



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(April 26, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/UV-16-02 (Cummins Community Garden)
Staff: Emilie Pinkston
Applicant: Cummins, Inc.
Property Size: 12,197 Square Feet
Current Zoning: I2 (Industrial: General)
Location: Near the southwest corner of Maple Street and 7th Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed use variance from Zoning Ordinance Section 3.24(A) is for the purpose of allowing a community garden in the I2 (Industrial: General) zoning district. The garden is planned as a Cummins Environmental Challenge project, a company-wide competition to produce a project that will have a positive environmental impact. The community garden will initially consist of four 75 square foot raised garden beds and a composting unit but this request is to allow a community garden on the entire site. The garden is intended as an educational tool for students from CSA Lincoln and the surrounding neighborhood.

Preliminary Staff Recommendation:

Approval; all criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the I2 (Industrial: General) zoning district is as follows: This district is intended to provide locations for general production, assembly, warehousing, research, and development facilities, and similar land uses. This district is intended to accommodate most modern industrial production facilities and should be considered as appropriate for most general industrial developments and uses.

Permitted Uses: The following uses are permitted in the I2 (Industrial: General) zoning district.

1. Farm (General)
2. Communication Service Exchange
3. Sewage Treatment Plant
4. Utility Substation
5. Water Tower
6. Government Facility (Non-Office)
7. Parking Lot / Garage (as primary use)
8. Police, Fire, or Rescue Station
9. Nature Preserve / Conservation Area
10. Auto-Oriented Uses (Medium Scale)
11. Builder's Supply Store
12. Conference Center
13. Data Processing / Call Center
14. Contractor's Office / Workshop
15. Dry Cleaners (Commercial)
16. Food and Beverage Production
17. General Industrial Production
18. Light Industrial Assembly and Distribution
19. Light Industrial Processing and Distribution
20. Mini-Warehouse Self-Storage Facility
21. Research and Development Facility
22. Truck Freight Terminal
23. Warehouse and Distribution Facility

Permitted Locations: Community gardens are permitted only in the P (Public/Semi-Public) zoning district. Community gardens are conditional uses in the following zoning districts: RR (Residential: Rural), RS1 (Residential: Single-Family 1), RS2 (Residential: Single-Family 2), RS3 (Residential: Single-Family 3), RS4 (Residential: Single-Family 4), RE (Residential: Established), RT (Residential: Two-Family), RM (Residential: Multi-Family), RMH (Residential: Manufactured Home Park), and CN (Commercial: Neighborhood Center).

Current Property Information:	
Land Use:	Vacant
Site Features:	None
Flood Hazards:	According to Flood Insurance Rate Map (FIRM) 18005C0133E, effective December 9, 2014, the subject property is located in Flood Zone X (Unshaded), which designates areas outside of the mapped floodplain.
Vehicle Access:	The subject property can be accessed by Maple Street (Local, Residential, Urban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	I2 (Industrial: General) RE (Residential: Established)	Vacant Single-Family Residential
South:	I2 (Industrial: General)	Parking Lot
East:	RE (Residential: Established)	Single-Family Residential
West:	I2 (Industrial: General) CC (Commercial: Community Center)	Vacant Reeves Center (Office Use, Retail)

Interdepartmental Review:	
City Engineering:	City Engineering has no issues with the proposed use variance.
City Utilities:	Columbus City Utilities does not have any issues with this request.
City Fire Department:	The Columbus Fire Department does not have any issues with this request.
Department of Technical Code Enforcement:	Code Enforcement does not have any issues with this proposal.

Comprehensive Plan Consideration(s):

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

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

1. **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.*
2. **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.*
3. **POLICY J-2-4:** Prevent location of new industrial development in dense residential areas.

This property is located in the Columbus Central Neighborhoods character area. The following Planning Principle(s) apply to this application: Infill development that complements existing neighborhoods should be encouraged.

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 operate a community garden on the subject property, a 0.28 acre vacant parcel north of Cummins Engine Plant (CEP). According to the applicant, the community garden is planned as part of CEP's 2016 Environmental Challenge Program, which encourages Cummins employees to initiate community projects that will have a positive environmental impact. Cummins Engine Plant also participates in the Indiana Department of Environmental Management's Environmental Stewardship Program (ESP); Cummins plans to use the proposed community garden as their 2016 ESP project. The garden is intended to engage and educate students from nearby CSA Lincoln Elementary School, as well as neighborhood residents.
2. The applicant is currently proposing to install 4 raised vegetable garden beds measuring 5 feet by 15 feet each, for a total of 300 square feet. A worm composting unit measuring approximately 96 square feet is also proposed. The size of the vegetable garden may increase in subsequent growing seasons.
3. With respect to frequency of use, the applicant anticipates that a Cummins employee will visit the garden each weekday but students from CSA Lincoln will likely visit the site only during field trip events. At this time, however, the applicant is unable to predict exactly how frequently the site will be visited by students, neighborhood residents, and Cummins employees.
4. Zoning Ordinance Section 14.2 defines a community garden as a location where a government agency, neighborhood association, church group, or other entity offers seasonal garden plots or a common garden area for use by the public to grow fruits and vegetables for their individual household and/or community use. The term community garden includes associated parking areas, tool sheds, and water supplies, but not the sale or distribution of the items grown on site.
5. The Zoning Ordinance does not specify a required number of on-site parking spaces for community gardens. Therefore, the Board of Zoning Appeals must determine the appropriate number of spaces based on the intensity and characteristics of the proposed use. On-site parking is currently not proposed.
 - o The applicant anticipates that Cummins employees will walk to the site from Cummins Engine Plant. The applicant also anticipates that traffic from other users will be minor.
 - o With respect to nearby parking availability, the subject property is immediately north of a large parking lot owned by Cummins, Inc. Also, on-street parking is available adjacent to the site on the east and west sides of Maple Street. Assuming that parallel parking spaces are 20 feet in length and accounting for existing driveways and alleys, approximately 30 parking spaces are available along Maple Street between 7th and 6th Streets.
6. The subject property is located on the north side of a sizeable industrial area occupied by Cummins Engine Plant (CEP). North and east of the subject property the area transitions to a dense residential

