



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

STAFF REPORT

Docket No. / Project Title: C/CU-16-12 (Marcus & Pamela Taulman)
Staff: Melissa Begley
Applicant: Marcus & Pamela Taulman
Property Size: 82 Acres
Zoning: AP (Agriculture: Preferred)
Location: The property directly south of 9850 South 400 West, in Wayne Township.

Background Summary:

The applicant has indicated that the proposed conditional use will allow the applicants to operate an agribusiness facility (a farm market). The proposal includes the construction of a new building, parking area, and driveway on an agricultural piece of property that contains no other structures.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is a farm market appropriate at this location?

Preliminary Staff Recommendation:

Approval, all criteria have been met, including approval for signage that meets the standards of the zoning ordinance.

Zoning District Intent:

District Intent: The intent of the AP (Agriculture: Preferred) zoning district is as follows: to provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit nonagricultural development in areas with minimal, incompatible infrastructure. Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community

Current Property Information:	
Land Use:	Agriculture
Site Features:	Agricultural fields
Flood Hazards:	There is an area on the northeast corner of the property that is located in the FEMA 100 Year Floodfringe and the Floodway.

Vehicle Access:	400 West (Collector, Residential, Rural)
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Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Single Family Residential, Agricultural fields
South:	AP (Agriculture: Preferred)	Woods, Single Family Residential, Agricultural fields
East:	AP (Agriculture: Preferred)	Agricultural fields, woods
West:	AP (Agriculture: Preferred)	Agricultural fields, farm

Interdepartmental Review:	
County Highway:	The drive location has good visibility and access. I have no issues with this request. I do not have any concerns with the additional traffic on 400 West. It was an old state highway and is straight with sufficient width. Owner may want to know, there are 2 bridges, just north of this location on 400 West that are on my short list for replacement. So in the next few years, 400 West will need to be closed for about 6 months.
Code Enforcement:	In addition to the regular building permit requirements, if the farm market is operated all year, hard surface accessible parking and restrooms will also be a required. If the market is operated for 8 or fewer consecutive months per the hard surface accessible parking and restrooms are not required.

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 conditional use approval to operate an Agribusiness facility, more specifically a farm market, on the subject property. The applicants have indicated they would like to sell their own seasonal plants and vegetables along with other various home cooked goods, including but not limited to pies, cakes, jellies, jams, deli sandwiches. The hours of operation would be Monday through Saturday, 9am to 5pm.
2. An agri-business facility is defined by the Zoning Ordinance as “The processing, storage, sales, and distribution of agricultural materials and products. An agri-business facility shall be clearly accessory to a farm and shall involve primarily those products that directly relate to the on-site agricultural operations. Examples of agri-business facilities include a winery, cider mill, u-pick farm, wool or textile sales, honey sales, etc. In no instance shall an agri-business facility be interpreted as including camping, ATV or dirt bike facilities, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production”.
3. The entire 82 acre property is currently used for agriculture and the applicants would construct a 40 foot by 60 foot 2,400 square foot building on the site, along with a new drive and parking area. The new structure would be located approximately 100 feet off of the road. If the request is approved by the Board, a more detailed site plan will need to be reviewed administratively by planning staff for compliance with all applicable zoning regulations.
4. The Zoning Ordinance requires 1 parking space for every 250 square feet of usable floor area. This site would require 10 parking spaces.

5. The applicants own the 3 acre property directly to the north and an additional 108 acres to the east of the subject property. The applicants also own an 11.77 acres directly to the south that is the site of an associated Use Variance (C/UV-16-03) application for a wedding/banquet venue. The closest residential property is located directly to the north of the subject property and is owned by the applicant. The house sits approximately 26 feet from the property line.
6. The property will be accessed from 400 West, which is a Collector Road. The County Highway Department has indicated that there is adequate sight visibility at that location, however the Zoning Ordinance Section 7.3(Part 1)(C)(3)(c)(ii) requires a drive to a non-residential to be separated from another drive by 200 feet. Adequate separation would need to be provided between the drive for the adjacent home and the new drive for the farm market.
7. The applicants are requesting a sign for the business. Zoning Ordinance Section 10 allows for AP zoning to have a the following signs if approved through the conditional use process:
 - Wall Signs: A maximum number of 1 wall sign is permitted for each public street or road frontage per use. The sign can be 15% of the wall or 150 sq. ft. in size whichever is less.
 - Freestanding Sign: A maximum number of 1 freestanding sign is permitted for each public street or road frontage per lot. The sign cannot exceed 6 feet in height and have a maximum sign face of 50 sq. ft.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Estate/Cluster Residential.

