



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (September 9, 2015 Meeting)

Docket No. / Project Title: RZ-15-06 (Nex-Gen Fuels)
Staff: Melissa Begley
Applicant: Nex-Gen Fuels
Property Size: 2.025 Acres
Current Zoning: CC (Commercial: Community)
Proposed Zoning: I-2 (Industrial: General)
Location: 3906 N. Indianapolis Road, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of converting a commercial property to an industrial use. The applicants would like to establish a biochar facility on the site, which is an operation that converts woodchips into charcoal (biochar).

Key Issue Summary:

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

1. Is I-2 (Industrial: General) the most suitable zoning for the property?
2. Will the proposed industrial zoning district be appropriate within the context of the surrounding area?
3. Can adequate buffering be provided to the west between the proposed I-2 zoning and the RS2 residential zoning?

Preliminary Staff Recommendation:

Favorable Recommendation to the City Council.

Plan Commission Options:

In reviewing a request for *rezoning* the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the rezoning request. The City Council makes all final decisions regarding *rezoning* applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan identifies the future land use as residential; however the subject property and the property directly to the south is zoned commercial. The CC (Commercial: Community) zoning district does not permit residential uses. A large area of industrial is located to the north, south and east of the subject property.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The subject property has a deteriorating commercial building on the site with a crumbling parking lot. The properties to the north are non-descript industrial buildings. The property to the south is an industrial style building and further south are undeveloped industrial lots for sale. The property to the west is a residential subdivision of approximately 33 homes.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The most desirable use for this property is industrial. The property has good access to major roads and the majority of the surrounding properties are zoned industrial and have been developed as industrial rather than commercial.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: If the appropriate landscape buffers are in place to provide separation between the subject property and the adjacent residential, rezoning the subject property from CC to I-2 will have little to no effect on property values.

Responsible growth and development.

Preliminary Staff Comments: This request represents responsible growth and development. The surrounding properties have been developed as industrial and have industrial zoning designations. The site has good access to roads and has existing utilities in place.

Current Property Information:	
Land Use:	Former bowling alley
Site Features:	A commercial building (bowling alley) and parking lot.
Flood Hazards:	The property is located entirely within the 500 year and 100 year flood fringe.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances exist at this location.
Vehicle Access:	Paula Drive (Local, Industrial, Suburban) Indianapolis Road (Minor Arterial, Industrial, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	I-2 (Industrial; General)	AT&T, Rose & Walker Supply
South:	CC (Commercial: Community) I-2 (Industrial; General)	Former Pepsi Co. bottling Company, Vacant industrial parcels
East:	I-2 (Industrial; General)	Railroad spur lines, Columbus Container, Bartholomew County Beverage Co.

West:	RS2 (Residential: Single Family 2)	Parking lot and outdoor storage area for Indiana Bell, Tudor Subdivision Single-Family Residential
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Zoning District Summary (Existing / Proposed):		
	Existing Zoning: CC	Proposed Zoning: I-2
Zoning District Intent:	To establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.	To provide locations for general production, assembly, warehousing, research and 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 development and uses.

