



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(Updated - November 28, 2023 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-2023-028 (AAMCO-Circle K Sign)
Staff: Noah Pappas
Applicant: AAMCO
Property Size: 2.27 Acres
Current Zoning: CR (Commercial: Regional)
Location: 3055 Central Avenue, in the City of Columbus.

Updates from the previous staff report are underlined.

Background Summary:

The applicant has indicated that the proposed variance is for the purpose of allowing AAMCO to have an off-premise sign as part of a freestanding sign on the subject property, which is to be redeveloped as a Circle K. AAMCO is located on a separate, adjacent property, which has frontage on Doctors Park Drive but does not have frontage on either Central Avenue or US 31.

Preliminary Staff Recommendation:

Denial, no criteria have been met.

If approved, that approval should include the following commitments:

1. Any off-premise sign shall be a component of or take the place of one of the permitted freestanding signs on the property, consistent with this application, and shall in no instance be installed as an additional freestanding sign on the property (in addition to those otherwise allowed for on-premise content by the zoning ordinance).
2. The use of the off-premise sign shall be limited to commercial establishments, products, merchandise, services, or entertainment located on-premise on Lot 1A of the Circle K Minor Subdivision (the current AAMCO site), as recorded in Plat Book S, Page 108A in the Bartholomew County Recorder's Office.
3. If any commercial establishments, products, merchandise, services, or entertainment located on-premise on Lot 1A (identified above) make use of an off-premise sign on the subject property (Lot 2 of the Circle K Minor Subdivision), no freestanding sign shall be placed, remain, or otherwise be present on Lot 1A.

Zoning Ordinance Considerations:

District Intent: The intent of the CR (Commercial: Regional) zoning district is as follows: to establish appropriate locations for a variety of businesses that (1) serve a regional market or (2) require convenient access to high volume transportation routes. This district should be limited to locations with access and infrastructure which is compatible with the needs of regional-serving businesses and facilities. This district should be focused at key intersections rather than extended along corridors.

Development Standards: Section 10(G)(6): Signs shall not be located on a property that is separate and distinct from the commercial establishment, product, merchandise, service or entertainment which they are intended to draw attention. In no instance shall this be interpreting as prohibiting a non-commercial message from being displayed on any property.

Current Property Information:	
Land Use:	Vacant
Site Features:	Former car dealership building, existing freestanding sign (currently displaying "AAMCO" in violation of the Zoning Ordinance)
Flood Hazards:	None
Vehicle Access:	National Road (Principle Arterial, Commercial, Suburban) Central Avenue (Minor Arterial, Residential, Suburban) Doctors Park Drive (Local, Commercial, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CO (Commercial: Office) RS3 (Residential: Single-Family 3)	Office Uses, Grace Lutheran Church Single-Family Residential
South:	CR (Commercial: Regional) CC (Commercial: Community)	Kroger, Jackson County Bank, Midas
East:	CO (Commercial: Office) CR (Commercial: Regional) RS3 (Residential: Single-Family 3)	Office Uses Nichols, Sunbelt Rentals Single-Family Residential
West:	CC (Commercial: Community) RS2 (Residential: Single-Family 2)	Shell Gas Station, Rays Automotive Single-Family Residential

Interdepartmental Review:	
City Engineering:	Would this variance also approve the location of the sign? Their proposed location is in conflict with their stormwater detention basin.
City Utilities:	No concerns with the proposed variance.

History of this Location:

The relevant history of this location is as follows:

1. In 2022, Circle K received a Development Standards Variance from the Board of Zoning Appeals, C/DS-2022-018, to allow the redevelopment of the property with two drives with reduced drive separation, one on Doctors Park Drive and one on National Road.
2. In 2022, the subject property and the current AAMCO location were subdivided from a single property to the two current parcels, under MP-2022-002.
3. In 2022, Circle K received a Zoning Compliance Certificate (ZCC) for a full site redevelopment under C/ZC-2022-110, and then a separate ZCC, C/ZC-2022-113, permitting the signage. An off-premise sign panel for AAMCO was not included in either application.

