

CITY OF BLOOMINGTON



JULY 19, 2012 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: May 24, 2012

PETITIONS:

- UV/V-29-12 **Bill Shank & Bloomingfoods**
600-614 E. 2nd St., and 606-612 S. Fess Ave.
Request: Use variance to allow outdoor merchandising within a Commercial Limited (CL) zoning district and single family homes within a Residential Multifamily (RM) zoning district. Also requested is a package of variances from building setbacks (front, side and rear), parking setbacks (front, side and rear), minimum lot width, minimum lot area, density, maximum impervious surface coverage, landscaping, maximum height, buffer yard, maximum individual commercial tenant size, and back-out parking standards.
Case Manager: Patrick Shay
- UV-23-12 **Bloomington Cooperative Living, Inc.**
404 W. Kirkwood Ave.
Request: Use variance to allow a housing cooperative.
Case Manager: Eric Greulich
- UV-26-12 **Life Designs, Inc.**
2440 S. Henderson St.
Request: Use variance to allow ground floor multi-family residential units in the Commercial Arterial zoning district.
Case Manager: Eric Greulich
- UV/V-27-12 **Mid-America Radio Group (Spirit Radio)**
2723 N. Walnut St.
Request: Use variance to allow a radio tower and a radio station. Also requested are variances from riparian buffer, front and side yard setback for satellite dish, and front yard parking setback standards.
Case Manager: Jim Roach
- UV-28-12 **Storage Express Holdings, LLC**
301 W. Patterson Dr.
Request: Use variance to allow development in the floodplain.
Case Manager: Eric Greulich
- CU-30-12 **Debra Parker-Hawkins**
514 W. Kirkwood Ave.
Request: Conditional use approval for an historic adaptive reuse within a Commercial General (CG) zoning district.
Case Manager: Patrick Shay

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT**

**CASE #: UV/V-29-12
DATE: July 19, 2012**

Location: 600-614 E. 2nd St. & 606-612 S. Fess Ave.

PETITIONERS: Bill Shank
12110 N. Gray Road, Carmel, IN

Bloomingfoods
117 S. Gentry Ave, Bloomington

CONSULTANTS: Smith Neubecker and Associates, Inc
453 S. Clarizz Blvd, Bloomington

Marc Cornett
101 E. Kirkwood Ave, Bloomington

REQUEST: The petitioners are requesting use variances to allow single family homes within RM and CL districts to be located on new lots and outdoor merchandising within a CL zoning district. Also requested are variances from building setbacks (front, side, and rear), parking setbacks (front, side, and rear), lot width, minimum lot area, maximum density, maximum impervious surface coverage, landscaping, building height, buffer yard, back-out parking, and maximum individual tenant size (CL district) standards.

Zoning:	RM, RH, and CL
Acreage:	1 Acre
GPP Designation:	Core Residential
Existing Land Use:	Single family, Multi-family, vacant commercial
Proposed Land Use:	Mixed-Use
Surrounding Uses:	Mixed-residential (Elm Heights Neighborhood)

SUMMARY: The petitioners currently have several properties that are bound by S. Henderson Street to the west, E. 2nd Street to the north, and S. Fess Avenue to the east. The properties are bisected by an existing north/south alley right of way and there is also an existing east/west alley that borders the property to the south. Three existing single family lots on the western portion of the site are zoned Residential Multifamily (RM). An existing parking lot west of the alley, the former K & S Grocery building, and an existing 5 bedroom house located at the northeast corner of the site are zoned Commercial Limited (CL). An existing multi-family structure at the southeast corner of the site is zoned Residential High-Density Multifamily (RH). The site is surrounded by other multi-family zoning districts to the north, east, and west and Residential Core (RC) zoning to the south. There is a mix of single family and multi-family structures in the immediate area that have a high percentage of rental use.

The petitioners are proposing to remove the former commercial building, construct a new commercial structure of 5,100 – 6,700 square feet to house Bloomingfoods, and construct a new multifamily building with 21 bedrooms in 19 units on the southwest

corner of the property. The petitioners are seeking a replat of the properties to place all of the existing and proposed structures on their own lots. To permit this development and the future subdivision of these lots, the petitioners are seeking several development standards variances.

In addition to the development standards variances, the request has two aspects that require use variances. The future subdivision requires a use variance. In the RM district, the Unified Development Ordinance (UDO) only permits single family structures on “lots of record” created prior to the existing ordinance. Essentially, this allows single family homes to be constructed or expanded in districts other than those zoned for single family use. What the UDO does not permit is for new single family lots to be created within non-single family districts. Therefore, a large multi-family tract could not be subdivided into single family subdivisions intended for new homes. The existing single family homes on the site are all permitted as they are on long-standing, individual lots. However, the proposed redrawing of these lots to accommodate the new commercial and multi-family structures will alter the “lots of record”. Since the existing single family homes would no longer be on “lots of record” created prior to the UDO, a use variance is necessary prior to a new subdivision.

Staff is supportive of this request. If the single family homes are allowed to remain on individual lots, it will allow the possibility to be reverted back to owner-occupied homes in the future. If the new lots are not approved, the petitioners would most likely aggregate the lots into a single lot with multiple structures. Additionally, these are existing structures. The approval would only allow the historical lots to be reduced in size and altered in shape.

The second use variance that is being reviewed with this request is to allow a commercial tenant to have outdoor merchandising. Outdoor display of goods is not permitted within the CL zoning district and is normally associated with larger retail users. The petitioners see an outdoor component to the grocery store to be an integral part of their business. As evidenced by the existing Bloomingfoods store at the corner of W. 6th Street and N. Madison Street, staff finds that the outdoor component to the proposed grocery will only enhance the pedestrian nature and experience of the store.

Due to the infill nature of the project, many of the technical site plan requirements would not be met. With this development request, each individual lot is required to meet UDO standards in terms of setbacks, buffers, density, impervious surface coverage, etc. This has resulted in the large package of variances. Staff finds it appropriate to review the petition in a manner that determines the appropriateness of the overall project in terms of the impact to the surrounding area and other variance criteria. Again, the site plan has been developed with significant input from the Elm Heights Neighborhood.

Parking: The existing site has a parking lot that is located west of the north/south alley and includes parking spaces within the alley right-of-way. The drive aisle for the parking lot functions as the alley, but is not within the right-of-way. The petitioners are proposing to rework this parking area to create a vegetated buffer between 2nd St. and the parking lot, create parking lot islands that better define the parking area from the

alley to the south, create new greenspace within the parking lot, reduce the width of the drive onto 2nd St, create a bicycle parking area, and provide approximately 22 parking spaces to be shared by the new multi-family structure and the new grocery.

The petitioners are proposing to continue the current configuration with parking spaces encroaching into the alley right-of-way and the parking lot aisle functioning as the alley. However, with this request, the petitioners would legitimize the encroachment of the parking and place an ingress/egress easement within the aisle to ensure access through the site in place of the alley.

In addition to the 22 surface parking spaces, the proposed apartment building has been designed to include 9 parking spaces within the building that will back-out onto the alley to the south. The alley will be widened at this location to accommodate the necessary turning movements. The parking area will be open to the south and west facades. The petitioners have added a screen wall to the west to buffer the parking area from Henderson St. These parking spaces will meet the minimum required on-site parking spaces for the new apartment building. This lot has a minimum parking requirement due to the RC zoning district to the south.

Staff is recommending that tenants of the new structure not be eligible to receive neighborhood parking permits. This recommendation is an attempt to not add to the residential parking burden on the surrounding neighborhood parking zone. Staff does find it appropriate to allow the tenants of the existing residential structures to continue to be eligible for zone parking permits.

The existing parallel parking spaces along 2nd St. are proposed to be replaced with 11 angled street parking spaces mostly utilized by the grocery. Several existing surface parking spaces are currently located on the site immediately adjacent to the intersection of 2nd St. and Fess Ave. This area of pavement will be removed and replaced with a plaza constructed of pervious pavers and utilized by the grocery. There is a large elm tree adjacent to this area that will be preserved and protected throughout construction. The existing drive cuts onto both 2nd St. and Fess Ave. would be removed with this petition.

A new pervious parking area for 5 parking spaces is being proposed for the multi-family structure at 612 S. Fess. This will bring the property into compliance with UDO parking requirements as this lot is adjacent to an RC zoning district. The other single family structures on the property are not immediately adjacent to the RC zoning district and have maximum parking requirements. An existing shared drive between 604 and 608 E. 2nd St. will remain with this proposal.

Scale/Architecture: The proposed commercial building is proposed to be a one-story or one-story with a partial mezzanine level. If the mezzanine proposal is chosen, the store will have more of a two-story appearance. The north façade of the structure will be constructed of brick and glass storefront. It will include a metal canopy structure. The brick will wrap the corners of the structure and will transition to painted block further to the south. The roof is proposed to be flat with a decorative parapet on the brick portion. The petitioners are exploring the possibility of utilizing the block facades

for vegetated green walls. The petitioner has submitted elevations of both options. Staff is supportive of both options.

The apartment building is proposed to be 3-stories in height (42'). A height variance has been requested. The building will have a front entry facing the Henderson St. frontage with a covered porch entry. The materials are proposed to be cement board of differing styles such as horizontal siding and board and batten patterns. The roof would be shingled with a hip roof.

Streetscape: With this petition, the adjacent streetscapes will be significantly modified. Two drive cuts will be removed completely and a third will be reduced in width. New angled spaces would replace existing parallel spaces on 2nd St, therefore reducing the road width. New street trees are proposed for sections of 2nd St. and along Henderson St. Some existing sidewalks will be reused, while several sections of new sidewalk will be required to be installed. The sidewalk along 2nd St. is proposed to be routed under the proposed canopy of the grocery in a manner similar to Bloomingfoods' W. 6th St. store. The proposed use variance would allow this area to also be utilized for display of produce and goods. Another significant improvement is the conversion of the existing surface parking lot located at the northeast corner into a plaza space. Staff finds these to be desirable improvements to the existing streetscape that is currently dominated by surface parking and a vacant commercial building in disrepair.

SUMMARY OF APPROVAL/FUTURE LOTS: The petitioners have applied for a new subdivision to be reviewed if the requested variances are approved. A copy of the proposed plat has been included in your packet. The proposed lots and their respective proposed development has been summarized as follows:

Lot 1: This lot has been reduced in size and would continue to have a 5-bedroom single family home with no on-site parking. No other changes to this property are proposed

Lot 2: This lot has been reduced in size and would continue to have a 5-bedroom single family home with a shared drive with Lot 3. No other changes to this property are proposed

Lot 3: This lot has been reduced in size and would continue to have a 5-bedroom single family home with a shared drive with Lot 2. No other changes to this property are proposed

Lot 4: This lot includes the former rear yards for Lots 1-3 and an existing surface parking lot west of the north/south alley. This lot would contain a new multi-family apartment building with 19 units with 21 bedrooms. There would be 9 garaged parking spaces accessed by the east/west alley and 22 parking spaces. 9 of the 22 parking spaces are located mostly within the right-of-way for the north/south alley. These spaces will need to receive a right-of-way encroachment approval from the Board of Public Works. The parking lot will be shared by the proposed commercial user on Lot 5.

Lot 5: This lot would be the future home of Bloomingfoods. This lot is being “broken off” from the single family home located on Lot 6. A new lot line would separate the two properties. This lot would also include the new plaza space at the southwest corner of 2nd St. and Fess Ave. The streetscape for this property along 2nd St. would also be heavily modified to create up to 11 on-street angled spaces while narrowing the 2nd St. travel lanes. The public sidewalk would be relocated south and run under the proposed canopy of the grocery structure. This sidewalk would be placed within a pedestrian easement. Additional right-of-way along 2nd St. would be dedicated to incorporate the new parking spaces.

Lot 6: This lot is being created to separate ownership between the existing single family home and the proposed commercial structure. There is no on-site parking associated with this lot.

612 S. Fess: This is the existing lot and is not part of the proposed plat. This structure has 5 one-bed units that will remain with this request. A new 5-space parking lot accessed from the east/west alley would be approved with this request.

