

CITY OF BLOOMINGTON



APRIL 18, 2013 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

PETITION WITHDRAWN:

- AA-7-13 **PIC Walnut Park, LLC**
2424 S. Walnut St.
Request: Administrative Appeal of the Planning Department's decision that the former Marsh grocery building located in a Planned Unit Development has a restricted use list beyond the uses allowed in the Commercial Arterial (CA) zoning district.

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS:

- UV-13-13 **MCCSC-Childs Elementary School**
2211 S. High St.
Request: Use variance to allow a multi-use trail in the floodway.
Case Manager: Eric Greulich
- UV/V-14-13 **2nd & Fess, LLC**
606 & 608 S. Fess Ave.
Request: Use variance to allow ground floor residential units within a Commercial Limited (CL) zoning district. Also requested is a variance from maximum density standards.
Case Manager: Patrick Shay
- UV-15-13 **10 North Holdings, LLC**
530 N. College Ave.
Request: Use variance to allow a drive-through bank.
Case Manager: Jim Roach
- V-16-13 **Phi Kappa Psi/Indiana Beta, Inc.**
1200 N. Jordan Ave.
Request: Variances from maximum parking, front parking setback and drive separation requirements to construct a fraternity house.
Case Manager: Jim Roach

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 2211 S. High St.

CASE #: UV-13-13
DATE: April 18, 2013

PETITIONER: MCCSC (Childs School Elementary)
2211 S. High St., Bloomington

CONSULTANT: Bledsoe Riggert, & Guerrettaz
528 N. Walnut St, Bloomington

REQUEST: The petitioner is requesting a use variance to allow an 8' wide asphalt sidepath within the floodplain.

SITE DESCRIPTION: The petition site is located at 2211 S. High Street and is zoned Institutional (IN). Surrounding land uses are predominantly single family residences. The property has been developed with an elementary school and parking area. The petitioner received a Conditional Use (CU-24-00) approval in 2000 to construct a playground and recreation equipment in the floodplain, which was installed.

After the Unified Development Ordinance was revised in 2007, the new Floodplain regulations do not allow any development in the floodplain. The petitioner is therefore requesting a use variance to allow development in the floodplain of an 8' wide asphalt sidepath.

The path would be constructed at grade with only minimal grading necessary to install the path. The path would be constructed in an adjacent field to the east of the school that has been used as a soccer and recreation field. The proposed path would circle around the field area and provide a walking path that is adjacent to Jackson Creek and a small tributary. Portions of the trail cross through the floodway and floodway fringe of Jackson Creek, resulting in this use variance request. The path would meet the 25' riparian buffer requirements of the UDO. The petitioner has applied to the Indiana Department of Natural Resources for a Construction in a Floodway permit and is awaiting that issuance.

The Plan Commission heard this case at the April 8, 2013 meeting and voted unanimously to forward this to the Board of Zoning Appeals with a positive recommendation.

SITE PLAN:

Pedestrian Facilities: There is an existing sidewalk along High Street. The proposed new path would not be connected directly to the sidewalk along High Street, but is accessible through the site by a bridge that extends over Jackson Creek.

Floodplain: The 100-year floodplain of Jackson Creek extends through the property. There would not be any fill placed with this project and the trail will be constructed at grade. A permit from the Indiana Department of Natural Resources has been applied for and is required prior to the issuance of any permits by the City. No negative impacts to

the floodplain have been identified with this proposal.

ENVIRONMENTAL COMMISSION: The EC has reviewed this petition and has the following recommendations:

- 1.) If the Petitioner is granted a floodplain variance, they should choose a different material than petroleum asphalt to use as a surface.

STAFF RESPONSE: Staff has discussed the possibility of using alternative surfacing materials for the path. The petitioner has indicated that the alternative materials, besides not providing a conducive surface for walking, rollerblading, skating, each have their own set of problems. Paver stones are cost prohibitive and bark mulch or similar material would be washed away in any high water events and do not provide a solid surface.

- 2.) If the Petitioner is granted a floodplain variance, they should plant a code-compliant riparian buffer to provide the ecological services that they provide.

STAFF RESPONSE: Staff supports this request and will work with the petitioner to come up with a planting plan for the riparian areas consisting of native, wetland plants.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Findings of Fact: Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

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

Staff Finding: Staff finds no injury with the use variance request. A permit from the Department of Natural Resources must be issued prior to construction and no negative impacts from their review have been noted.

- (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; and*

Staff Finding: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed use variance. In contrast the residents living in the area will be allowed to use the path for recreation thereby increasing use of the area.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

Staff Finding: Staff finds peculiar condition in that a majority of the property is located in the floodplain and would not be allowed any development, even for a sidepath. The UDO did not provide for small, at-grade pedestrian projects that have

no impact on floodwater elevations. Several at-grade asphalt paths have been constructed within the floodplain with no negative impacts found. A permit from the Department of Natural Resources will be issued prior to construction, as has been required with all previous similar sidepaths.

(4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

Staff Finding: Staff finds the strict application of the Unified Development Ordinance will place an unnecessary hardship in that it would not allow any development in the large field that is currently being used as a recreation area. As mentioned previously several asphalt, at-grade sidepaths have been constructed with no negative impacts. It was not intended to prohibit the placements of sidewalks or sidepaths within the floodplain when the UDO was created.

(5) The approval does not interfere substantially with the Growth Policies Plan.

Staff Finding: The Plan Commission found that this proposal does not substantially interfere with the Growth Policies Plan. Within the areas the GPP designates as “Public/Semi-Public/Institutional” it is expected to fulfill different obligations between institutional uses and recreation space, which this site provides both of. The installation of the trail provides recreation opportunities for the school programs as well as for the citizens of Bloomington as a whole.

CONCLUSIONS: Staff finds minimal impacts as a result of this request and finds that the use of asphalt as a surface is appropriate. The presence of the trail will not have any negative impacts on floodwater elevations or increase downstream flooding. The installation of the trail will allow users of the area additional recreation space and provide educational opportunities as well. The Plan Commission voted unanimously to forward this to the Board of Zoning Appeals with a positive recommendation.

RECOMMENDATION: Based upon the written report, staff recommends approval of the use variance with the following conditions of approval:

1. A permit from the Indiana Department of Natural Resources is required prior to any site disturbance.

MEMORANDUM

Date: March 28, 2013

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: UV-14-13, Childs Elementary School asphalt path
2211 S. High Street

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the request of a Variance to the City of Bloomington Municipal Code's Floodplain Standards. The proposal is a request to construct an asphalt path within the Jackson Creek Floodplain.

ISSUES OF CODE COMPLIANCE:

1.) FLOODPLAIN PROTECTION:

The EC perceives both positive and objectionable features of this proposal. A fitness trail is always a beneficial amenity; especially at a school. Additionally, the EC is supportive of an environmental education trail that could be incorporated with this plan. However, the EC is not supportive of incompatible development within a floodplain.

The EC recommends that there are more environmentally sensitive ways to build a trail. Petroleum asphalt is likely not a good choice for this trail because of its potential for toxicity. Based on the scientific literature researched for this memorandum, the EC's conclusion is that asphalt is a low-level toxic substance after installation. Petroleum asphalt, tar pitch, and other fillers, such as coal production slag, and their emissions and degradation products may contain varying quantities of trace metals and aromatic hydrocarbons, some of which may have toxic effects including phototoxicity, cancer of skin and lungs, bronchitis, and pulmonary emphysema. The EC recommends using a different material than asphalt for the trail including choices such as pervious pavers, cedar or engineered lumber boardwalk, or gravel.

2.) RIPARIAN BUFFER and ENVIRONMENTAL TRAIL:

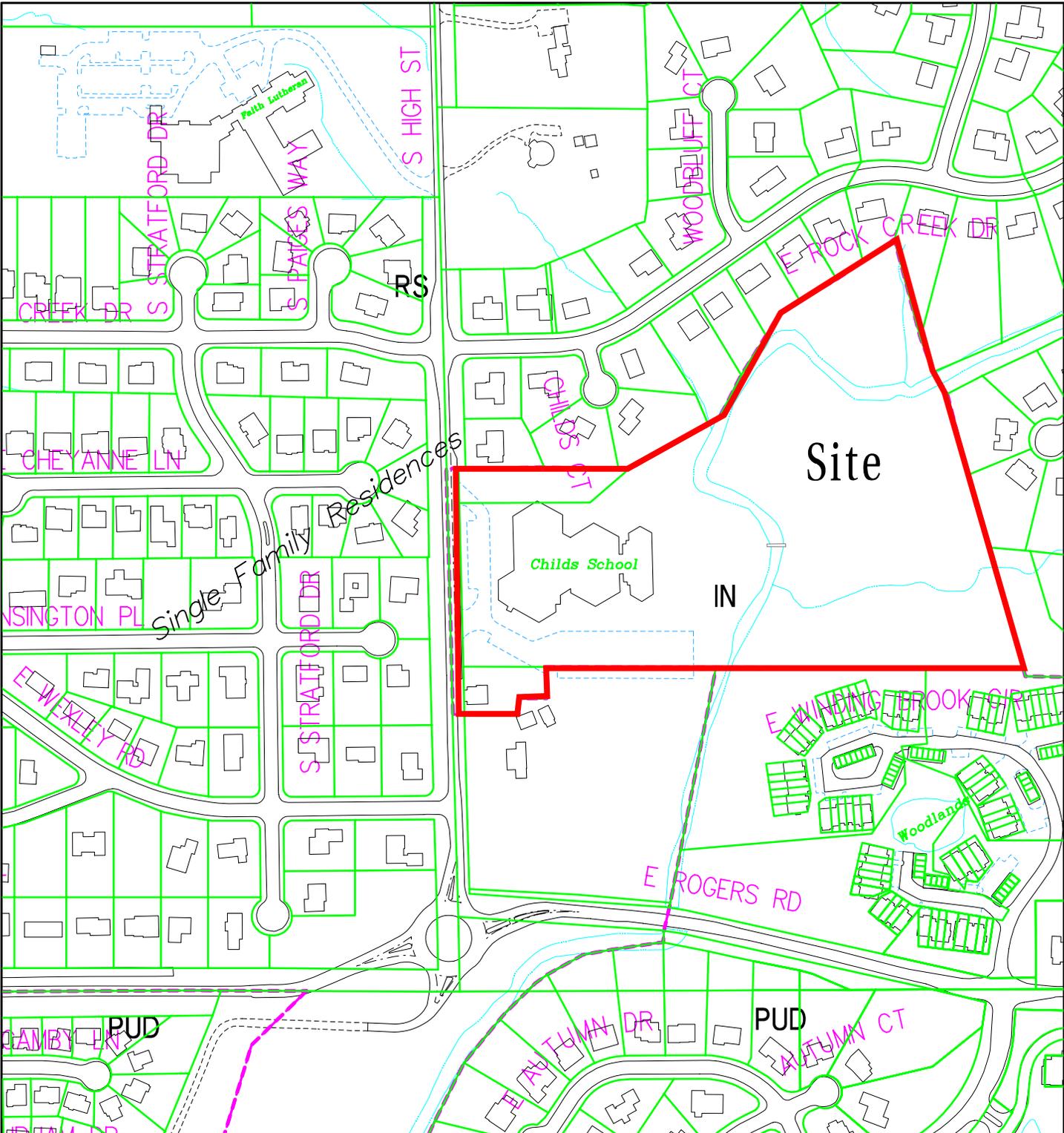
The EC recommends that the plan for a trail include a vegetated riparian buffer along the creek. This would be an excellent opportunity to improve the water quality, reduce flood velocity downstream, and provide an educational laboratory for the students. Maintaining a vegetated buffer along swales, creeks, ditches, streams, wetlands, and rivers provides more than just a beautiful landscape. The combination of native trees, shrubs, and grasses adjacent to stream systems provide numerous flood mitigation, environmental, and resource management benefits that can include the following:

1. Removing pollutants (including oil, detergents, pesticides, herbicides, insecticides, wood preservatives, and other domestic chemicals) delivered from urban stormwater;
2. Absorbing nutrients (particularly nitrogen) from surface water runoff and groundwater flow;
3. Providing flood control by slowing flow and water feathering;
4. Reducing erosion and preventing sediment from entering the stream;
5. Stabilizing stream banks;
6. Providing infiltration of stormwater runoff to recharge aquifers;
7. Maintaining the base flow of streams;
8. Restoring and maintaining the chemical, physical, and biological integrity of water resources;
9. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
10. Providing tree canopy to shade streams and lower water temperature to improve habitat for aquatic organisms;
11. Furnishing scenic value and recreational opportunity;
12. Providing a source of detritus and large woody debris for aquatic organisms and habitat for wildlife;
13. Reducing the urban heat island effect.

