



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(July 24, 2023 Meeting)**

STAFF REPORT

Docket No. / Project Title: BCU-2023-005 (450 North Brewing & Spirits)
Staff: Andres Nieto
Applicant: 450 North Spirits
Property Size: +/- 19.31 acres
Zoning: AP (Agriculture: Preferred)
Location: 8111 East 450 North, in Flatrock Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow the expansion of an agri-business facility to build a 40-foot by 80-foot accessory structure (barrel storage building). This barrel storage building will be located on the eastern side of the property, apart from the dining/beverage area, and will not be open to customers but for employees only.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is the scale of this expansion of an agri-business appropriate in the context of the AP (Agriculture: Preferred) zoning district?

Preliminary Staff Recommendation:

Approval, all criteria are met subject to (1) the condition that the applicant demonstrate compliance with all applicable drainage-related requirements prior to the issuance of a zoning compliance certificate for the project and the start of any construction and (2) the commitment that any lighting, signage, dumpster screening, and other new site features installed in association with the new building meet the applicable requirements for commercial zoning districts.

Zoning 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, while limiting non-agricultural development in areas with minimal, incompatible infrastructure.

Current Property Information:	
Land Use:	Simmons Winery, 450 North Brewing Company, 450 North Restaurant, Annual Corn Maze and Beerfest
Site Features:	Three buildings, a restaurant and brewery building, a former banquet facility (now storage), an open shelter, garden area, paved and un-paved parking, Martin Holder legal drain

Flood Hazards:	N/A
Vehicle Access:	450 North (Collector) 425 East (Local)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Agriculture
South:	AP (Agriculture: Preferred)	Single-family residential
East:	AP (Agriculture: Preferred)	Agriculture
West:	AP (Agriculture: Preferred)	Agriculture, Single-family residential

Interdepartmental Review:	
County Engineer:	I have no issues with the request. But they are already complaining about the drainage and the additional hard surface of the new building will only make it worst. It won't be much worst, since this new building is insignificant compared to the total large drainage area.
Code Enforcement:	Code Enforcement does not have any issues with this proposal. State and local approvals are required as well as a building permit and inspections.
County Fire Inspector.:	No issues with this request.
Bartholomew County Health Dept.:	We have not received any applications for the proposed barn on the property.

History of this Location:

The Board of Zoning Appeals granted the applicants conditional use approval to operate a farm market and winery on the site in 1999 (B/CU-99-03). There have been expansions approved in 2003, 2005, 2007, 2011, 2013, 2014, 2018, and 2019 (B/CU-03-01, B/CU-03-08, B/CU-05-05, B/CU-07-02, B/CU-11-02, B/CU-13-03, B/CU-14-12, B/CU-18-01, B/CU-19-06, B/CU-19-11, B/CU-2020-006, B/CU-2021-006, B/CU-2022-010). The expansions are explained below:

1. B/CU-03-01: Expansion of existing agri-business use to allow expansion of a banquet hall and wine cellar.
2. B/CU-03-08: A request to amend a previously approved conditional use permit to allow the reduction of the number of required parking spaces.
3. B/CU-05-05: Expansion of existing agri-business use to allow a banquet hall and increase existing freezer storage space.
4. B/CU-07-02: Expansion of existing agri-business use to allow a 56-foot by 64-foot accessory structure to provide storage to the existing winery and banquet hall.

5. B/CU-11-02: A request for the addition of a brewery.
6. B/CU-13-03: A request for an 884 square foot storage addition and a multi-use freestanding sign.
7. B/CU-14-12: A request for the addition of a new warehouse to the winery.
8. B/CU-18-01: A request for an 8,192 square foot restaurant, tasting room, and brewery facility as well as approval for a corn maze and beer festival. The approval included the following conditions:
 - a. The existing grape vines shall be preserved between the proposed building and 425 East.
 - b. The dumpster on site shall be enclosed as required by Zoning Ordinance Section 6.1(C)(2).
 - c. The lighting on the existing pole located along 450 North on the north side of the property shall be replaced with 90 degree cut off fixtures. All lighting on the new building shall be 90-degree cut-off fixtures.
9. B/CU-19-06 & B/DS-19-07: A request to allow a new wall sign and a development standards variance to allow for the wall sign to be 250 square feet. The conditional use was approved and the variance request was withdrawn at the meeting.
10. B/CU-19-11: A request to remove a condition from the 2018 conditional use approval to retain grape vines along the west side of the new restaurant. The request was approved and the following new condition was added: The existing landscaping along the west side of the property along the length of the new restaurant building shall be retained. Additionally, landscaping consistent with a Type B landscape buffer shall be installed along the west side of the property north of the existing landscaping to screen the parking lot.
11. B/CU-2020-006: A request to allow the construction of a new 144 foot by 64 foot (9,200 square foot) brewing storage building addition on the site, directly to the south of the restaurant and a new drive entrance off of 425 East.
12. B/CU-2021-006: A request to allow a kennel (dog grooming) in a portion of the former restaurant space of Simmons Winery/450 North, approximately 1,535 square feet.
13. B/CU-2022-010: A request to allow the expansion of an agri-business facility for a new distillery and a 5,460 square foot building addition.

