general welfare of the community.

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.

The existing area is largely established industrial uses with little or no landscaping. Kroot is the exception to this rule, having a large green space on its State Street frontage, as well as significant mature trees providing ample screening of its operation. Additionally, the portions of the neighboring properties (Cummins/Faurecia) which face the Kroot property are generally non-public spaces, being the back and side walls of existing plants. The public areas of those plants face, generally, north, which does not afford a view of the Kroot property. Furthermore, the view of those properties that does exist will essentially be the same as has existed for many years. The use and values of those properties will be unaffected.

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 subject property is approximately 12' lower in elevation than the base elevation of either Cummins or Faurecia. A Type C buffer would not serve the stated purpose of providing a transition between those properties. Further, both Cummins and Faurecia are intensive industrial uses which are similar intensity to the use proposed by Kroot and would be permitted uses in I-3. Furthermore, the sites each contain a large number of mature trees which do, in fact, screen approximately 2/3 of the boundary between Cummins/Faurecia, and Kroot and which could not be replicated without the passage of many years.

Application Fee Refund Information:

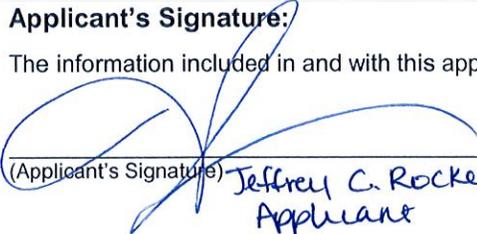
The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: The Kroot Corporation

Address 2915 State Street, Columbus, IN 47201
(number) (street) (city) (state) (zip)

Applicant's Signature:

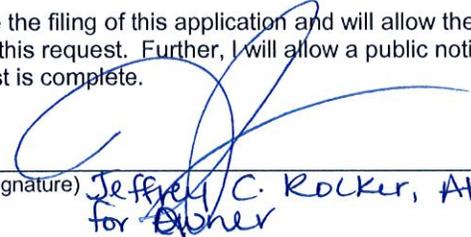
The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature) Jeffrey C. Rocker, Attorney for Applicant

8/23/16
(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) Jeffrey C. Rocker, Attorney for Owner

8/23/16
(Date)

(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.