VARIANCES: As proposed, this site plan requires a large number of variances from the UDO. These variances are necessary for a variety of reasons. Some variances such as impervious surface coverage, building and parking setbacks, lot width, and lot area will allow the existing and proposed structures to be placed on newly created individual lots. Other variances such as density, impervious surface coverage, building height, back-out parking, landscaping, and buffer yards are necessary to accommodate the new construction and parking areas.

Variances are often necessary in association with infill/redevelopment projects. With this project, the difficulty in meeting code requirements is magnified due to the presence of three different zoning districts, two adjacent alleys, and several existing structures. Although there are a large number of variances, staff has worked closely with the petitioners and the Elm Heights Neighborhood to develop a site plan that has been determined to be the most compatible option that achieves the reintroduction of a neighborhood grocery into this core neighborhood.

Therefore, staff views the variance package as an integrated request that is necessary to achieve the ultimate goals of the petitioners, the City, and the neighborhood. Staff finds that it is the overall result that justifies the entire package of variances. This package includes the following variances:

Use Variances: This request will allow for a mixed-use project that overlaps three different zoning districts. It would also allow for the grocery to have outdoor merchandising. Lastly, the use of the single family homes would be permitted to continue on the newly created Lots 1-3 and 6.

Density: This proposal would require a variance from the density allowances for Lot 4. This 0.38 acre, RM lot would only permit approximately 4 units, while the petitioners are proposing approximately 5.1 units (DUEs applied).

Setbacks/Impervious Surface Coverage: The infill nature of this project has created the need for setback and impervious surface coverage relief for several buildings and parking areas. This request would approve all setbacks as shown on the submitted site plan. Any future additions or alterations to any building would have to meet the standards in place at the time of construction.

Lot Width and Minimum Lot Area: The proposed subdivision requires a lot width variance for Lot 4 and minimum lot area variances for Lots 1-4 and Lot 6.

Landscaping and Buffer Yards: Due to the limited greenspace associated with this infill project, Lots 4 and 5 would not meet landscaping standards. Due to the overlap of zoning districts on this property and the adjacent Residential Core zoning, the additional bufferyards are not practical to meet.

Building Height: The new multi-family structure slightly exceeds the maximum height by approximately 2 feet. Although this standard could be met through the use of a flat roof, it has been determined that a pitched roof will be more compatible with the surrounding residential structures.

Back-out Parking: This variance would allow one additional parking space to back-out along the east/west alley on Lot 4. The UDO allows for a maximum of 8 back-out spaces for this property. Staff finds that one additional space will have minimal negative impacts and was found to be supportable due to the desirability of maximizing the amount of on-site parking for the residential component of the project.

Maximum Individual Tenant Size in the CL District: The CL zoning district allows a maximum tenant size of 5000 square feet. This requirement is to restrict large retail users that draw from a more regional population from utilizing small neighborhood serving commercial properties. The proposed grocery will draw significantly from the nearby area and additional store capacity is found to be necessary to maintain viability and is desirable from a neighborhood perspective in that it allows a more varied and substantial product availability.

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 proposal only allows for the existing single family structures to remain on individual lots and for the grocery to provide a more desirable and active storefront.

- (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. This proposal will allow a significant redevelopment of a dilapidated commercial property and provide a highly desirable service component to the surrounding neighborhood.

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

Staff Finding: Staff finds peculiar condition in the combination of the existing vacant and derelict nature of some of the properties in question, the convergence of several zoning districts, and the existing nature of the single family homes. This site has long been identified as a prime redevelopment opportunity. Redevelopment of this site would allow the removal of the dilapidated commercial structure.

- (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: Staff finds hardship in not permitting the proposed development. Without these use variances, redevelopment of this parcel will be less likely and may not include the desirable inclusion of a neighborhood grocery.

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

Staff Finding: The Plan Commission found that the use was consistent with the Growth Policies Plan (GPP). More specifically, the Plan Commission ruled that the proposed use will not substantially interfere with the GPP.

The GPP designates this property as “Core Residential (CR)”. The fundamental goal of these areas is to protect and enhance “the unique character, urban form, and land use pattern of the near-downtown residential areas.”

Staff finds that the proposed redevelopment does not substantially interfere with the policies of this Core Residential area and specifically achieves the following policies:

- 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. Neighborhood-serving commercial uses, and possibly

even office uses, may be most appropriate at the edge of Core Residential areas that front arterial street locations. *Staff notes that the proposed commercial is not located along an arterial street, but is located where a historically commercial property has been located in the past.*

- Explore opportunities to introduce nodes of appropriately designed, neighborhood scaled commercial uses within the core neighborhoods.
- Discourage the conversion of single family homes to apartments.
- Promote neighborhood enhancements of public improvements such as sidewalks, streetlights, street trees and landscaping, and playgrounds and play areas.
- Residential parking should be encouraged to utilize garages accessed by alleys to the rear of properties, while front yard parking shall be prohibited.

This project also helps to meet several Guiding Principles of the GPP. Specifically, staff finds that the proposed redevelopment will help to achieve the goals of Compact Urban Form and Mitigate Traffic by providing new housing units in close proximity to campus as well as providing neighborhood-serving commercial in close proximity to existing residential units. More specifically, staff directs the BZA to the following implementation measures called for by the Compact Urban Form guiding principle:

- CUF-6 Direct commercial development to existing commercially zoned land, and provide incentives to encourage the re-use and improvement of vacant or under-developed commercial sites, particularly along arterial roadway corridors.
- CUF-9 Amend the Zoning Ordinance to allow the development of appropriately located, designed and scaled neighborhood serving commercial centers in all geographic sectors of the community.

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: Staff finds no injury with this petition. This redevelopment proposal will not create any safety risks and will only improve the surrounding area.

- 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 any of the proposed variances. The proposed construction will only enhance the surrounding area. It will remove a long vacant commercial building and will create a significant reinvestment to the area. The surrounding neighborhood was heavily involved in the development of the proposed plan and have been in support of this project.

- 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: As previously stated, variances are often necessary in association with infill/redevelopment projects. With this project, the difficulty in meeting code requirements is magnified due to the unique presence of three different zoning districts, two adjacent alleys, and several existing structures. Although there are a large number of variances, staff has worked closely with the petitioners and the Elm Heights Neighborhood to develop a site plan that has been determined to be the most compatible option that achieves the reintroduction of a neighborhood grocery into this core neighborhood.

Therefore, staff views the variance package as an integrated request that is necessary to achieve the ultimate goals of the petitioners, the City, and the neighborhood. Staff finds that it is the resulting site plan and property improvement justifies the entire package of variances.

PLAN COMMISSION RECOMMENDATION: The Plan Commission voted 7:0 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.

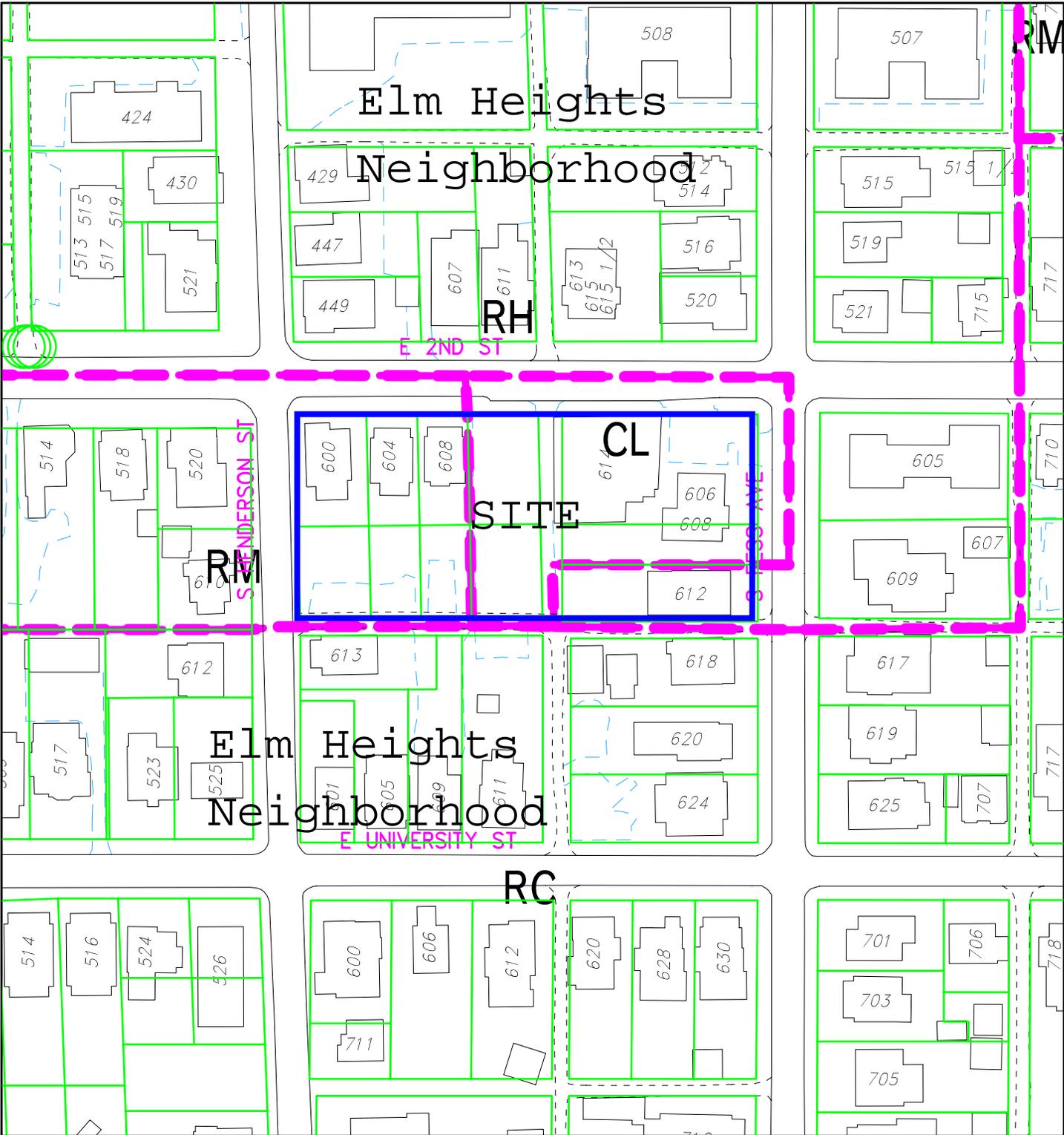
NEIGHBORHOOD INPUT: The petitioners have met with the Elm Heights Neighborhood several times throughout their planning process. The neighborhood is supportive of the use variance requests for this proposal. Additional letters of support have been included in the packet.

CONCLUSION: Staff finds that this property is a prime infill opportunity. The proposed redevelopment will replace a blighted commercial structure with a new and highly desirable neighborhood grocery. Although new multi-family structures within core neighborhoods are often discouraged, the proposed apartment building has mostly one-bedroom units. These lower bedroom count units typically have fewer compliance issues with undesirable impacts such as noise and trash. The zoning of this portion of the site as RM makes the use appropriate and the inclusion of grocery makes this mixed-use project a better fit within the neighborhood. There is a high concentration of rentals in the area and the residential and commercial uses will be able to utilize a shared parking situation to reduce the potential impacts to the surrounding street parking network. Ultimately, staff finds this proposal not only compatible with the GPP,

but that it will advance many of its goals and objectives. The proposed neighborhood grocery is a use that staff has encouraged in the past and continues to support.