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 build a +/- 3,200 square foot (40 ft. by 80 ft.) warehouse for barrel storage. This building will not include any space for tours or other eating/drinking uses for customers – it will exclusively be used for storage and will have employee access only.
2. This building addition will be on the eastern side of the subject property. This side of the property has an existing, separate access drive to 450 North with a large gravel parking lot. The building addition is proposed to be built adjacent to and south of this parking lot.
3. Access onto the site will not change. The property gains access from 450 North, which is identified as a collector road. Collector roads are designed to carry a relatively high volume of traffic. The County Highway Department has indicated they do not have any traffic-related objections with the proposal.
4. The applicant has stated that the dog kennel/grooming portion of the business (approved in 2021) has been placed on hold, as well as the tasting room expansion project approved as a conditional use in 2022 (BCU-2022-010). The only project moving forward at this time is this storage building. Although the applicant has “placed these projects on hold”, it is important to note that these approvals run with the property and should be considered as part of the development of this property.
5. There are approximately 33,632 square feet of buildings on the subject property currently. If approved, the subject property will have development potential (based on previously approved expansions) to increase this existing built condition by at least 8,660 square feet – over a 25% increase from its current condition.
6. Although the applicant has previously indicated that corn grown on the property will be used for the distillery, the growth of the “corn maze/beer festival” on-site has made it unclear how much of the agriculture field is still being used for distilling/brewing and how much is being cut for the festival.
7. No new/additional signage is included in this request.
8. There will be a total of 51 parking spaces in front of the main restaurant/bar, approximately 21 parking spaces on the backside of the restaurant/bar, approximately 9 parking spaces on the east side of the proposed distillery and adjacent to the former banquet facility, for a total of 81 paved parking spaces

on site. This does not include the gravel area adjacent to the proposed structure, which can accommodate approximately 60 parking spaces.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Agricultural Preferred District.

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

1. **Policy 1-K:** Protect neighboring farmland from increased water runoff (both surface and subsurface), night lighting, sun-blocking interference, trespassing or anything else which might interfere with existing or potential farm operations.
2. **Policy I-Q:** Promote development of businesses such as value-added agricultural industries that enhance agriculture and agribusiness while protecting the character and environmental quality of the county.
3. **Policy 3-HG:** Require appropriate buffer areas between different land uses.
4. **Goal 4:** Create stable residential neighborhoods that are safe, healthy, socially satisfying and retain their economic value.
5. **Policy 4-F:** Encourage neighborhood business areas that are compatible with their surroundings, properly buffered and appropriately located.
6. **Policy 4-K:** Require appropriate landscaping, particularly trees, on lots and in public areas.
7. **Goal 6:** Ensure wise and efficient use of limited and non-renewable resources including but not limited to capital and land.
8. **Policy 6-N:** Ensure that new development does not lower the level of service nor place an excessive burden on current residents.
9. **Goal 13:** Preserve and enhance the beauty of Bartholomew County.
10. **Policy 13-B:** Require new businesses and industries to add landscaping around their building and parking lots to enhance their appearance, and encourage existing businesses and industries to do so.
11. **Goal 16:** Ensure that new development has adequate utility services.
12. **Goal 17:** Ensure the safe, efficient movement of traffic.
13. **Goal 18:** Promote economic growth in the county by encouraging the location and expansion of businesses and industries that are compatible with their surroundings and provided with adequate services.
14. **Policy 18-O:** Encourage rural-related businesses of a scale appropriate to their surroundings, such as agriculture products and services stores, seasonal produce markets, hobby and craft stores, wineries, greenhouses, small engine repair. Where these types of businesses are of a suitable scale and in appropriate rural locations, encourage them as home-based businesses.
15. **GOAL 19:** Maintain and enhance the attractiveness of Bartholomew County by preventing sign clutter, oversized and garnish signs while recognizing the need for local businesses to advertise their goods and services.