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 be allowed an 18 square foot (3 feet by 6 feet) off-premise sign in the form of a panel to be included on one of Circle K's freestanding signs following their redevelopment of this property.
2. Per Section 10 of the zoning ordinance, all properties on single-use lots in the CR (Commercial: Regional) zoning district are allowed 1 freestanding sign per frontage. In the case of the AAMCO site, due to its frontage on Doctors Park Drive, it would be allowed 1 freestanding sign. It would be permitted to be up to 25 feet tall and up to 150 square feet in area. The sign could be located anywhere on the AAMCO property.
3. The AAMCO property is accessed via Doctors Park Drive, with AAMCO's driveway being approximately 408 feet from the Central Avenue / Doctors Park Drive intersection. There is a wall sign on AAMCO's building currently, facing west.
4. The AAMCO site is currently addressed as 3075 Central Avenue, which is a carry-over from the past when that building was part of Renner Motors and its lot had Central Avenue frontage. If the address is a hindrance to customers locating AAMCO, a new Doctors Park Drive address can be assigned to the property.
5. The total size of the freestanding sign on which the applicant is proposing to place their off-premises sign panel is 121.5 square feet without the off-premise sign. With the addition of the 18 square foot (3 feet by 6 feet) off-premise sign panel, the overall sign area increases to 139.5 square feet. The proposed location of the off-premise sign is the southeastern corner of the lot adjacent to a drive access from US 31. The sign is within what is permitted by the zoning ordinance for the Circle K site, as it could be up to 150 square feet.
6. Per Section 10 of the zoning ordinance, for lots with multiple uses, up to two additional "secondary sign elements" can be added to freestanding signs. These additional elements for other on-site users are permitted at up to 25 square feet each. Therefore, the proposed off-premise sign component, at 18 square feet, is smaller than what would be allowed if AAMCO or some other additional use were located on the same lot as Circle K.
7. The terms of the zoning ordinance limiting off-premise signs are intended to avoid proliferation of signs that would be considered distracting for drivers. The terms set a standard for overall community appearance.
8. The regulation of signs by Columbus, and all other local communities, is significantly influenced by the United States Constitution, specifically its 1st Amendment guaranteeing freedom of speech. The extent to which any community can regulate signage has been defined by numerous court decisions over time related to the 1st Amendment. While communities can regulate the time, place, and manner in which signs are displayed (such as an on-premise vs. off-premise location) the content of signs cannot be regulated. Therefore, while AAMCO is the current applicant and intends to make use of an off-premise sign at this location for their business, if approved, that sign could be used for any off-premise purpose and would not be limited to AAMCO.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The proposed off-premise sign creates a potential wayfinding issue for drivers in this area by implying the presence of a business, service, etc. that is not present on the property and may be located anywhere else in the Columbus area or beyond. *This criterion has not been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: Allowing an off-premise sign at this location could negatively affect properties in the vicinity. Other nearby properties, which also do not have frontage on National Road, would be placed at a disadvantage if this sign was approved. Additionally, approval of this sign will create additional clutter along US 31 and may negatively impact visibility of other businesses and their signs. *This criterion has not been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is there nothing unique about the Circle K site, and no practical difficulty in its use, that is resolved by allowing an off-premise sign to be located on it. *This criterion has not been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance 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.

**City of Columbus - Bartholomew County Planning Department
Development Standards Variance 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): _____ by (initials): _____

Application Received on (date): _____ by (initials): _____

Jurisdiction: Columbus Bartholomew County Joint District

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Docket No.: _____ Zoning District: _____

Property Owner Name (from GIS): _____

To be Completed by the Applicants

STOP! All variance applicants must meet with a Planning Department staff member before completing this application. 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: Berry (Berislav) Kristo

Representative's Company Name: Corporate Identification Solutions

Mailing Address: 5563 N Elston Chicago, IL 60630
(number) (street) (city) (state) (zip)

Phone No.: (773) 763-9600 E-mail Address: Berry@corporateidsolutions.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 requesting the variance – 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: AAMCO

Business, Institution, Etc. Contact Person Name: Michael House

Mailing Address: 3875 Central Ave Columbus, IN
(number) (street) (city) (state) (zip)

