City of Columbus – Bartholomew County
Planning Department

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Columbus, Indiana 47201
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STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION
(November 13, 2013 Meeting)

Docket No. / Project Title:	MP-13-09 (Fultz Minor Subdivision Replat)
Staff:	Thom Weintraut
Applicant:	Carla Fultz
Property Size:	1.89 Acres
Current Zoning:	CC (Commercial: Community)
Location:	3470 West County Road 450 South (State Road 58), in the City of Columbus

Background Summary:
The applicant has indicated the proposed subdivision is for the purpose of separating an undeveloped area on the property from the existing fuel station and convenience store as a new lot. Section 16.24.010(B) of the Subdivision Control Ordinance requires sidewalks along the frontage of all newly created lots in designated suburban area. For lots with frontage along a Principal Arterial Street the sidewalk requirements shall be determined by the Plan Commission.

This proposal shows 3 potential zoning violations that will be created by this subdivision request:

1. The existing interstate sign for the gas station is shown as being located on the new lot (Lot 2) and as a result the applicant will need to receive approval from the Board of Zoning Appeals for a development standards variance for an off-premise sign. Section 10(D)(7) of the Zoning Ordinance prohibits signs that advertise an establishment or service that is not associated with the property where the sign is located.
2. Section 7.2(Part 4)(B)(2) of the Zoning Ordinance requires a 5 foot side setback from proposed property line for parking areas. The existing parking area will be less than 5 feet from the proposed new lot line and therefor the applicant will also need to request a development standards variance for the parking lot setback.
3. There are 2 sheds that are less than 10 feet from the proposed new property line. Section 3.20(C) of the Zoning Ordinance requires a minimum of 10 feet for side setbacks for accessory structures. The applicant will also need to request a development standards variance for the reduced setback.

Key Issue Summary:
The following key issue(s) should be resolved through the consideration of this application: Should the applicant install sidewalks along the frontage of the new lot, Lot 2?

Preliminary Staff Recommendation:
Approval of the subdivision without a requirement for sidewalks along the frontage of Lot 2. The approval should be subject to a resolution of zoning violations, the parking lot setback, the accessory building setback and to allow the off-premise sign and also all outstanding technical comments.

Outstanding Technical Comments:
The following outstanding technical comments must be addressed by the applicant:

1. Add the word Arterial to the Street Classification.
2. Provide a utility easement be included within the access easement.
3. Add the following notation to the plat: "Lot 2 shall be served by city water and sewer and is the responsibility of the developer to extend said lines, subject to the City Utilities Specifications"

Current Property Information (entire subdivision site):	
Land Use:	Convenience store and fuel station.
Site Features:	The western portion (Lot 1A) of the property contains the store, fueling station and associated structures; the eastern portion (Lot 2) is undeveloped with trees and brush along the perimeter. The eastern portion also slopes downward around the perimeter of Lot 2.
Flood Hazards:	None.
Special Circumstances: **(Airport Hazard Area, Wellfield Protection Area, etc.)**	None.
Vehicle Access:	Both lots will share access from County Road 450 South (State Road 58) which has a Principal Arterial, Industrial, Suburban classification.

Surrounding Zoning and Land Use (entire subdivision site):		
	Zoning:	**Land Use:**
North:	I1 (Industrial: Light)	Industrial (Cummins Facility)
South:	CC (Commercial: Community) AG (Agriculture: Preferred)	Undeveloped
East:	AG (Agriculture: Preferred)	Single-family residential
West:	I1 (Industrial: Light)	Industrial (Cummins Facility) and undeveloped

Interdepartmental Review:	
City Engineering:	No concerns.
City Utilities:	Sewer and Water is available. Columbus City Utilities would request that a utility easement be included over the access easement and that the following notation be placed on the plat: "Lot 2 shall be served by city water and sewer and is the responsibility of the developer to extend said lines, subject to the City Utilities Specifications"

Parks Department:	None
MPO:	None

History of this Location:

The relevant history of this property includes the following:

1. On September 10, 1997, the Planning Department staff issued ZCC-9-97-9 (Tobacco Road #163) a zoning compliance certificate to allow the construction of a convenience store and fuel station at this location.
2. On September 23, 1997, the Plat Committee approved MP-97-17 (Fultz Minor Subdivision). This was a request to create one lot and the dedication of right-of-way for State Road 58.