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

1. **GOAL J-10:** Diversity the economy by providing small-business opportunities.
2. **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.

This property is located in the Western Hills character area. The following Planning Principle(s) apply to this application: None

Provisional Findings of Fact/Decision Criteria:

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 proposal will not be injurious to the public health and general welfare of the community. The proposed drive according to the County Highway Engineer has adequate sight visibility and County Road 400 West is a collector road and can handle additional traffic generated by the proposed agri-business facility. *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 proposal is conceptual in nature at this time, but is intended to be consistent with the intent of the zoning ordinance for similar uses. Setbacks, access, signage, and parking must comply with the zoning ordinance and there is sufficient room available on the property to comply with these regulations. The property is located in a rural area with farm fields/pasture to the west, east and south. *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 proposal is consistent with the general purposes of the zoning ordinance. The area is rural in nature and the agri-business facility will complement the existing and ongoing agricultural operations on the property. The closest residence is located to the north and is also owned by the applicant. The properties to the south, east and west are farm fields and pasture. *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 AP (Agricultural: Preferred) zoning district is intended to provide for agriculture and agricultural related businesses. The agri-business facility (a farm market) will be compatible with the agricultural character of the area and the zoning district. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for conditional use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Conditional Use Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County
Zoning: AP
Docket No.: C/CU-16-12
Hearing Procedure: Board of Zoning Appeals Hearing Officer

Conditional Use Application:

Note: It is recommended that all conditional use 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 meeting.

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

Name: Marcus + Pamela Taulman
Address: 9732 S. 400 W. Columbus, IN. 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-3449 Fax No.: _____ E-mail Address: lcmt02@msn.com

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

Name: Marcus + Pamela Taulman
Address: 9732 S. 400 W. Columbus, IN. 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-3449 Fax No.: _____ E-mail Address: lcmt02@msn.com

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

Name: Marcus + Pamela Taulman
Address: 9732 S. 400 W. Columbus, IN. 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-3449 Fax No.: _____ E-mail Address: lcmt02@msn.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. E-mail Fax Mail

Property Information:

Address: 10335 S. 400 W. Columbus, IN. 47201
(number) (street) (city) (state) (zip)

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

Conditional Use Requested:

I am requesting a conditional use as listed by Section ~~6.6 (PART 2)(B)~~ ^{3.5(B)} of the Zoning Ordinance to allow the following:

AGRI-BUSINESS FACILITY (MARKET) KR

See attached

Conditional Use Criteria:

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

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

See attached

2. 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

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.

See attached

4. 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.

Marcus D. Taulman Pamela S. Taulman
(Applicant's Signature)

8/22/16
(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.

Marcus D. Taulman Pamela S. Taulman
(Owner's Signature)

8/22/16
(Date)

Marcus D. Taulman Pamela S. Taulman
(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.

Conditional Use Requested:

3.5(B)

I am requesting a conditional use as listed by Section 6.6 (Part 2.) (B) of the Zoning Ordinance to allow the following:

~~A wedding/event venue.~~

~~Taulman Farms is a family owned and operated wedding/event venue to be open year-round. People will reserve and rent full use of our barn to provide a place for entertaining their guest. We are planning on having a maximum occupancy of 300 people. We also plan to be available all 52 weeks out of the year. Typically, our rentals will be on Saturday's but we are open Monday-Sunday. Events can range anywhere from 2 hours to all-day rentals. We will also provide table and chair rentals but if guest have special requirements we will try to meet their needs.~~