Therefore, the EC believes that if the Petitioner is afforded a variance to construct a paved path within a floodplain, they should be required to bring the creek into compliance with the UDO by planting a riparian buffer.

EC RECOMMENDATIONS:

- 1.) If the Petitioner is granted a floodplain variance, they should choose a different material than petroleum asphalt to use as a surface.
- 2.) If the Petitioner is granted a floodplain variance, they should plant a code-compliant riparian buffer to provide the ecological services that such buffers provide.



UV-13-13 MCCSC (Childs Elementary)

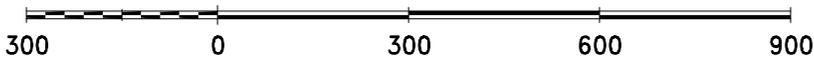
2211 S High Street

Board of Zoning Appeals

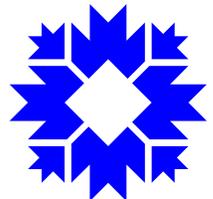
Site Location, Zoning, Parcels, Land Use

By: greulice

3 Apr 13



City of Bloomington
Planning



Scale: 1" = 300'



March 11, 2013

Eric Greulich
City of Bloomington, Planning Department
401 N. Morton St., Suite 160
PO Box 100
Bloomington, IN 47402-0100

RE: Childs Elementary School – Fitness Trail
2211 South High Street
Petitioner's Statement

Dear Eric,

On behalf of the Monroe County Community School Corporation and Childs Elementary School, we are requesting a Use Variance to allow for a multi-purpose trail in the Jackson Creek Floodplain.

Childs Elementary School has acquired a grant to construct a trail as part of their fitness program. They would like to place the trail around their open area on the east side of Jackson Creek as indicated on the enclosed site improvement plan. The trail will be paved with asphalt and set flush with the existing grade.

We strongly believe this trail will help to fulfill the fitness needs of the student population, as well as nearby residents.

Included with this petitioner's statement is the application form. Notices will be sent to adjacent property owners as required.

We would like to be placed on the April 8th Plan Commission and April 18th Board of Zoning Appeal agendas.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "W.S.R." with a stylized flourish at the end.

William S. Riggert, PE
Principal

Enclosures

ec: Christopher M. Finley, Childs Elementary School Principal
Christopher R. Ciolli, MCCSC Director of Building Services

xc: File – Project No. 7554

UV-13-13
Petitioner Statement



Date: _____
 Title: _____

GENERAL NOTES

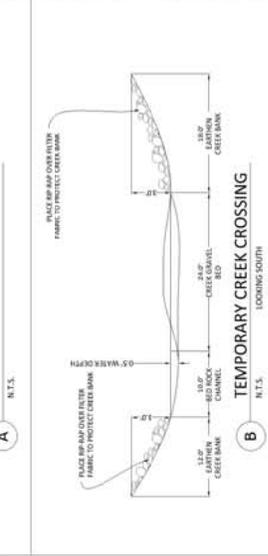
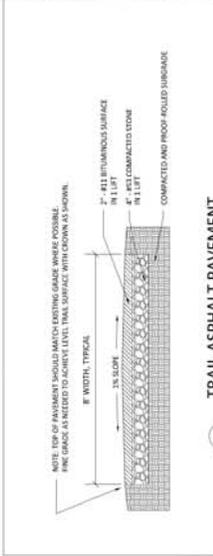
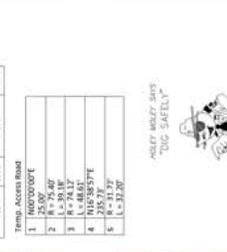
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPOSED PLAN.
2. CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND VERIFY EXISTENCE OF ANY DISCREPANCIES.
3. THE PLAN DOES NOT SHOW LOCATIONS OF EXISTING UTILITIES. LOCAL UTILITY COMPANIES SHALL BE CONTACTED FOR ANY EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
4. THE DRAWINGS SHALL BE THE BASIS FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
5. ALL UTILITIES SHALL BE PROTECTED AND REPAIRED TO ORIGINAL OR BETTER CONDITION.
6. EXISTING UTILITIES SHALL BE PROTECTED AND REPAIRED TO ORIGINAL OR BETTER CONDITION.
7. EXISTING UTILITIES SHALL BE PROTECTED AND REPAIRED TO ORIGINAL OR BETTER CONDITION.
8. EXISTING UTILITIES SHALL BE PROTECTED AND REPAIRED TO ORIGINAL OR BETTER CONDITION.
9. EXISTING UTILITIES SHALL BE PROTECTED AND REPAIRED TO ORIGINAL OR BETTER CONDITION.
10. EXISTING UTILITIES SHALL BE PROTECTED AND REPAIRED TO ORIGINAL OR BETTER CONDITION.

PLAN NOTES

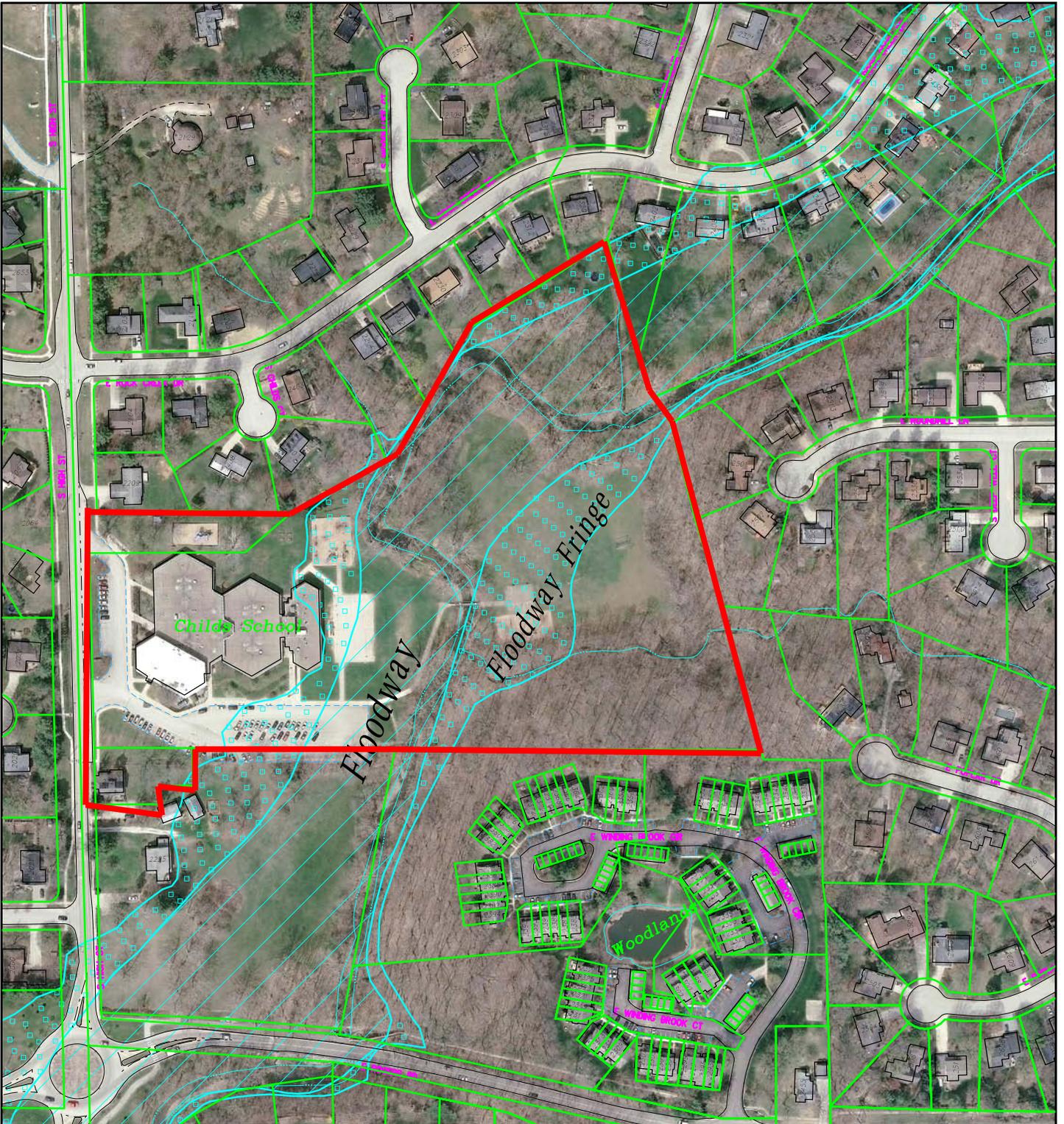
1. PLACE TRAILER AND BASE OF EXISTING CONCRETE CURB AND PROTECT EXISTING CONCRETE FROM PROPOSED CONSTRUCTION.
2. TEMPORARY CENTER CROSSING: 16' WIDE, 12" DEEP.
3. TEMPORARY CENTER CROSSING: 16' WIDE, 12" DEEP.
4. FINISH TRAIL: 10' WIDE, 12" DEEP.

CENTERLINE DATA

| Stationing | Length | Bearing | Radius |
|------------|--------|------------|--------|
| 0+00 | 13.00 | S 11.0° E | 25.33 |
| 1+00 | 100.00 | S 78.28° E | 14.44 |
| 2+00 | 100.00 | N 77.28° W | 14.44 |
| 3+00 | 100.00 | N 77.28° W | 14.44 |
| 4+00 | 100.00 | N 77.28° W | 14.44 |
| 5+00 | 100.00 | N 77.28° W | 14.44 |
| 6+00 | 100.00 | N 77.28° W | 14.44 |
| 7+00 | 100.00 | N 77.28° W | 14.44 |
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**UV-13-13
 Site Plan**



UV-13-13 MCCSC (Childs Elementary)

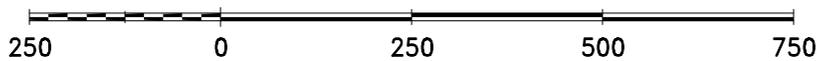
2211 S High Street

Board of Zoning Appeals

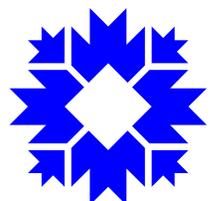
2010 Aerial Photograph and Floodway/Floodway Fringe

By: greulice

3 Apr 13



City of Bloomington
Planning



Scale: 1" = 250'

For reference only; map information NOT warranted.



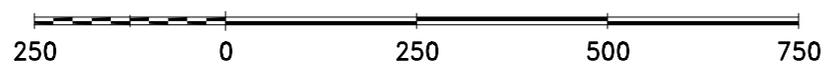
UV-13-13 MCCSC (Childs Elemenatary)

2211 S High Street

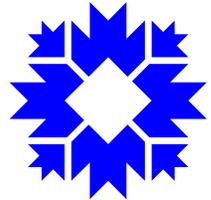
Board of Zoning Appeals

2010 Aerial Photograph

By: greulice
3 Apr 13



City of Bloomington
Planning



Scale: 1" = 250'

For reference only; map information NOT warranted.

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 606-608 S. Fess Ave.**

**CASE #: UV/V-14-13
DATE: April 18, 2013**

PETITIONERS: 2nd and Fess, LLC
300 N. Meridian, Suite 1100, Indianapolis

CONSULTANTS: Hearndon Design
414 N. Morton Street, Bloomington

REQUEST: The petitioners are requesting use variances to allow ground floor residential units within the CL district. Also requested is a variance from maximum density standards.

| | |
|---------------------------|--|
| Zoning: | CL |
| Acreage: | .09 acres |
| GPP Designation: | Core Residential |
| Existing Land Use: | Single family |
| Proposed Land Use: | Duplex |
| Surrounding Uses: | Mixed-residential (Elm Heights Neighborhood), Bloomingfoods |

SUMMARY: The petitioners currently have a property just south of E. 2nd Street on the west side of S. Fess Avenue. The property has been developed as a 5 bedroom house. It appears as though the structure was originally constructed or has been used as a duplex in the past. This site are zoned Commercial Limited (CL). Furthermore, this lot was originally part of the same property that received approval of construction of Bloomingfoods grocery. This structure was subdivided from that property so that it was on its own property.