Permitted Uses:	<p>Agriculture Uses: None</p> <p>Communications/Utilities Uses:</p> <ul style="list-style-type: none"> • Communication service exchange • Water tower <p>Public/Semi-Public Uses:</p> <ul style="list-style-type: none"> • Clinic • Community Center • Day-care center (adult or child) • Funeral Home • Government office • Police, fire, or rescue station • Post office • Trade of business school • Worship facility <p>Park Uses:</p> <ul style="list-style-type: none"> • Nature preserve/conservation area • Park/playground <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Auto-Oriented uses (small-scale) 	<p>Agriculture Uses:</p> <ul style="list-style-type: none"> • Farm (general) <p>Commercial/Utilities Uses:</p> <ul style="list-style-type: none"> • Communication service exchange • Sewage treatment facility • Utility substation • Water Tower <p>Public/Semi-Public Facilities:</p> <ul style="list-style-type: none"> • Government facility (non-office) • Parking lot/garage (as primary use) • Police, fire, or rescue station <p>Park Uses:</p> <ul style="list-style-type: none"> • Nature preserve/conservation area <p>Commercial Uses: Auto-Oriented uses (medium scale)</p> <ul style="list-style-type: none"> • Builder's supply store • Conference Center • Data processing/call center
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	<ul style="list-style-type: none"> • Auto-Oriented uses (medium scale) • Auto-Oriented uses (large-scale) • Auto rental (includes truck, RV, etc.) • Builder's supply store • Equipment rental • Health Spa • Hotel/Motel • Instructional Center • Liquor store • Office uses • Personal service uses • Recreation uses (small-scale) • Recreation uses (medium-scale) • Restaurant • Retail uses (small-scale) • Retail uses (medium-scale) <p>Industrial Uses: None</p>	<p>Industrial Uses:</p> <ul style="list-style-type: none"> • Contractor's office/workshop • Dry cleaners (commercial) • Food and 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
Water and Sewer Service:	Required	Required
Lot and/or Density Requirements:	<p>Minimum Lot Area: 10,000 square feet</p> <p>Maximum Lot Area: 10 acres</p> <p>Minimum Lot Width: 50 feet</p> <p>Minimum Lot Frontage: 50 feet</p> <p>Maximum Lot Coverage: 65%</p>	<p>Minimum Lot Area: 1 acre (43,560 square feet)</p> <p>Minimum Lot Width: 100 feet</p> <p>Minimum Lot Frontage: 50 Feet</p> <p>Minimum Lot Coverage: 75%</p>

<p>Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.</p>	<p>Side Yard Setback: Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Rear Yard Setback: Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Front Yard Setback: Arterial Street: 10 feet* Collector Street: 10 feet* Local Street: 10 feet*</p> <p>*25 feet for any auto service bay, auto fuel pump, canopy, or other similar vehicle access points to structures.</p>	<p>Side Yard Setback: Primary Structure: 20 feet Accessory Structure: 20 feet</p> <p>Rear Yard Setback: Primary Structure: 20 feet Accessory Structure: 20 feet</p> <p>Front Yard Setback: Arterial Street: 50 feet Collector Street: 35 feet Local Street: 25 feet</p>
<p>Height Restrictions:</p>	<p>Primary Structure: 40 feet</p> <p>Accessory Structure: 25 feet</p>	<p>Primary Structure: 50 feet</p> <p>Accessory Structure: 40 feet</p>
<p>Signs:</p>	<p>Walls Signs: 3 wall signs per public street frontage with a maximum square footage of 15% of the front walls or 350 square feet, whichever is less.</p> <p>Freestanding Signs: 1 freestanding sign per public street frontage with a maximum size of 100 square feet and a maximum height of 20 feet.</p>	<p>Wall Signs: 2 wall signs per public street frontage with a maximum square footage of 15% of the front walls or 350 square feet, whichever is less.</p> <p>Freestanding Signs: 1 freestanding sign per public street frontage with a maximum size of 75 square feet and a maximum height of 10 feet.</p>

<p>Interdepartmental Review:</p>	
<p>City Engineering:</p>	<p>No comments.</p>
<p>City Utilities:</p>	<p>No comments received.</p>
<p>City Fire Department:</p>	<p>No comments received.</p>
<p>Code Enforcement:</p>	<p>No comments received.</p>

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as residential.

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

1. **POLICY A-2-1:** Strive to eliminate blighted areas.
2. **POLICY A-2-9:** Preserve and enhance the character of neighborhoods.
3. **POLICY A-2-11:** Encourage all new development to be in scale (Height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood by neighborhood basis.
4. **POLICY J-2-1:** Maintain and enhance the safety and attractiveness of the entrances to the city.
5. **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.*
6. **POLICY J-6-1:** Encourage the development of industrial and office parks along this corridor (Indianapolis Rd.), on the land that is outside the designated floodway.
7. **GOAL J-9:** Ensure that new development has appropriate infrastructure and services and that these services are provided in a cost-effective manner.
8. **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.
9. **POLICY J-9-2:** Encourage similar uses to locate in clusters, to facilitate provision of appropriate infrastructure and services.
10. **GOAL J-10:** Diversify the economy by providing small-business opportunities.