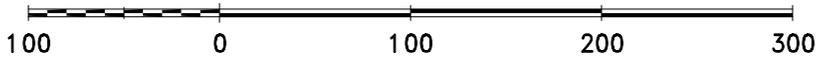
RECOMMENDATION: Based on the written findings of this report, staff recommends approval of UV/V-29-12 with the following conditions:

1. The proposed structures shall be constructed consistent with the submitted elevations.
2. The parking aisle outside of the alley right-of-way shall be placed in an ingress/egress easement prior to final occupancy permit issuance.
3. All right-of-way encroachments shall receive Board of Public Works approval prior to installation.
4. The petitioners shall record a zoning commitment which states that the petitioners shall agree to forgo any damages during the acquisition of any needed property for the widening of all associated street frontages that would be incurred due to the approval of this variance. This commitment shall be recorded prior to release of any building permits.
5. Outdoor merchandising is only permitted for the proposed grocery. Any future commercial users shall meet all outdoor merchandising standards at the time of the future change in use.
6. The tenants of the future Lot 6 shall not be eligible for neighborhood parking permits. Tenants within existing residential structures shall remain eligible for such permits.
7. This request would approve all setbacks as shown on the submitted site plan. Any future additions or alterations to any building shall meet the standards in place at the time of construction.
8. A parking easement shall be approved with the subdivision allowing shared parking by tenant(s) of the surface parking spaces located on Lot 4.

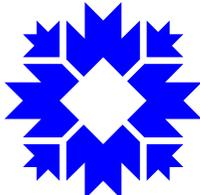


UVV-29-12
 Location/Zoning/
 Land Use Map

By: shayp
 4 Jun 12



City of Bloomington
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.



"Providing professional land planning, design, surveying and approval processing for a quality environment."

Stephen L. Smith P.E., L.S.
Daniel Neubecker L.A.
Steven A. Brehob, B.S.Cn.T.

June 12, 2012

City of Bloomington Plan Commission
And Board of Zoning Appeals
C/o Pat Shay
Planning Department
Showers Building
Bloomington, Indiana

Re: Second Street Neighborhood Grocery and Apartments
Applications

Dear Pat and Board Members,

Property owner Bill Shank and Bloomingfoods are seeking approvals to allow a mixed use infill development with a new neighborhood grocery and an apartment building at the site of the old K&S grocery on East Second Street.

The site is the north one half of the block bounded by Second Street on the north, Henderson on the west and Fess on the east. The five existing homes on the property are to remain in place with newly platted boundaries for four of the homes. The open space along Henderson Street will have the new apartment building with 21 beds. The old grocery building will be removed and replaced with a new facility. The existing parking lot will remain and be revitalized.

Plan Commission Application. Application is being made to the Plan Commission for Use Variances, creation of substandard lots, waiver to right of way dedication and preliminary plat.

- Use Variances are being sought to allow outdoor merchandise on the patio and plaza of the new grocery and the creation of substandard lots for the existing homes.
- Waivers are requested for the right of way dedication on Henderson Street and on Fess Avenue. A spreadsheet detailing these requirements is attached.
- Preliminary plat approval is for the lot reconfiguration necessary to accommodate the project.

Board of Zoning Appeals Application. Application is being made to the BZA for the use variances (2) and a package of variances (15) to the development standards to allow the proposed project. The variances are detailed on an attached spreadsheet and summarized as follows;



- Use Variances are being sought to allow outdoor merchandise on the patio and plaza of the new grocery and the creation of substandard lots for the existing homes in the CL zone.
- Building setbacks: front, side and rear
- Parking setbacks; front, side and rear
- Lot width
- Minimum lot area
- Density
- Impervious surface percentage and parking lot impervious percentage
- Landscaping
- Building height
- Buffer yard requirements
- Back out parking standards
- Maximum individual tenant size in the CL zone

Detailed Project Description. *Preliminary Plat* approval is being sought to reconfigure the existing parcels. The home and lot at 612 South Fess will remain unchanged. The lots that now include 614 East Second (grocery site) and 606-608 South Fess (existing house) will be reconfigured to provide 5' of land around the north and west sides of the house with the remaining space available for the grocery.

The parcels in the northwest ¼ block will be reconfigured to provide a small lot for each of the existing homes and an L shaped parcel for the new apartments and the existing parking lot.

The *apartment building* will be three stories and be about 42' tall. Parking is provided on the first floor off the alley. A total of 21 beds are proposed in 16 one bedroom units, 1 efficiency unit and two two bedroom units. The architecture is illustrated on the elevations being submitted with this application.

The *existing parking lot* will be retained and rejuvenated. Curbed and landscaped islands are added on the four corners of the lot and midway along the grocery frontage. The lot will be repaired and sealed or resurfaced; to be determined at site plan stage. Parking in the existing configuration requires approval to encroach from the Board of Public Works. Reuse of the existing lot minimizes the amount of site development disturbance. An easement is proposed in the isle of the parking lot to allow traffic flow that would have used the alley.

The *new grocery building* will be constructed on about the same site as the existing structure. It will be set a little farther south to accommodate diagonal parking on Second Street and a porch with canopy on the front of the building. The ground floor will have about 5100 s.f. About 1600 sf of second story space



may be developed. The existing parking lot that straddles the sidewalk in the northeast corner of the site will be replaced with an outdoor plaza serving the grocery. The stately elm tree at the southeast corner of the plaza will be preserved.

The plaza area, new parking at 612 South Fess and the pavement at the entry to the apartment building will be pervious (probably pavers).

The area is served by existing water, sewer and storm sewer lines. Connections will be made generally as shown on the preliminary drawings and as determined at site plan approval.

Landscaping shall be provided generally as shown on the landscape plan with final details at site plan review. A detailed plan for the plaza will also be submitted with the final site plan.

The following items are being submitted with this application;

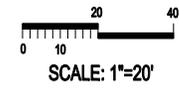
- This application letter and spreadsheets
- Application form
- Application fee
- Two full size and one reduced set of site plans
- Pdf files of the drawings
- Preliminary architectural elevations of the grocery
- Preliminary architectural elevations of the apartment building

As you know, this project has evolved and developed in close coordination with the neighborhood and planning staff over the last couple of years. Thank you for your support in getting to this point. We look forward to working with the staff and the various constituents as the project begins its way through the City enablement processes.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'S. L. Smith', is written over the typed name.

Stephen L Smith
Engineer for;
Second Street Neighborhood Grocery and Apartments



GENERAL NOTES

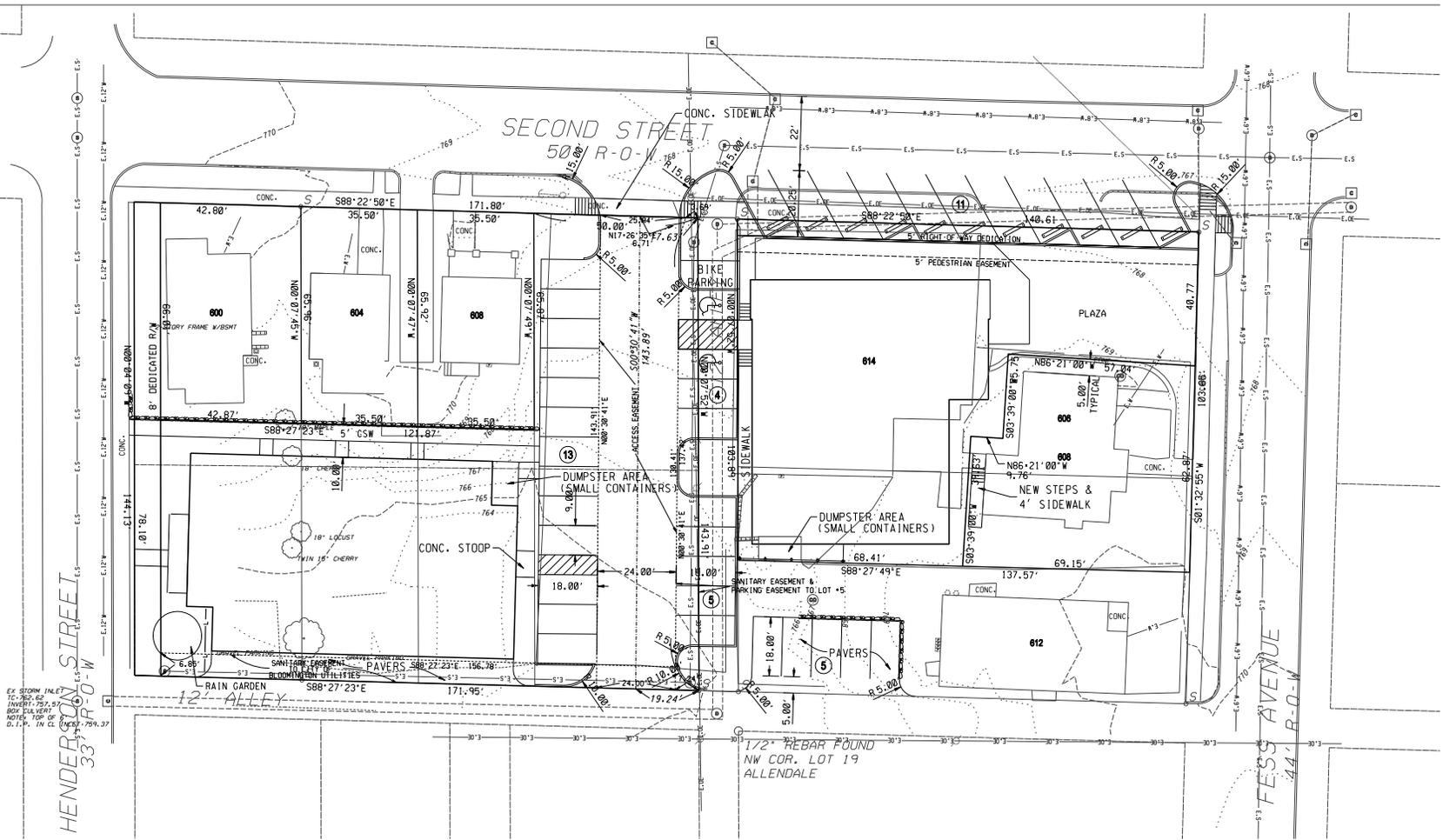
- 1) SEE SMITH NEUBECKER STANDARD SPECIFICATIONS FOR CONSTRUCTION REQUIREMENTS.
- 2) TOP OF CASTING ELEVATIONS ARE GIVEN IN THE FOLLOWING LOCATIONS: A) MANHOLELS: R/W ELEVATION B) INLETS: SEE DETAIL PACKET
- 3) LOCATION OF EXISTING UTILITIES ARE TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR. PLEASE NOTIFY ENGINEER IF FIELD ADJUSTMENTS ARE NECESSARY.

SITE PLAN NOTES

- 1) SIDEWALK MAPS SHALL BE IN ACCORDANCE WITH THE LATEST ADA AND CITY OF BLOOMINGTON REQUIREMENTS. CONTRACTOR SHALL COORDINATE WORK WITH CITY ENGINEERING PRIOR TO COMMENCEMENT.
- 2) PAVEMENT MARKINGS, IF SHOWN, SHALL BE APPLIED IN ACCORDANCE WITH SECTION 808 & 912.14 OF THE 1988 INDOT STANDARD SPECIFICATIONS AND AS SHOWN ON THE PLANS.
- 3) CONTRACTOR IS RESPONSIBLE FOR OBTAINING A CITY R/W EXCAVATION PERMIT IF WORK WITHIN THE PUBLIC R/W IS NECESSARY FOR THE PROJECT COMPLETION.