The petitioner intended to remodel the existing structure to add a bathroom. During the permitting process, staff discussed the possibility of converting the structure back into a 2 and a 3 bedroom unit respectively. This would allow for the same bedroom count and encourage smaller unit sizes that tend to have less noise and trash issues than 5 bedroom units. However, this property is zoned CL which does allow multi-family use, but does not allow residential use on the first floor. This request would not create first level residential use as it is currently used residentially. Staff finds this request to be appropriate.

The conversion of this structure into a two units would not increase the number of bedrooms and the petitioners have agreed to restrict the occupancy to 2 and 3 unrelated adults respectively so that the occupancy would also not increase. Although 5-bedroom units usually count as 2 dwelling unit equivalents, single family homes are not calculated using dwelling unit equivalencies. The conversion would change the density to 1.66 dwelling units which is slightly more than the 1.35 dwelling units that are permitted under the current zoning. Staff has worked with the Elm Heights Neighborhood Association and both agree that this request is appropriate.

To achieve the conversion, two openings in the interior of the home will be closed and a living area will be converted to a kitchen. No exterior changes will be necessary. The structure already has two front entrances and two internal stairways.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Findings of Fact: Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

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

Staff Finding: Staff finds no injury with the use variance requests. The use variance will not create any new residential space on the first floor of the structure and will not increase the number of bedrooms or occupants in the structure.

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

Staff Finding: Staff finds no negative impacts. Again, the number of bedrooms and occupants is not increasing with this request and smaller units in this area will most likely have less impact by reason of noise and trash.

- (3) *The need for the use variance arises from some condition peculiar to the subject property itself; and*

Staff Finding: Staff finds the history of this property as a duplex and the existing residential use on the first floor within the CL zoning district to create an unusual situation where a duplex unit is more desirable due to the potentially negative impacts associated with large rental homes near core neighborhoods.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and*

Staff Finding: Strict application of the UDO will facilitate the continuation of a 5-bedroom rental situation that is less desirable than the proposed configuration. The UDO is designed to enhance and protect the character and use of core neighborhoods within the City. Denial of this use variance would be counter to those goals.

- (5) *The approval of the use variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.*

Staff Finding: The Growth Policies Plan (GPP) designates this property as Core Residential. One policy for this designation is to discourage the conversion of single family homes to apartments. It also states that Multi-family (medium and

high-density) residential and neighborhood-serving commercial uses may be appropriate for this district when compatibly designed and properly located to respect and compliment single family dwellings. This policy guidance is intended to protect core neighborhoods from having single family homes being converted to higher density multi-family structures to achieve an increased number of rental occupants and can degrade the single family nature of an area, especially areas zoned for single family use.

This property is zoned CL and allows for multi-family use, but restricts it to upper levels. The first floor could be utilized for commercial use with apartments above. The main issue to be decided with this case is whether a 5 bedroom rental home next to commercial and other multifamily uses is more or less desirable than the historic use of the home as a duplex with the same total number of bedrooms. Typically, 4 and 5 bedrooms are looked at less favorably than smaller bedroom counts as evidenced by the Dwelling Unit Equivalent values utilized by the Unified Development Ordinance (UDO). There is typically a perception that units with larger bedroom counts have a higher potential for noise and trash issues that can negatively impact the surrounding neighborhood.

Therefore, the Plan Commission found that although this is a conversion of a single family home into a duplex, it achieves the GPP policy to Conserve Community Character and does not significantly interfere with the GPP.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.09.130 e) Standards for Granting Variances from Development Standards: A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

STAFF FINDING: With the proposed occupancy restrictions, staff finds no injury to the general welfare of the community. If the 5-bedroom home was a multi-family unit, the proposed density would actually be decreasing with this request. The number of bedrooms and occupants would not change with this permit.

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

STAFF FINDING: Staff finds no negative impacts from the proposed variance. The Elm Heights Neighborhood Association is supportive of this request.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical*

difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

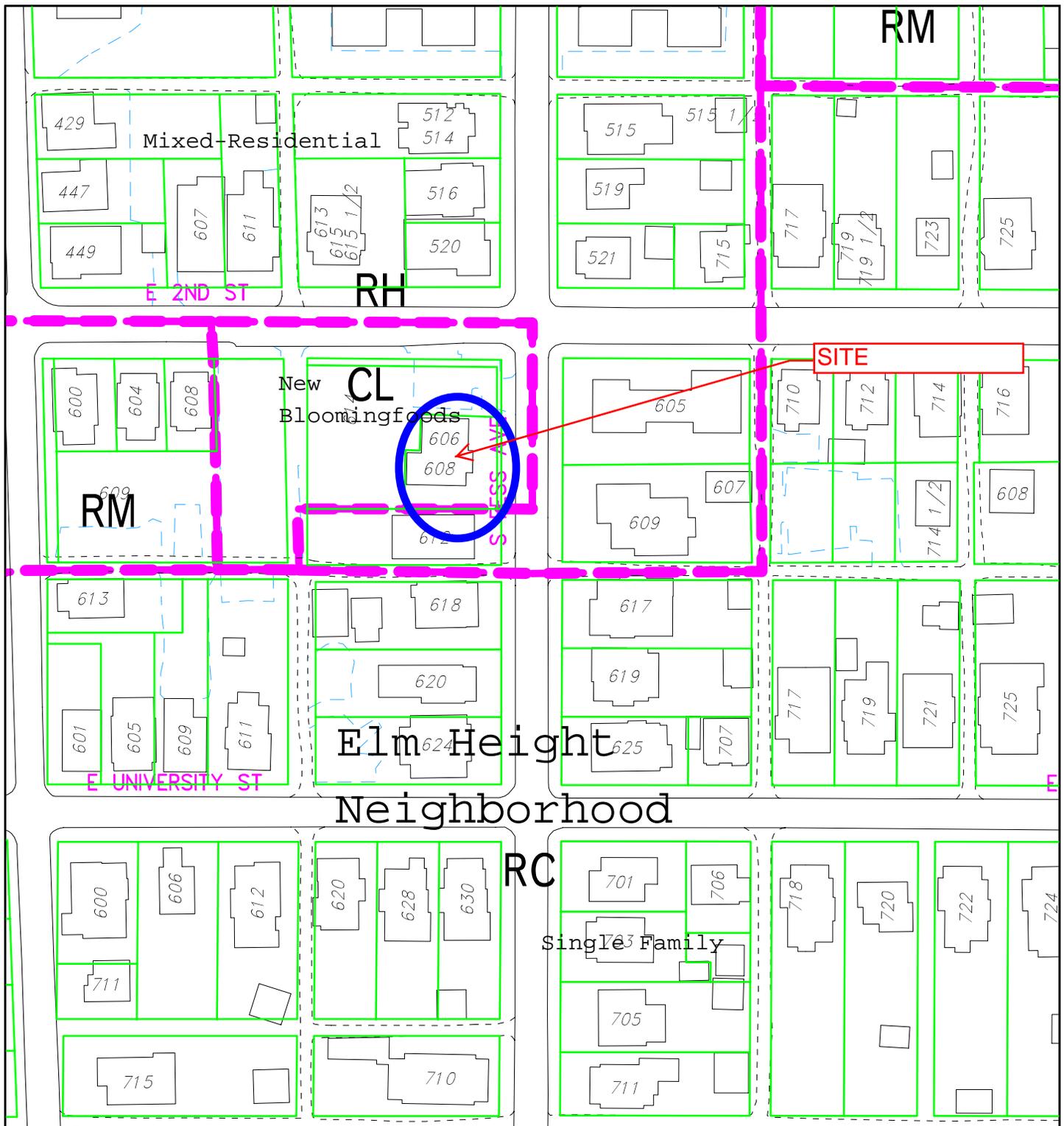
STAFF FINDING: Staff finds unique condition in that this property allows multi-family use and has a single family structure with 5-bedrooms that has previously been used as a duplex. This situation would normally result in a decrease in the number of dwelling unit equivalents. Typically single family homes are located in single family districts where conversions are not desirable and density is not calculated as dwelling unit equivalents. Staff finds the proposed situation to be more desirable and has a historical use as a duplex. Therefore, staff finds this density variance request to be appropriate.

PLAN COMMISSION RECOMMENDATION: The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive recommendation. They concluded that the proposed use did not substantially interfere with the Growth Policies Plan and furthered many of the guiding principles.

NEIGHBORHOOD INPUT: The petitioners have met discussed this proposal with the Elm Heights Neighborhood Association and the neighborhood is supportive of this request.

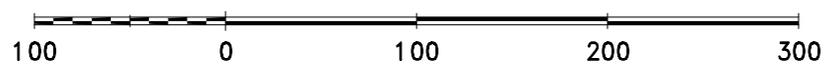
RECOMMENDATION: Based on the written findings of this report, staff recommends approval of UV/V-14-13 with the following conditions:

1. The petitioner must record a deed commitment stating that the occupancy of the two-bedroom unit is limited to a maximum of 2 unrelated adults and the three-bedroom unit is limited to a maximum of 3 unrelated adults prior to occupancy of the structure.
2. The petitioner shall record a tree preservation easement from the structures north wall to the north property line for the large elm tree located within the north yard of the property.
3. Four class II bicycle parking spaces are required to be installed within 50 feet of the entrance of the structure and must be placed on a paved surface.

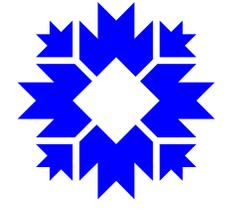


UV/V-14-13 2nd & Fess, LLC
 Location/Zoning/Land Use Map
 606/608 S. Fess

By: shapp
 4 Apr 13



City of Bloomington
 Planning



Scale: 1" = 100'

3/12/2013

To: City of Bloomington - Planning Department

Fr: Russ Herndon

Petitioners statement:

606 and 608 South Fess, Second and Fess LLC

Request for use variance to allow ground floor dwelling and density standard variance

Second and Fess is a prominent corner within the Elm Heights Neighborhood and with the addition of the new Bloomingfoods Store adjacent to 606 and 608 S. Fess, it makes this corner truly a hub of activity.

While this building is not on the Interim report as contributing or notable; our client plans to renovate, repair, and repaint to compliment the environment of the new Bloomingfoods construction.

Our client's goal is to upgrade and improve his properties bringing a quality and revitalized property to the existing mix of owner occupied and student rental units. It is commonly understood that in these types of mixed use neighborhoods, that the larger the home and the greater the number of unrelated adults occupying a single dwelling; the greater the opportunity for potential problems.

606 and 608 S Fess, as such a large house(2600 sf) and with its' apparent history as a former duplex with 2 addresses and two unique covered entry's facing east, is an obvious candidate for this use variance to pursue formally dividing the property as a duplex. This division will facilitate the vision of Second And Fess LLC to create a more desirable and manageable property attracting higher quality, perhaps more mature and more responsible tenants.

This stated goal will be achieved by converting the existing 5 bedroom 2600sf dwelling into 2 separate rental units. A two bedroom unit to the south. with an area of 1254sf and a 3 bedroom unit to the North with an area of 1330sf.

We petition for our client the consideration for variance for what we feel is both reasonable and all around beneficial variance to the neighborhood.