This property is located in the US 31/Indianapolis Road character area. The following Planning Principle(s) apply to this application:

1. Because of the excellent highway and rail access, additional light industrial park development should be encouraged. This development should be only in planned business parks.
2. Buffers should be provided between any new development and existing agricultural areas

Planning Consideration(s):

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

1. The applicant is proposing to rezone the subject property from the CC (Commercial: Community) zoning district to the I-2 (Industrial: General) zoning district with the intent to operate their business on the property. The subject property currently has a 24,184 square foot vacant building, a former bowling alley, and a large parking lot.
2. The applicants have described their operation as a biochar production facility that converts woodchips into charcoal. As described by the applicants, there would be a pile of woodchips on-site to be processed. The woodchips are loaded into the processing equipment and come out as biochar. The processing of the wood chips into biochar does not release any smoke or particulate matter into the air. The only byproduct is steam. The biochar would then be loaded into a truck that would then leave the site. The applicant has indicated that there would be approximately 1 truck arriving and departing every 2 hours. There will be approximately 6 employees on-site.
3. The applicants are exploring utilizing the existing building for offices, however they have also stated that depending on the cost, they may demolish the existing building and build a new smaller building to be used as offices for the operation. They have stated that they would like to install a fence around the woodchips and processing equipment that would be stored outside.
4. Due to the nature of the proposed business, the operation will be primarily conducted outside and not in an enclosed building. In the vicinity, AT&T, to the north of the subject property has a small area of outdoor storage behind their building and in the parking lot across the street, behind the subject property. The Rose & Walker Supply Company to the north of the subject property has an area of

outdoor storage and the old Pepsi Co. building to the south of the subject property has a small area outdoor storage that is enclosed within a chain link fence.

5. The I-2 (Industrial: General) and I-3 (Industrial: Heavy) zoning district allow for outdoor storage, whereas I-1 (Industrial: Light) is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of nuisance or polluting sounds, odors or materials. The I-2 and I-3 zoning districts do not provide any parameters on the amount of outdoor storage on a property.
6. According to Zoning Ordinance Section 8.2(A)(2), "whenever a rezoning occurs that requires a buffer yard where none was required previously, the property that is rezoned shall provide the buffer yard. The buffer shall be installed as an element of any subsequent change of use". In this application a Type A Buffer would be required along the south and the west property lines adjacent to the residential and commercial zoning. A Type A buffer includes a minimum width of 25 feet in addition to the minimum required setback with a dense buffer consisting of a fence or wall with landscaping, an opaque tree screen, or a combination of both. The total width of the buffer along the south and west property lines, including the minimum building setback will be 45 feet
7. The Zoning Ordinance Section 6.1(C)(3)(i) requires outdoor storage areas that are adjacent to or visible from a Collector or Arterial street or road to be screened by a 100% opaque fence that is a minimum of 6 feet in height and may extend to a maximum height of 8 feet. Landscaping consistent with a Buffer Yard Type B shall be provided on the exterior of any required fence. A Type B Buffer consists of a 15 foot buffer in width in addition to the minimum required setback with landscaping. If the applicants place the outdoor storage in the area that is currently the parking lot, the screening would apply along Indianapolis Road, which is classified as a Minor Arterial. This requirement would likely also apply along Paula Drive. The total width of the buffer along Paula Drive, including the minimum building setback will be 40 feet. The total width of the buffer along Indianapolis Road, including the minimum building setback will be 65 feet. The effect of the outdoor screening requirement and the buffering requirements is that a significant portion of the site will be dedicated to the buffers and the entire parcel will most likely be enclosed with a fence and landscaping. The useable area of the site will be approximately 111 feet by 352 feet (39,072 square feet) or just 44% of the site.
8. The subject property is located on Indianapolis Road just south of the US 31 overpass. The areas to the north, south and east of the subject property are all industrially zoned with industrial uses. The property directly to the south is zoned CC (Commercial: Community) but as the former Pepsi Bottling Company, today would be considered an industrial operation. Further to the south is an industrial subdivision with 12 lots, however the lots are currently vacant. The parcel directly to the west is a parking lot used for the AT&T facility, however it is zoned RS2 (Residential: Single Family 2) Further to the west is a residential neighborhood, Tudor Subdivision, with approximately 33 residential homes.
9. The single-family residential to the west is separated from the subject property by a parking lot and small outdoor storage area that is used by AT&T. The homes are approximately 170 feet from the property line of the subject property. There are no privacy fences located on the single family residential properties however there is a mature row of shrubs between the residential homes and the parking lot.
10. Access to the subject property will be provided from Paula Drive. Paula Drive is a local street that varies in width between 18 feet at the intersection of Paula Drive and 150 West up to 23 feet wide at the intersection of Paula and Indianapolis Road. This should be sufficient to handle the truck traffic from the proposed operation.