History of this Application:

The relevant history of this application includes the following: The application was reviewed for technical comments by the Plat Committee and forwarded to the Plan Commission for a decision on the sidewalk requirement.

Planning Consideration(s):

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

1. This property is located at the northwest corner of the interchange of Interstate 65 and State Road 58. There are currently no sidewalks in this area. The property to the south is undeveloped. The building on the property to the north and west (Cummins) is setback over quarter mile from State Road 58 and has no pedestrian connection to State Road 58 or this site. The property to the east is zoned agriculture and used as residential and is served by a driveway and will likely not become a public street.
2. Lot 2 is located along the right-of-way for State Road 58, however there is a steep slope down to a private drive and a steep slope back up to the roadbed for State Road 58. There is also a guard rail along State Road 58 in this location that physically separates the lot from State Road 58. The private drive that is located along the frontage of the lot serves a single residence and there is little likelihood that a future street will be built in this location.
3. Sidewalks are not required within industrial zoned properties as part of a subdivision process: however with the current trend toward improving health and encouraging activities, many of the industrial facilities have had conversations with the City about providing sidewalks along streets in industrial parks.
4. The Indiana Department of Transportation recently completed improvements to the interchange and there are no immediate future plans for any additional improvements to the interchange.
5. The current gas station and convenience store has non-compliant signage on the site and the current landscaping may not reflect what was approved at the time of the construction of the facility. The Planning Department is reviewing a request for change in signage and will work with the owner on resolving any non-compliance issues.

Subdivision Control Ordinance Consideration(s):

The following provisions of the Subdivision Control Ordinance apply to the key issues of this application: Section 16.24.01(B)(1) states that Plan Commission shall determine the requirements for sidewalks along arterial streets.

Fultz Minor Subdivision Replat

A PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 5 EAST
WAYNE TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA
SHEET 1 OF 2

ACREAGE TABLE

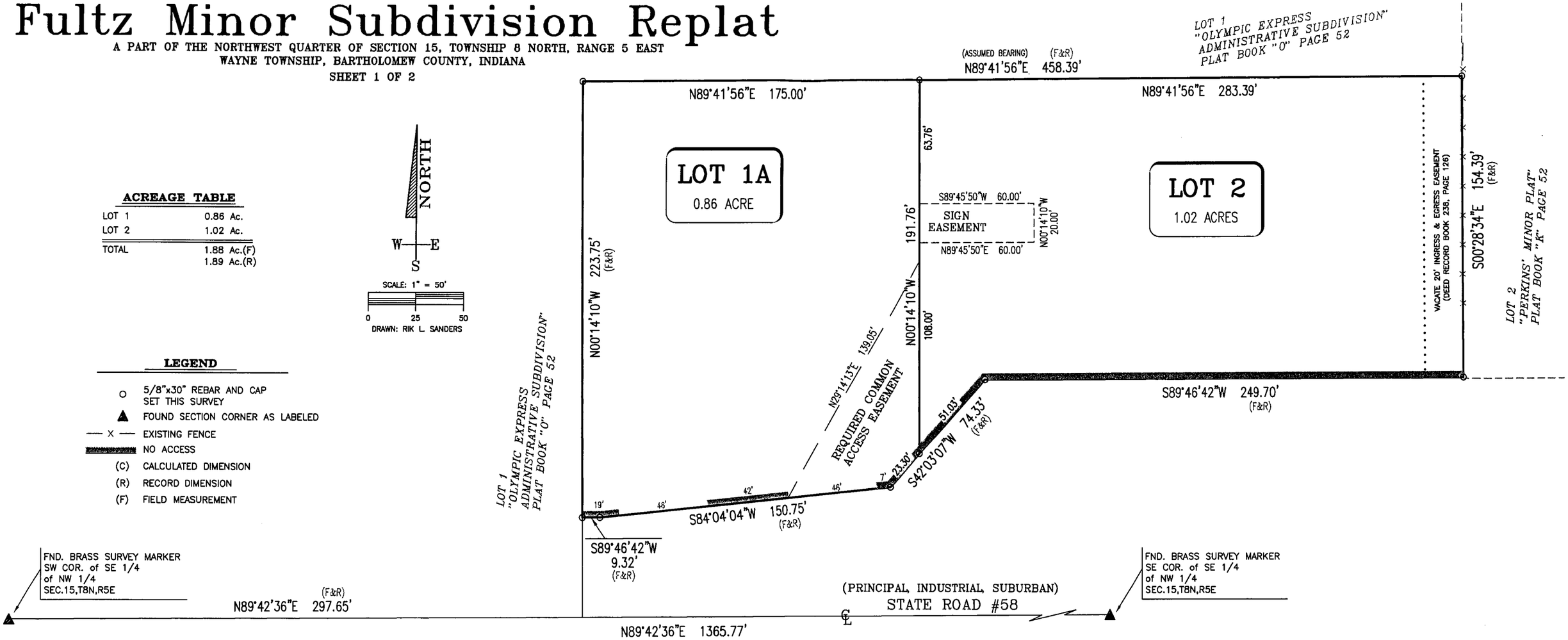
LOT 1	0.86 Ac.
LOT 2	1.02 Ac.
TOTAL	1.88 Ac.(F) 1.89 Ac.(R)

