

“How to Read the Staff Report” - Tips from the Staff

Rezoning Case Study

Updated: Fall 2009



COLUMBUS-BARTHOLOMEW PLANNING DEPARTMENT

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STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (April 2, 2008 Meeting)

Docket No. / Project Title: ANX-08-03 / RZ-08-07 (Skaggs Builders-Talley Road)
Staff: Heather Pope
Applicant: Skaggs Builders, Inc.
Property Size: 18.14 Acres Rezoned
19.74 Acres Annexed (approximately)
Current Zoning: AG (Agriculture)
Proposed Zoning: Current Zoning Ordinance - R-6 (Multifamily Residential)
Proposed Zoning Ordinance - RM (Multi-family Residential)
Location: Northwest corner of Rocky Ford Road and Talley Road, in Columbus Township

Background Summary:

The applicant has indicated that the proposed annexation and re-zoning is for the purpose of building an apartment complex.

Key Issue Summary:

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

1. Are the existing roads (Talley Road and Rocky Ford Road) able to serve multi-family residential development at this location?
2. Will the drainage issues associated with this property affect the appropriateness of annexation and rezoning?
3. Should the City annex the property on the northeast corner of Talley Road and Rocky Ford Road at the same time? Currently this property is receiving City water service and an annexation waiver is on file.

Preliminary Staff Recommendation (Annexation):

Continuance to provide the applicant additional time to provide the traffic study requested by the City Engineer.

Preliminary Staff Recommendation (Re-zoning):

Continuance to provide the applicant additional time to provide the traffic study requested by the City Engineer.

Key Issue Summary:

Identifies the main questions that the Commission should ask themselves and resolve before taking action....

- Comprehensive Plan Compatibility
- Modification Requests
- Incomplete Information
- “Big Picture” Planning Issues

Preliminary Staff Recommendation:

Provides the recommendation of the staff with the information available at the time the staff report is written (about 10 days before the hearing).

Does not include:

- Public Input
- Applicant Changes
- Applicant Responses to the Staff Report

In many cases the details of the request change in response to the staff report. Applicants should use this preliminary recommendation to address aspects of their request that would benefit from more information.

Current Property Information:	
Existing Land Use:	Agriculture
Existing Site Features:	Legal Drain (Sloan's Branch) to the west and a tree line along the north
Flood Hazards:	Zone A 100-year floodplain (no floodway delineation)
Vehicle Access:	Talley Road (Collector) Rocky Ford Road (Secondary Arterial)

Current Property Information:

Provides a brief summary of the basic existing conditions on the site; typically land use, access, flood hazards, and any noteworthy site features.

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture)	Agriculture
South:	R-1 (Single Family Residential)	Eastridge Manor/Single Family Residential
East:	AG (Agriculture)	One single family home/agriculture
West:	R-2C (Single-Family Residential with conditions)	Calvary Church of Nazarene/Jackson Park Subdivision

Surrounding Zoning & Land Use:

Summarizes the dominant zoning and land use in the area of the subject property. This section is intended to be paired with the "Current Property Information" to provide a glimpse of how the property currently relates to its context.

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: AG	Proposed Zoning: R-6
Zoning District Intent:	Intended to protect rural areas from urban encroachment until such areas are adaptable to orderly urban expansion. Residential development is limited; this district is not intended as a large-lot residential zone. It is the intent of this ordinance to allow the continuation of existing agricultural operations and to protect the use and value of both agricultural and non-agricultural land within the jurisdiction of the Commission	To provide a wide range of dwelling unit types, to perform a land use buffer function and to recapture bypassed urban land where adequate public services are present.
Permitted Uses:	<ul style="list-style-type: none"> • agricultural uses • single-family dwelling • crop raising • truck gardens • greenhouses and plant nurseries • accessory uses normally associated with such agricultural operations 	<ul style="list-style-type: none"> • single-family dwelling • two-family dwelling • multi-family dwelling

Zoning District Summary:

Provides a summary of the basic zoning requirements for the development of the property under the current and proposed zoning.