Phone No.: 317-402-1666 E-mail Address: mphouse@peacockcre.com

Property / Location Information:

Property Address: _____
(number) (street) (city)

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

National Rd and Central Ave

Variance Requested:

I am requesting a variance from Section Section 10(G)(6) of the Zoning Ordinance to allow the following:

Please describe the project for which the variance is sought:

Off premise sign will be on the 3900 N National Rd site's MID A which will be located in the southeastern corner of the site along N National Rd

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** For example: What harm could come from approving the variance? Would it create any public safety issues? Why or why not.
Approval of this variance will actually be a benefit to public safety. For years when the parcel was part of the Renner Motors and there was an AAMCO sign along Nation Road, drivers accessed the AAMCO business using the shared driveway from National Road. The intent of the sign variance is to redirect drivers to access the AAMCO property using the less traveled Doctor's Park Drive, thereby reducing the number of slowing or stopped drivers turning into the driveway from National Road

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.** For example: What impacts can the neighbors realistically expect to the use of their property and to their property values? Will approval of the variance cause any negative impacts to the neighbors? Why or why not.
The affect to the neighbors of approving the variance will be positive. The drivers will enter the properties in a more evenly dispersed manner which will prevent sudden stops and backups at the common drive off National Road. This is a unique situation within the city and the intent is to create a more harmonious traffic flow.

3. **The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.** For example: Is there a reason the property cannot be used without the variance? If so, what is that reason (does a stream, existing building, well, or septic system limit options for new construction)? Explain the reason.
See Attached

Application Fee Refund Information:


The adopted Planning Department Schedule of Application Fees provides for the refunding of the application fee for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom any refund should be provided:

Name: Corporate Identification Solutions

Address: 5563 N Elston Chicago, IL 60630
(number) (street) (city) (state) (zip)

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.



(Representative's Signature)

09/16/23

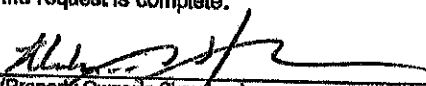
(Date)

Berry (Berislav) Kristo

(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.



(Property Owner's Signature)

9-18-23

(Date)

Michael House

(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)

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.



(Representative's Signature)

09/18/23

(Date)

Berry (Berislav) Kristo

(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.



(Property Owner's Signature)

9.20.2023

(Date)

Mark Shiflet

(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.

Real Estate Development Manager - Mac's Convenience Stores LLC

(Signer's Ownership Role or Representation)

I am requesting a variance from Section 10(G)(6) of the Zoning Ordinance to all the following:

Business on lot 1a of the Circle K Minor Subdivision (currently AAMCO) to have an off premises sign on lot 2 (currently Circle K). The off premise sign will be on MID A which will be along N National Rd in the southeastern corner of the lot.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain. For example: Is there a reason the property cannot be used without the variance? If so, what is that reason (does a stream, existing building, well, or septic system limit options for new construction)? Explain the reason.

The area in question used to be one large parcel with three separate business located on it. Recently, the property was subdivided and the parcels were sold separately. If the property were not subdivided, then the site would be allowed a shared freestanding sign to identify the businesses on the parcel. In fact, we think such a shared sign did exist at one time, but it was removed. In lieu of a separate freestanding sign, AAMCO is simply requesting a small percentage of the available square footage on the Circle K freestanding sign to identify itself. This shared signage will reduce the "sign clutter" of having an additional freestanding sign in the development. Further, AAMCO is including the directional language to help guide its customers to the less utilized entry point off of Doctor's Park Drive.

To be clear, the zoning code allows AAMCO to have its own freestanding sign. The code allowance for such a freestanding sign greatly exceeds what the applicant is requesting (150 square feet allowed versus 18 square feet requested). By granting this variance, there is no economic gain from AAMCO, but instead, an overall reduction in the allowable square footage.

4. AAMCO is permitted 1 freestanding sign on its property. Please expand upon why AAMCO cannot install a freestanding sign on its property and needs an off premises sign.