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 proposed expansion will not impede sight visibility along 450 North and will meet all required building standards. If the applicant complies with the applicable storm water requirements, 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 building expansion will meet all required building setback and related standards of the AP (Agriculture: Preferred) zoning district. The applicant has not provided information regarding any new lighting or other features of the project. If any lighting, dumpster screening and other similar new features of the project comply with the standards applicable to commercial zoning districts, 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 proposed building addition will not limit the ability of nearby property owners to continue using their properties as they currently do. Further, 450 North is a collector capable and intended to accommodate comparatively higher volumes of traffic. 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 use is compatible with the agricultural character of the zoning district in which it is located. The expanding use meets comprehensive plan goals for encouraging value-added agricultural businesses. 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.

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City of Columbus - Bartholomew County Planning Department
Conditional Use Application

Submit applications and materials by e-mail to planning@columbus.in.gov. If questions, please call: 812.376.2550.
Submittal instructions available at <https://www.columbus.in.gov/planning/applications-forms/>.

To be Completed by the Planning Department

Pre-submittal Meeting on (date): 5/4/23 by (initials): MB

Application Received on (date): 5/18/23 by (initials): JAM

Jurisdiction: ☐ Columbus ☒ Bartholomew County ☐ Joint District

Hearing Procedure: ☐ Board of Zoning Appeals ☐ Hearing Officer

Docket No.: BCU-2023-005 Zoning District: AP

Property Owner Name (from GIS): David W & Brenda L Simmons

To be Completed by the Applicants

Please contact the Department at 812.376.2550 at least 1 week prior to the applicable Board of Zoning Appeals application deadline to schedule a review meeting. The Department cannot guarantee a timely review meeting if contacted less than 1 week prior to the deadline and is not responsible for any missed deadline that may result.

Representative / Notification Information:

The contractor, surveyor, attorney, or other person authorized to act on behalf of the project owner (or the project owner if no other representative will be used) and to whom all correspondence regarding this application should be directed.

Representative Person's Name: DAVID SIMMONS

Representative's Company Name: 450 NORTH Brewing Co / 450 NORTH SPIRITS

Mailing Address: 8111 E. 450 N. Columbus IN 47203
(number) (street) (city) (state) (zip)

Phone No: 812-371-6413 E-mail Address: david@simmonswinery.com

All correspondence will be by e-mail unless another method has been agreed upon by the Planning Department.

Project Information:

The home owner, business, institution, etc. that is making the request – NOT the contractor, surveyor, or other representative (see above). If the project owner will be representing themselves, their information should be entered above and "same as above" may be entered below.

Home Owner, Business, Institution, Etc. Name: 450 NORTH SPIRITS

Business, Institution, Etc. Contact Person Name: DAVID SIMMONS

Mailing Address: 8111 E. 450 N. Columbus IN 47203
(number) (street) (city) (state) (zip)

Phone No: 812-371-6413 E-mail Address: david@simmonswinery.com

Property / Location Information:

Property Address: 8111 E. 450 N. Columbus
(number) (street) (city)

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

Conditional Use Requested:

I am requesting a conditional use per Section _____ of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

Barrel Storage Warehouse for SPIRITS from 450 NORTH SPIRITS

Please describe the proposed use further:

Aging of Barrels

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.** For example: What harm could come from approving the conditional use? Would it create any public safety issues? Why or why not?

None

2. **The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.** For example: Will the conditional use be able to meet minimum building setbacks, parking standards, and other requirements? If not, are variances being sought to address those items?

All requirements will be 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.** For example: The property is zoned _____. Are there risks that the conditional use will cause harm to the neighbors ability to use and enjoy their property? Is there reason to believe that the conditional use will cause harm to neighboring property values?

None

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.** Will the conditional use change the character of the area? Will it involve a building, operation, or features that are significantly different than what is common to the zoning district? If the property is located in the jurisdiction of the City of Columbus visit <https://www.columbus.in.gov/planning/comprehensive-plans/>. If the property is in the jurisdiction of Bartholomew County visit <https://www.columbus.in.gov/planning/comprehensive-plans/comprehensive-county-plans/>. Include statements or concepts that support the request.

