



## STAFF REPORT

### CITY OF COLUMBUS PLAN COMMISSION (December 13, 2023 Meeting)

**Docket No. / Project Title:** CRZ-2023-005 (Rubicon Investment Group)  
**Staff:** Kyra Behrman

**Applicant:** Rubicon Investment Group LLC  
**Property Size:** 2.04 Acres  
**Current Zoning:** CN (Commercial: Neighborhood)  
**Proposed Zoning:** CD (Commercial: Downtown)  
**Location:** 1008-1034 Washington Street and 921 Jackson Street, in the City of Columbus

#### Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of allowing a higher density development of multi-family residential and commercial uses and prepare the four parcels for future development that will be consistent with its setting in downtown Columbus.

#### Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is the proposed CD zoning district appropriate for this area?

#### Preliminary Staff Recommendation:

Favorable recommendation to the City Council.

#### Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the rezoning request. The City Council makes all final decisions regarding rezoning applications.

#### Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

##### The Comprehensive Plan.

*Preliminary Staff Comments:* The Land Use Plan Element of the Comprehensive Plan shows the subject properties being located in the Downtown Columbus Character Area; the Future Land Use Map identifies these parcels being in a Mixed Use area. The boundary of 11<sup>th</sup> Street to the north offers a feeling of the end of the Downtown Core area due to the increased volume of traffic on 11<sup>th</sup> Street (Minor Arterial) that intersects with Washington Street, as compared to Local streets 4<sup>th</sup> through 10<sup>th</sup> Streets, which carry much less traffic. The subject parcels abut CD (Commercial: Downtown) district to the south and west. This area can be appropriate as a CD zoning district.

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

*Preliminary Staff Comments:* The structures that exist on these parcels are all vacant; no owner or developer has made steps to improve or propose any re-use of the existing structures. This area is a potential infill development site, which is encouraged in the downtown area. The permitted uses in the CD district would be compatible in this mixed use area.

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

*Preliminary Staff Comments:* Both the existing CN district and the proposed CD district require site development plans, with the proposed CD district allowing more density and zero build-to lines, which follows the pattern for downtown developments. The proposed CD district and the permitted uses are not out of character with this area.

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

*Preliminary Staff Comments:* Rezoning the property should not be expected to negatively impact property values throughout the jurisdiction, and will possibly enhance the property values in the area. Currently, all structures are vacant and underutilized, likely creating a negative impact to the jurisdiction.

**Responsible growth and development.**

*Preliminary Staff Comments:* The site has access to existing utilities and the street infrastructure is in place. The potentially denser development of the subject property would complement other uses in the surrounding CD and CN zoning districts and would also complement the nearby downtown area, indicating responsible growth and development.



<b>Current Property Information:</b>	
<b>Land Use:</b>	Vacant
<b>Site Features:</b>	One existing house used commercially with associated parking lot. One existing house and detached garage used residentially, currently vacant. Commercial structure, formerly bank, with associated parking lot and two, free-standing monument signs.
<b>Flood Hazards:</b>	No flood hazards
<b>Special Circumstances:</b> (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances
<b>Vehicle Access:</b>	Washington Street (Collector, Commercial, Urban) 11 <sup>th</sup> Street (Minor Arterial, Commercial, Urban) Jackson Street (Local, Commercial, Urban)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CN (Commercial: Neighborhood)	Public Facility – Fire Station #1

<b>South:</b>	CD (Commercial: Downtown) CN (Commercial: Neighborhood)	Telecommunication facility – A T & T Private Club – Fraternal Order of Eagles
<b>East:</b>	CN: (Commercial: Neighborhood)	Funeral Home – Barks Weaver & Glick
<b>West:</b>	P: (Public / Semi-Public District) CD: (Commercial: Downtown)	Park / Maintenance Building Commercial – Office Space Mixed-Use Residential/Commercial – Jackson Place

<b>Zoning District Summary (Existing / Proposed):</b>		
	<b>Existing Zoning: CN</b>	<b>Proposed Zoning: CD</b>
<b>Zoning District Intent:</b>	<p>The "CN", Commercial, Neighborhood zoning district is intended to provide convenience goods, services, and amenities within close proximity to residential areas. This district is also intended to enable the development of small-scale, mixed-use neighborhood centers. The commercial centers are generally to be located at major intersections, should be pedestrian oriented in the City of Columbus jurisdiction, and should provide ample buffering from adjacent residential uses. Further, this district should be protected from non-neighborhood serving land uses and businesses.</p> <p>In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.</p>	<p>The "CD", Commercial, Downtown zoning district is intended to serve as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely developed area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian-focused character, and to enable continued investment.</p>