NORTH
W E
S

SCALE: 1" = 50'
0 25 50
DRAWN: RIK L. SANDERS

LEGEND

- ○ 5/8"x30" REBAR AND CAP SET THIS SURVEY
- ▲ FOUND SECTION CORNER AS LABELED
- — X — EXISTING FENCE
- NO ACCESS
- (C) CALCULATED DIMENSION
- (R) RECORD DIMENSION
- (F) FIELD MEASUREMENT



SURVEYOR'S STATEMENT

I, ENOCH R. GRAY, III HEREBY STATE THAT I AM A PROFESSIONAL SURVEYOR, LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT, TO THE BEST OF MY KNOWLEDGE, THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME IN NOVEMBER OF 2013; THAT ANY CHANGES FROM THE DESCRIPTION APPEARING ON THE LAST RECORD TRANSFER OF THE LAND CONTAINED IN THIS PLAT ARE SO INDICATED; THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST OR WILL BE INSTALLED. I MAKE NO REPRESENTATION, EXPRESSED OR IMPLIED, AS TO THE SUITABILITY OF THIS REAL ESTATE FOR THE CONSTRUCTION OF BASEMENTS.

10.31.13

ENOCH R. GRAY, III LS-0516 DATE

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. ENOCH R. GRAY, III

ENOCH R. GRAY III
REGISTERED NO. S-0516
STATE OF INDIANA
LAND SURVEYOR

PROPERTY DESCRIPTION

LOT NUMBERED ONE (1) IN "FULTZ MINOR SUBDIVISION" RECORDED IN PLAT BOOK "Q", PAGE 293A IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA.

CURRENT OWNER OF RECORD:
FULTZ PROPERTIES, LLC
INSTR. #2012-11438
AUD. PARCEL ID:
#03-85-15-240-000.200-021

JOB #13253

E.R. GRAY
& ASSOCIATES
PROFESSIONAL LAND SURVEYING AND CONSULTING
E.R. GRAY III, L.S.
PRESIDENT
P.O. BOX 1357
COLUMBUS, INDIANA 47202
BUS. 812-372-7398 FAX 812-372-2175

Fultz Minor Subdivision Replat

A PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 5 EAST
WAYNE TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA

OWNER'S CERTIFICATE

I, THE UNDERSIGNED, CARLA D. FULTZ, OWNER OF FULTZ PROPERTIES, LLC, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "FULTZ MINOR SUBDIVISION REPLAT" CONSISTING OF 2 LOTS IDENTIFIED HEREON AS "LOT 1A" AND "LOT 2" AND CONTAINING IN ALL 1.88 ACRES.

CLEAR TITLE TO THE LAND CONTAINED IN THIS SUBDIVISION IS GUARANTEED.

ALL PUBLIC STREETS AND ALLEYS SHOWN AND DESIGNATED AS SUCH AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED FOR THE PURPOSES DESIGNATED HEREON.

THE SETBACK LINES SHALL BE DETERMINED BY THE REGULATIONS OF THE COLUMBUS, INDIANA ZONING ORDINANCE OF CURRENT ADOPTION.