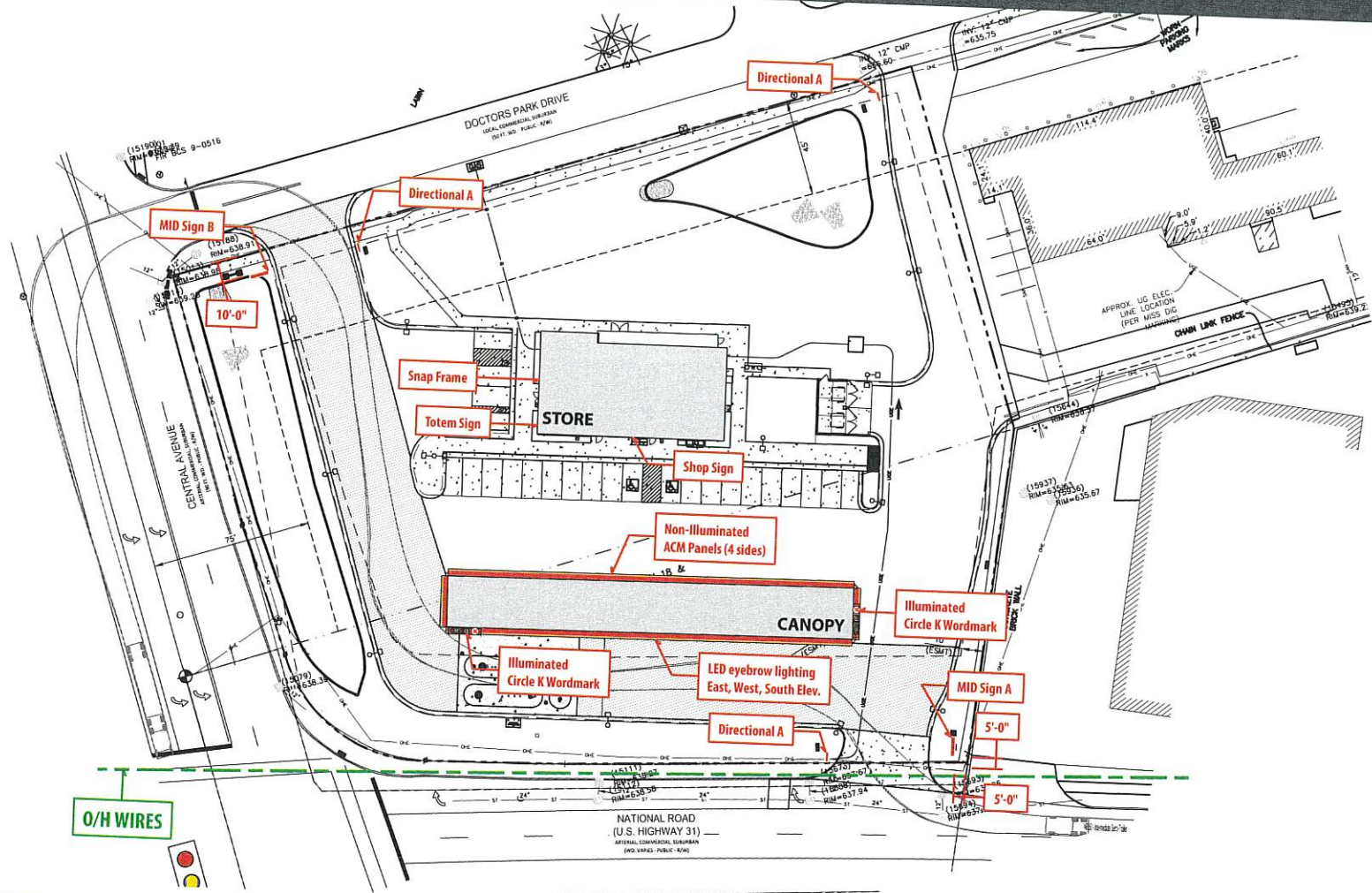
Power lines run parallel to the AAMCO property. The power company will require the sign to have a 10' safety setback and this will place the sign in the drive lane. Even though code allows for AAMCO to have their own sign they cannot practically actually have one due to the power lines.