Respectfully Submitted,

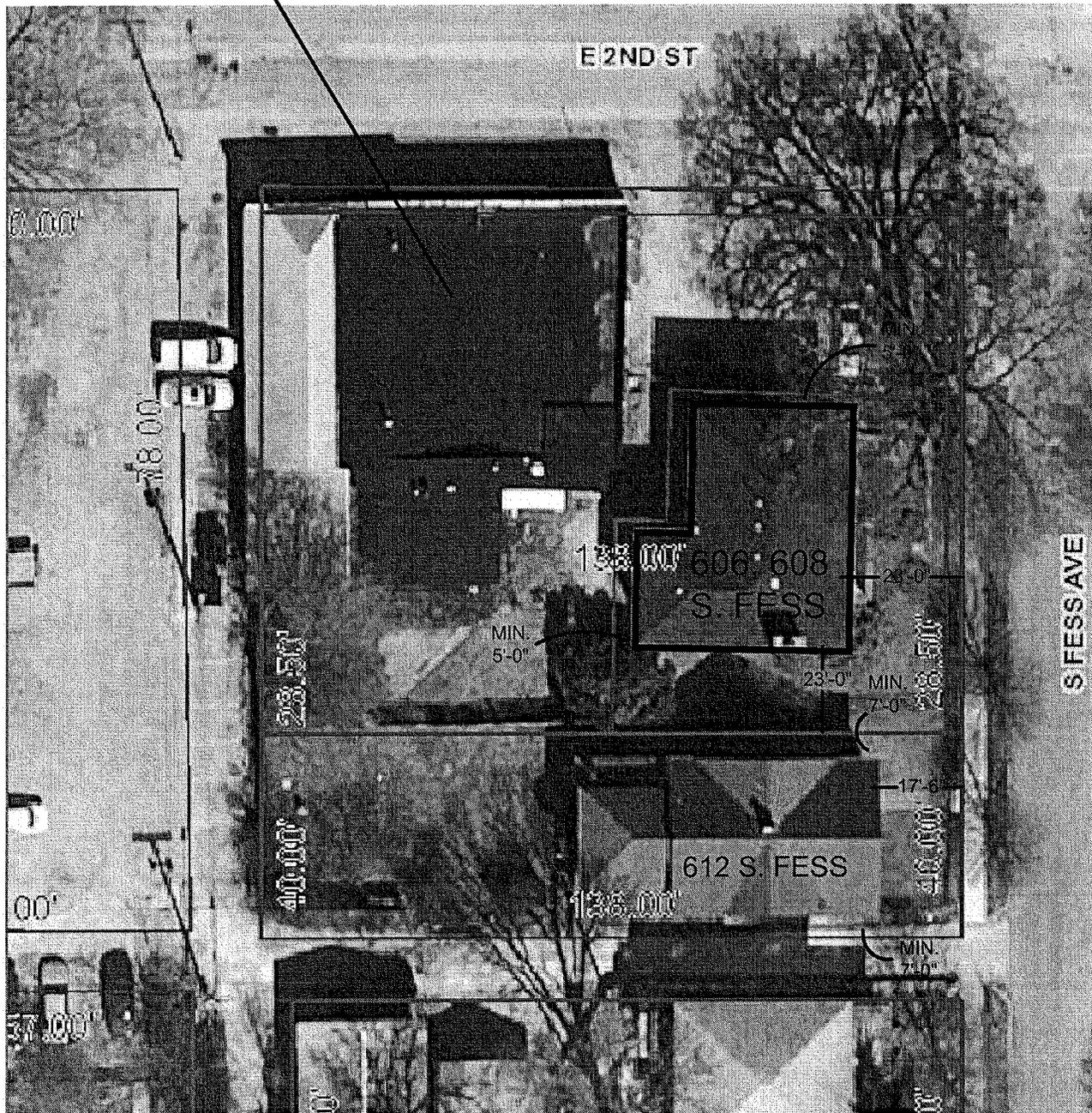


Russ Herndon/Herndon Design LLC

UV/V-14-13
Petitioner's Statement

NEW FUTURE SITE
BLOOMINGFOODS

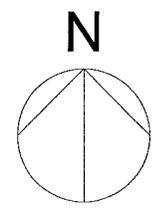
E. 2ND STREET



①

SITE PLAN 606 S. FESS AND 612 S. FESS

SCALE 1/32" = 1'-0"



APARTMENT
HOUSE
606, 608 S FESS
SECOND AND FESS LLC

| | |
|------------|----------------|
| DATE | MARCH 11, 2013 |
| CHECKED BY | R. HERNDON |
| SHEET NAME | SITE PLAN |

HERNDON DESIGN

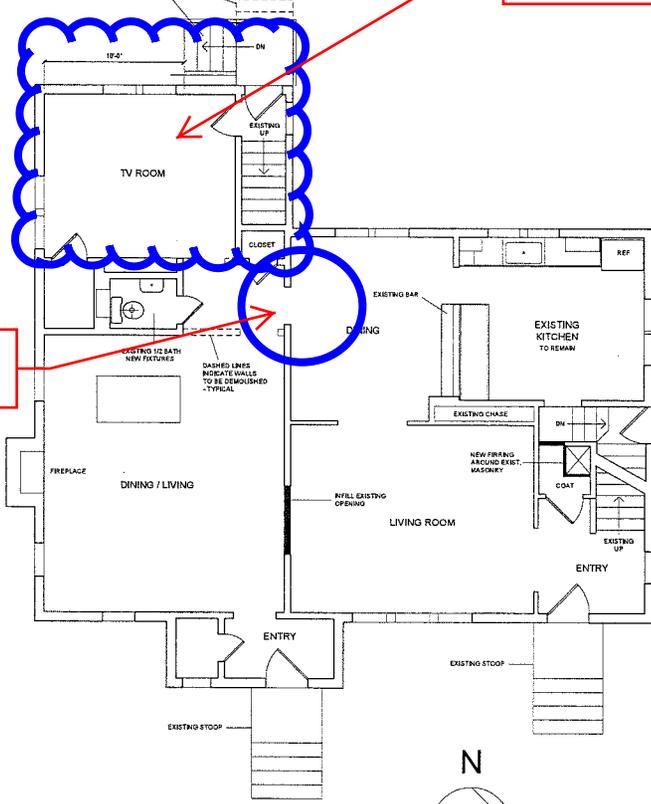
414 NORTH MORTON
BLOOMINGTON, INDIANA 47404
phone/fax.812.822.1919
russ@russherndondesign.com
www.russherndondesign.com

SITE PLAN

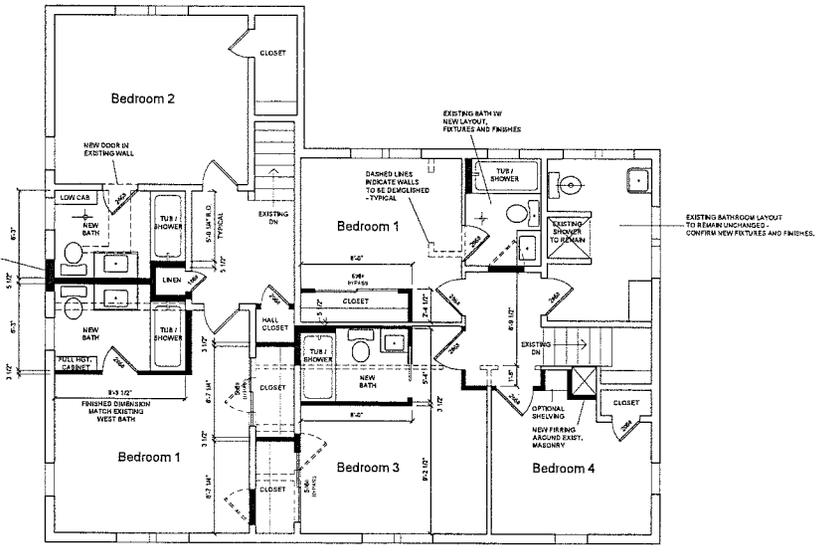
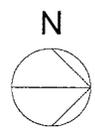
DEMOLISH EXISTING CONCRETE BLOCK STOOP - REPLACE WITH NEW TREATED WOOD LANDING AND STEPS - STAIR TREADS TO BE REORIENTED TO THE SOUTH AS SHOWN. HOLD OFF WALL TO AVOID EXISTING WINDOW AS STAIRS DESCEND

Would become kitchen

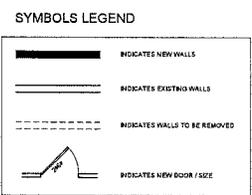
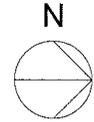
Door Opening would walled off



① FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



② SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



NOTE:
THE DESIGNER IS NOT SUPERVISING THE CONSTRUCTION OF THIS BUILDING. THEREFORE, THE USE OF THESE DRAWINGS BY THE OWNER OR ANY CONTRACTOR, SUBCONTRACTOR, INSURER, TRADESMAN OR WORKMAN SHALL CONSTITUTE A HOLD HARMLESS AGREEMENT BETWEEN THE DRAWING USER AND THE DESIGNER. THE USER SHALL IN FACT AGREE TO HOLD THE DESIGNER HARMLESS FOR ANY RESPONSIBILITY IN REGARD TO THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES AND FOR ANY SAFETY PRECAUTIONS OR PROGRAMS IN CONNECTION WITH THE WORK. FURTHER, THE DESIGNER SHALL BE HELD HARMLESS AGAINST ANY LIABILITY OF ANY KIND WHATSOEVER, OR FOR ANY RESPONSIBILITY IN REGARD TO ANY COSTS OR PROBLEMS ARISING FROM THE NEGLIGENCE OF THE CONTRACTOR, SUBCONTRACTOR, INSURER, TRADESMAN OR WORKMAN. THE USE OF THESE DRAWINGS ALSO IMPLIES THAT THE DESIGNER SHALL ASSUME NO RESPONSIBILITY FOR THE PLAN USER'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE DRAWINGS OR CONTRACT DOCUMENTS. ALL METHODS AND MATERIALS TO MEET COMMONLY HELD INDUSTRY STANDARDS.

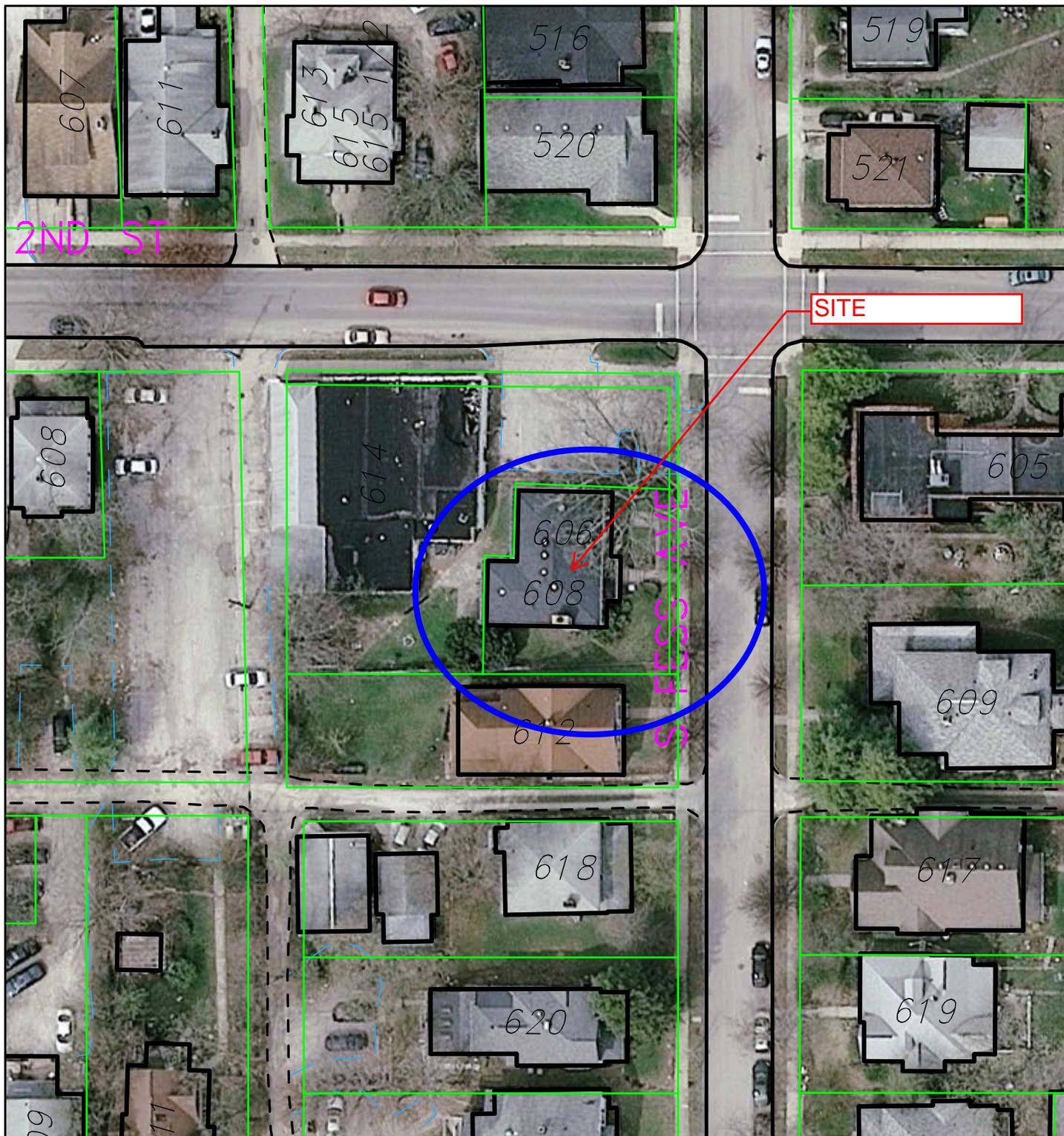
HERNDON DESIGN
russ@russherndon.com
www.russherndon.com
144 NORTH MORTON
BLOOMINGTON, INDIANA 47404
phone/fax: 812.822.1919

REVISIONS:
APARTMENT HOUSE SPACE PLANNING FOR:
BILL SHANK
606 AND 612 S. FESS STREET
BLOOMINGTON IN.