THERE ARE PRIVATE ACCESS EASEMENTS AND/OR PRIVATE STREETS SHOWN ON THIS DRAWING AND MARKED ACCORDINGLY. THESE ARE INTENDED TO BE PRIVATE IN PERPETUITY, AND THERE IS NO OBLIGATION FOR ANY GOVERNMENT ENTITY TO ASSUME ANY RESPONSIBILITY FOR THESE EASEMENTS AND/OR STREET, NOW OR AT ANY FUTURE TIME. THE RESPONSIBILITY FOR MAINTENANCE AND SNOW REMOVAL ON THE ACCESS EASEMENTS AND/OR STREETS SHOWN ON THIS DRAWING IS ASSUMED BY THE PROPERTY OWNERS OF LOTS 1A AND 2, AND NOT BY THE CITY.

LOT 1 IN "FULTZ MINOR SUBDIVISION" IS HEREBY VACATED BY THIS PLAT.

LOTS 1A AND 2 ARE SUBJECT TO THE "DECLARATION OF COVENANTS AND CONDITIONS AND RESTRICTIONS" AS RECORDED IN "FULTZ MINOR SUBDIVISION."

WITNESS MY HAND AND SEAL THIS 8th DAY OF October 2013.
FULTZ PROPERTIES, LLC.

Carla D. Fultz, owner
CARLA D. FULTZ, OWNER

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED CARLA D. FULTZ, OWNER OF FULTZ PROPERTIES, LLC WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

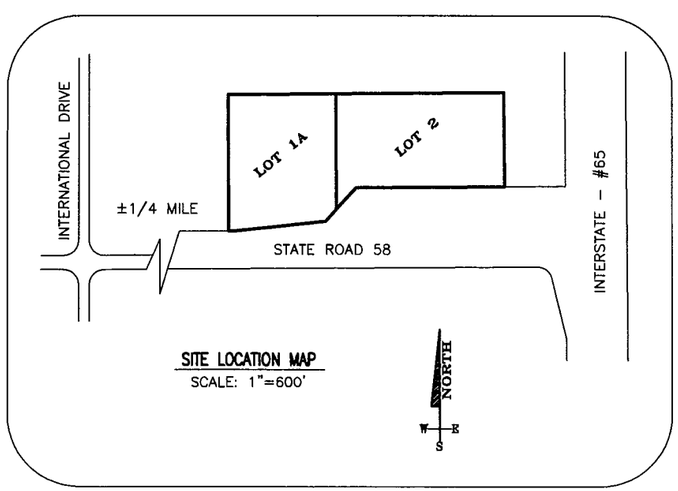
WITNESS MY HAND AND NOTARIAL SEAL THIS 8th DAY OF October, 2013.

NOTARY PUBLIC Erica L. Sanders

COUNTY OF RESIDENCE Bartholomew

May 19, 2017
MY COMMISSION EXPIRES

NOTARY PUBLIC SEAL INDIANA



SITE LOCATION MAP
SCALE: 1"=600'

SURVEYOR'S REPORT

PREPARED FOR CARLA D. FULTZ, OWNER OF FULTZ PROPERTIES, LLC, OWNER OF RECORD OF THAT REAL ESTATE DESCRIBED IN INSTRUMENT NUMBER 2012-11438; BEING LOT 1 IN "FULTZ MINOR SUBDIVISION" RECORDED IN PLAT BOOK "Q", PAGE 293A IN THE OFFICE OF THE BARTHOLOMEW COUNTY RECORDER. SUBJECT PROPERTY IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 5 EAST, SITUATED IN WAYNE TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE SAID REAL ESTATE.

IN ACCORDANCE WITH THE INDIANA SURVEY STANDARDS AS DEFINED IN INDIANA ADMINISTRATIVE CODE 865 IAC 1-12-1 ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:
VARIANCES IN THE REFERENCE MONUMENTS;
DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS;
INCONSISTENCIES IN LINES OF OCCUPATION;
AND RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY).

THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.
THE BEARING SYSTEM UTILIZED ON THIS SURVEY IS ASSUMED.
ALL MONUMENTS SET OR FOUND THIS SURVEY ARE WITHIN 4" OF THE GROUND SURFACE, EXCEPT AS NOTED BELOW.
ALL DIMENSIONS ARE FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.