<b>Permitted Uses:</b>	<p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwellings, secondary (on upper floors of other uses)</li> </ul> <p><b>Park Uses</b></p> <ul style="list-style-type: none"> <li>• Nature preserve / conservation area</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Personal service uses</li> <li>• Restaurant</li> </ul>	<p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Bed and breakfast facility</li> <li>• Dwellings, secondary (on upper floors of other uses)</li> </ul> <p><b>Public / Semi-Public Uses</b></p> <ul style="list-style-type: none"> <li>• Clinic</li> <li>• Day-care center (adult or child)</li> <li>• Funeral home</li> <li>• Government office</li> </ul>
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	<ul style="list-style-type: none"> <li>• Retail uses (small scale)</li> </ul>	<ul style="list-style-type: none"> <li>• Library</li> <li>• Museum</li> <li>• Parking lot / garage (as a primary use)</li> <li>• Police, fire, or rescue station</li> <li>• Post office</li> <li>• Trade or business school</li> </ul> <p><b>Park Uses</b></p> <ul style="list-style-type: none"> <li>• Nature preserve / conservation area</li> <li>• Park / playground</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Conference center</li> <li>• Data processing / call center</li> <li>• Farmer's market</li> <li>• Health spa</li> <li>• Hotel / motel</li> <li>• Instructional center</li> <li>• Liquor store</li> <li>• Office uses</li> <li>• Personal service uses</li> <li>• Recreation uses (small scale)</li> <li>• Recreation uses (medium scale)</li> <li>• Restaurant</li> <li>• Retail uses (small scale)</li> <li>• Retail uses (medium scale)</li> </ul>
<b>Water and Sewer Service:</b>	Required	Required
<b>Lot and/or Density Requirements:</b>	<p><b>Maximum Lot Coverage:</b> 75%</p> <p><b>Minimum Lot Width &amp; Frontage:</b> 50 feet</p> <p><b>Minimum Lot Area:</b> 5,000 square feet</p>	<p><b>Maximum Lot Coverage:</b> 100%</p> <p><b>Minimum Lot Width &amp; Frontage:</b> 20 feet</p> <p><b>Minimum Lot Area:</b> 3,000 square feet</p>

<p><b>Setbacks Required:</b></p>	<p><b>Side Yard Setback:</b></p> <ul style="list-style-type: none"> <li>• Primary Structure: 5 feet</li> <li>• Accessory Structure: 5 feet</li> </ul> <p><b>Rear Yard Setback:</b></p> <ul style="list-style-type: none"> <li>• Primary Structure: 5 feet</li> <li>• Accessory Structure: 5 feet</li> </ul> <p><b>Maximum Front Yard Setback:</b></p> <ul style="list-style-type: none"> <li>• Arterial Street or Road: 10 feet*</li> <li>• Collector Street or Road: 10 feet*</li> <li>• Local Street or Road: 10 feet*</li> </ul> <p>* The maximum front setback shall not apply to primary structures on properties which include outdoor dining, assembly, or similar space which conforms to the maximum 10 foot setback when that outdoor space is immediately adjacent to the primary structure</p>	<p><b>Side Yard Setback:</b></p> <ul style="list-style-type: none"> <li>• Primary Structure: 0 feet</li> <li>• Accessory Structure: 0 feet</li> </ul> <p><b>Rear Yard Setback:</b></p> <ul style="list-style-type: none"> <li>• Primary Structure: 0 feet</li> <li>• Accessory Structure: 0 feet</li> </ul> <p><b>Front Yard Setback / Build-to Line:</b></p> <ul style="list-style-type: none"> <li>• Arterial Street: 0 foot build-to*</li> <li>• Collector Street: 0 foot build-to*</li> <li>• Local Street: 0 foot build-to*</li> </ul> <p>* The build-to line shall not apply to primary structures on properties which include outdoor dining, assembly, or similar space which conforms to a 0 foot build-to line.</p>
<p><b>Height Restrictions:</b></p>	<p><b>Primary Structure:</b> 35 feet.</p> <p><b>Accessory Structure:</b> 25 feet</p>	<p><b>Primary Structure:</b></p> <ul style="list-style-type: none"> <li>• Primary Structure: 125 feet, except for the following - (1) Washington Street Frontage: 60 feet, for the one-half block on each side of Washington Street between 2nd and 8th Streets and (2) Residential Context: 50 feet, within one-half block of any single-family residential zoning district.</li> </ul> <p><b>Accessory Structure:</b> 35 feet</p>
<p><b>Floor Area Requirements:</b></p>	<p><b>Minimum Ground Floor Living Area:</b> Not applicable</p> <p><b>Minimum Living Area / Dwelling:</b> 500 square feet</p>	<p><b>Minimum Ground Floor Living Area:</b> Not applicable</p> <p><b>Minimum Living Area / Dwelling:</b></p> <p>Single-Family - 1,000 square feet;  Two-Family - 1,000 square feet;  Secondary - 500 square feet;  Multi-family - 500 square feet</p>