3400

Columbus – Bartholomew County Planning Department Rezoning Application (Zoning Map Amendment)

RECEIVED
AUG - 4 2015
BY: JB AK

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County Joint District

Docket No.: RZ-15-06

Rezoning Application:

Current Zoning: CC Requested Zoning: I-2

Applicant Information:

Name: RICHARD L. PHILLIPS (NEX-GEN FUELS, INDIANA, LLC)

Address: 701 COVENTRY DRIVE SEYMOUR IN 47274
(number) (street) (city) (state) (zip)

Phone No.: (812) 371-8318 Fax No.: _____ E-mail Address: _____

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

Name: SAME AS ABOVE.

Address: _____
(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: SAME AS ABOVE.

Address: _____
(number) (street) (city) (state) (zip)

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

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

Property Information:

Property Size: 2.025 acres or 26,300 square feet

Address: 3906 N. INDIANAPOLIS RD. COLUMBUS IN 47201
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, etc):

A legal description is attached (a legal description is required for the processing of all rezoning requests).

Rezoning Criteria:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria to which both the Plan Commission and legislative body (City Council, County Commissioners, Joint District Council) must "pay reasonable regard" when considering a rezoning request. Those criteria are listed below. Explain how this request addresses each criterion.

The Comprehensive Plan.

THIS REQUEST WOULD PLACE THE PROPERTY IN THE PROPER ZONING CLASSIFICATION IF IT HAD NOT BEEN "GRANDFATHERED" IN AS RETAIL. BRINGS IT IN-LINE WITH NEIGHBORHOOD. EVENTUALLY WE WANT TO DEMOLISH BUILDING AND RAISE PROPERTY OUT OF FLOOD PLANE, ENHANCING ITS VALUE.

The current conditions and the character of current structures and uses in each district (existing & proposed).

THE BUILDING IS CURRENTLY IN A STATE OF DISREPAIR AND AN EYESORE. PARKING LOT & GROUNDS ARE STILL GOOD. BUILDING NEEDS TO BE REHABED OR TORN DOWN. LAND HAS GOOD VALUE AS AN INDUSTRIAL SITE FOR SMALL BUSINESSES.

The most desirable use for which the land in each district is adapted.

THE MOST DESIRABLE USE IS "I-2" INDUSTRIAL. ALL SURROUNDING PROPERTIES ARE ZONED I-2. LOCATION, AND ADJOINING AREA ALL POINT TO INDUSTRIAL AS THE HIGHEST & BEST USE FOR THE PROPERTY.

The conservation of property values throughout the jurisdiction.

BUILDING IS CURRENTLY UNOCCUPIED AND IN A STATE OF DISREPAIR. SURROUNDING PROPERTY VALUES WOULD BE BETTER SERVED BY HAVING AN OPERATING BUSINESS AT THE LOCATION AND BY MAKING NEEDED REPAIRS OR DEMOLITION OF EXISTING BUILDING.

Responsible growth and development.