FINDINGS OF FACT:
THE SOUTHWEST AND SOUTHEAST CORNERS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15 WERE FOUND AS REFERECED IN THE OFFICE OF THE BARTHOLOMEW COUNTY SURVEYOR.
ALL MONUMENTS MARKING THE CORNERS FOR SUBJECT REAL ESTATE HAVE BEEN DESTROYED.
FENCE WAS LOCATED NEAR THE EAST LINE OF SUBJECT REAL ESTATE.

THEORY OF LOCATION:
ALL CORNERS FOR SUBJECT LOT 1 ARE ESTABLISHED AT THE RECORD PLATTED DIMENSIONS FROM THE QUARTER QUARTER SECTION CORNERS AS PREVIOUSLY PLATTED.
THE CORNERS FOR THE NEW LINE ARE ESTABLISHED AS DETERMINED AND REQUESTED BY THE OWNER.

SUMMARY:
AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:
DUE TO VARIANCES IN AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS: WITHIN TOLERANCES OF A "URBAN" SURVEY.
DUE TO DISCREPANCIES IN THE RECORD PLATS AND DESCRIPTIONS: NONE OBSERVED.
DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: THE FENCE NEAR THE EAST LINE MEASURES ±0.5 OF A FOOT EAST OF SAID EAST LINE.

THE RELATIVE POSITIONAL ACCURACY OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A "URBAN" SURVEY (PLUS OR MINUS 0.07-FOOT PLUS 50 PARTS PER MILLION) (PLUS OR MINUS 0.26-FOOT PLUS 200 PARTS PER MILLION) AS DEFINED IN I.A.C. 865.

A SEARCH FOR EASEMENTS OF RECORD IS NOT TO BE IMPLIED BY THIS SURVEY. UNLESS OTHERWISE STATED, UTILITIES AND IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY. ZONING COMPLIANCE IS NOT EXPRESSED OR GUARANTEED BY THIS SURVEY. **THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.**

NOTICE TO SUBJECT LAND OWNERS: THE ADJOINING LAND OWNER MAY HAVE UNWRITTEN RIGHTS TO THAT LAND OUTSIDE OF ANY FENCE OR OCCUPATION LINES, NEAR THE PERIMETER OF YOUR LAND, THAT YOU MAY OR MAY NOT BE OCCUPYING. BEFORE REMOVING ANY FENCES, I RECOMMEND THAT YOU CONSULT WITH AN ATTORNEY. ADDITIONALLY, I RECOMMEND THAT YOU CONSULT WITH AN ATTORNEY IN REGARDS TO THE UNCERTAINTIES NOTED IN THIS REPORT. CONTACT THIS OFFICE IF YOU HAVE ANY QUESTION.

PRIMARY APPROVAL

UNDER AUTHORITY PROVIDED BY IC 36-7-4-700, SUBDIVISION CONTROL, AND ANY AMENDMENTS THERETO, THIS PLAT WAS GIVEN PRIMARY APPROVAL BY THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

APPROVED BY THE CITY PLAN COMMISSION AT A MEETING HELD NOVEMBER 13, 2013.

CHAIRMAN – ROGER LANG

SECRETARY – NANCY ANN BROWN

VOID UNLESS SECONDARY APPROVAL IS RECEIVED BY _____, 20_____.

SECONDARY APPROVAL

ALL CONDITIONS OF PRIMARY APPROVAL HAVE BEEN MET AND THIS PLAT IS GRANTED SECONDARY APPROVAL.

APPROVED BY THE PLANNING DEPARTMENT _____, 20_____.

JEFFREY R. BERGMAN, AICP, PLANNING DIRECTOR

VOID UNLESS RECORDED BY _____, 20_____.

AUDITOR'S CERTIFICATE

THE REAL PROPERTY HAS BEEN DULY ENTERED FOR TAXATION AND TRANSFERRED ON THE RECORDS OF THE AUDITOR OF BARTHOLOMEW COUNTY,

THIS _____ DAY OF _____, 2013.

BARBARA J. HACKMAN, BARTHOLOMEW COUNTY AUDITOR

RECORDING CERTIFICATE

RECORDED IN PLAT BOOK "R", PAGE _____, THIS _____ DAY OF

_____, 2013 AT _____ O'CLOCK ____M.

INSTRUMENT NO. _____, FEE PAID _____.

