



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(January 24, 2012 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/CU-11-12 (Jon Monies)
Staff: Melissa Begley
Applicant: Jon Monies
Property Size: 17,214 square feet
Zoning: CO (Commercial: Professional Office)
Location: 1229 California Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed conditional use will allow for an antique shop (small scale retail use) in a CO (Commercial: Professional Office) zoning district per Zoning Ordinance 3.19(B).

Key Issue Summary:

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

1. To what extent should the applicant comply with the Zoning Ordinance landscaping standards.
2. Does an antique shop, classified as small scale retail use, fit within the context of the area.

Preliminary Staff Recommendation:

Approval, all criteria have been met. Approval should be subject to the following conditions:

1. Install and maintain landscaping along 13th Street between the sidewalk and the asphalt parking area as per Section 8.1(C)(1)(a) Parking Lot Public Street Frontage, if approval for the same is granted by the Board of Public Works (for landscaping in the right-of-way).
2. Install and maintain landscaping along the southern property line in the quantity specified by Section 8.2(E)(1) Type B Buffer.
3. Repair the fence along the southern property line.
4. Clean up debris and overgrown vegetation along southern property line.

Zoning District Intent:

The intent of the CO (Commercial: Professional Office) zoning district is as follows: This zoning district is intended to establish appropriate locations for professional office centers. Such centers may include both professional offices and complimentary retail uses and support facilities. This district may be used to transition from residential to other, more intense, business or industrial zoning districts.

Current Property Information:	
Land Use:	Watershed Healing Rooms of Columbus (worship facility) and The Survey Shoppe (office)
Site Features:	One and a half story structure, parking lot

Flood Hazards:	No flood hazards exist
Vehicle Access:	California Street (Collector, Residential, Urban) 13 th Street (Local, Residential, Urban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RE (Residential: Established)	Single-family Residential
South:	RE (Residential: Established)	Single-family Residential
East:	RE (Residential: Established)	Brown's Antiques and Furniture Restoration, Single-family Residential
West:	RE (Residential: Established)	Columbus Alliance Church

Interdepartmental Review:	
City Engineering:	No Comments
City Utilities:	No Comments

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 locate an antique shop in an existing structure that is in a CO (Commercial: Professional Office) zoning district. This location will also continue to house the existing surveying business. The previous use for the property was a church. It is not entirely clear the amount of total space that will be used for the antique shop and the amount of space to be used for the survey shop. If the building were to be used entirely for the antique business, which requires a greater amount of parking than the survey business, 15 parking spaces would be required. Since the survey business requires less parking than the antique shop, 15 parking spaces will be more than adequate for any combination of space arrangements between the antique shop and the survey shop.
2. The subject property is located in an area with a mix of uses, including single family residential, a church and an antique and furniture restoration business.
3. There is an existing wooden privacy fence located on the south property line between the subject property and the adjacent single family residence. A portion of the fence is missing and other portions appear to be unstable.
4. The petitioner is proposing new landscaping along the north and south property lines. The plant types are shown, but the plant sizes have not been noted. Taking into account the existing landscaping and the new proposed trees and shrubs, the landscaping does not meet the Zoning Ordinance requirements for similar areas of newly developed properties. 13th Street is deficient by 11 shrubs and the southern alley is deficient by 1 large tree or 3 shrubs. The Zoning Ordinance also includes a minimum plant size requirement.
5. The proposed landscaping along 13th Street is located in the right-of-way. The petitioner will need to get approval from the Board of Public Works to install the plants in the right-of-way.

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 Columbus Central Neighborhood character area. The following planning principles for that character area apply to this application: Neighborhood commercial uses should be of a scale and design compatible with the residential areas.

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

1. **POLICY E-1-10:** Encourage businesses that are consistent in scale and character with the residential neighborhood and which do not detract from the enjoyment of residential properties.
2. **GOAL D-3:** Provide high-quality residential neighborhood environments.
3. **POLICY D-3-1:** Encourage projects which improve and revitalize neighborhoods.
4. **POLICY A-2-10:** Preserve and enhance the character of neighborhoods (including aesthetic quality), particularly older neighborhoods (downtown, East Columbus, Donner Park area, etc.).
5. **POLICY A-2-11:** Keep residential neighborhoods at a "human" scale, preventing high-rise or massive buildings.
6. **POLICY A-2-12:** Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood-by-neighborhood basis.

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 building was built in 1964 and has been used as a church, a survey shop and was most recently used again as a church facility. No exterior changes will be made to the building and no additional parking will be needed. The primary change will be with the timing and quantity of traffic in and out of the parking lot. Patrons of the Antique Shoppe will likely be spread throughout the day and week, unlike the church use which would generate a greater quantity of traffic on one day and time. Both 13th Street and California Streets are high capacity streets and this is a small scale business. Provided that adequate buffering is provided, the proposal not be injurious to the safety and welfare of the community. *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 exceeds the parking requirements and will be required to meet the sign standards when a sign permit application is submitted. If the petitioner is agreeable to the staff recommendation to establish Type B buffer landscaping on the southern property line and Parking Lot Public Street frontage landscaping, the proposal will be consistent with the development standards for similar uses. *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 intent of the CO zoning district is to include both professional offices and complimentary retail uses. This small scale antique shop would meet the criteria of a complimentary retail use and would be well suited in the area with a mix of existing residential and business uses, provided that adequate buffering is provided. *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 approval of the Antique Shoppe will be consistent with the character of the zoning district and Comprehensive Plan recommendations. The antique shop will be consistent with other uses in this area which includes a church and another antique shop. *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: _____

Docket No.: _____

Hearing Procedure: Hearing Officer Board of Zoning Appeals

Conditional Use Application:

Applicant Information:

Name: JON R. MONIES / 1008 NELSON RIDGE ROAD

Address: 1229 CALIFORNIA ST., COLUMBUS, IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 342-6091 (H) Fax No.: _____ E-mail Address: healeybarn@aol.com
343-2746 (C)

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

Name: _____

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: _____

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:

Address: 1229 CALIFORNIA ST., 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):

S.E. CORNER OF 13TH ST. & CALIFORNIA ST.

AME

Conditional Use Requested:

I am requesting a conditional use as listed by Section 3.19(B) of the Zoning Ordinance to allow the following:

A retail (small scale) use in a CO - Commercial Professional Office zoning district. (Antique Shop)

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 Antique & Survey Shoppe is a conditional use for the Commercial Professional Office (CO) zoning district and will not change the character of the existing neighborhood.

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

The majority of the outside development of the property was completed about 23 years ago. Some additional landscaping will be done in the spring.

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 overall traffic, to & from the property, will be less intense during any four hour period than in the past. When the same portion of the building was used as a church the traffic all arrived & left in a short period of time.

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.

This property has been in compliance with the zoning district for many years and will comply with any reasonable recommendations of the Board of Zoning Appeals.

Applicant's Signature:

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

Jon R. Manies
(Applicant's Signature)

20 DEC 2011
(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.

Jon R. Manies
(Owner's Signature)

20 DEC 2011
(Date)

(Owner's Signature)

(Date)