The key item of information in this section is the "Zoning District Intent". This text is taken directly from the Zoning Ordinance and describes generally how and where each zoning district is to be used.

Zoning District Summary:

The information contained in the zoning district summary table, in addition to the “intent” is provided as a quick reference on the basic regulatory difference between the two districts (existing and proposed). This information is provided (1) as a quick reference and (2) to identify the practical consequences of the proposed zoning change. For example, a rezoning will change the intensity of the uses allowed and result in the eventual development having a different relationship with adjacent property (different setbacks, building heights, signs, parking, etc.)

Note: On staff reports for development plans (such as site plans for churches and schools and some PUDs) a similar table is used to compare the site details proposed by the applicant with the applicable minimum standards found in the zoning ordinance.

Zoning District Summary (Existing / Proposed):		
Water and Sewer Service:	Not Required	Required
Lot and/or Density Requirements:	1 acre minimum lot size.	Single-family dwelling: maximum density is 7 dwelling units per acre. Two-family dwelling: 6,000 square feet. Multi-family dwelling: 2,000 square feet per unit
Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	Side and Rear Yard Setback: 5 feet – structure less than 20 feet 7.5 feet – structure less than 30 feet 10 feet – structure over 30 feet Front Yard Setback: Front: 80 feet from centerline of Rocky Ford Road; 65 feet from centerline of Talley Road	Side and Rear Yard Setback: 5 feet – structure less than 20 feet 7.5 feet – structure less than 30 feet 10 feet – structure over 30 feet Front Yard Setback: Front: 80 feet from centerline of Rocky Ford Road; 65 feet from centerline of Talley Road
Height Restrictions:	Primary Structure: 30 feet for residential buildings Accessory Structure: No limit	Primary Structure: 35 feet Accessory Structure: 20 feet
Floor Area Requirements:	None	The total floor area of all buildings shall not exceed 40% of the lot.
Signs:	Freestanding – One sign not to exceed six feet in height and a sign face of 75 sq. ft. Wall – No more than 10% of the wall or 350 sq. ft. whichever is less and up to three signs displayed per wall.	Freestanding – One sign not to exceed six feet in height and a sign face of 75 sq. ft. Wall – One sign not to exceed 10% of the wall or 350 sq. ft. whichever is less.
Off Street Parking:	The minimum off-street parking in an AG District shall be 2 spaces per dwelling unit.	The minimum off-street parking in an R-6 District shall be 1 ½ spaces per dwelling unit.

Interdepartmental Review:

City Engineers Office:	<p>The site appears to have adequate frontage for safe, convenient access. Specific issues pertaining to access, circulation, and drainage on this site must be resolved in the site plan review phase.</p> <p>The petitioner should provide a Traffic Impact Study for Rocky Ford Road, between Talley Road and Taylor Road, and for Talley Road between Rocky Ford Road and 25th Street. The study should be prepared by a professional engineer licensed in the State of Indiana and address the effects of additional traffic on Rocky Ford Road and Talley Road caused by multifamily development at this location. Roadway capacity, safety, and impact on existing neighborhoods should be included in the study.</p>
City Utilities:	<p>Water - There is ample water supply on Rocky Ford Road to serve the proposed site (16"). When the site is subdivided the developer will have to provide internal water distribution lines and will be required to complete or plan for looping to the existing development to the west.</p> <p>Sewer - There is currently no sanitary sewer service to the site. A property developer would be required to provide internal collection lines and a connection to the collection system (probably a pumping station). The developer would not be allowed to increase flows to the over burdened sewers in East Ridge Manor, but would be required to transport the sewage to a gravity receiving line near High Vista Drive. It is also likely that the developer would be asked to consolidate the new station with an existing station in the development to the west to avoid further proliferation of these stations.</p>
Parks Department:	<p>The nearest park to this proposed development is Rocky Ford Par-3 Golf Course and Richards School Park. They are approximately nine tenths of a mile away. Richards School Park is an 8 acre neighborhood park. This park contains tennis courts, a golf chipping area, and a playground which is owned and maintained by the school. Rocky Ford Par-3 is a 46.6 acres par-3 golf course. The Parks Department has no plans to add another park to this area of the city. There is concern that this type of development should be located as infill within the developed portion of the city, not along the outskirts of the city. This concept would help to reduce the negative affects associated with sprawl.</p>
Police Department:	<p>No comments received.</p>
Fire Department:	<p><i>Rezoning:</i> We have reviewed the site for the above mentioned project and assuming that city utilities can supply water to the site, we have no fire code issues with the project.</p> <p><i>Annexation:</i> This area falls within the response area of Fire Station 4, located at 4730 East 25th Street, and is backed up by Station 2, located at 2376 Arnold Street. The Fire Department does not foresee any additional equipment or manpower needed to protect this area. However, hydrants and a sufficient water supply will be needed. The Columbus Fire Department will be able to provide protection upon annexation with Tankers until such time that a water supply is installed.</p>