SITE LEGEND

1" DRAINAGE EASEMENT	10' OE
1" UTILITY EASEMENT	10' OE
DR. & UT. EASEMENT	10' DAUE
2" ROLL CURB	2" RC
2" CURB AND GUTTER	2" CG
6" STANDING CURB	6" SC
CONCRETE SIDEWALK	CSW
HANDICAPPED RAMP	HR
RET. WALL (CONCRETE)	RM (CONC)
RET. WALL (MASONRY)	RM (MNS)
RET. WALL (STONE)	RM (STN)
RET. WALL (WOOD)	RM (WOD)
FENCE (BARB WIRE)	F (BW)
FENCE (CHAIN LINK)	F (CL)
FENCE (SMOOTH WIRE)	F (SW)
FENCE (POST & RAIL)	F (PR)
FENCE (WOOD SLAT)	F (WS)
GUARD RAIL	GR
PROPOSED STREET TREE	STT
BOLLARD	B
DUMPSTER (WOOD)	D (W)
DUMPSTER (MASONRY)	D (M)



**UV/V-29-12
SITE PLAN**

BY DATE REVISIONS

E SECOND STREET

5 PARALLEL PARKING SPACES

4 PARALLEL PARKING SPACES

EXIST 5 BR HOUSE
600

EXIST 5 BR HOUSE
604

EXIST 3 BR HOUSE
608

24 PARKING SPACES

12' ALLEY

THE TREE

EXIST 5 BR HOUSE
606-608

S FESS AVENUE

S HENDERSON STREET

5 PULL-IN PARKING SPACES

EXIST 5 UNIT APT BLDG
612

12' ALLEY

12' ALLEY

613

618

UVV-29-12

EXISTING SITE PLAN

SCALE: 1" = 40'-0"

INSTRUMENT NO.

PLAT CABINET

ENVELOPE

RECORD DESCRIPTION
 A part of Lot Number Thirty-four (34) in Selim's Addition to the City of Bloomington, Indiana, and a part of Lot Number One (1) in Allendale Addition to the City of Bloomington, Indiana, described as follows, to wit: Beginning at a point on the south line of Lot Number One (1) in Allendale Addition to the City of Bloomington, Indiana, five (5) feet east of the east line of the curbing along the east side of Henderson Street running thence north on the east line of the sidewalk on the east side of said Henderson Street through Lot Number Thirty-four (34) in Selim's Addition to the City of Bloomington, Indiana, to the south line of the sidewalk running from the south side of Second Street thence East on the south line of said Second Street a (walk) fifty (50) feet thence South through said Lot Number (34) in Selim's Addition to the South line of said Lot Number One (1) in Allendale Addition thence west on the south line of said Lot Number One (1) in Allendale Addition to the place of beginning.

The west half of the following described tract of land, to-wit: Part of Lot Number One (1) in Allendale Addition to the City of Bloomington, Indiana, and a part of Lot Number Thirty-four (34) in Selim's Addition to the City of Bloomington, Indiana, bounded and described as follows, to-wit: Beginning at a point on the north line of said Lot Number Thirty-four (34) in Selim's Addition to the City of Bloomington, Indiana, fifty (50) feet west of the northeast corner of said Lot Thirty-four (34) running thence south through said Lot Thirty-four (34) in Selim's Addition and through said Lot One (1) in Allendale Addition to the City of Bloomington, Indiana, to the south line of said Lot One (1) in Allendale Addition, thence west along the south line of said Lot One (1) in Allendale Addition a distance of seventy one (71) feet, thence north one hundred (100) feet to the north line of said Lot Thirty-four (34) in Selim's Addition thence East along the north line of said Lot Thirty-four (34) in Selim's Addition to the place of beginning.

Part of Lot Number One (1) in Allendale Addition to the City of Bloomington, Indiana, and a part of Lot Number Thirty-four (34) in Selim's Addition to the City of Bloomington, Indiana, bounded and described as follows, to-wit: Beginning at a point on the north line of said Lot Number Thirty-four (34) in Selim's Addition to the City of Bloomington, Indiana, fifty (50) feet west of the northeast corner of said Lot Number Thirty-four (34) running thence south through said Lot Number Thirty-four (34) in Selim's Addition and through said Lot One (1) in Allendale Addition to the City of Bloomington, Indiana, to the South line of said Lot Number One (1) in Allendale Addition running thence west along the South line of said Lot Number One (1) in Allendale Addition for a distance of thirty-five and one-half (35 1/2) feet running thence North for a distance of one hundred (100) feet to the north line of said Lot Number Thirty-four (34) in Selim's Addition running thence East along said north line of said Lot Number Thirty-four (34) in Selim's Addition to the place of beginning.

Lot Number Three (33) in Selim's Addition to the City of Bloomington, Indiana, fifty (50) feet off the East end of Lot Number One (1) in Allendale to the City of Bloomington, Indiana.

Lot Number One (1) in Allendale Addition to the City of Bloomington, Indiana, twenty (20) feet in Allendale Addition to the City of Bloomington, Indiana.

The undersigned, William Stone, being the owner of the above described real estate, do hereby certify, read and approve the same, this day and date in accordance with this plan. The right-of-way and easement shown herein are hereby dedicated to the public. The within plat shall be taken and designed as accurate and correct to this date.

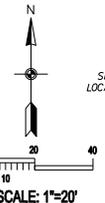
IN WITNESS WHEREOF, I, the said William Stone, have hereunto executed this day of A.D. 2012.

William Stone
 STATE OF INDIANA
 COUNTY OF MONROE
 555

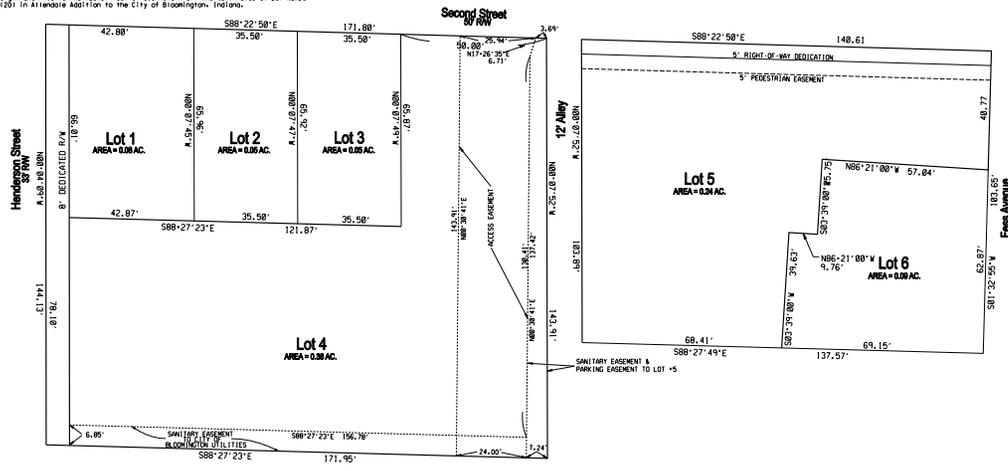
Before me, a Notary Public in and for the State of Indiana and Notary Public for the County of Monroe, personally appeared William Stone, personally known to me, and being on oath, he acknowledged to me that he executed the foregoing plat of the Five (5) Acres known as Selim's and Henderson Street Plats, as his voluntary act and deed for the uses and purposes therein expressed.

WITNESS my hand and Notarial Seal this day of 2012.

By Commission Expires:



LOCATION MAP
 No Scale



NOTES:
 1. All corners are to be marked with a 4" x 2" capped rebar.

- MONUMENT LEGEND**
- STONE MONUMENT
 - STONE WITH X
 - CONCRETE MONUMENT
 - 1/2" REBAR W/PLASTIC CAP SET
 - REBAR FOUND
 - ROD FOUND
 - ROD FOUND
 - FENCE POST FOUND
 - RAILROAD SPIKE FOUND
 - PK NAIL
 - GPS MONUMENT
 - HIGHWAY BIX

PLAN COMMISSION AND BOARD OF PUBLIC WORKS
 Under the authority provided by Chapter 174, Acts of 1941 enacted by the General Assembly of the State of Indiana a ordinance adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington as follows:

Approved by the Board of Public Works at a meeting held:

Charlotte Zietlow, President

James Nickerson, Vice President

Frank N. Wasonagos, Secretary

Approved by the City Plan Commission at a meeting held:

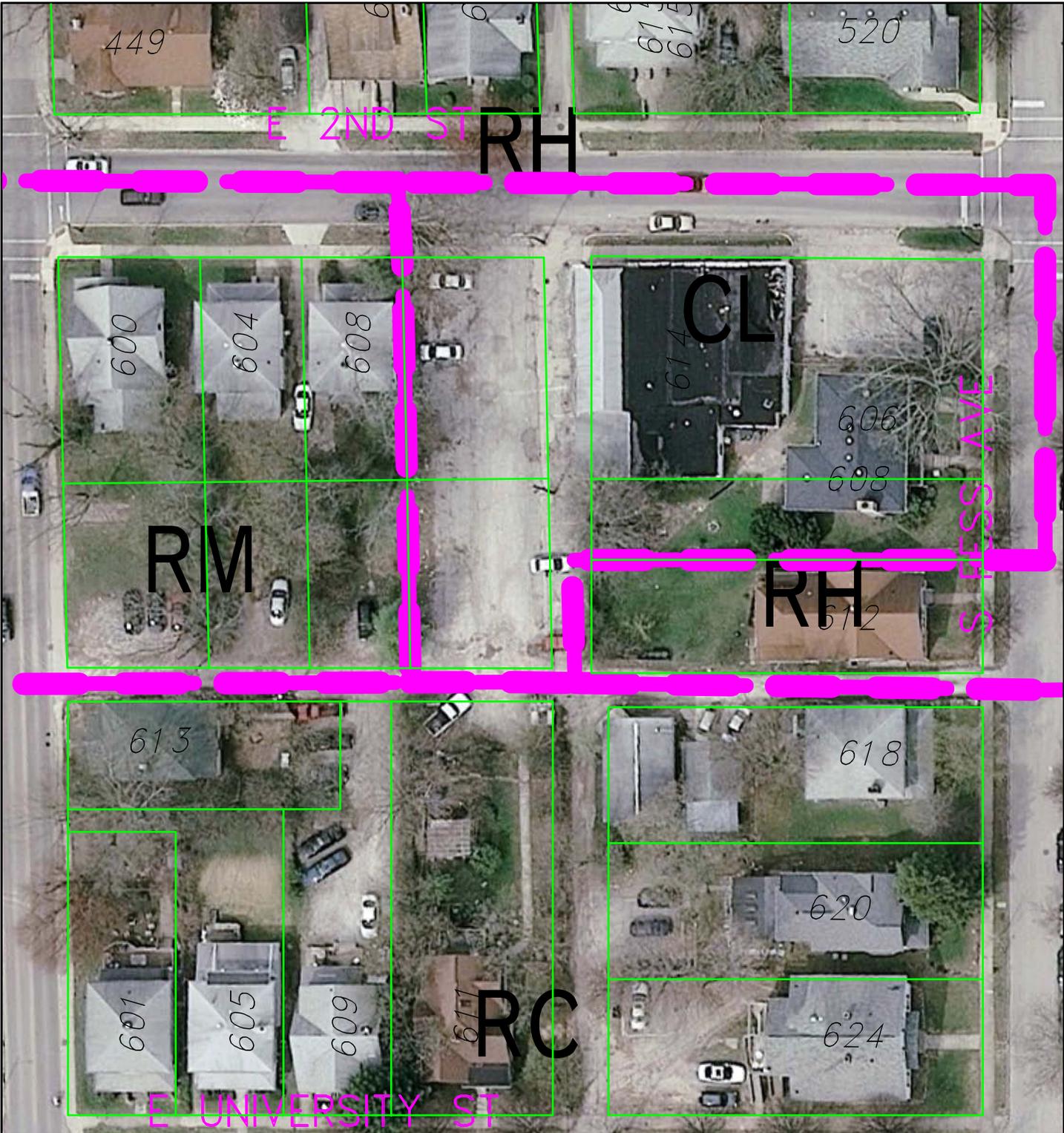
Tom Micaela, Director of Planning

Jack Baker, President of Plan Commission

SECOND STREET AND HENDERSON STREET
 PREPARED BY: SMITH NEUBECKER & ASSOCIATES, INC., 453 S. CLARIZZ BLVD., BLOOMINGTON, INDIANA 47401

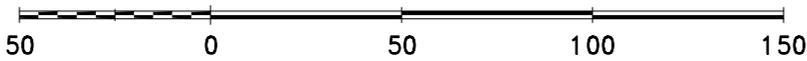
JOB NO. 4656
 PAGE 1 OF 1

**UVV-29-12
 FUTURE
 PLAT REQUEST**

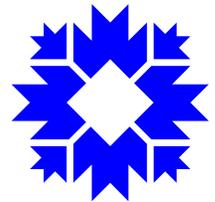


UV/V-29-12
AERIAL PHOTO

By: shapp
4 Jun 12



City of Bloomington
Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.