DATE 1 2, 2012
DRAWN BY F.S.
CHECKED BY 0000
FLOOR PLANS
606 FESS

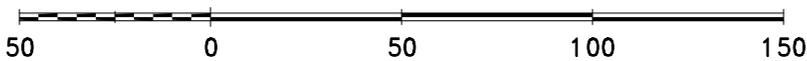
SHEET NO.
A1

FLOOR PLANS

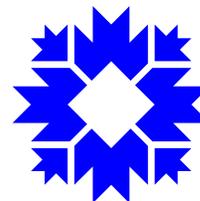


UV/V-14-13 2nd & Fess, LLC
 606 & 608 S. Fess
 Aerial Photo

By: shapp
 4 Apr 13



City of Bloomington
 Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 530 N. College Avenue

CASE #: UV-15-13
DATE: April 18, 2013

PETITIONER: 10 North Holdings, LLC
 1128 S. College Mall Rd.; Bloomington

CONSULTANT: Smith Neubecker & Associates
 453 S. Clarizz Blvd.; Bloomington

REQUEST: The petitioner is requesting a use variance approval to allow an interior drive-through use in the Commercial Downtown zoning district.

REPORT SUMMARY: The subject property is located on the southeast corner of N. College Avenue and W. 10th Street. The site has been previously developed with a 4,000 square foot, 1-story restaurant and surface parking. The subject property and all surrounding properties are zoned Commercial Downtown (CD). The subject property and properties to the south, east, west and northwest are in the Downtown Core Overlay (DCO). and the properties to the north are in the Downtown Gateway Overlay (DGO).

The Plan Commission approved a site plan for a 5-story mixed use building at its April 8, 2013 meeting (case #SP/UV-16-13). The ground floor is proposed to have 5,800 square feet of commercial space, including a bank with an internal drive-through and a parking garage. Drive through uses are not permitted in the CD zoning district. The petitioners are requesting a use variance to allow a bank drive-through inside of the first floor parking garage. The Plan Commission voted 6-2 to forward a positive recommendation on this use variance to the BZA.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Findings of Fact: Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

Staff Finding: Staff finds no injury with the use variance request for an internal drive-through use. The negative impacts associated with a typical drive-through, such as its effects on pedestrian walkability and its negative aesthetic appeal, are significantly reduced since the drive-through is placed internal to the structure. Furthermore, the amount of drive-cuts is proposed to be reduced from the three existing cuts to two, therefore reducing the number of pedestrian and traffic conflict locations.

(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; and

Staff Finding: Staff finds no adverse impacts associated with the proposed use variance. Staff believes that the location of the drive-through internal to the building will mitigate the negative impacts associated with a typical drive-through. The drive-through bays will be enclosed in the building, therefore limiting the negative aesthetic affects of the drive-through on surrounding properties.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

Staff Finding: Staff finds peculiar condition in that the drive-through use is not a typical drive-through, but instead is internal to the building. Because it is internal, it does not offer the same negative impacts of a drive-through use would on an open lot.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

Staff Finding: Staff finds hardship in preventing an internal drive-through use for a proposed bank. A bank use is inherently different from a restaurant use. The amount of vehicles entering the drive-through will be less than a typical fast-food restaurant, with fewer operating hours. In addition, the drive-through bays will be entirely internal to the building, and shielded from street-view. Because the bank use is not only a permitted use in the commercial downtown zoning district, but is a desirable downtown use, staff believes that it is an unnecessary hardship to not allow the bank tenant to utilize an internal drive-through.

- (5) *The approval does not interfere substantially with the Growth Policies Plan.*

Staff Finding: The Growth Policies Plan states that new surface parking areas and drive-through uses should be limited, if not forbidden, within the Downtown area. Staff believes that the intent of this policy is to reduce the dependency on cars in the downtown area and to create a more walkable and pedestrian-friendly downtown environment. The proposed internal drive-through will have limited impact on the walkability of the area. The number of curb cuts on the College Avenue frontage will actually be reduced from the current situation, which will create fewer conflicts between cars and pedestrians. In addition, the visual impacts of the drive-through will be eliminated by the internal design. Therefore, the negative aesthetic effects of a paved drive through use will not be an issue.

In addition, the Downtown Plan encourages multi-story parking garages to be constructed as an alternative to surface parking lots, allowing for more land to be developed as mixed-use buildings. By placing the parking and the drive-through internal to the building in a garage structure, staff feels that the proposal meets the intent of the Downtown Plan. Furthermore, it should be noted that usage of a bank drive-through is typically less than that of a less desirable drive-through fast food restaurant. The layout is also different, making this site difficult to be used for a use other than a bank in the

future.

The Growth Policies Plan states in its Compact Urban Form Policy that commercial development should be directed to existing commercially zoned land, and incentives should be provided to encourage the re-use and improvement of vacant or underdeveloped commercial sites, particularly along arterial roadway corridors. Staff believes that this site is an underutilized property and the proposed mixed use structure would be a positive addition to the downtown commercial district, and provides a bank use that is permitted in the CD district. The use of the drive-through is well designed to have minimal impacts on the surrounding area. Furthermore, bank uses are typically considered long-term uses.

RECOMMENDATION: Staff recommends approval of the use variance request with the following conditions:

1. All terms and conditions of Plan Commission site plan #SP/UV-16-13 are binding on this petition.
2. The drive-through use shall only be a permitted use for a bank. A Zoning Commitment to this effect must be signed and recorded prior to the release of a building permit.

MEMORANDUM

TO: MEMBERS OF THE PLAN COMMISSION

FROM: VINCE CARISTO/BICYCLE AND PEDESTRIAN COORDINATOR
Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission

RE: 10 North (530 N College Ave)

DATE: March 18, 2013

The Bloomington Bicycle and Pedestrian Safety Committee (BBPSC) reviewed the proposed site plan at their regular meeting on March 18, 2013. They made the following comments and recommendations.

Comments

- BBPSC feels that the property should be designed to accommodate all potential users. Therefore, any bank drive-thru lanes should be usable by people on bicycles, and the bank retail space should include a walk-up ATM.
- The bank tenant unit does not have an entrance on 10th St. This unit takes up almost the entirety of the building face along 10th St. This design would diminish the pedestrian environment by reducing activity and ‘eyes on the street’. A more urban solution would be to include a corner entrance to the tenant unit, or to add an additional entrance on 10th St.
- The retail units should be accessible to people from inside the parking garage.

Recommendations

- Deny a variance for a drive-through downtown. In general, drive-throughs are unhealthy for urban environments because they encourage driving at the expense of public safety and quality of life. This proposal will create a less safe walking environment by introducing two additional sidewalk crossings for motor vehicles, each of which poses a potentially dangerous conflict point for people and cars. It will diminish quality of life by creating a more complicated pedestrian environment and contributing to increased motor vehicle emissions. A high-quality walking environment must be preserved in the public right-of-way - it improves safety, builds community cohesion, encourages healthy lifestyles, and is conducive to business.
- The required number of Class II bike racks for public use should be installed along College Ave rather than 10th St. The bike racks should be located within 50 ft of the entrance to each tenant space.
- The required number of covered Class II and Class I bike racks for tenant use should each be located in close proximity to stairs or an elevator which provide building access.

MEMORANDUM

Date: March 28, 2013

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: UV-16-13, UV/SP-15-13 Ten North Bank
530 N. College Ave.

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the request of a Use Variance to allow drive through lanes through the interior of a building, and a Site Plan approval for a 5-story mixed use building. The parcel is within the Commercial Downtown Zoning District within a Downtown Core Overlay.

ISSUES OF CODE COMPLIANCE:

1.) HEIGHT:

The EC has no objection with the height of the building considering the design elements like glass and setbacks that the building design offers, nor does it have objections to the drive through bank facilities.

ISSUES OF SOUND ENVIRONMENTAL DESIGN:

2.) LOW IMPACT DEVELOPMENT:

The EC is very pleased that the Petitioner moved the building away from Tenth Street enough to accommodate street trees and reduce the "canyon effect" tall buildings adjacent to streets can produce. However, the EC recommends that the Petitioner take a step closer to employing Low Impact Development* by creating tree trenches** instead of tree holes with grates. According to the city's Park and Recreation Department, it is estimated that trees in such confined holes live only about twenty years. Some examples and further explanation of tree trenches can be found at:

http://www.phillywatersheds.org/what_were_doing/green_infrastructure/tools/stormwater_tree_trench; <https://www.google.com/search?q=tree+trenches&hl=en&client=firefox-a&rls=org.mozilla:en-US:official&channel=np&tbm=isch&tbo=u&source=univ&sa=X&ei=naBZUbiEB5Lw8ASg6oDgBA&sqi=2&ved=0CDMQsAQ&biw=1590&bih=860>;
<http://www.dot.ca.gov/hq/LandArch/ec/lid/lid-sidewalk-stormwater-tree-trench-new.htm>.

(*LID is an approach to land development (or re-development) that works with nature to manage

stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. LID has been characterized as a sustainable stormwater practice by the Water Environment Research Foundation and others. From EPA)

(**A stormwater tree trench is a system of trees that are connected by an underground infiltration structure. On the surface, a stormwater tree trench looks just like a series of street tree pits. However, under the sidewalk, there is an engineered system to manage the incoming runoff. This system is composed of a trench dug along the sidewalk, lined with a permeable geotextile fabric, filled with stone or gravel, and topped off with soil and trees. Stormwater runoff flows through a special inlet (storm drain) leading to the stormwater tree trench. The runoff is stored in the empty spaces between the stones, watering the trees and slowly infiltrating through the bottom. If the capacity of this system is exceeded, stormwater runoff can bypass it entirely and flow into an existing street inlet. From Philadelphia Water Department)

3.) GREEN BUILDING & SITE DESIGN:

Green building and environmental stewardship are of utmost importance to the people of Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Krusan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

The EC is pleased that according to the Petitioners Statement the building design includes some simple and generic green building practices. Some specific recommendations for this site that may further reduce its carbon footprint include:

- ~ creation of "green walls" on the outside of the building to reduce the urban heat island effects;
- ~ installing charging stations for electric vehicles for some of the parking spaces; and
- ~ using reflective roofing material.