Interdepartmental Review:

The Planning Department will offer other City and County Departments, utility providers, and other public agencies an opportunity to comment on most development applications (including rezoning, site plans, variances, subdivisions, etc.).

Like the rest of the staff report, these comments were generated at least 10 days prior to the Commission meeting based on the application materials available at that time. They may or may not reflect any revised details provided by the applicant at the hearing. The staff or the applicant will typically make reference to these comments during the meeting to indicate whether or not any concerns have been addressed and how.

In many instances some agencies may decline to comment. No comment should always be interpreted as "no objection". However, new details provided by an applicant at the hearing may require further review by one or more of these agencies.

History of this Location:

The recent history of this property includes the following:

1. RZ-78-9 & PP-78-3 Jacobs and Able Rezoning, Annexation and Preliminary Plat – A request by E. Robert Jacobs and Walter Able to rezone an area of 72.61 acres from AG to R-2, they additionally requested to annex and plat this property. This property (18.14 acres) was a portion of the request. The request was disapproved by the City Council due to the poor soils and drainage in the area and not being consistent with the Master Plan at the time.
2. RZ-83-5 Able Energy and E. Robert Jacobs – A request by Able Energy and E. Robert Jacobs to rezone a 74 acre parcel from AG to R-2 and R-3. A request for annexation was proposed at the same time. The petitioners received a favorable recommendation from Plan Commission however, were denied their rezoning and annexation request by the City Council. The current property (18.14 acres) was part of the R-3 request.
3. FP-05-05 Presidential Parks North Phase I – Roosevelt Park – This parcel was created during the platting process of Roosevelt Park and labeled as Block C containing 20.16 acres. Right-of-way along Talley Road and Rocky Ford Road was dedicated at that time to the City of Columbus.
4. AD-05-26 Roosevelt Parks Resubdivision of Blocks B & C – The lot line between this parcel (Block C) and Block B was moved creating an 18.14 acre parcel titled Block C1.

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-2-5: Ensure that the city considers the impacts on agriculture when new development is proposed or infrastructure extended.
2. Policy A-2-6: The City Council should consider annexation proposals on a case-by-case basis within the laws of the State of Indiana and the city's adopted annexation policies.
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 B-1-1: Protect floodway areas from development to prevent runoff which could pollute streams and rivers.
5. Policy B-4-1: Encourage creative subdivision design which avoids placement of houses in the floodway fringe.
6. Policy B-4-2: Where appropriate, require an analysis of general soil conditions for new development, and when the analysis indicates possible problems, require a detailed analysis to ensure that soil conditions are suitable for planned construction and that foundations, basements, and streets are properly engineered. Soil conditions have significant effects on buildings.
7. Policy C-1-2: Encourage development of neighborhood parks.
8. Policy D-1-1: Promote orderly housing expansion in locations where the city's infrastructure and services have the capacity to accommodate the growth.
9. Policy D-1-3: Encourage development adjacent to already developed areas.
10. Policy D-2-2: Allow for various housing types.
11. Policy G-1-2: Provide for property drainage as the city grows and changes, ensure that drainage is considered on a watershed basis, and that new development does not create drainage problems adversely affecting other properties in the watershed.
12. Policy H-4-4: Ensure that all new development is served by city utilities or by utilities with equivalent levels of service. This policy includes availability of a water system which will ensure a fire service rating equivalent to the city's rating.