5. Would the AAMCO panel be illuminated? If so what kind of illumination and what brightness?

Yes, the AAMCO sign is internally illuminated with LEDs and will conform to all code regulations.

NATIONAL RD. & CENTRAL AVE



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER
CIRCLE K
SITE NUMBER
0000

LOCATION
COLUMBUS, IN
ACCOUNT REP
BEN DEHAYES

DRAWN BY
GC
DATE
03/03/23

REVISION
08
SCALE
NTS

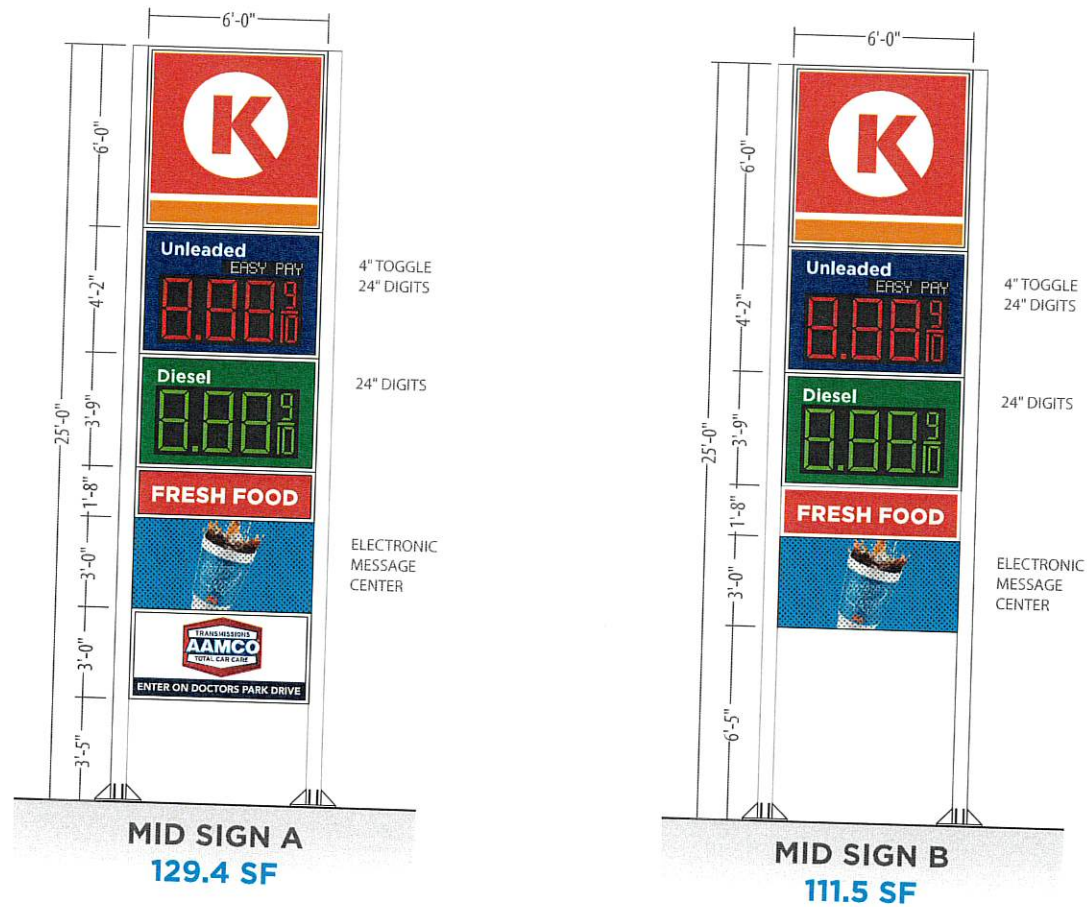
CORPORATE ID SOLUTIONS
5563 N ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

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SIGNATURE _____

DATE _____



**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
CIRCLE K

SITE NUMBER
0000

LOCATION
COLUMBUS, IN

ACCOUNT REP
BEN DEHAYES

DRAWN BY
GC

DATE
03/03/23

REVISION
08

SCALE
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SIGNATURE _____ DATE _____