<b>Signs:</b>	<b>Wall Signs</b> (ground floor uses):	<b>Wall Signs</b> (ground floor uses):
	<ul style="list-style-type: none"> <li>• 2 / Street frontage either 8% of front wall area or 200 square feet, whichever is less, for maximum total area</li> </ul>	<ul style="list-style-type: none"> <li>• 1 / Street frontage either 8% of front wall area or 200 square feet, whichever is less, for maximum total area</li> </ul>
	<b>Wall Signs</b> (upper floor uses):	<b>Wall Signs</b> (upper floor uses):
	<ul style="list-style-type: none"> <li>• 1 / Street frontage either 10% of upper wall area or 200 square feet, whichever is less, for maximum total area</li> </ul>	<ul style="list-style-type: none"> <li>• 1 / Street frontage either 8% of upper wall area or 200 square feet, whichever is less, for maximum total area</li> </ul>
	<b>Free-standing Signs</b> (single use lot):	
	<ul style="list-style-type: none"> <li>• 1 / Street frontage per lot, maximum 50 square feet, maximum 6 feet tall.</li> </ul>	
	<b>Free-standing Signs</b> (multi use lot):	
	<ul style="list-style-type: none"> <li>• 1 / Street frontage per lot, maximum one 50 sq. ft. primary element and maximum three 25 sq. ft. secondary elements, maximum 8 feet tall.</li> </ul>	

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	No comment.
<b>City Utilities:</b>	We have no issues with the proposed rezoning.
<b>Parks Department:</b>	No comment.
<b>Fire Department:</b>	The change in zoning designation from CN to CD will not have any negative effect in regards to fire code compliance.



**Comprehensive Plan Consideration(s):**

The Future Land Use Map indicates the future use of this property as Mixed Use.

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

1. **GOAL A-2:** Preserve & enhance the character of the community.
2. **POLICY A-2-9:** Preserve and enhance the character of neighborhoods. *Older neighborhoods have distinctive characteristics which should be retained. These vary from one neighborhood to another, but they include such things as smaller lots, lesser setbacks, service alleys, and a distinctive architectural style.*



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. *New development should be designed in a manner that is sensitive to the surroundings.*
4. **POLICY A-2-18:** Maintain and enhance neighborhood-scale business areas, with special attention to the unique character of each area. *Neighborhoods can be enhanced by convenient shopping areas, provided that these are of a type, size and design consistent with their surroundings*
5. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located. *Vacant parcels represent lost opportunities, and they can become neighborhood nuisances. These parcels should be used, either for development, or for other neighborhood assets such as parks or community gardens. It is less expensive to develop these parcels than to create new subdivisions*
6. **POLICY A-4-3:** Prevent urban sprawl. *Sprawling development patterns waste land and cost tax dollars. Development should be compact and orderly.*
7. **POLICY A-4-7:** Require new development to take place in an orderly fashion to facilitate efficient provision of services at reasonable cost. *Public services, such as police and fire protection, school busing, trash pick-up, road maintenance, and snow removal all cost more when development is scattered rather than compact.*
8. **GOAL D-1:** Develop new housing where adequate public services can be provided economically.
9. **POLICY D-1-3:** Encourage development adjacent to already developed areas. *Compact development contiguous to already developed areas is the most economical and convenient urban form, and the city should encourage that type of development.*
10. **GOAL E-1:** Maintain and enhance the attractiveness and vitality of the city's neighborhood business areas.
11. **POLICY E-1-2:** Encourage retail, entertainment, restaurant, and similar uses which add to the vitality of the downtown, with emphasis on after-hours and weekend activities. *There is no greater asset to a downtown than people. Successful downtowns are "destination" places: places people seek out for activities and shopping, rather than places people pass by or visit en route to some other destination. The city should encourage a land use mix which will attract people to the downtown.*