neighborhood that includes some pockets of commercial uses. The subject property itself is separated from the engine plant by 6th Street and is currently an unused, vacant parcel.

7. The subject property is 0.28 acres (12,197 square feet) in size and has an unusual shape resulting from its adjacency to a former railroad right-of-way. The site is substantially smaller than the current zoning ordinance standards for new lots in the I2 (Industrial: General) zoning district, which is 1 acre (43,560 square feet). Therefore, constructing an industrial use on this property would likely be challenging.
8. The applicant has indicated that a tool shed is not currently proposed for the subject property; tools and equipment will be carried by employees when they walk to and from the site. Fencing and lighting may be installed at a later date so the standards for fencing and lighting included in Zoning Ordinance Article 9 must be met at that time.
9. If the Board of Zoning Appeals approves this use variance, the applicant's next step will be to submit a Zoning Compliance Certificate Application to the Planning Department for review of the change of use and any proposed fencing or lighting.

Provisional Findings of Fact / Decision Criteria

The Board may approve a variance of use from the provisions of the zoning ordinance upon finding that each of the following is true.

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

Provisional Findings: The subject property, and thus the extent of the proposed community garden, is small in scale and vehicle visits to the site will be infrequent. Adequate on-street parking is available along Maple Street to serve the proposed use as well as the existing residential uses on the east side of the street. Furthermore, the proposed use will not result in noise or odor that will negatively affect the surrounding residential properties. *This criterion has 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 the community garden will not affect the ability of adjacent property owners to continue using their properties as they currently do. Traffic associated with the proposed use will be minimal and is not anticipated to cause parking shortages along Maple Street. Also, because visits to the subject property will primarily be by foot, neighboring residential properties are very unlikely to experience disruptions in current traffic flow. Finally, much of the area surrounding the subject property is residential; a community garden is compatible within the context of this neighborhood. *This criterion has been met.*

3. The need for the variance arises from some condition peculiar to the property involved:

Provisional Findings: The subject property is zoned I2 (Industrial: General) but is only 0.28 acres (12,197 square feet) in area. The property also has an unusual shape due to a former, angled railroad right-of-way that runs along its western property line. Current Zoning Ordinance standards require lots in the I2 zoning district to have a minimum lot size of 1 acre. Due to its small size and odd shape, the subject property is very unlikely to be developed for an industrial use. Industrial uses typically require large buildings and parking areas; the subject property, on its own, cannot provide the land area necessary to construct an industrial facility. *This criterion has been met.*

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

Provisional Findings: Despite its current zoning as I2 (Industrial: General), the size and shape of the subject property limit its ability to be developed as an industrial facility. Most of the permitted non-industrial uses in the I2 zoning district would also require substantially more land for development than

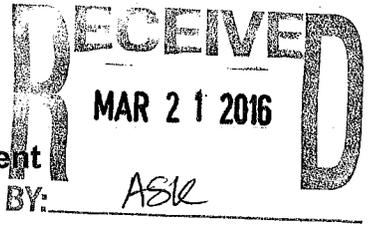
what is available on the subject property. The strict application of the zoning ordinance virtually prevents the development and use of this single property due to the types uses that are permitted in the I2 zoning district. *This criterion has been met.*

5. The approval does not interfere substantially with the comprehensive plan:

Provisional Findings: The Comprehensive Plan encourages the use of vacant parcels for amenities that complement the neighborhoods in which they are located. The Plan specifically lists parks and community gardens as neighborhood assets that should be considered on these vacant parcels. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for a use 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.