KR

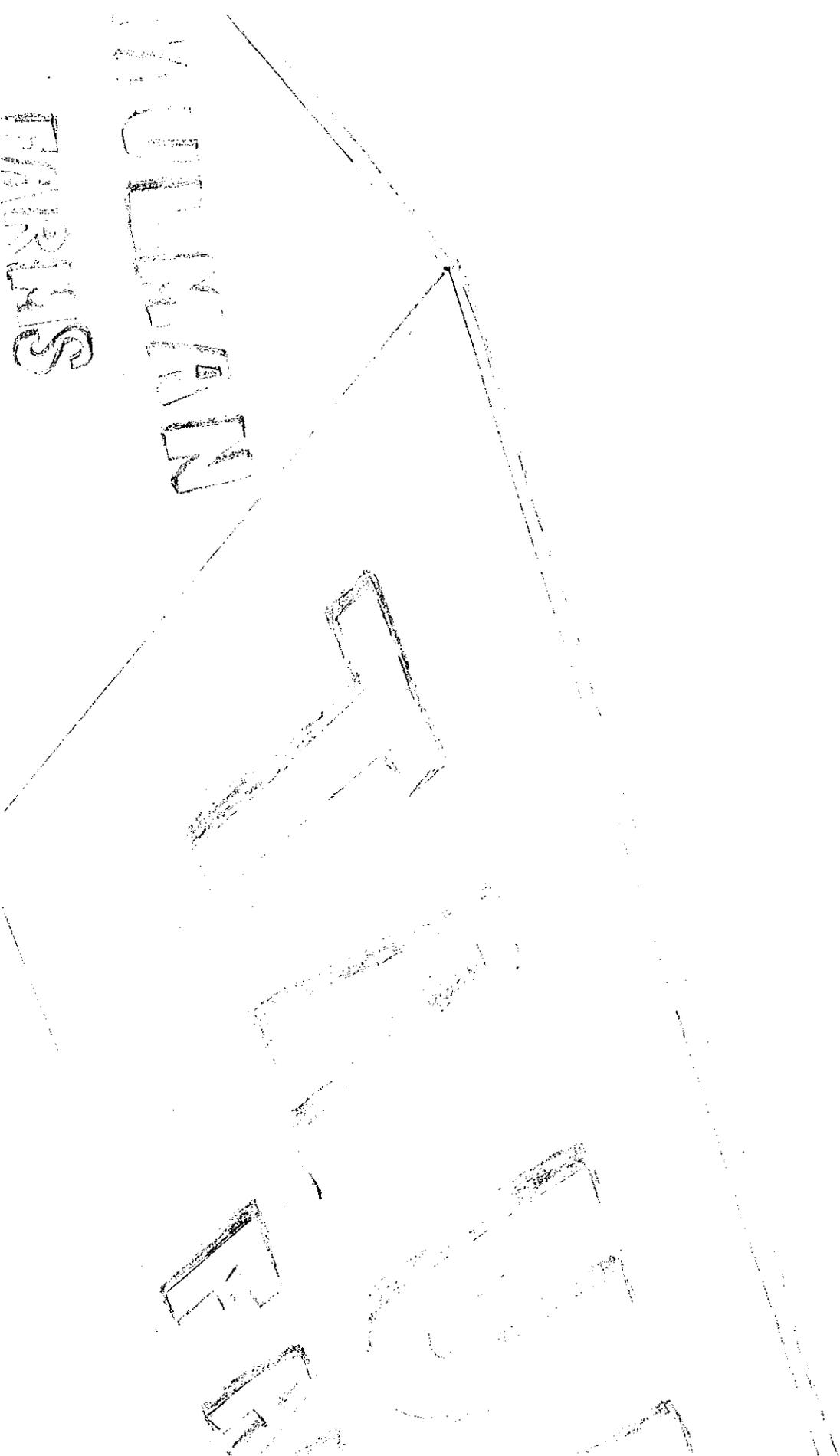
A local farm market. (AGRIBUSINESS FACILITY)