This property is located in the Downtown Columbus character area. The following Planning Principle(s) apply to this application:

1. New development or redevelopment should enhance the positive qualities of downtown. A healthy land-use mix should be retained, including a variety of retail, office, financial, professional, and institutional uses. Suburban-type uses such as big-box retail stores should not be permitted.
2. Residential uses add to the vitality and customer base of downtown, and they should be encouraged where they do not compete for retail space. Appropriate areas include properties north of 14<sup>th</sup> Street, Franklin Street north of 7<sup>th</sup> Street, and the upper floors of commercial buildings throughout the downtown.
3. As uses change or expand, the city should ensure that smooth traffic flow will be maintained and that convenient parking is available.
4. Retain the urban character by locating buildings close to the street.
5. Prevent establishment of parking lots that will create gaps in the continuity of downtown buildings.
6. Locate off-street parking behind structures rather than in front of or beside them.
7. Retail and restaurant uses should be encouraged in the downtown but not to the exclusion of existing office, professional, financial, and institutional uses

The Downtown Strategic Development Plan (Envision Columbus) identifies this site as being within the "Zipper" Infill zone, one of the Key Opportunity Zones of the overall plan. It states that strategic infill development in the Zipper Zone could help extend walkability of the downtown core with potential residential, commercial and retail destinations that are desirable for urban living.

The Bicycle & Pedestrian Plan indicates a recommended Cycle Track along Jackson Street, which would connect to the existing Shared Use Path along the north side of 11<sup>th</sup> Street, which may also be accessed at the corner of Washington and 11<sup>th</sup> Streets.

### **Planning Consideration(s):**

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

1. The subject parcels contain the following existing structures: a residential house used commercially with an asphalt parking lot, a commercial building with an asphalt parking lot and circulation lanes, and a vacant residential structure with a detached garage.
2. The subject parcels are surrounded by a mix of uses: a private club to the south, funeral home to the east, public facility (fire station and park maintenance building) and commercial (office space) to the north, and a mixed-use commercial/residential development to the west. These uses are permitted outright in the CD zoning district or via a conditional use. The existing surrounding uses are more consistent with the CD zoning.
3. Washington and 11<sup>th</sup> streets are classified as Collector and Minor Arterials, respectively, by the Columbus Thoroughfare Plan; Jackson Street is classified as a Local street. Currently, these properties gain access from Washington and Jackson streets; the vacant home is accessed by the alley to the south.
4. Both the existing CN (Commercial: Neighborhood) and proposed CD (Commercial: Downtown Center) zoning districts are site development districts. This means that the details of any development plan are subject to review and approval by the Plan Commission.
5. The general regulations for setbacks and lot coverage allow more dense development in the proposed CD zoning district compared to the current CN zoning.
6. The CD zoning district is intended to serve as a focal point, and to be the most intensely developed area in the community
7. A Shared Use path connection is located on 11<sup>th</sup> Street, just south of the fire station that connects pedestrian and bicyclists to the Mill Race Park and Noblitt Trail for park and recreational uses.
8. ColumBUS Route #1 is located along Washington Street; ColumBUS Route #5 is 2 blocks to the south. The ColumBUS Transit Center is approximately 4 blocks to the west. While a downtown grocery does not exist nearby, Route #1 goes north to Kroger and Route #5 goes west to Walmart and other commercial uses for goods and services.
9. Goods, services and entertainment are within walking distance in the downtown core.