None

Representative's Signature / Acknowledgement:

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

David Simmons
(Representative's Signature)

5/16/23
(Date)

David Simmons
(Representative's Printed Name)

Property Owner's Signature:

The owner DOES NOT include a tenant or contract buyer. Applications submitted without the property owner's signature will not be processed

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. I understand that a public notice sign may be placed and remain on the property until the processing of the request is complete.

David Simmons
(Property Owner's Signature)

5/16/23
(Date)

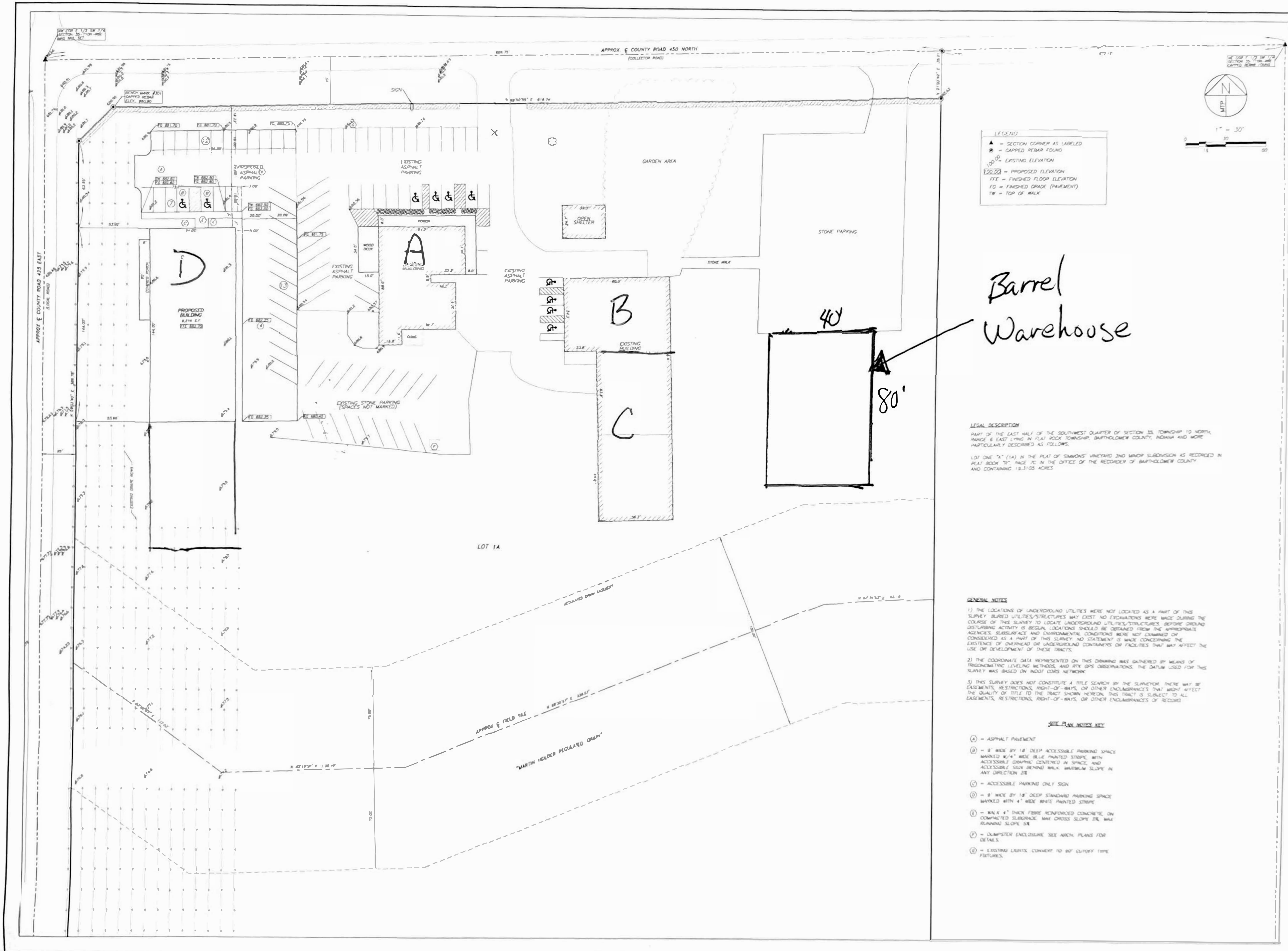
David Simmons
(Property Owner's Printed Name)

Signer's Ownership Role or Representation:

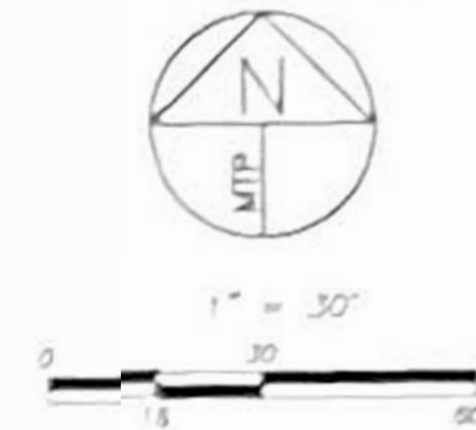
If the person signing as the property owner is not specifically listed as such in the records of Bartholomew County, please indicate their relationship to that officially listed person, role in that corporation or entity, etc. below.

(Signer's Ownership Role or Representation)

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LEGEND
▲ = SECTION CORNER AS LABELED
● = CAPPED REBAR FOUND
100.00 = EXISTING ELEVATION
100.00 = PROPOSED ELEVATION
FFE = FINISHED FLOOR ELEVATION
FG = FINISHED GRADE (PAVEMENT)
TW = TOP OF WALK



Barrel
Warehouse

LEGAL DESCRIPTION
PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 10 NORTH, RANGE 6 EAST LYING IN PLAT ROCK TOWNSHIP, BATHOLMEW COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
LOT ONE "A" (1A) IN THE PLAT OF SIMMONS' VINEYARD AND WARD SUBDIVISION AS RECORDED IN PLAT BOOK "78" PAGE 70 IN THE OFFICE OF THE RECORDER OF BATHOLMEW COUNTY AND CONTAINING 18.3102 ACRES

GENERAL NOTES
1) THE LOCATIONS OF UNDERGROUND UTILITIES WERE NOT LOCATED AS A PART OF THIS SURVEY. BURIED UTILITIES/STRUCTURES MAY EXIST. NO EXCAVATIONS WERE MADE DURING THE COURSE OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES. BEFORE CIRCULAR DISTURBING ACTIVITY IS BEGUN, LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE AGENCIES. SURVEYOR AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONSTRAINTS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THESE TRACTS.
2) THE COORDINATE DATA REPRESENTED ON THIS DRAWING WAS GATHERED BY MEANS OF TRIANGULAR LEVELING METHODS AND RTK GPS OBSERVATIONS. THE DATUM USED FOR THIS SURVEY WAS BASED ON INDOT COORDS NETWORK.
3) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THERE MAY BE EASEMENTS, RESTRICTIONS, RIGHT-OF-WAYS, OR OTHER ENCUMBRANCES THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE TRACT SHOWN HEREON. THIS TRACT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RIGHT-OF-WAYS, OR OTHER ENCUMBRANCES OF RECORD.

SITE PLAN SYMBOL KEY
A = ASPHALT PAVEMENT
B = 8' WIDE BY 18' DEEP ACCESSIBLE PARKING SPACE MARKED 8/4" WIDE BLUE PAINTED STRIPE, WITH ACCESSIBLE GRAPHIC CENTERED IN SPACE, AND ACCESSIBLE SIGN BEHIND WALK, MAXIMUM SLOPE IN ANY DIRECTION 3%
C = ACCESSIBLE PARKING ONLY SIGN
D = 8' WIDE BY 18' DEEP STANDARD PARKING SPACE MARKED WITH 4" WIDE WHITE PAINTED STRIPE
E = WALK 4" THICK FIBRE REINFORCED CONCRETE ON COMPACTED SUBGRADE, MAX CROSS SLOPE 3%, MAX RUNNING SLOPE 5%
F = DUMPSTER ENCLOSURE SEE ARCH. PLANS FOR DETAILS
G = EXISTING LIGHTS CONVEY TO BOY CLUTCH TYPE FIXTURES

REVISIONS

NO. DATE

TED P. DARNALL
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF INDIANA
NO. 95000008

CHECKED BY

CROWDER & DARNALL, INC.
LAND SURVEYING
809 AND STREET
COLUMBUS, INDIANA 47201
PHONE: 317-339-3100
FAX: 317-339-3100
Email: ted@crowderanddarnall.com

SIMMONS WINERY
550 NORTH BREWING CO.

PREPARED FOR

FILE NAME: 02021002-01-SW/SITE PLAN.DWG
DRAWN BY: M.T. PATTER
DATE: MARCH 13, 2018

2022-01-58

SITE PLAN

1