ANITA L. HOLE, BARTHOLOMEW COUNTY RECORDER

A NOTATION HAS BEEN MADE ON THE ORIGINAL PLAT OF "FULTZ MINOR SUBDIVISION" RECORDED IN PLAT BOOK "Q", PAGE 293A.

JOB #13253

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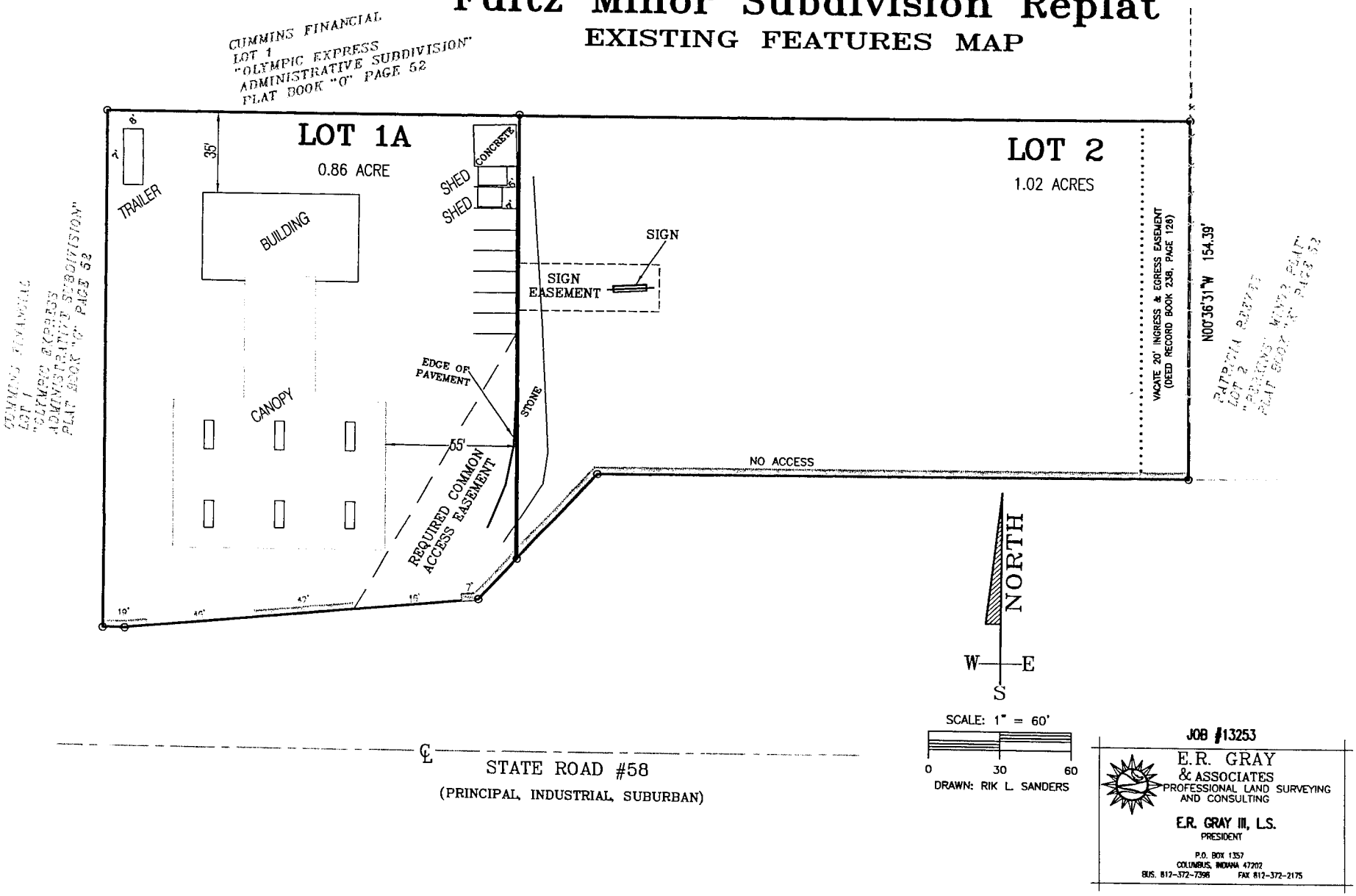
Fultz Minor Subdivision Replat

EXISTING FEATURES MAP



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