COMMERCIAL
BUILDING
LOOKING SE



PARKING LOT
LOOKING SE
DOWN ALLEY

UV/V-29-12
Site Photos

UV-28-12 SITE
PHOTOS

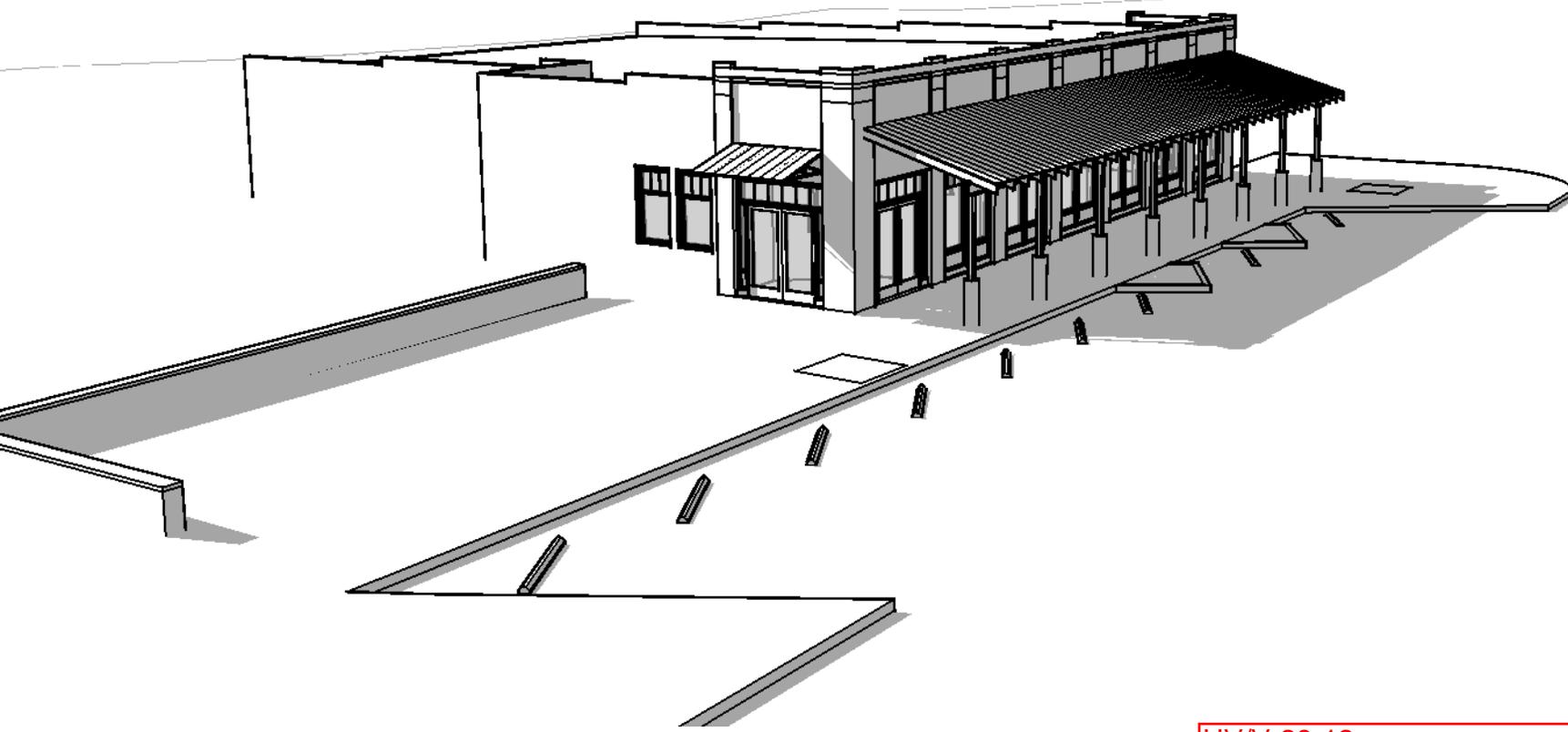


LOOKING SE
FROM
INTERSECTION
OF 2ND AND
HENDERSON



PARKING AREA AT
2ND AND FESS
TO BE CONVERTED
TO PLAZA

UV/V-29-12
Site Photos



UV/V-29-12
COMMERCIAL RENDERING -
LOOKING SOUTHWEST



UVV-29-12
COMMERCIAL
1 STORY OPTION



A FRONT ELEVATION - NORTH
SCALE: 1" = 10'-0" 6-1-12

BLOOMINGFOODS - ELM HEIGHTS - SECOND ST.
TWO STORY OPTION

UVV-29-12
COMMERCIAL
2 STORY OPTION

A-102

MARC CORNETT, ARCHITECT. COPYRIGHT 2012



UV/V-29-12 STOREFRONT
EXAMPLE FROM 6TH ST.



SHANK APARTMENTS DEVELOPMENT - HENDERSON ST

UV/V-29-12 MULTI-FAMILY
ELEVATION FROM
HENDERSON ST.

A

FRONT ELEVATION - WEST

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

MARC CORNETT, ARCHITECT - COPYRIGHT 2012

B-101



SHANK APARTMENTS DEVELOPMENT - HENDERSON ST.

UV/V-29-12 MULTI-FAMILY ELEVATION FROM SOUTH

A

SIDE ELEVATION - SOUTH

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

MARC CORNETT, ARCHITECT - COPYRIGHT 2012

B-102



Patrick Shay <shayp@bloomington.in.gov>

Fwd: [Planning] Bloomingfoods proposal at 2nd and Fess

Jane Weiser <weiserj@bloomington.in.gov>

Thu, Jul 5, 2012 at 8:15 AM

To: Patrick Shay <shayp@bloomington.in.gov>, Tom Micuda <micudat@bloomington.in.gov>

----- Forwarded message -----

From: **Charles Brandt** <c@charlesbrandt.com>

Date: Wed, Jul 4, 2012 at 4:41 PM

Subject: [Planning] Bloomingfoods proposal at 2nd and Fess

To: planning@bloomington.in.govCc: southernjenny@yahoo.com, jenn.h@bloomingfoods.coop

Hello,

We are writing to express our full support of the Bloomingfoods project proposal at 2nd and Fess. As residents of the neighborhood, we see this as an obvious improvement. We also support any variances required to make this proposal a reality.

Unfortunately, we will not be able to attend the meetings with the Planning Commission on July 9th nor the meeting with the Board of Zoning Appeals on July 19th. We hope that this letter will serve as a proxy for our attendance of the meetings. Please convey our excitement and approval of this project to whom it may concern.

Many thanks,

Charles Brandt and Tessa Bent
1st & Fess

--

Jane Weiser
Planning Assistant
City of Bloomington Planning Department
phone: 812-349-3423 fax: 812-349-3535

UV/V-29-12 LETTER OF SUPPORT



Patrick Shay <shayp@bloomington.in.gov>

Fwd: [Planning] Support for Bloomingfoods store in Elm Heights neighborhood

Jane Weiser <weiserj@bloomington.in.gov>

Mon, Jul 2, 2012 at 8:14 AM

To: Eric Greulich <greulice@bloomington.in.gov>, Patrick Shay <shayp@bloomington.in.gov>, Tom Micuda <micudat@bloomington.in.gov>

----- Forwarded message -----

From: **Debby Herbenick** <debby.herbenick@gmail.com>

Date: Sun, Jul 1, 2012 at 7:29 PM

Subject: [Planning] Support for Bloomingfoods store in Elm Heights neighborhood

To: planning@bloomington.in.govCc: Jenny Southern <southernjenny@yahoo.com>

Dear Committee,

My name is Debby Herbenick and I live in the Elm Heights neighborhood. Because I cannot make the July 9 Planning Commission meeting, I wanted to write now and express my strong support for having a new Bloomingfoods just blocks away in Elm Heights. Please feel free to include this note in the file and/or to read it at the July 9 meeting.

I've lived in Bloomington for about 13 years and in Elm Heights for more than 3 years. Since moving to Elm Heights, I have wished there were a neighborhood store - and have specifically wished for a neighborhood Bloomingfoods - where I could run out if I needed eggs for baking or orange juice for breakfast. Bloomingfoods has a wonderful history and would make an excellent neighbor. I imagine it would be a nice gathering place and also walkable for IU students, faculty, and staff to go to for lunch during the week.

I have previously attended a meeting that Bloomingfoods held to share their ideas for building in Elm Heights and I am in support of their ideas, which seem consistent with the fabric and spirit of our neighborhood.

Thank you for your time and I hope you will consider supporting Bloomingfoods' plans to be a part of the Elm Heights neighborhood.

Best,

Debby Herbenick

cc: Jenny Southern, President of Elm Heights Neighborhood Association

--

Jane Weiser

Planning Assistant

City of Bloomington Planning Department

phone: 812-349-3423 fax: 812-349-3535

UV-28-12 LETTER OF
SUPPORT



Patrick Shay <shayp@bloomington.in.gov>

Fwd: [Planning] Planned Bloomingfoods Store on Second Street

Jane Weiser <weiserj@bloomington.in.gov>

Fri, Jul 13, 2012 at 2:49 PM

To: Patrick Shay <shayp@bloomington.in.gov>, Tom Micuda <micudat@bloomington.in.gov>

----- Forwarded message -----

From: **Michel Chaouli** <michel.chaouli@gmail.com>

Date: Fri, Jul 13, 2012 at 5:52 AM

Subject: [Planning] Planned Bloomingfoods Store on Second Street

To: planning@bloomington.in.gov

Dear Members of the Panning Commission,

Because I am unable to attend a meeting, scheduled for July 19, to discuss the planned establishment of a Bloomington Store on Second Street, I use this method to convey my enthusiasm about the plans. I listened to one presentation by the architect of the project and by a Bloomingfoods executive at the Harmony School a few months ago and was entirely convinced that this will be a boon to the neighborhood. The project seemed thoughtfully planned, and Bloomingfoods has a proven track record in our city. I hope the City administration provides every encouragement to make this a reality as quickly as possible.

Sincerely,

Michel Chaouli

1220 E. 1st St.

Bloomington, IN 47401

 Michel Chaouli, Assoc. Professor of German, Indiana University
 Ballantine Hall 660, Bloomington, IN 47405, USA; T: +1-812-567-3522
 Email; web

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Jane Weiser

Planning Assistant

City of Bloomington Planning Department

phone: 812-349-3423 fax: 812-349-3535

UV-28-12 LETTER OF
 SUPPORT

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 404 W. Kirkwood Ave

CASE #: UV/V-23-12
DATE: July 19, 2012

PETITIONER: Bloomington Cooperative Living, LLC
404 W. Kirkwood Ave., Bloomington

REQUEST: The petitioner is requesting a use variance to allow a cooperative housing unit. Also requested is a variance from the minimum number of parking spaces.

SITE DESCRIPTION: This 0.2 acre property is located at the northwest corner of N. Madison Street and W. Kirkwood Avenue and is zoned Commercial Downtown (CD). The site is within the Downtown Edges Overlay (DEO) District. The property was previously used as an office and women’s shelter by Middle Way House. Surrounding land uses include multi-family units to the west and southwest and various commercial uses to the east, north, and south.

The building currently has 16 sleeping rooms that were used as temporary sleeping areas for women staying at the shelter. The petitioner is proposing to reuse the existing building for a new cooperative housing unit. The petitioner would be adding 3 more sleeping rooms for a total of 19 bedrooms with 20 occupants. The tenants would share common kitchen space, bathrooms, eating, and living areas. There are 5 parking spaces on the rear (north) side of the property that are accessed from the adjacent alley and would provide parking for the tenants. New bicycle parking racks will be provided on the property for residents. No changes to the exterior of the building are proposed.