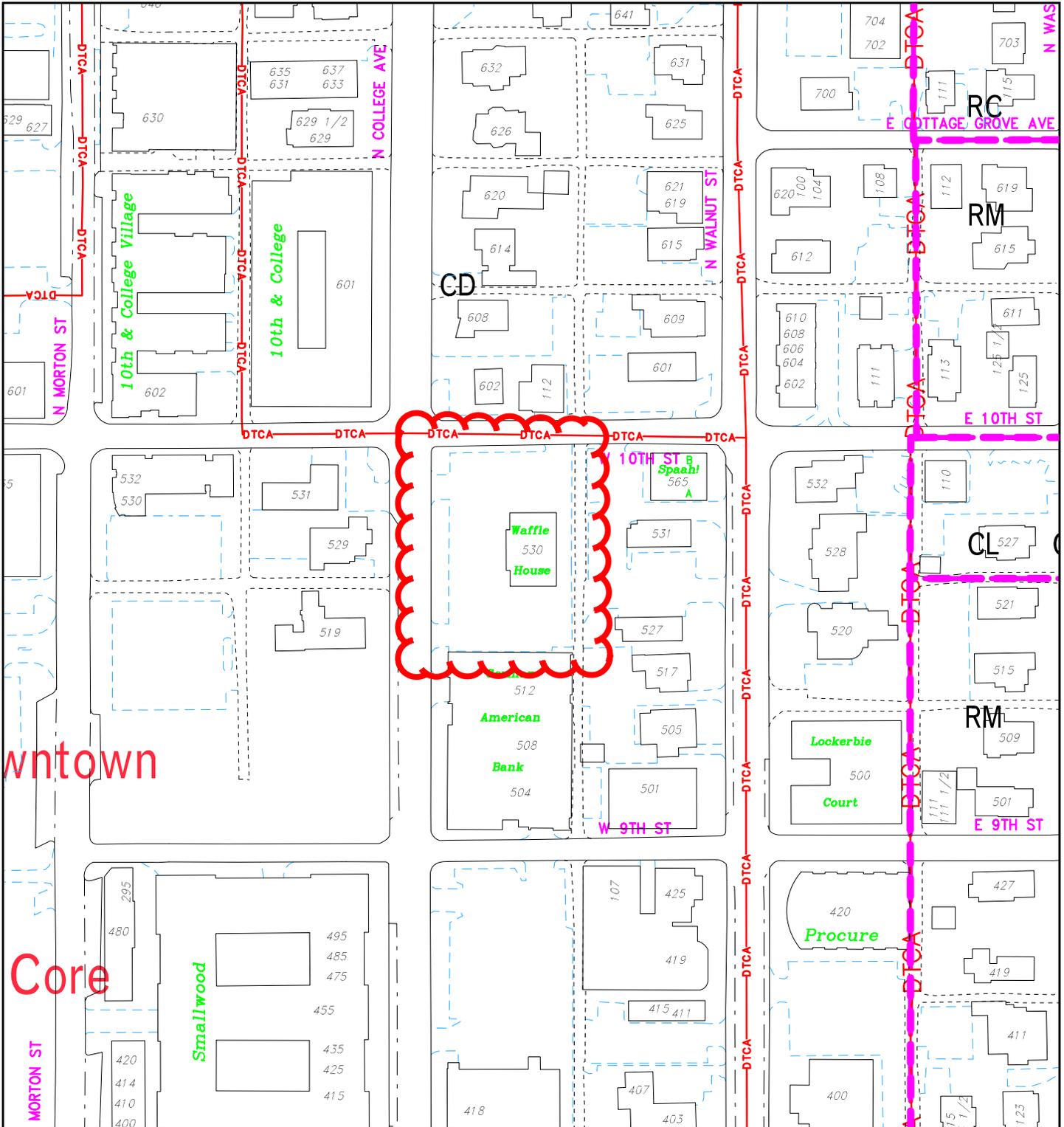
4.) RECYCLING:

The EC recommends that space should be allocated for recyclable-materials collection, which will reduce the development's carbon footprint and promote healthy indoor and outdoor environments. Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington, and hopefully will be required in the near future. Recycling has become an important norm that has many benefits in energy and resource conservation.

Recycling is thus an important contributor to Bloomington's environmental quality and sustainability and it will also increase the attractiveness of the apartments to prospective tenants and short-term motel customers.

EC RECOMMENDATIONS:

- 1.) The Petitioner should construct tree trenches that will improve the long term viability of the trees and improve water infiltration, while maintaining the intent of the Commercial Downtown Zoning District to provide large sidewalks.
- 2.) The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure.
- 3.) The Petitioner should provide space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.

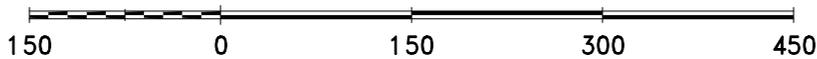


Wintown

Core

UV-15-13
Location map

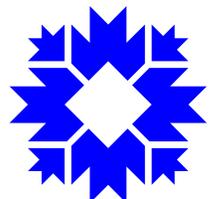
By: roachja
1 Mar 13



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 150'

March 23, 2013

James Roach
City of Bloomington
Planning Department
401 N. Morton Street
Bloomington, IN 47404

RE: 10-North

Dear Mr. Roach:

Please accept this revised application for the redevelopment of the southeast corner of 10th and College. This application has been revised with the input of Planning Staff through its discussions with various Plan Commission members and sub committees. This application is for a mixed use development on .64 acres that will include 6,000 square feet of lower level retail and 51 multifamily units.

The property is bounded on three sides by public right-of-ways; on the north by 10th Street, on the west by College Avenue, and on the east by an alley. The site is predominately paved with a single commercial structure at the center.

Site improvements will consist of a multi-story building. The north half of the building will be 5 stories and south half will step down to 4 stories and a more urban streetscape utilizing concrete paving and tree grates. The first floor will have two tenant spaces totaling 6,000 sf. The northern most tenant space will be a full service bank branch which will provide drive-up within the building footprint and will not be visible from the street. The southern tenant space will consist of retail uses recognized in the downtown. The remainder of the first floor will be devoted to parking.

Access to the first floor parking will be provided from College Avenue with exiting traffic returning southbound on College or utilizing a right-out-only onto 10th Street. The first floor will have 27 parking spaces. There will be additional 24 parking spaces provided on the second floor and accessed from the alley to the east.

The second through fourth floors and partial fifth floor will consist of a mix of one, two and three bedroom apartments that total 51 units, 77 bedrooms. The unit mix yields an EDU count of 23 units for 36 units/acre.

The architecture will integrate elements of the urban surroundings to help the project fit into the downtown context. Some examples of this include the proportions of openings which will addresses a balance between voids and solids, composition of materials, addressing scale at the street level, and overall building mass. The material pallet will include masonry, glass, and metal panel which will also help place the building into the surrounding downtown.

The fifth floor is predominantly glass to reduce the overall mass of the building while also providing unique architecture accented by butterfly roof. The fifth floor has been setback from the College Avenue facade of the building by six feet to aid in diminishing the overall perceived height. The roof element as well as the site topography will create an overall building height that will require a waiver.

The original length of the building has been shortened to provide an additional 5 feet of setback from 10th Street to allow better pedestrian accommodations and the addition of street trees. Street trees along College Avenue and 10th Street will be consistent with the City's urban street plan.

The architecture will integrate elements of the urban surroundings to help the project fit into the downtown context. The material pallet will include masonry, glass, and cementitious panels. Some of the sustainable features that we will look to incorporate into the project include:

Daylighting:

- Provide natural light where possible to reduce the use of artificial lighting (such as in corridors and common spaces, in addition to the living units).

Energy Efficiency:

- Provide shading devices at windows to control harsh, unwanted afternoon sun and minimize the burden on HVAC systems.
- Provide energy efficient mechanical systems to reduce energy.
- Provide a highly efficient insulated envelop to minimize the use on HVAC systems.
- Utilize Low-E Glass to reduce heat transfer.

Indoor Air Quality:

- Provide operable windows to allow for individual comfort control which can help to reduce the use of mechanical systems during optimal months.
- Provide Low-Emitting materials where possible.

Recycling and Water Conservation:

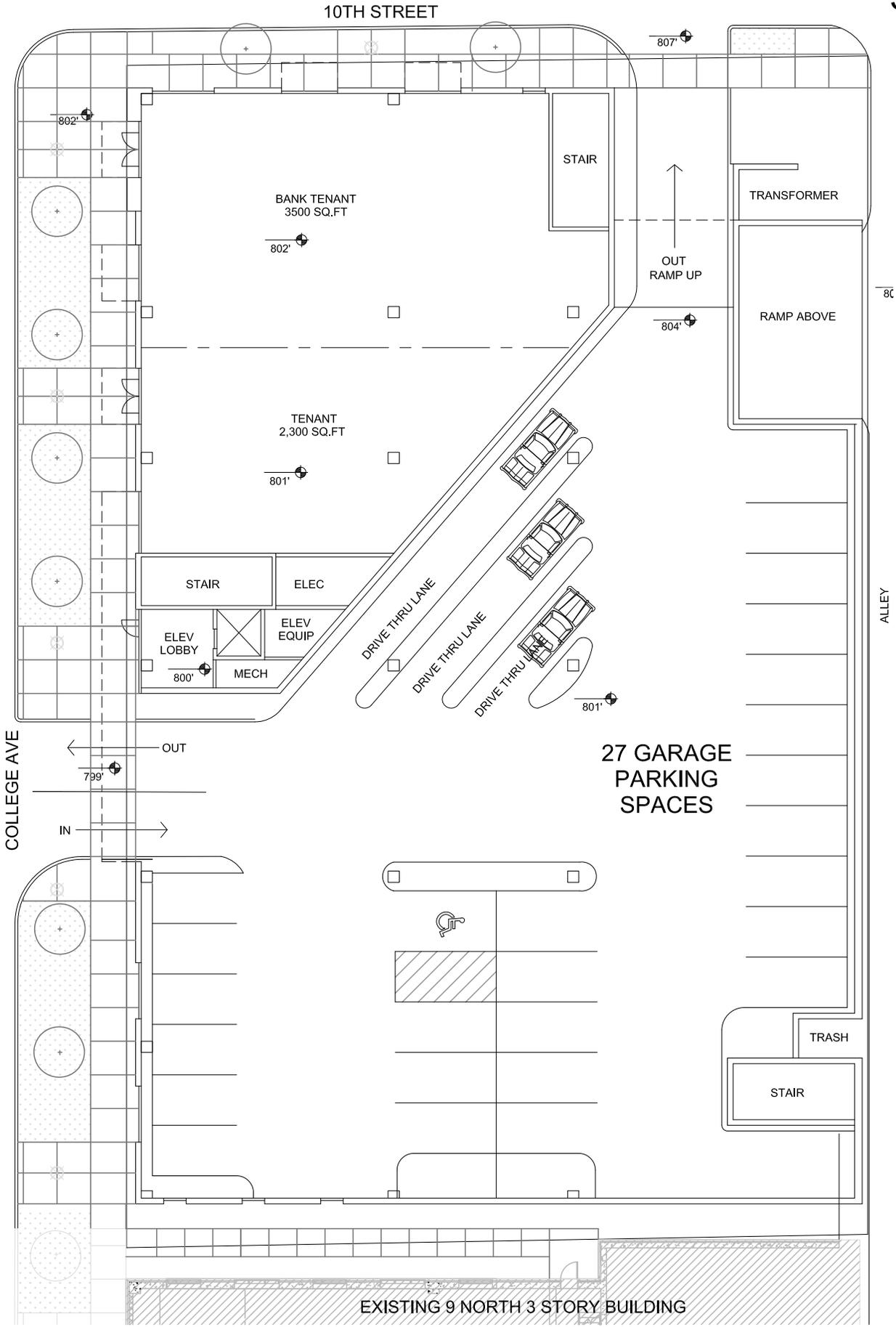
- Use recycled materials where possible.
- Use locally extracted, manufactured, and processed materials where possible.
- Use Low-flow toilets and sinks where possible to conserve water.
- Sort and recycle on site construction waste during construction to minimize contribution to landfills.

We feel this building will create a positive statement along the College Avenue corridor and create a defining entry point to Bloomington's downtown from the north. We appreciate your consideration of this request and ask for you support.

Respectfully,



Timothy A. Hanson



1

FIRST LEVEL
SCALE: 1/16" = 1'-0"

UV-15-13
site plan and first floor plan

10 NORTH MIXED USE

WS PROPERTY GROUP

© RATIO Architects, Inc. MARCH 22, 2013





WEST ELEVATION
 SCALE: 1/16" = 1'-0"

UV-15-13
 College Elevation

10 NORTH MIXED USE

WS PROPERTY GROUP
 © ZBARTO Architects, Inc. | MARCH 22, 2013





NORTH ELEVATION
 SCALE: 1/16" = 1'-0"

UV-15-13
 10th St. Elevation

10 NORTH MIXED USE

WS PROPERTY GROUP
 © 2013 RATIO Architects, Inc. | MARCH 22, 2013





UV-15-13
Model image



UV-15-13
Model image



UV-15-13
Model image



UV-15-13
Model image

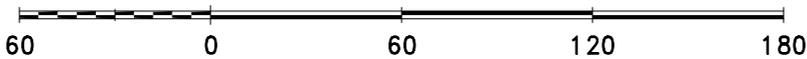


UV-15-13
Model image

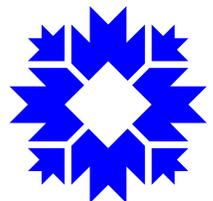


UV-15-13
2011 Aerial Photo

By: roachja
1 Mar 13



City of Bloomington
Planning



Scale: 1" = 60'

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1200 N. Jordan Ave.**

**CASE #: V-16-13
DATE: April 18, 2013**

**PETITIONER: Phi Kappa Psi – Indiana Beta Inc.
510 E. 96th Street, Suite 500, Indianapolis**

REQUEST: The petitioner is requesting variance from maximum parking, parking setback and drive separation requirements.

| | Existing | Required | Proposed |
|------------------------------|------------------------------------|-------------------------------------|------------------------------------|
| Drive Separation | 32 feet | 100 feet | 82 feet |
| Front parking setback | 14 feet (from sidewalk) | 100 feet (from sidewalk) | 40 feet (from sidewalk) |
| Maximum parking | 60 spaces | 32 spaces (max.) | 48 spaces |

REPORT SUMMARY: This approximately 2.6 acre property is located at the northeast corner of N. Jordan Ave, and E. Lingelbach Lane and is zoned Institutional. Surrounding land uses to the north, west and south are fraternities and sororities. To the east is the Indiana University Metz Memorial Carillon. The property has been developed with a 2-story, 60 occupant, fraternity for the Phi Kappa Psi chapter.