ZONING CHANGE WOULD PLACE PROPERTY IN PROPER ZONING CLASSIFICATION, ALLOW A SMALL BUSINESS TO LOCATE THERE, RAISE THE PROPERTY'S VALUE AND INCREASE TAX BASE. JOBS COULD BE CREATED THERE.

Rezoning Purpose:

Explain the reason(s) why the applicant has proposed this zoning change.

TO BE ALLOWED TO LOCATE A BIO-CIGAR PRODUCTION FACILITY
ON SITE. THIS WOULD BE A NEW BUSINESS LOCATING IN
COLUMBUS AREA AND WOULD EMPLOY LOCAL RESIDENTS. THIS
FACILITY WOULD ADD DEMAND FOR TRUCKING, RAIL, LOGGING, ETC.

Applicant's Signature:

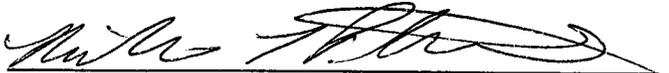
The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature)

8.4.15
(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)

8.4.15
(Date)

(Owner's Signature)

(Date)

Exhibit A

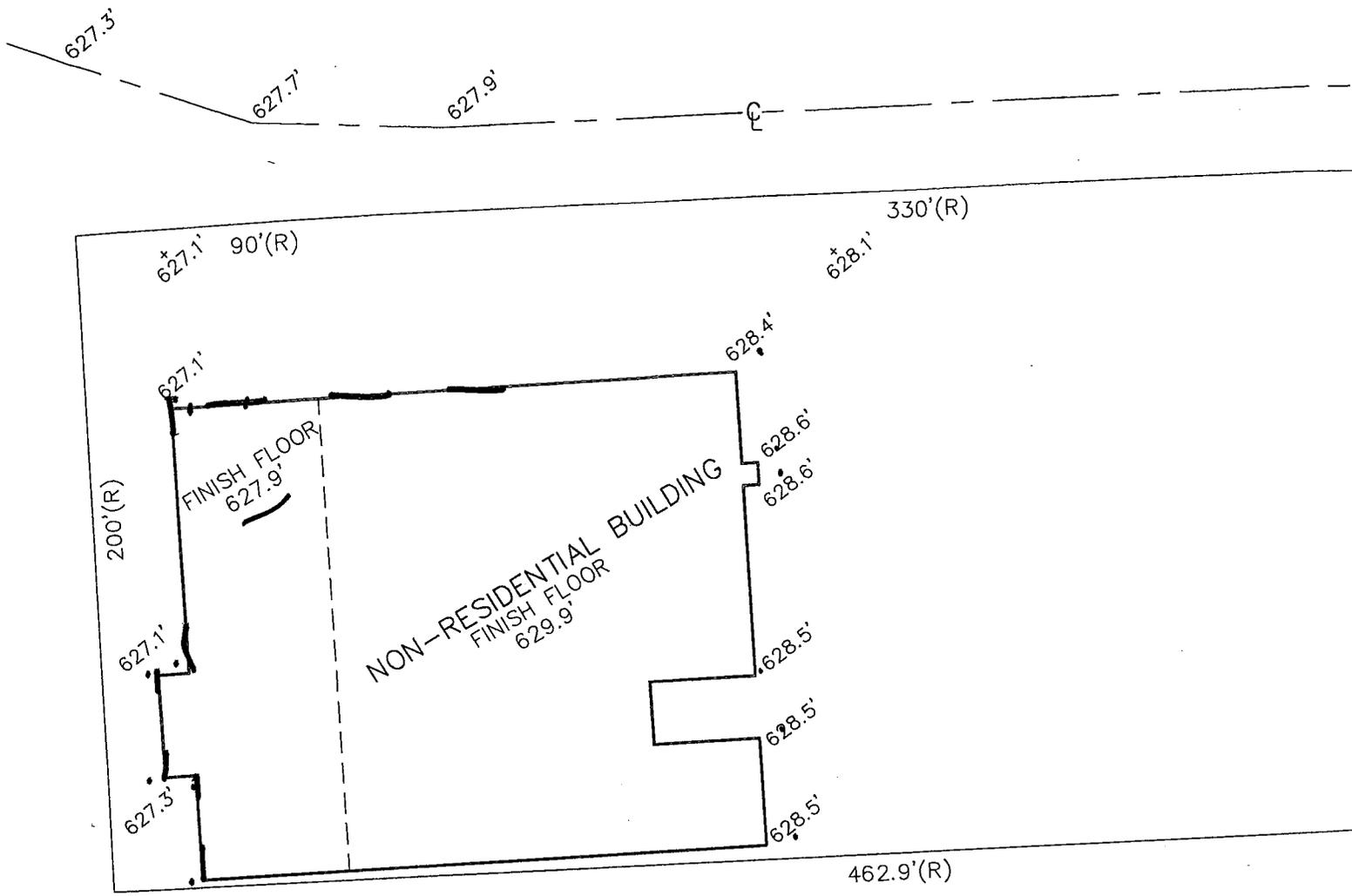
Tract I

Beginning at the concrete block marker now existing at the Southwest corner of the real estate described herein and referred to hereafter as Tract A; said Southwest corner being located 596.3 feet East of and 114.6 feet North of the Southwest corner of the Northeast Quarter of Section 11, Township 9 North, Range 5 East, thence East 462.9 feet to another concrete block located at the Southeast corner of Tract A and on the West right-of-way line of State Road 31 Alternate (now State Road 11) 60 feet from the center line thereof and 187 feet northerly along said right-of-way line from a concrete marker on said right-of-way line; thence Northerly along said right-of-way line 204.5 feet to another concrete block marker now existing at the northeast corner of said Tract A; thence West parallel to the South line of this Tract A, 330 feet; thence South 220 feet to the point of beginning, containing 1.82 acres, in the Southwest quarter of the Northeast Quarter of Section 11, Township 9 North, Range 5 East, situate in Bartholomew County, Indiana.