Housing cooperatives are characterized by several distinct elements including that each resident has to be a member of the Co-op, each resident/member has certain responsibilities related to the maintenance of the house and property, meals are frequently prepared and eaten as a group, members contribute to and control the capital of the cooperative, and all residents are governed by specific rules of behavior with quiet hours of the building being established.

Since this use is not listed as a defined use in the Unified Development Ordinance, a definition for a cooperative housing unit is being proposed with this request. Staff proposes the following definition –

“A building used for the purpose of residential living where the residents share common areas and cooking, dining, and maintenance duties. All residents shall be members of a cooperative corporation with membership open regardless of age, sexual orientation, gender, religion, ethnicity, etc. Governance of the cooperative is provided by the membership. Members are linked to the cooperative by sharing similar values of community, grass roots organization, and economic/environmental sustainability. The cooperative must be registered with the State of Indiana and operated as a non-profit.”

SITE PLAN ISSUES:

Parking: The petitioner is proposing to use the existing 5 parking spaces on the alley to meet their parking requirement. Based on the closest similar land use, the proposed 20 bedrooms are required a minimum of 16 parking spaces. This use is anticipated to have a low parking demand and will rely on alternative and shared transportation. This site has sidewalks along both street frontages. In addition, the site is on a bus route. Visitor parking can be accommodated by on-street parking spaces on nearby streets.

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 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: No adverse impact to adjacent properties is anticipated as a result of the reduced parking on this property. This use has a low parking demand and relies primarily on alternative and shared transportation.

2. *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. Reduced parking decreases vehicle traffic and pollution, thereby increasing public health, safety, and general welfare.

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 in that the proposed land use was not specifically analyzed with UDO parking requirements and has a low anticipated parking need. Since this proposed land use is not listed in the UDO, the closest land use (multifamily dwelling unit) would require 0.8 parking spaces per bedroom, resulting in 16 parking spaces. Staff believes the 5 existing parking spaces will meet the parking need on the property. In addition, there is adequate bus service on Rogers St., 4th St. and 6th St.

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. The impacts of the proposed use are similar to the previous use of a 16-bed women's shelter and other nearby residential developments.

(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. All surrounding properties are zoned for Commercial Downtown and consist of businesses and multi-family residences.

(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 Unified Development Ordinance does not list this land use as a permitted or conditional use. A Use Variance or update to the UDO is the only way to allow this land use within the City.

(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 again finds the strict application of the Unified Development Ordinance will place an unnecessary hardship in that this land use is not listed as a permitted or conditional use in any district. A use variance or code amendment is the only way to allow this land use. Staff finds the proposed use to be appropriate within the CD zoning district and Staff will continue to assess this new use for possible inclusion within the UDO.

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

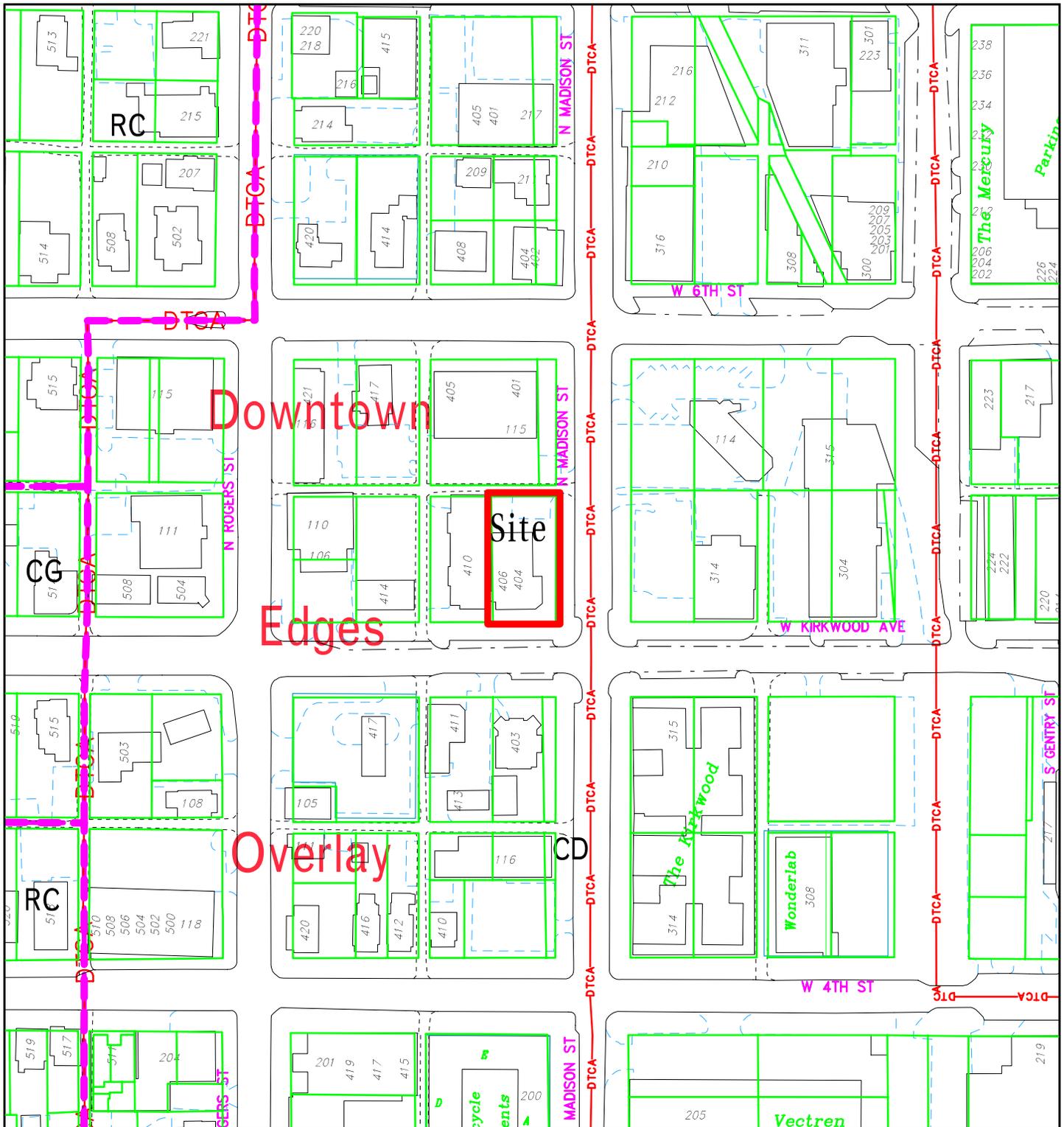
Staff Finding: Staff find that this proposal does not substantially interfere with the Growth Policies Plan. The GPP encourages a mix of land uses and housing types in the downtown and encourages increased density and reduced parking.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the plan and the use variance request at their July 9, 2012 meeting. The Plan Commission voted 9:0 to forward the use variance request to the BZA with a positive recommendation. The Plan Commission found that the proposed use variance does not interfere with the Growth Policies Plan.

CONCLUSION: Staff finds that this petition provides an ideal reuse of a vacant property. Staff has worked to provide a definition that will ensure that this use can be distinguished from other related uses such as fraternities/sororities or roominghouses. Staff finds that this location is an appropriate location for this new use.

RECOMMENDATION: Staff recommends approval of the variances requested with the following conditions of approval:

1. A total of 8 bicycle parking spaces are required.
2. Unit must be inspected and registered with Housing and Neighborhood Development.
3. A maximum of 19 beds and 20 occupants are allowed.



UV/V-23-Bloomington Cooperative Living

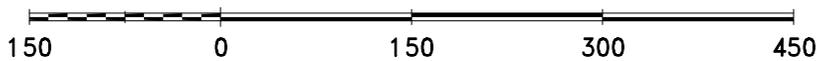
404 W. Kirkwood Ave

Board of Zoning Appeals

Site Location, Zoning, Parcels, Land Use

By: greulice

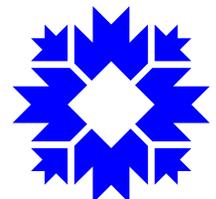
5 Jul 12



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 150'

City of Bloomington Planning Department
Plan Commission
401 N. Morton Street
Suite 160, City Hall

June 1st, 2012

Dear Commissioners and support staff,

Five years ago a new nonprofit was born in Bloomington. Bloomington Cooperative Living, Inc. (BCL), a 501(c)(3) non-profit housing cooperative, has spent those five years growing, expanding its focus, and serving an increasingly diverse segment of the local population. Our organization provides affordable housing and strives to foster an economically, ecologically, and socially sustainable society. Today, with 36 resident-owners in four rented properties, we are ready to take the step that will ensure our stability and cement a presence in Bloomington for years to come.

With your assistance, we are ready to buy a home.

Last year we found a kindred spirit in Toby Strout, Executive Director of Middle Way House, Inc (the local domestic violence shelter), and we found a likely home in their decommissioned shelter building at 404 W. Kirkwood. A careful analysis of the property, associated costs, and organizational growth has shown 404 to be an excellent fit for BCL.



Although our intended use of that building will not differ significantly from the previous use, as a new owner, serving a different population in a less transitional capacity, we are obliged to request a variance for our use.

BCL utilizes a unique housing model borrowed from student housing cooperatives in Ann Arbor, Chicago, Boulder, Boston, and other upscale markets, where high property values long ago forced people of limited income to find creative, community-based ways to secure basic necessities. Our model applies “family style” housing to communities that are not traditional families, but which function so much like families that some municipalities have granted co-op groups “functional family status” for zoning and use purposes. In Bloomington, BCL has

UVV-23-12
Petitioners
Statement

successfully applied the co-op model, not just to young students, but to mixed groups of working professionals, graduate students, undergraduate students, and the occasional IU faculty or staff member.

Tenants and landlords are typically perceived as in opposition to each other. In securing ownership of this property, BCL will make the tenants their own landlords, and give them the opportunity to work together to choose the most free and fair path between economic viability and quality of life.

Membership in BCL is open to anyone. We are not a religious organization, nor are we politically affiliated. We have simply found that the isolation of modern life is less conducive to healthy, affordable, and sustainable living than a cooperative approach. This summer BCL welcomed its first family and adapted to provide a more kid-friendly living environment.

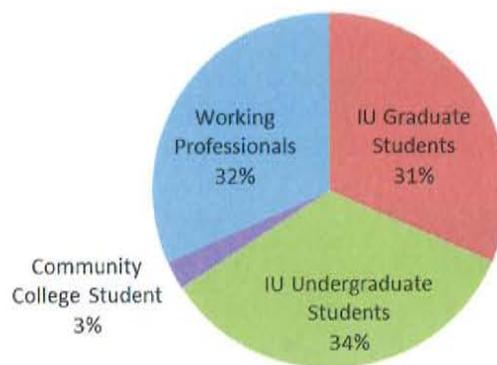
When we describe community housing as “family style” we mean that as a group we use a house very much as a family does.

We buy food in bulk quantities, and members enjoy home-cooked meals every night, while only having to prepare a meal once each week. Members use shared appliances and tools. We recycle, compost, support local farmers, and grow food in our gardens. Living together in this way significantly reduces costs and saves time, while building healthy relationships and a strong sense of community. Additionally, high-density, communal living decreases the amount of resources required to sustain an individual and is more ecologically sustainable.

While not for everyone, it doesn't take much to demonstrate that this way of living is ideally suited to some. Likewise, it is easy to demonstrate benefits to the larger community:

- Housing cooperatives using this model provide an affordable alternative to traditional renting with many of the benefits and responsibilities of homeownership.
- Consequently, blight is seldom, if ever, a concern. Members-owners plant gardens, shovel snow, and paint their trim in ways that renters and some landlords seldom do.
- The emphasis on community tends to make for good neighborhood relations.
- The focus on environmental stewardship (combined with a younger median age and lower income) favors enthusiastic adoption of sustainable modes of transportation.
- Diversity is encouraged and supported.
- Municipal density is increased without furthering sprawl.