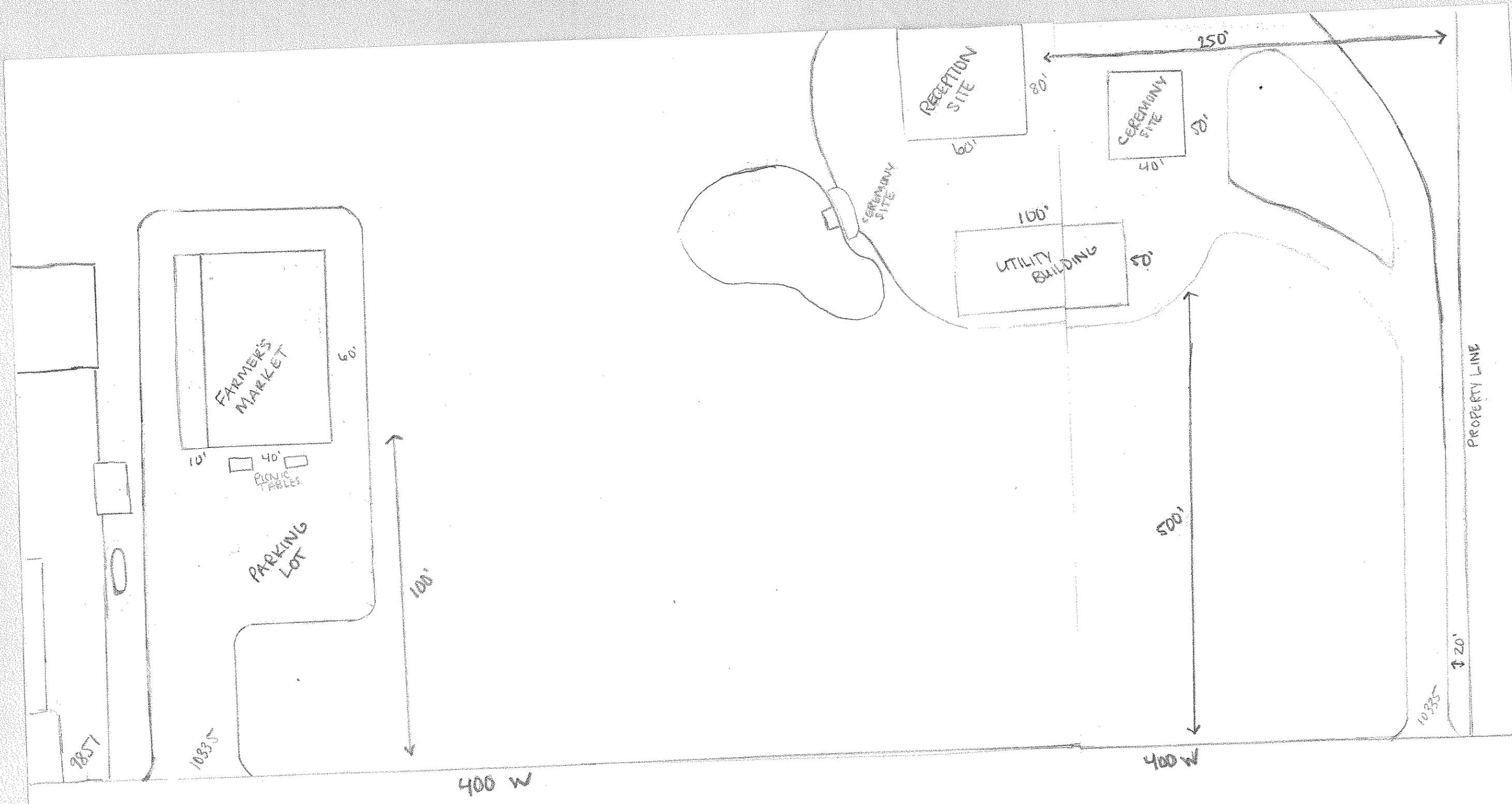
Taulman Farms, which is on the same grounds as the wedding/event venue will also be family owned and operated. We hope to sell our own seasonal plants and vegetables to the public along with other various home cooked goods, including but not limited to: pies, cakes, jams, jellies, deli sandwiches, etc. We will be open Monday- Saturday, 9am to 5pm.

Conditional Use Criteria:

- 1. The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community.**
Entrance to venues have no visibility issues, and are easily accessible when entering and exiting the roadway. All grounds are maintained to highest standards. Parking will be available for both venues with optional use of parking attendants when renting the barn. KR
- 2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**
Our 95-acre farm where the wedding/event and farm market will be held exceeds the County's parking requirements of having the ability to house 1 parking space per every 3 persons by seating capacity.
- 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.**
Due to the fact our property is well off the road, we do not see noise, parking, or traffic, or security to the community to be a factor.
 - ~~No events will begin before 7am and will end by 12am.~~
 - ~~We will have on-site security and parking attendees to help direct guest to and from wedding/event venue. By providing security and parking attendants, we are ensuring our neighbors safety and security as well as the safety of all attending guests.~~
- 4. 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.**
Taulman Farms is consistent with the character of the zoning district because it is currently an agricultural area and will remain an agricultural area. The appearance of the property will not change because our renters are looking for this style venue. KR

MAIL POUCH SIGN
ON FARMER'S MARKET STRUCTURE





NOTE: NOT DRAWN TO SCALE