



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
HEARING OFFICER
(August 13, 2013 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/CU-13-14 (Columbus Parks and Rec – Pence Street Park)
Staff: Emilie Pinkston
Hearing Officer: Melissa Begley

Applicant: Columbus Parks and Recreation – Pence Park
Property Size: 2.1 Acres
Zoning: RE (Residential: Established)
Location: Southeast and northeast corner of Pence Street and Georgia Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed conditional use will allow the expansion of a park in the form of a new 30 foot by 38 foot (1,140 square foot) shelter/pavilion. The applicant is additionally requesting conditional use approval to install an 8 foot by 1 foot (8 square foot) freestanding sign with an overall height of 6 feet.

Preliminary Hearing Officer Decision:

Approval

Zoning District Intent:

The intent of the RE (Residential: Established) zoning district is as follows: This district is intended to ensure the continued viability of neighborhoods and developments in existence on the effective date of this Ordinance. This district should be used to maintain traditional, contextually appropriately setbacks, uses and other standards in a manner consistent with the Comprehensive Plan. This district should not be applied to any new development.

Current Property Information:	
Land Use:	Park
Site Features:	Playground equipment, basketball court, pavilion
Flood Hazards:	No flood hazards exist on the subject property.

Vehicle Access:	The subject property is bounded by Kentucky Avenue (Suburban, Residential, Local Street) and Pence Street (Suburban, Residential, Local Street).
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Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RE (Residential: Established)	Single-family Residential
South:	RM (Residential: Multi-Family)	Multi-family Residential
East:	CC (Commercial: Community Center)	Commercial (PAL Boxing, Crossfit facility)
West:	RE (Residential: Established)	Single-family Residential

Interdepartmental Review:	
City Engineering:	The proposed sign installation as described will not significantly impact access or drainage at this location.
Code Enforcement:	The pavilion will require a building permit. There are no other issues at this time.

Planning Consideration(s):

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

1. Per Zoning Ordinance Section 3.12(B), parks/playgrounds are a conditional use in the RE (Residential: Established) zoning district. Therefore, the addition of any park equipment, which is an increase in the intensity of the use, requires conditional use approval from the Board of Zoning Appeals.
2. The Columbus Parks and Recreation Department is proposing to install a 30 foot by 38 foot (1,140 square foot) shelter/pavilion at Pence Park. The pavilion will be located approximately 150 feet from the nearest residential property. The pavilion will have an overall height less than 35 feet, the maximum allowed height for an accessory structure in the RE zoning district. The proposed pavilion will replace and be located within the same footprint as a former pavilion on the property.
3. No additional parking is proposed on site.
4. The Columbus Parks and Recreation Department is additionally proposing to replace an existing freestanding sign at the park. The proposed sign will measure 8 foot by 1 foot (8 square feet) and will have an overall height of 6 feet. Per Table 10.1 of the Zoning Ordinance, freestanding signs within the RE zoning district are limited to an area of 50 square feet and an overall height of 6 feet.
5. According to the provided site plan, the freestanding sign will not be located within any sight visibility triangles on the subject property.
6. If the proposed conditional use requests are approved, Columbus Parks and Recreation’s next step will be to submit a Zoning Compliance Certificate Application to the Planning Department for review. The Zoning Compliance Certificate will serve as the official approval and documentation for the pavilion and freestanding sign.
7. The previous approvals for the pavilion and freestanding sign were unclear; therefore, Columbus Parks and Recreation moved forward with this conditional use request. Typically, uses authorized as a conditional use do not need subsequent conditional use approval unless that use is expanded, extended, or enlarged.

Comprehensive Plan Consideration(s):

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

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

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

1. **GOAL C-1-1:** Maintain and enhance the park system to benefit the community, provide a sense of neighborhood, and promote public health.
2. **POLICY C-1-2:** Encourage development of neighborhood parks.
3. **POLICY C-1-6:** Where appropriate, upgrade neighborhood parks to fulfill the need for expanded recreational opportunities for a growing population.
4. **GOAL I-1:** Provide high-quality public facilities in locations which are convenient and accessible to local residents.

Provisional Findings of Fact/Decision Criteria:

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

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

Provisional Findings: Neither the proposed freestanding sign nor the pavilion will be located within on-site sight visibility triangles. Therefore, the proposal will not be injurious to the public safety. *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 proposed freestanding sign falls within the standards established for the size of freestanding signs in the RE (Residential: Established) zoning district. The proposed pavilion meets the height requirements for structures in this zoning district, as well. The proposed pavilion will have the same footprint as the pavilion that it is replacing. *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.**

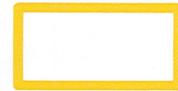
Provisional Findings: The installation of the freestanding sign and pavilion will not hinder the use of surrounding residential and commercial properties; the pavilion will be located approximately 150 feet from the nearest residential property. *This criterion has been met.*

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 scale of the pavilion and sign are such that they will be consistent with the residential character of the neighborhood. As encouraged by the Comprehensive Plan, the proposed changes will be an improvement for this neighborhood park. *This criterion has been met.*

Hearing Officer Options:

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



Subject Property



Sight Visibility Triangle

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

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: RE
Docket No.: CU-13-14

Hearing Procedure: Hearing Officer Board of Zoning Appeals



Conditional Use Application:

Applicant Information:

Name: Columbus Parks and Rec - Pence Park

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

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

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

Name: Columbus Park & Rec

Address: 739 22nd st. Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 376-2680 Fax No.: _____ E-mail Address: _____

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

Name: CASEY Ritz

Address: 330 11th st Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 376-2688 Fax No.: _____ E-mail Address: critz@columbus.in.gov

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

Property Information:

Address: _____
(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):

southeast corner of Pence Street and Georgia Street

Conditional Use Requested:

I am requesting a conditional use as listed by ^{Table} Section 10.1 of the Zoning Ordinance to allow the following:

the installation of a free standing sign in the RE zoning district.
The sign will have an area of 7.3 square feet and an overall height of

Also to allow the installation of a shelter/pavilion (Zoning Ord. 3.12(B))

Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

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

The sign will be placed so that it does not block or obstruct vehicular movement; it will be outside of the sight visibility triangle.

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

The sign area and height will be within the limits established by the zoning ordinance.

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

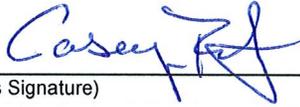
The sign will not restrict or hinder the use of adjacent property owners.

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

The sign is relatively small (7.3^{ft}) and will fit w/in the surrounding residential character.

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)

4-22-13

(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)

4-22-13

(Date)

(Owner's Signature)

(Date)