Bloomington Cooperative Living, Inc.: Resident Composition for Spring 2012



All of these features are good for neighborhoods and good for the City of Bloomington. The city of Boulder in their code governing land uses recognizes the case for cooperative housing:

Cooperative housing units are intended to further the goals of increased use of alternative modes of transportation; conservation and efficient use of public and private resources; and to provide for creation of a diverse housing mix and affordable housing to help meet the needs of those that work in the city. (Boulder Revised Code, Title 9, Chapter 6, Section 3, Subsection b)

Someday, we hope that every community has a specific set of statutes for non-profit cooperative housing. There should be code in Bloomington – just as there is Boulder – that differentiates cooperatives from boarding houses and dormitories. In the meantime, we ask for this variance and the opportunity to demonstrate a gentler way of living.



Our purchase and operation of the old Middle Way House will allow BCL to do what other co-ops across the nation have done for decades--establish permanently affordable community housing. This board, the planning department, and the board of appeals, can assist our efforts by recognizing that ours is a completely unique way of structuring a household, one for which normal usage designations were never constructed.

Middle Way House had approval to house up to 22 residents in 16 bedrooms at 404 W. Kirkwood. It is our intention to house fewer people, more permanently, in greater comfort. BCL will be reconfiguring the existing structure to house 20 residents in 19 bedrooms. The building previously had 3.5 bathrooms; we will increase that number to 4.5. As shown in the attached plans, we have chosen to convert some of the third and fourth common areas¹ into appropriately sized bedrooms to reach that total.

This property is located in the downtown commercial district and is surrounded by businesses and apartment buildings. The location, along a major thoroughfare, is an incredible asset to BCL and presents an opportunity for our organization to become more visible in the larger Bloomington community.

BCL will continue to maintain the landscaping along the majority of Kirkwood Avenue and Madison Street. We will likely also convert a section along Madison Street into a small vegetable garden in the spring of 2013. In the back along the alley, we will remove the children's

¹ 1st floor bedrooms 8 and 6, and 2nd floor bedrooms 11 and 12 are currently common areas.

playground and replace it with a picnic table and a large bike rack. BCL will keep the five parking spaces. We do not anticipate a need for more parking, because many of our residents use bicycles as their primary method of transportation.

We thank you for helping us take this exciting and important next step.

Please feel free to browse our website for member biographies, a more detailed explanation of our procedures, and examples of some of our art and community projects:

<http://bloomingtoncoop.org>.

Sincerely,

Bloomington Cooperative Living, Inc.

Eric and Tom,

I'm attaching some documents (the membership agreement new members must sign and the articles of incorporation) but I thought it would also be helpful for me to put together a sheet that describes some of the things that make us unique and a beneficial part of the Bloomington community. A more detailed description of various points follow below, but generally, the things that might distinguish us from a frat or boarding house are:

1. Membership is open to the entire community regardless of age, sexual orientation, gender, religion, ethnicity, etc. This especially distinguishes us from a frat.
2. Democratic member control – we are governed by our members, for our members. This distinguishes us from a boarding house.
3. Community Outreach/Involvement – because of our open membership and regular coop events (e.g., most meals) that are open to the Bloomington community, we are an important resource for people who are new to Bloomington and/or looking for a friendly community that shares similar values of community, grass roots organization, skill-share/informal education, and economic/environmental sustainability. This distinguishes us from a boarding house. It also distinguishes us from other social organizations like frats whose “community outreach” is organized from a philanthropic/charity perspective (i.e., “we will raise money for others or donate our time occasionally to others as determined by the leadership”) rather than an empowering, community-building perspective (i.e., “we will always welcome you into our community, and empower you to lead your own educational/community-building programs/events”).
4. Member obligations and accountability – members must fulfill house- and coop-level responsibilities. We do all of our own cleaning and basic property maintenance, which distinguishes us from most frats. We have communal meals, that we cook ourselves, which distinguishes us from boarding houses and frats.

BCL follows the seven principles of cooperatives adopted by the International Co-operative Alliance in 1995 (<http://usa2012.coop/about-co-ops/7-cooperative-principles>). They differ significantly from the principles/goals of non-cooperative boarding house.

1. Voluntary and Open Membership

Cooperatives are voluntary organizations, open to all people able to use its services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

2. Democratic Member Control

Cooperatives are democratic organizations controlled by their members—those who buy the goods or use the services of the cooperative—who actively participate in setting policies and making decisions.

3. Members' Economic Participation

Members contribute equally to, and democratically control, the capital of the cooperative. This benefits members in proportion to the business they conduct with the cooperative rather than on the capital invested.

4. Autonomy and Independence

Cooperatives are autonomous, self-help organizations controlled by their members. If the co-op enters into agreements with other organizations or raises capital from external sources, it is done so based on terms that ensure democratic control by the members and maintains the cooperative's autonomy.

5. Education, Training and Information

Cooperatives provide education and training for members, elected representatives, managers and employees so they can contribute effectively to the development of their cooperative. Members also inform the general public about the nature and benefits of cooperatives.

6. Cooperation among Cooperatives

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

7. Concern for Community

While focusing on member needs, cooperatives work for the sustainable development of communities through policies and programs accepted by the members.

Now I'll list some examples of exactly how BCL operates in accordance with the principles. This should give you an idea of how we are materially different from a non-cooperative boarding house.

1. BCL's Open Membershopping Process

All coop residents (except subletters for short periods of time) must undergo the membershopping process to become a member. The process entails attending two coop events (when possible; this requirement can be waived for people living outside of Bloomington), and then participating in a meeting with current members where they discuss the responsibilities and details of living in the coop. This is an opportunity for the prospective resident to decide if living in the coop is right for them, and for current members to evaluate if the prospective resident is capable of fulfilling their responsibilities. Membership is open to anyone in the Bloomington community, in accordance with principle 1. With a few extremely rare exceptions, everyone who applies to become a member is accepted. (That does not necessarily mean that there is an open room in a house for them to live in.)

2. Required NASCO Membership (Continent-wide Coop Association – BCL is not alone)

"All coop residents must pay a \$37 fee that goes to North American Students of Cooperation (NASCO), an association of housing cooperatives. Payment of this fee is mandatory and entitles you to membership in NASCO. See www.nasco.coop for more details." – Membership agreement

3. BCL MEMBER RIGHTS

"In addition to residency in the assigned BCL, Inc. unit, each member shall have the following rights:

- Right to attend all meetings
- Right to participate in decision making at all general membership meetings
- Right to speak at all meetings
- Right to use the facilities of BCL, Inc.
- Right to expect a safe living environment
- Right to request Mediation (Sec. 14)" – Membership agreement

4. MEMBER OBLIGATIONS

“As a group, the members of the cooperative are responsible for the day-to-day operations of the cooperative as delegated to BCL, Inc. These responsibilities shall be outlined in the by-laws of BCL Inc. and subject to approval by Bloomington Cooperative Living.

“The members shall be responsible for fulfilling these obligations through membership meetings. The members shall be bound by decisions and policies by the membership as a whole in referendums or membership meetings.

“Each Member is individually obligated to perform faithfully and as efficiently as possible all work assigned by BCL, Inc. or the member's individual house including, but not limited to, 1) weekly chores, 2) house meetings, and 3) Work Holidays. In addition, all members are required to participate in a co-op level committee (either by joining an existing committee, or founding a new committee with at least two other interested members).” – Membership agreement

In our current configuration, member obligations consist of the following. However, this is subject to change in the coop membership votes and decides to change it. (For instance, the coop-level committee requirement was just added in the past few months.) Assignments for house-level chores are decided at the house level and are changed frequently as the needs of the house change.

- 5 hours each week of house-level chores (e.g., cleaning a common space, taking care of yard work, recycling/trash)
- Cooking a meal for all of the house members one day per week
- Attending weekly house meetings
- Attending monthly coop-wide meetings
- Joining a coop-level committee (e.g., Development, Gardening, Community Outreach/Education, Memberships, Policy, Finance, etc.)

5. Commitment to use mediation to solve internal conflict

“All parties involved in this agreement concur that a mediator will assist in disputes involving members for which one of the parties requests assistance and that:

- All parties will make a reasonable good faith effort to settle such disputes through mediation
- Any party to this contract may request mediation;
- The mediator may enter and inspect premises after notice to both parties, at reasonable times; and
- This provision does not preclude other legal rights of the parties.” – Membership agreement

6. Commitment to Ecological, Economic, and Social Sustainability

- “We will take all possible measures to minimize energy consumption and act in concert with local and global ecosystems.
- “We will maintain an environment which is open to people from all backgrounds and capable of changing in accordance to the needs and ideals of the membership.
- “We will ensure that membership remains affordable, and that the organization remains fiscally viable.” – By-laws of BCL

For instance, we compost at all of our houses, encourage members to line-dry their clothes when the weather is appropriate, and use a minimalist approach to air-conditioning. Many of our members use bike as their primary mode of transportation.

Additionally, our membership must be at least 75% qualified as “low-income” according to the BCL by-laws.

7. Quiet Hours

Currently all of our houses have quiet hours, which generally last for 8 hours, and are set individually at each house, as are most house-level policies.

Bloomington Cooperative Living, Inc. Student Housing Cooperative**MEMBERSHIP AGREEMENT**

1. This Agreement is between _____ (“Member”) and **Bloomington Cooperative Living, Inc.** (also known as “BCL, Inc.”, or “cooperative”), an Indiana non-profit corporation with its principal office in the County of Monroe, Indiana, for membership in BCL, Inc.. Individual houses, which act as sub-units of BCL, Inc., may require additional pages to this agreement, but no other pages may cancel or replace the specific terms of this agreement. There are no oral agreements.

I understand that Bloomington Cooperative Living, Inc. is a nonprofit cooperative membership corporation, which provides affordable housing on a cooperative basis. BCL, Inc. and the houses which are subsets of BCL, Inc. manage the day to day operations of the buildings located at 630 E. Atwater, Bloomington, IN 47401, 711 W. Kirkwood, Bloomington, IN 47404, and 418 S Woodlawn Ave, Bloomington IN 47401, including but not limited to recruitment, membership issues, house finances, social relations, member education on cooperative principles and practices, and other services as the group may identify.

The purpose of the cooperative is to provide services for members and to provide members the opportunity to manage their house and organization. Each member shall have one vote in the operations of the cooperative. Only members are allowed to sign leases for the buildings owned or leased by Bloomington Cooperative Living, and termination of membership shall be considered a cause for termination of all residency rights in BCL, Inc.

Period of Residence. The effective date of this contract shall begin at noon on _____, and end at noon on _____, unless membership is terminated otherwise. The standard contract for residence at BCL, Inc. runs from August 1st through July 31st of the following year.

2. NASCO Membership Fee

A one-time, non-refundable membership fee of **\$37** must be paid by each new member of the co-op. This fee will go to the North American Students of Cooperation (NASCO), an association of housing cooperatives. Payment of this fee is mandatory and entitles you to membership in NASCO. See www.nasco.coop for more details.

3. BCL Membership Fee/Room Price

The total price for the term of the Contract is \$_____. This shall be divided into payments of \$_____ due on the _____ day of each month without any obligation on the part of BCL, Inc. to make demand for payment. Payment is to be made at BCL, Inc. at the following address:

**PO Box 2052
Bloomington, Indiana
47402**

In the event that Tenant fails to pay the required monthly Charge in full to BCL, Inc., on or before the _____ day of each calendar month of the term without notifying the treasurer, Tenant agrees to pay BCL, Inc. the additional sum of \$25.00.

For the standard BCL, Inc. contract term, this would mean that the first August payment would be \$_____, due July 15. The final July payment would be \$_____, and every other month's payment would be \$_____.

4. SECURITY DEPOSIT

MEMBER is required to deposit the sum of **\$540**, with BCL, Inc., as a security deposit. BCL, Inc. may deduct from the security deposit such amounts necessary to cover any defaults in faithful performance by the RESIDENT of the terms, covenants, and conditions of the agreement. The cost of maintenance and repairs, when due to reasonable use and wear, shall be assumed by the BCL, Inc. It is the duty of the MEMBER to return the premises to their condition at the commencement of the Lease, reasonable use and wear thereof excepted. Reasonable use and wear may be understood to mean the gradual deterioration resulting from use, lapse of time, and the operation of the elements, in spite of MEMBER'S care.