The fraternity would like to demolish the existing structure and build a new chapter house. Proposed is a 3-story, 81 occupant building with 40 2-person rooms and 1 house director apartment.

With the new construction, the petitioner is required to bring the site with the UDO. Three aspects of the proposal, maximum parking, parking setback and drive separation, do not meet the UDO and the petitioner has requested variance from these standards.

Maximum Parking: The UDO bases parking for fraternities and sororities on the number of bedrooms. The maximum parking is 0.8 spaces per bedroom. This is less than that applied to apartments (1:1). In many greek houses, rooms are often occupied by 2-4 people. While the petitioner estimates occupancy of 80 members, there will only be 40 bedrooms. The maximum parking for this building 32 spaces.

Existing on the property are 60 spaces for 60 current occupants. If parking was based on 0.8 spaces per occupant, the maximum parking for the new building would be 64 spaces. Staff conducted inspection of the property during a weekday morning and found the exiting parking lot mostly full. The proposal would increase the number of occupants while decreasing the number of parking spaces. The proposed number of 48 spaces is more than the maximum (32), but less than 0.8 times the number of occupants (64).

Front Parking Setback: The petitioner is also requesting a front parking setback variance. The existing parking lot is only 14 feet from the sidewalk. Many of the fraternities and sororities along Jordan Ave. have parking lots that come very close to the street. This is likely due to the 100 foot platted private setback from the centerline of the road. This setback was created by Indiana University when it subdivided the land in 1952. The

purpose was to create greek housing within large front yard. The petitioner would like to continue some parking forward of the building line. This proposed parking setback is 26 feet further back from the street than the existing parking. This area will provide opportunities to screen the parking with landscaping. In addition, a circle drive and parking area is being removed from the corner of the lot with this petition. The parking setback variance will also allow for additional parking beyond the maximum, but not beyond the demonstrated needs of the chapter.

Drive Separation: The UDO requires a 100 foot setback between drives. There is a location on the property that would meet this setback requirement from the existing drive on the Alpha Gamma delta sorority to the north that was built very near the property line. The complying location is closer to the middle of the property. Because of the need to situate parking to the side and rear of the lot, constructing a drive in the middle of the lot would require an awkward curve to pull the drive around the building. The petitioner is requesting a variance from the driveway separation requirements to place a drive 82 feet from the closest drive and 50 feet further than the existing drive.

CRITERIA AND FINDINGS

20.09.130 (e) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

Staff's Finding: Staff finds no injury to the general welfare. The proposed drive cut will provide adequate separation from the drive to the north. The overall parking ratio is being reduced with this variance request. The property will meet maximum impervious surface coverage requirements. It will reduce the number of curb cuts from 3 to 2. In regards to the parking setback, the existing parking lot has been located between the building and the street for many years with no known injury. This request will increase the setback, allowing additional landscape buffering.

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.*

Staff's Finding: Staff finds the use and value of the area adjacent to the property will not be negatively impacted. Other chapter houses on N. Jordan Ave. have driveways close to the property line in order to access rear parking lots and parking forward of the building front. This parking variance will allow the petitioner to meet the parking needs of the use on site while reducing spill-over parking onto adjacent properties.

3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

Staff's Finding: Staff finds peculiar conditions for the parking setback variance in the existing parking setback, pattern of reduced parking setback in the block and the large

platted building setback. Peculiar condition for the drive setback variance is found in the closeness of the next drive cut to the north and the location of the existing curb cut. Staff finds peculiar conditions for the parking variance in the nature of the living and sleeping arrangements of this fraternity. While other fraternities and sororities may have one member per bedroom, this fraternity has been designed to house two members per room.

Practical difficulty is found in that if the parking variance is not approved, the petitioner would only be permitted to build 32 parking spaces. This amounts to only 0.39 spaces per occupant. This would force 49 members to spill over more cars onto surrounding properties or the street. Practical difficulty is found in that if the parking setback variance is not approved, 13 additional spaces would need to be removed, forcing 62 members to park elsewhere. Practical difficulty for the drive separation variance is found in that the only location on the property that would meet the 100 foot separation requirements is in the middle of the lot. Because this property is to be developed with a single building, the drive would have to curve sharply the north to access the side and rear of the lot. This may also violate the UDO's front driveway angle minimums (minimum 45 degrees) and creates unnecessary additional impervious surfaces.

RECOMMENDATION: Based on the written findings, staff recommends approval of the variance with the following condition:

1. Site must be brought up to compliance with other provisions of the UDO, including but not limited to landscaping, bike parking, sidewalks, street trees, parking lot surfacing/water quality and lighting.

Cunningham + Associates, Inc.

Architects

EXHIBIT A

VARIANCE REQUEST, CASE V- -13
CITY OF BLOOMINGTON PLANNING DEPARTMENT

1. Parking Count: The existing house has an approximate capacity of 60 residents and 59 parking spaces, including spaces on the circular driveway. The new house will have a capacity of 80 beds + 1 house director and 4 employees. Public parking is no longer available on the street because the University now leases those spaces. With more house residents and no street parking, parking availability will be far more restricted at the new house than it is currently at the existing house.

We have made arrangements to have the occupied parking spaces counted at the existing house each week at 11:30-noon on Monday and Wednesday and at 6:00 PM on Monday (meeting night), beginning this week. The information was requested by the City at our last meeting, but spring break interfered. The counts will be available by the time this case is heard.

The City maximum parking count is based on the .8 spaces per bedroom, regardless of the # of occupants in each bedroom. The new house will have (40) 2-man bedrooms + a house director's apartment. That allows a maximum parking count of $.8 \times 41 \text{ BR's} = 32.8 \text{ spaces}$. The Chapter believes the house would not be viable with that minimal parking count. If the # of spaces were based on $.8 \times \text{the \# of beds}$ ($.8 \times 81 \text{ beds} = 64.8 \text{ spaces}$), as would be the case if each BR were single occupancy, the allowed parking would be 64.8 spaces. The site plan is designed with 47 spaces for everyday use, but with + 12 spaces (59 spaces) during maximum capacity events, such as meeting nights. The extra spaces become available by parking on the basketball court.

We are requesting a variance to allow the parking lot as drawn on the site plan.

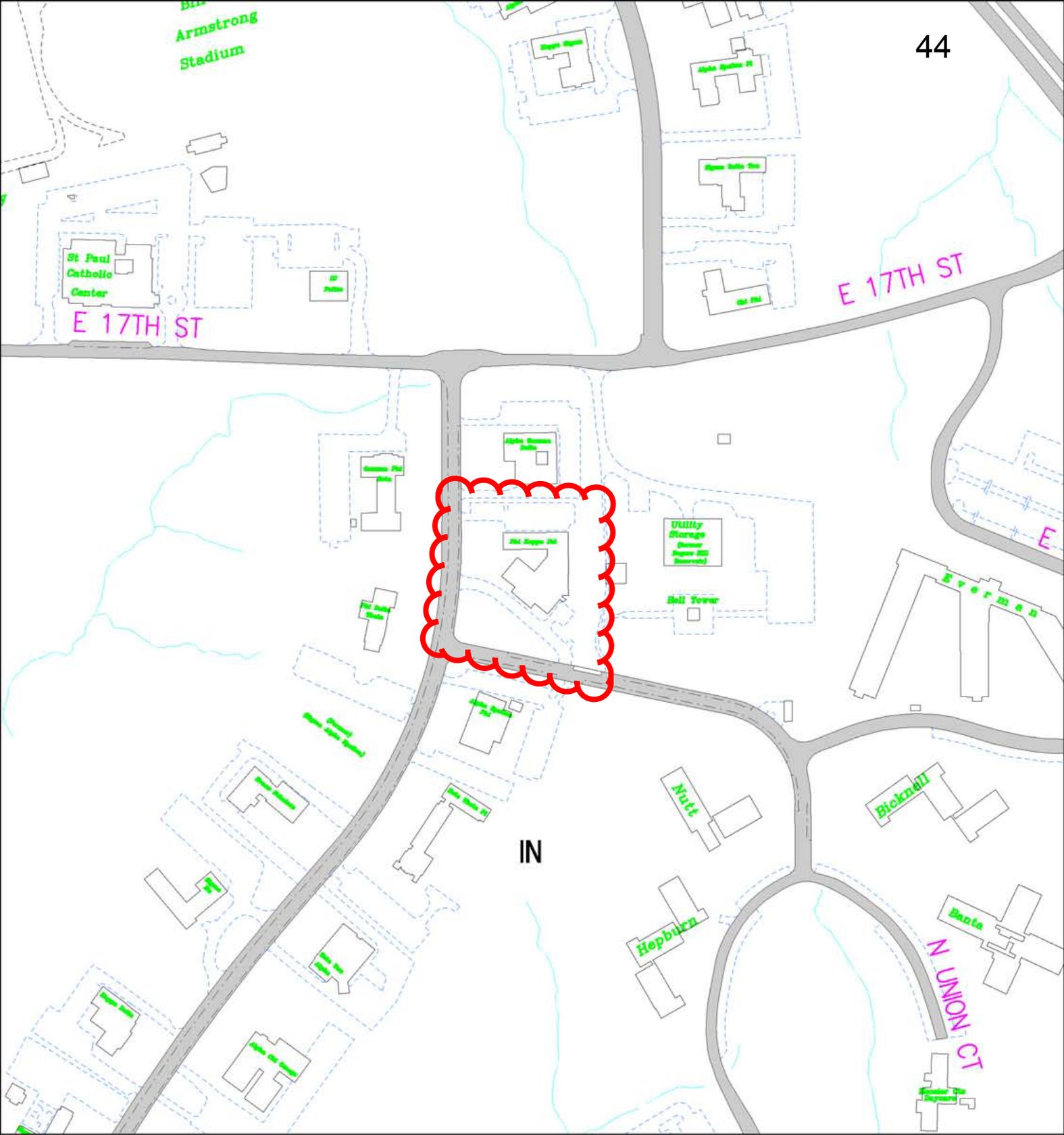
2. Front Yard parking Setback: The City setback is 20' behind the street face of the building. The City setback on Jordan Ave. is 15', which would allow parking 35' from the property line if the building were built on the setback line. But Jordan Ave. has a deed restricted setback of 70' from the property line for buildings, and no setback for parking. The Jordan Avenue Greek row was developed based on the deed restricted setback requirements, as evidenced by the existing houses, all of which violate City requirements.

We are requesting front yard parking setback of 70' from the centerline of Jordan Avenue, unrelated to the street face of the building. We arrived at this setback based on discussion with City Staff.

3. Curb Cut Separation: The proposed new driveway is 104' from the adjacent neighbor's existing driveway measured to the centerlines of each. But the restricted separation is a minimum of 100' at the closest side of the driveways. The existing Phi Kappa Psi driveway is separated by less than 30' from the adjacent neighbor's driveway. Separation greater than the proposed separation is not practical because the adjacent neighbor's driveway is less than 5' from the shared property line. Also, the deed-restricted building setback on Jordan Avenue limits the building and parking location options. None of the existing houses on the Jordan Avenue Greek row meet this restriction.

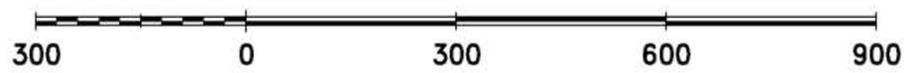
We are requesting a driveway location within 100' of the adjoining neighbor's driveway.