This property is located in the East 25th Street Neighborhoods character area. The following Planning Principle(s) apply to this application:

1. Retain residential as the primary land use.
2. Agricultural land in the area should be used for additional residential development, provided that the limitations presented by soil conditions and drainage are mitigated.
3. All new residential development should incorporate parks and open space.

History of this Location:

Lists past applications involving the same property (rezoning, subdivisions, variances, etc.) and their outcomes. When available, this section will also list the reasons for past decisions and long-standing issues related to the property.

Comprehensive Plan Considerations:

Identifies the provisions of the Comprehensive Plan that the staff believes are relevant to the discussion. The Plan's content is intended to be considered as a whole and certain provisions may be contradictory. It is the Commission's job to review, interpret, and apply the Plan.

City Comprehensive Plan Content:

- Goals and Policies Element
- Land Use Element

Note: Comprehensive Plan considerations are not provided for applications where the plan is not a decision criteria, such as subdivisions, some variances, etc.)

4. Multifamily housing should be permitted on 25th Street and Taylor Road. There should be simple and effective design standards for these projects to ensure that they are in keeping with adjacent neighborhoods.

Planning Consideration(s):

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

1. The petitioner has indicated the intended use for this property is to construct a multi-family development (apartment complex). Under the R-6 Zoning a maximum of 395 units could be built on this property. In reality, this is not possible due to the flood hazards on this property.
2. According to the FIRM (Flood Insurance Rate Map) the floodplain has been identified on this property. However, there are no base flood elevations or floodway boundaries identified. Therefore, if the portion of this property that is indicated as being in floodplain were to be developed, a study through DNR (Department of Natural Resources) would be required to determine where the floodway line is located and to determine the base flood elevation.
3. The City Engineer will review the detailed drainage study at site plan approval. The Bartholomew County Drainage Board will also review the drainage plans and study regarding the impacts on the Sloan's Branch Regulated Drain.
4. The Comprehensive Plan does not provide any specific detailed direction for the type of residential uses (single-family, two-family, multi-family, etc.) in this area.
5. The houses in the immediate vicinity are single-family homes.
6. The nearest location for convenience goods is approximately one mile away (gas station/convenience store on 25th Street).
7. Traditionally, multi-family residential housing areas are more dependent on public transportation. Currently the City's bus systems' nearest stop is at Flintwood Drive and Miami Drive, approximately one and a half miles away from the subject property. The City provides Call-A-Bus for the disabled and the elderly.
8. The nearest People Trails is one and a quarter miles away to the west (Rocky Ford Road and Marr Road).
9. This parcel is served by two higher classifications of roads; Rocky Ford Road is a Secondary Arterial; Talley Road is a Collector. Collectors are intended to move traffic to and from Local streets to Arterial streets. Neither street meets current City standards at this location. The City has plans to improve Rocky Ford Road to four lanes including sidewalks to Talley Road in the next few years.
10. The current zoning ordinance requires a Type B buffer between the subject property and the properties to the west (Presidential Parks North) and to the south (Eastridge Manor). Under the proposed new ordinance the same type landscape buffer would be required. A Type B buffer shall be placed so as to create a densely planted screen at least 50% of the length of the buffer. The remaining 50% of the buffer may utilize a variety of shrubs and ornamental trees which shall be placed to achieve a natural or formal arrangement.
11. Students in the area attend Richards Elementary, Central Middle School and East High School.
12. The nearest City Park is approximately a half a mile to the west at Richards Elementary. Another asset within convenient walking distance of the site (1/2 mile) is Par 3 Golf Course. Once the improvements are completed to Rocky Ford Road these amenities will safely be accessible via a sidewalk. This sidewalk will connect this side of town to the people trails to the west.