Columbus – Bartholomew County Planning Department
Use Variance Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: T2
Docket No.: CUV-16-02

Hearing Procedure: Board of Zoning Appeals Hearing Officer (see IC 36-7-923(a)(3) for use variance eligibility)

Use Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: Cummins Inc. - Columbus Engine Plant (CEP)
Address: 500 Central Avenue Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-447-0772 Fax No.: — E-mail Address: mark.j.slaton@cummins.com

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

Name: same as above
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: Mark Slaton (MC16011 - Cummins-CEP)
Address: 500 Central Avenue Columbus IN 47203
(number) (street) (city) (state) (zip)
Phone No.: 812-447-0772 Fax No.: — E-mail Address: mark.j.slaton@cummins.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used. E-mail Fax Mail

Property Information:

Address: Lot #3 of Cummins Engine Co. Inc. - Administrative Subdivision
(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):

(Plat book Q - 160 A)

Variance Requested:

I am requesting a variance from Section 3.24 (A) of the Zoning Ordinance to allow the property to be used for the following:

To allow a community garden in the I2 (Industrial: General) zoning district,

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 use 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.

The property in question is separated from CEP by 6th Street & largely unutilized. If the variance is granted, we believe the public health, safety, morals, & general welfare of the area will be improved, because the gardening will bring more focused attention to the area. The area will be cleaned & cultivated. We also plan to involve CSA Lincoln & neighborhood children in the project & teach successful gardening methods.

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.

The land areas adjacent to the property are industrial & residential. Having a community garden in the spot will not adversely impact either residents or industry. Again we expect the garden operation to have a beneficial impact. Any vehicular traffic should be light because people will mostly walk to the area.

3. The need for the variance arises from some condition peculiar to the property involved.

The land area used to be residential, but is now industrially zoned. The area is not particularly useful for an industrial use (ie, a building), because of its small size & odd shape. The spot is ideally suited for a small garden plot, because it is somewhat away from the facility (CEP), but readily accessible by foot.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

If the property must remain industrial, then we will likely not be able to have a community garden at CEP, because there are functional limitations for other green spaces at the site. Also these other locations are not as accessible by neighbors or school children.

5. The granting of the variance does not interfere substantially with the Comprehensive Plan.

The variance to current zoning would only be for a relatively small odd shaped land plot, to the north of CEP. It will not be a negative impact on property use, property values, nor the Comprehensive Plan. We believe all considerations taken into account, there will be many positive benefits.

Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees 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 the refund should be provided:

Name: Mark Slaton (Cummins Inc. - CEP) MC16011
Address: 500 Central Avenue Columbus IN 47201
(number) (street) (city) (state) (zip)

Applicant's Signature:

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

Mark Slaton 3/21/16
(Applicant's Signature) (Date)

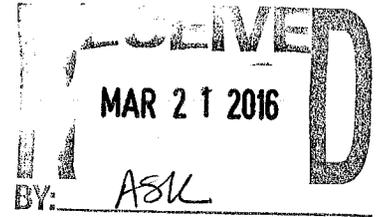
Property Owner's Signature (the "owner" does not include tenants or contract buyers):

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.

Wayne Ripberger 3/21/16
(Owner's signature) (Date)

WAYNE RIPBERGER (Plant Manager)
(Owner's Printed Name)

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



March 21, 2016

Bartholomew County Planning Department:

Cummins Inc. – Columbus Engine Plant (CEP) is planning a “community garden” project on a vacant plot of Cummins land referred to as Lot #3. The project is to include a small vegetable garden and a small worm (vermi) composting unit. This gardening project is to engage the children at CSA Lincoln, as well as other children in the local neighborhood. We have recently visited Templeton Elementary School in Bloomington, Indiana who have a similar gardening/composting operation, and they shared many beneficial ideas with us – including classroom demonstrations of how to cook the fresh vegetables they grew.

This effort is planned as one of CEP’s 2016 Environmental Challenge (EC) projects. The EC Program which has been going on for many years and is a competition held annually between Cummins plants world-wide. At the end of the project, CEP will turn in an application and try to win money for a local not for profit, of our choice. The requirements of the EC Program are that each project must have a positive environmental impact while also involving local community partners.

CEP is also a member of IDEM’s - Environmental Stewardship Program (ESP) and we are required to submit an annual project for that program. We plan to use the garden project as part of our 2016 ESP project, as well. Our plan is to vermi-compost ~25 lbs/week of salad bar items (lettuce, tomatoes, cucumbers, beans,...) that we would otherwise waste. We plan to build a small composting bin with a plastic tarp liner and a cover for the top.

We had a small pilot scale vermi-composting unit in operation in 2015, in an 18 gallon plastic container located in my office area and it worked well. Our pilot operation generated no heat, no odors, and the worms were easy to care for. Our effort in 2016 would be just an expansion of that pilot scale process and the lessons learned. The “harvesting” of the compost from the operation will be used to enrich the soil of our small garden area.

We would like to start the project in early May 2016, as the weather warms to be consistently above freezing. I have also submitted the required forms for the Use Variance Application. Please contact me at (812) 377-8867 or mark.j.slaton@cummins.com should you have any questions concerning any of this information.

Sincerely,

Mark Slaton
Environmental Engineer

cc: Stacy Workman-Wyatt
Wayne Ripberger
Ernie Smith
Nichole Morris

Cummins Inc.
500 Central Ave, MC 16011
Columbus, IN 47202-3005 USA
Office phone 1 812 377-8867
Cell phone 1 812 447-0772
cummins.com



7TH ST

6TH ST

MAPLE ST