# Rubicon Investments LLC: CRZ-2023-005



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**Columbus – Bartholomew County Planning Department  
Rezoning Application (Zoning Map Amendment)**

**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County  Joint District

Docket No.: \_\_\_\_\_

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**Rezoning Application:**

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Current Zoning: CN Requested Zoning: CD

**Applicant Information:**

Name: Rubicon Investment Group LLC  
Address: 2755 East Canada Drive, Suite 102, Bloomington, Indiana 47401  
(number) (street) (city) (state) (zip)  
Phone No.: 812.336.2421 E-mail Address: mnolley@rubiconcm.com

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

Name: Sprague Rentals LLC & 1034 Washington LLC  
Address: 1008, 1020, 1034 Washington Street and 921 Jackson Street, Columbus, Indiana 47201  
(number) (street) (city) (state) (zip)  
Phone No.: 812.343.7615 E-mail Address: rick@spragueco.net

**Notification Information (list the person to whom all correspondence regarding this application should be directed):**

Name: Michael Eaton  
Address: 2755 East Canada Drive, Suite 102, Bloomington, Indiana 47401  
(number) (street) (city) (state) (zip)  
Phone No.: 812.336.2421 E-mail Address: meaton@rubiconcm.com

How would you prefer to receive information (please check one):  E-mail  Phone  Mail

**Property Information:**

Property Size: 2.04 acres *or* \_\_\_\_\_ square feet  
Address: 1008, 1020, 1034 Washington Street and 921 Jackson Street, Columbus, Indiana 47201  
(number) (street) (city) (state) (zip)

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

A legal description is attached (a legal description is required for the processing of all rezoning requests).

## **Rezoning Criteria:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria to which both the Plan Commission and legislative body (City Council, County Commissioners, Joint District Council) must "pay reasonable regard" when considering a rezoning request. Those criteria are listed below. Explain how this request addresses each criterion.

### **The Comprehensive Plan.**

The 2019 Downtown Plan calls for "strategic infill to help extend walkability of the downtown core, with potential residential, commercial, and retail destinations that are desirable for urban living" within the "Zipper" Infill Zone. Also "recommendations for improvements to streets, intersections, alleyways and trails...to increase pedestrian safety and appeal, reduce congestion & enhance economic development opportunities". Finally the zone provides an "opportunity for sought after urban living".

### **The current conditions and the character of current structures and uses in each district (existing & proposed).**

Currently there is a vacant 2-story residential building (which was most recently a restaurant) at 1034 Washington Street, a vacant 1-story drive-thru bank at 1020 Washington Street, and a vacant 2-story residential building at 1008 Washington Street. The residential buildings are in varying degrees of disrepair due most likely to neglect and being underutilized. The commercial (bank) building is in better condition, however remains vacant likely due to its limited size (under 1,000sf).

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

The Downtown Plan notes that "citizens have expressed a desire for new typologies of mid-level density housing stock for urban living". The property is within the "Zipper" zone that "should serve as an infill area with a focus on downtown residential opportunities". The proposed rezone to CD would allow for the greatest flexibility and accommodation for new urban mixed-use housing.

### **The conservation of property values throughout the jurisdiction.**

The proposed rezone would increase property values by allowing for dense, urban new residential and commercial activity to this northern portion of downtown Columbus. Currently, all of the structures on these sites are vacant and have been for a while. The renewed activity should be a benefit to the surrounding properties and neighborhood and all of downtown itself.

### **Responsible growth and development.**

The adjacent properties to the south and west are currently CD, and 11th Street to the north is a natural gateway to downtown. In discussions with City staff and local stakeholders, there is a desire to establish this location as an anchor development at the north end of downtown and to bring more residents to the downtown area. In addition to commercial activity. The new zoning will allow for urban, walkable, and vibrant development.

**Rezoning Purpose:**

Explain the reason(s) why the applicant has proposed this zoning change.

The downtown plan clearly encourages infill residential and commercial development within this area (Zipper Zone).

The current zoning (CN) does not support higher density development (35' max height & 75% lot coverage), whereas

CD would allow for the density and use suggested by the downtown plan while acting as a catalyst for growth.

Therefore the applicant is proposing a rezone to allow for a new mixed-use residential & commercial development.

**Applicant's Signature:**

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

Matt Nolley  
(Applicant's Signature)

November 6, 2023  
(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.

Richard L. Sprague  
(Owner's Signature)

November 17, 2023  
(Date)

Janeen M. Sprague  
(Owner's Signature)

November 17, 2023  
(Date)