Considerations / Decision Criteria (Annexation):

Indiana law requires that, to be eligible for annexation, the external boundary of the area must be at least 12.5% contiguous with the boundary of the City (the property involved in this annexation is 52% contiguous with the boundary of the City).

Indiana law indicates that a court may order that property be annexed to the City if each of the following is found to be true:

1. Essential municipal services and facilities are not able to the residents of the area.
2. The City is physically and financially able to provide municipal services to the area.
3. The population density of the area is at least 3 persons per acre.

Planning Considerations:

The planning considerations section is used for 2 purposes (1) to communicate facts about the application or the property that is important to the discussion and (2) apply the professional expertise, training, and experience of the staff.

This text is used to...

- explain why certain requirements exist,
- bring current trends and community planning concepts into the discussion,
- describe the likely implications of certain decisions, and
- identify factors that may influence decision making.

Example: The planning considerations for this request to rezone property for multi-family residential focus on the property's access to related infrastructure (such as People Trails, convenience goods, high capacity streets, and parks).

4. The area meets the requirements for contiguity.

In 1990 the City Council adopted the following policies for annexation:

1. Subdivisions which are contiguous to the City should be a part of the City.
2. Land contiguous to the City zoned for commercial or industrial purposes should be annexed to the City before it is developed.
3. Land Contiguous to the City used for commercial or industrial purposes should be a part of the City.
4. Undeveloped land required to complement the annexation of developed land and which helps provided the ability to manage growth should be a part of the City.
5. Neighborhoods which are socially, culturally, and economically tied to the City should be a part of the City.
6. The pattern of City boundaries should promote efficient provision of services by the City, the County, and other agencies.
7. Contiguous lands needed for orderly growth and implementation of the City's Comprehensive Plan should be a part of the City.
8. Contiguous lands which are likely to be developed in the relatively near future should be a part of the City.
9. Contiguous lands having the potential for health or safety problems or environmental degradation should be a part of the City and provided with City services.
10. Contiguous properties which, if annexed, would serve to equalize the tax burden for City residents should be a part of the City.

Decision Criteria (Re-Zoning):

The Columbus Zoning Ordinance requires that all areas annexed to the City be assigned an AG (Agriculture) zoning, unless an alternative zoning district is approved through the re-zoning process. Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a re-zoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan policies support developing this area as residential. The Land Use Plan which is an element of the Comprehensive Plan suggests that agricultural land in the area should be used for additional residential development while recognizing the limitations of the soil and drainage in this area.

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

Preliminary Staff Comments: At present this property is agricultural, with no houses or other structures.

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

Preliminary Staff Comments: The property is in the path of residential growth in northeast Columbus. Residential development here is reasonable and appropriate, provided proper safeguards are in place on the details, such as drainage, streets and utility connection.

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

Preliminary Staff Comments: This development should not cause any decline in property values throughout the City's jurisdiction.

Responsible growth and development.

Preliminary Staff Comments: The rezoning shows responsible growth and development in keeping with the Comprehensive Plan and good land use practices.

Plan Commission Options:

Annexation and re-zoning are to be separate requests and should be decided separately. In reviewing requests for annexation & re-zoning the Plan Commission may (1) forward a favorable recommendation on both or either to the City Council, (2) forward an unfavorable recommendation on both or either to the City Council, (3) forward both or either to City Council with no recommendation, or (4) continue the review to the

Decision Criteria:

Identifies the Indiana law-mandated criteria on which the Commission must judge the application. The decision criteria will vary by the type of request – rezoning, subdivision, annexation, etc. Any staff comments provided will be labeled as “preliminary”. These comments also reflect the information available approximately 10 days before the hearing and may need to be updated in response to new information.

Options:

Identifies the possible actions that the Commission can take regarding the application.