ALSO: Beginning at a concrete block marker now existing at the Southwest corner of a piece of real estate located in the Southwest Quarter of the Northeast Quarter of Section 11, Township 9 North of Range 5 East and previously referred to as Tract A in Deed Record 203, on page 699 transferring title from J. Perry Meek and Mary Agnes Meek to Bulldog Bowl, Inc., on March 20, 1961, said marker being located 596.3 feet east of and 114.6 feet North of the Southwest corner of the Northeast Quarter of said Section; thence North 200 feet to an existing concrete block marker at the Northwest corner of this triangular tract hereinafter known as Tract A-1; thence East 90 feet to an extension of the North line of Tract A to the Northwest corner of Tract A; thence Southwesterly 220 feet along the line dividing Tract A from Tract A-1 to the point of beginning, containing 0.205 acres in the Southwest Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 5 East situated in Bartholomew County, State of Indiana.

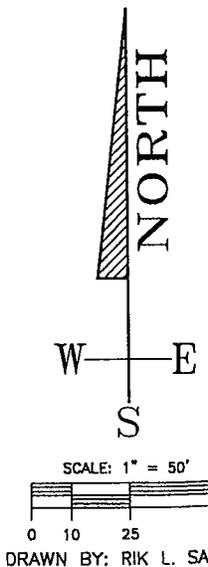
Parcel No. 03-95-11-130-000.100-005

Address: 3906 North Indianapolis Road, Columbus, IN 47201



LEGEND

- ☉ CENTER LINE
- (R) PER RECORD DESCRIPTION OR PLAT



RECEIPT
COLUMBUS PLAN COMMISSION

NO 8706

General FUND

COLUMBUS IN., August 4, 2015
RECEIVED FROM Alan L. Rolfes \$ 400.00

THE SUM OF Four Hundred & 00/100 DOLLARS

ON ACCOUNT OF Nex-Gen Fuels, INDIANA, LLC

PAYMENT TYPE & AMOUNT

CASH _____ CHECK 6333 M.O. _____

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

Alexandra Keen
AUTHORIZED SIGNATURE