END

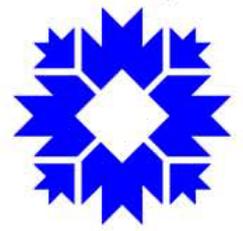


V-16-13
Location Map

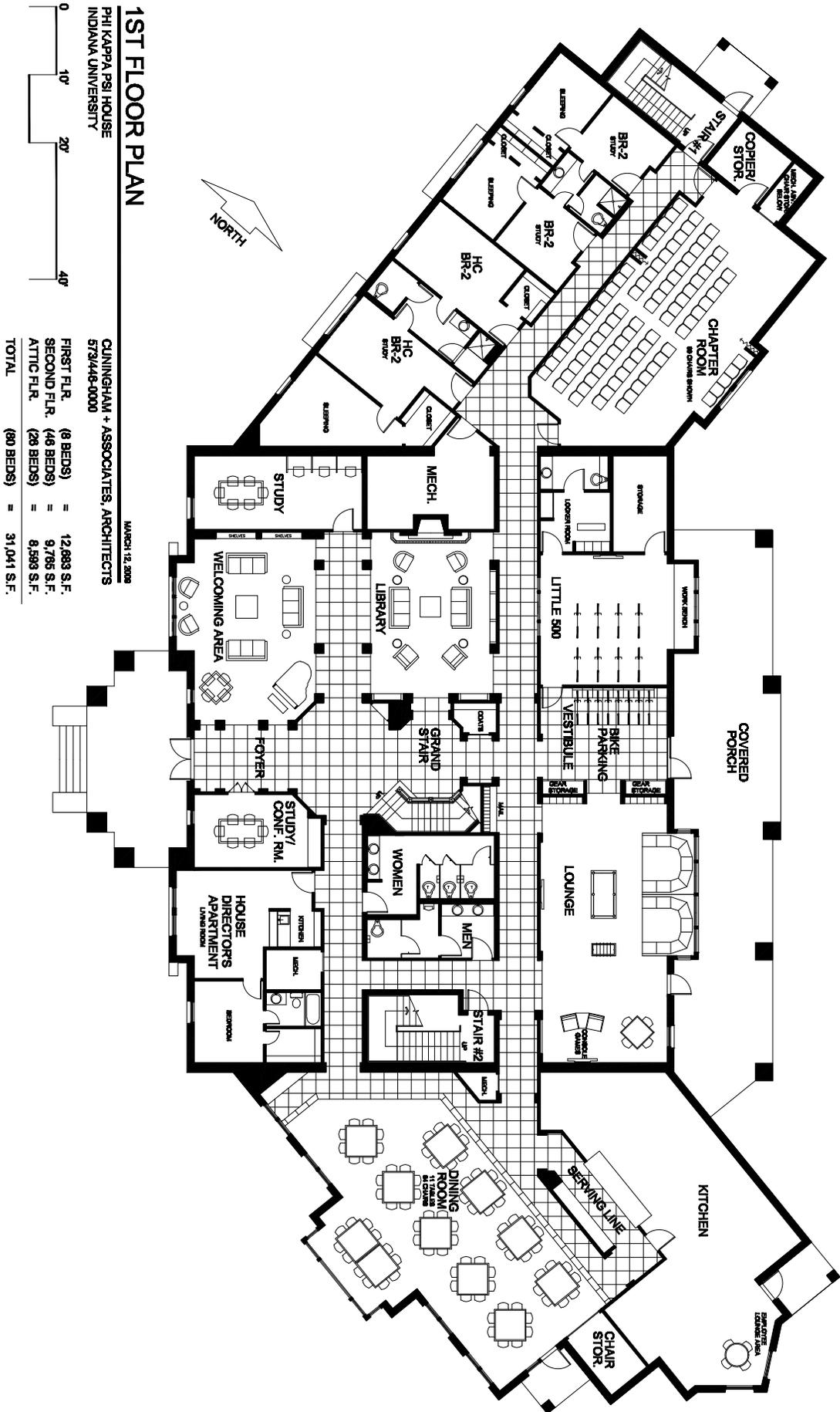
By: roachja
10 Apr 13



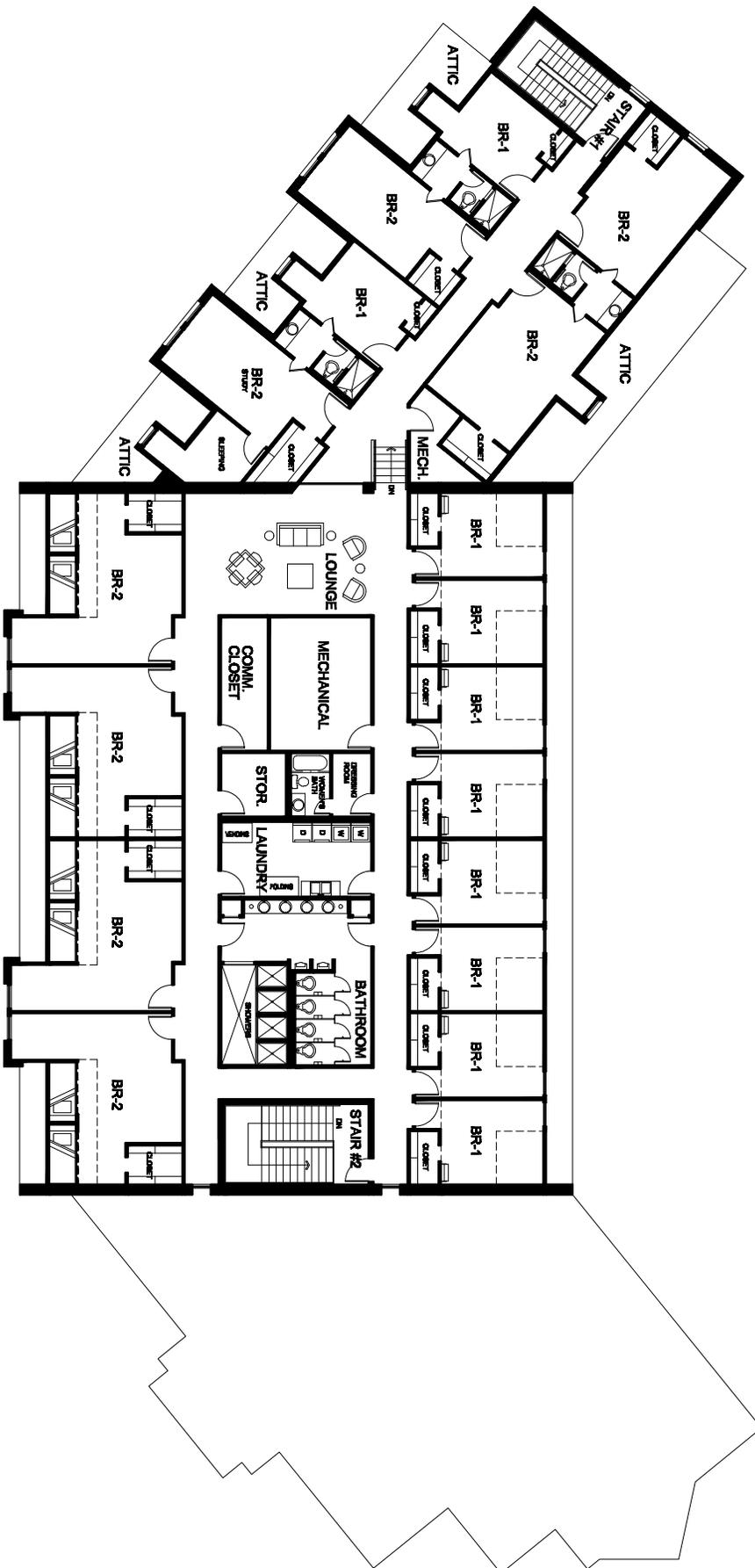
City of Bloomington
Planning



Scale: 1" = 300'



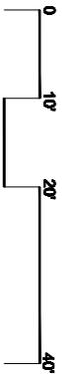
V-16-13
First Floor Plan



ATTIC FLOOR PLAN

PHI KAPPA PSI HOUSE
INDIANA UNIVERSITY

CUNNINGHAM + ASSOCIATES, ARCHITECTS
573/448-0000
MARCH 12, 2009



| | | | |
|--------------|------------------|---|--------------------|
| FIRST FLR. | (8 BEDS) | = | 12,883 S.F. |
| SECOND FLR. | (46 BEDS) | = | 9,785 S.F. |
| ATTIC FLR. | (26 BEDS) | = | 8,588 S.F. |
| TOTAL | (80 BEDS) | = | 31,041 S.F. |

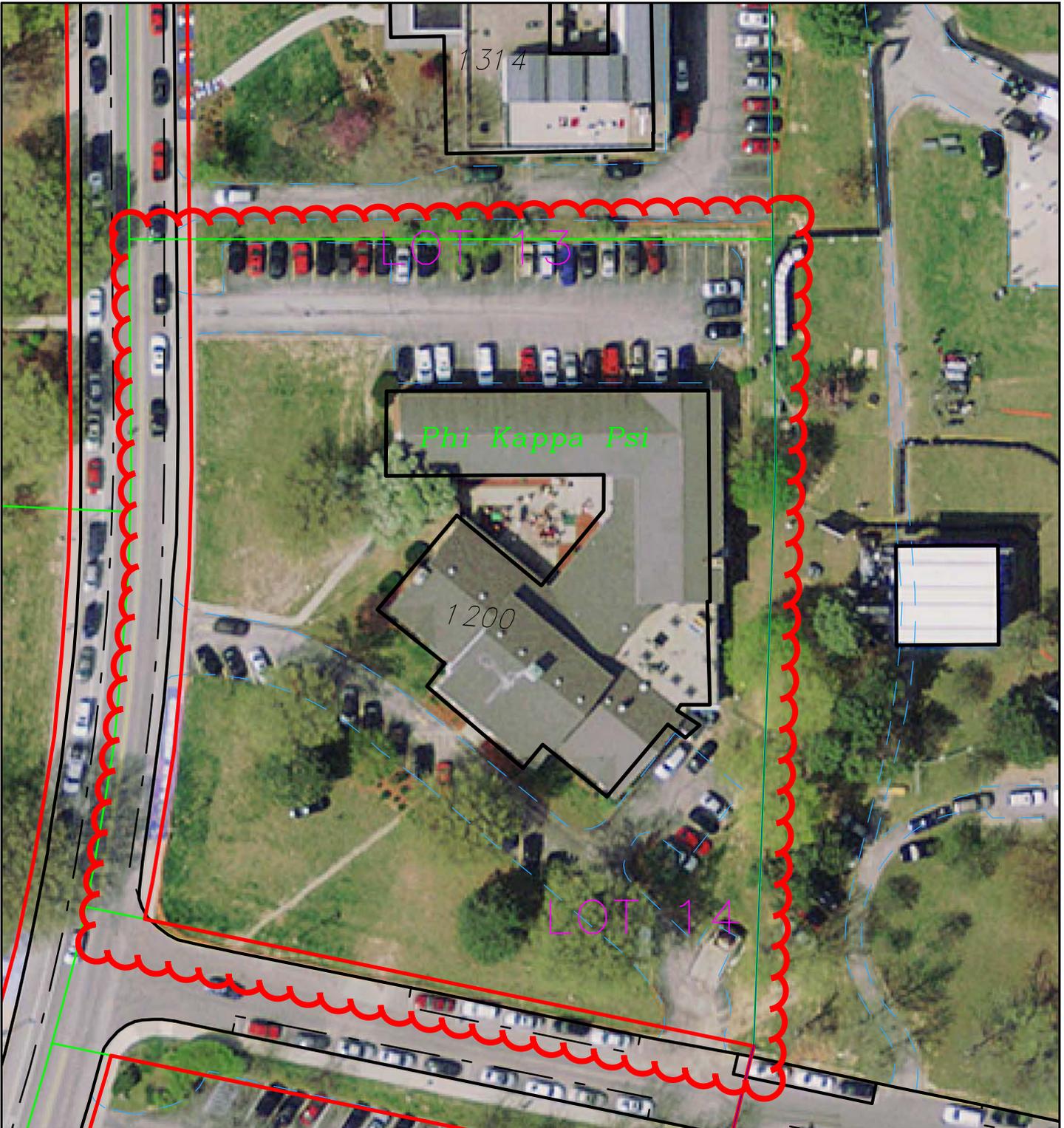


V-16-13
Elevation of Front



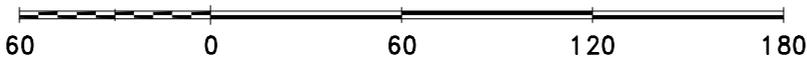
Phi Kappa Psi Fraternity House
Indiana University

Cunningham + Associates, Inc. - Architects
Greek Housing Specialists
573/446-0000
www.Greekink.com



V-16-13
2011 Aerial Photo

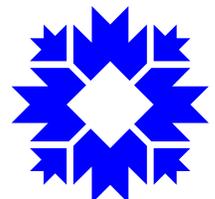
By: roachja
10 Apr 13



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 60'