6. FEES DUE PRIOR TO COMMENCEMENT OF LEASE

Prior to the commencement of the lease, MEMBER shall provide payment for first month's Rent, and Security Deposit.

7. UTILITIES AND SERVICES

The following utilities are provided to resident members of BCL, Inc.:

- Electricity
- Gas
- Water/Sewer/Trash
- Internet
- Food (specifics as determined by group agreement)

8. MEMBER RIGHTS

In addition to residency in the assigned BCL, Inc. unit, each member shall have the following rights:

- Right to attend all meetings
- Right to participate in decision making at all general membership meetings
- Right to speak at all meetings
- Right to use the facilities of BCL, Inc.
- Right to expect a safe living environment
- Right to request Mediation (Sec. 14)

9. MEMBER OBLIGATIONS

As a group, the members of the cooperative are responsible for the day-to-day operations of the cooperative as delegated to BCL, Inc. These responsibilities shall be outlined in the by-laws of BCL Inc. and subject to approval by Bloomington Cooperative Living.

The members shall be responsible for fulfilling these obligations through membership meetings. The members shall be bound by decisions and policies by the membership as a whole in referendums or membership meetings.

Each Member is individually obligated to perform faithfully and as efficiently as possible all work assigned by BCL, Inc. or the member's individual house including, but not limited to, 1) weekly chores, 2) house meetings, and 3) Work Holidays. In addition, all members are required to participate in a co-op level committee (either by joining an existing committee, or founding a new committee with at least two other interested members).

Each member has a right to expect a safe living environment. Therefore, members have an obligation to refrain from violence of any kind while at BCL, Inc., and BCL, Inc. will not tolerate violence or the threat of violence from members in any way.

Violation of any of these obligations constitutes a breach of this contract and is grounds for termination of membership.

10. MEMBERSHIP QUALIFICATIONS

BCL, Inc. is an association of students and community members, who live in buildings owned or leased by Bloomington Cooperative Living, Inc. BCL, INC. reserves the right to deny membership or renewal of membership to any person as long as it is not a result of race, gender, ethnic origin, marital status, veteran status, sexual orientation or identity, political or religious affiliation, or physical disability.

11. RULES

It is expected that the Member shall acquaint him/herself with, and abide by, all rules and regulations of BCL, Inc., including, but not limited to, the agreements and conditions of this contract, the Bloomington Cooperative Living By-Laws, and the rules and regulations of BCL, Inc. and the individual Houses. In accordance with the By-Laws, Bloomington Cooperative Living may consider the Member's failure to comply with any aforementioned rules and regulations to be a breach of contract by the member. BCL shall not be responsible to the Member for violation or non-performance by any other Member of any such rules. Failure, willful or otherwise, by Bloomington Cooperative Living to enforce any rule shall not be a waiver of its right to subsequently enforce such rules.

12. UNLAWFUL ACTIVITIES

The Member agrees not to use the premises or any part thereof for the conduct of unlawful activities.

13. VISITORS AND GUESTS

Guests shall not stay a total of more than two weeks throughout the lease term. The Member's housemates must be informed of and consent to the presence of a guest(s) prior to their arrival.

14. MEDIATION

All parties involved in this agreement concur that a mediator will assist in disputes involving members for which one of the parties requests assistance and that:

- All parties will make a reasonable good faith effort to settle such disputes through mediation
- Any party to this contract may request mediation;
- The mediator may enter and inspect premises after notice to both parties, at reasonable times; and
- This provision does not preclude other legal rights of the parties.

15. TERMINATION OF CONTRACT BY BLOOMINGTON COOPERATIVE LIVING

If the Member does not live up to the responsibilities of this Contract, or makes it unreasonably difficult for other Members to live with the Member in question, the other Members or BCL, INC., as represented by the resident council, may expel the Member according to the Bylaws and Policies. BCL, INC. or its agent may also terminate the Member's contract under any of the following grounds:

Failure of the Member to meet any of the membership qualifications or obligations placed upon him/her by this contract, or the By-Laws.

Failure of the Member to meet any of the membership qualifications or lease obligations (including monies owed to the Bloomington Cooperative Living) placed upon him/her during this or any previous contract period, by the Bloomington Cooperative Living By-Laws or Policies, by the policies of BCL, Inc. Student Housing Cooperative, or by any house policies. Such failure will be considered breach of contract on the part of the Member.

16. LIABILITY AND INDEMNITY

Member will not hold BCL, INC., the House, their agents or employees responsible for any claims for injury, loss, damage to a person or property occurring within the building or on the property, unless caused by or resulting from the acts, omissions, or negligence of Bloomington Cooperative Living, their agents, or their employees.

17. DANGEROUS MATERIALS

The possession of firearms, volatile solutions, explosives, fireworks, other dangerous materials, and waterbeds is strictly prohibited on the premises.

18. MISCELLANEOUS

This Contract incorporates, and is subject to, Sections 1 through 19 attached hereto, which are hereby referred to and incorporated as if set out here at length.

This Contract constitutes the sole agreement between the parties, and no additions, deletions, or modifications may be accomplished without the written consent of both parties, except as provided above, and in Section 11, "Other Rules and Regulations".

Any oral representations made at the time of executing this Contract are not legally valid and therefore are not binding on either party.

_____ (Initial) I hereby swear and affirm that I am eligible for membership and that if the conditions of my eligibility change, I will notify and be approved by the Board of Directors or this contract may be voided by Bloomington Cooperative Living. I understand that if any part of this statement or the information below is false, I will be considered in breach of this contract. I also understand that I, together with all other members, am as a group, primarily responsible for the effective management of house services.

_____ (Initial) I certify that I am 18 years of age or older. If not, this contract is not valid unless signed by a parent or guardian who assumes responsibility for the fulfillment of its terms.

_____ (Initial) I have read and accept all of the terms and conditions of this contract before signing.

Signed _____
Date _____

Email Address _____ Personal Phone _____

Social Security # _____ Drivers License or State ID# _____ Student ID # _____

Emergency Contact Name _____ Relationship _____ Emergency Phone# _____

Emergency Address _____

Co-Signature (if needed) _____ Date _____

For Office Use Only: As an authorized agent for the Co-op, I accept and confirm this agreement and have received the Member Deposit at the time of signing.

_____ Date _____

___ Seniority Points (no broken contracts) _____

___ Membership fee paid

ADDITIONAL TERMS OF CONTRACT

1. BREACH PRIOR TO CONTRACT COMMENCEMENT

Once this Contract has been executed, if at any time prior to the commencement date set forth in this Contract, any MEMBER gives written notice that s/he intends not to perform the terms of this Contract, BCL, Inc. may then elect to:

Terminate this Contract and hold the MEMBER liable for actual damages incurred by the breach. BCL, Inc. must attempt to mitigate damages by making reasonable efforts to re-let the premises and reduce damages. In any event said damages shall not exceed an amount greater than the sum of two (2) months' rent.

Not terminate this Contract and hold MEMBER liable for all the terms of this Contract until such time as a replacement can be found.

2. END OF TERM INSPECTION

When possession of the premises is returned to BCL, Inc., BCL, Inc. and MEMBER shall conduct a joint inspection of the premise.

MEMBER must within one (1) week prior to vacating the premises, arrange a mutually convenient time during BCL, Inc.'s normal business hours for the inspection; failure to do so or to attend at the arranged time will relieve BCL, Inc. of any obligation to make an inspection in MEMBER'S presence.

BCL, Inc. may use the BCL, Inc. Move-In/Move-Out and Inspection Form or reasonable facsimile for the purpose of this inspection. On the form, both BCL, Inc. and MEMBER must describe what they believe to be the damage and harm caused by MEMBER'S improper maintenance. Both BCL, Inc. and MEMBER shall sign and receive an executed copy of the inventory statement.

Within three (3) weeks after MEMBER vacates, BCL, Inc. will deliver to MEMBER a check in the amount of the security deposit minus any deductions for damages in excess of reasonable use and wear, and further minus any other deductions. In the event any deduction is made, OWNER shall furnish MEMBER with an itemized statement accounting for the use of the unrefunded portion of the security deposit, including a detailed itemization of labor and materials.

3. REPAIRS AND MAINTENANCE

MEMBERS agree to exercise reasonable care in the use of the premises and to keep areas under their control free from dirt, trash, and filth. MEMBERS also agree not to litter or damage the common areas of the building. The cost of repairs caused by MEMBERS, their guest, or persons under their control shall be paid for by MEMBERS; otherwise, the cost of repairs shall be paid by BCL, Inc. All repairs shall be made within a reasonable time.

4. SERVICE OF NOTICE

In the event of membership termination, the notice of said termination shall be accomplished by:

Personally serving a copy on the Resident; or

By leaving a copy with a person of reasonable age and discretion who is present in the Resident's residence and mailing a copy of the notice to the Resident's place of residence; or

If no one is at the Resident's residence, by posting a copy of the notice in a conspicuous place at the property and mailing a copy to the Residence's at the address of the residence.

5. SUBLEASE OR ASSIGNMENT

MEMBER shall not sublease or assign this Contract or any interest therein. Notwithstanding any other provision contained in this paragraph, BCL, Inc. agrees to give consent to a sublease or assignment, if the prospective MEMBER is determined by BCL, Inc. to be approved for membership. BCL, Inc. may not unreasonably withhold consent to such a sublease or assignment. The remaining MEMBERS will exercise good faith and reasonableness in accepting a new MEMBER.

6. REMEDIES AND DAMAGES ON BREACH OF CONTRACT

In the event MEMBER defaults in the performance of any term, covenant, or condition of this agreement BCL, Inc. may, in addition to any other rights or remedies BCL, Inc. may have, elect to declare the agreement forfeited and proceed to recover possession of the premises in summary proceedings for unlawful detainer or in an ejectment or other possessory action. BCL, Inc. may not remove anyone forcibly from a dwelling; only a peace officer, acting upon court instruction may do so.

If MEMBER breaches the Contract by abandoning the premises before the end of the term, or if MEMBER'S right to possession is terminated by BCL, Inc. because of MEMBER'S breach of the Contract, BCL, Inc. may declare the Contract terminated.

7. CONTRACT RENEWAL

BCL, Inc. is not required to renew this Contract at the end of the term. After furnishing MEMBER with the terms of the new Contract, BCL, Inc. may request MEMBER to sign a Member Contract at any time. BCL, Inc. may not, however, require MEMBER to sign a renewal Contract prior to one hundred (100) days before commencement of the Contract.

8. OTHER RULES AND REGULATIONS,

Existing rules and regulations of BCL, Inc. with respect to the premises shall be signed by all MEMBERS, attached herein, and incorporated by reference as if fully set forth. Other rules and regulations may be adopted by BCL, Inc. after the signing of this member agreement but shall have a legitimate purpose, not be arbitrary nor unequally enforced, nor work a substantial modification of MEMBER'S rights. Such new rules and regulations will not take effect until at least two (2) weeks after notice to all MEMBERS. In any event, such other rules or regulations shall

not conflict with the terms and conditions of this Member Agreement or with the bylaws of Bloomington Cooperative Living.

9. HOLDING OVER

MEMBER is not to remain in the premises beyond the date agreed upon as the expiration of this Member Agreement except with the written consent of BCL, Inc.; MEMBERS who vacate the premises on the termination date set forth in this Member Agreement shall not be responsible for MEMBERS who do not so vacate.

10. MANAGEMENT

MEMBER shall receive written notice within fifteen (15) days of any change in managers, agents for receipt of rent, and/or agents authorized to act for BCL, Inc. Such notice will include names, addresses, and phone numbers of such persons.

11. NOISE AND NUISANCE

MEMBER agrees not to make any excessive noise or nuisance such as will disturb the peace and quiet enjoyment of BCL, INC. facilities by other members.

12. LEGAL FEES

In the event of any legal action concerning this Member Agreement, the losing party shall pay to the prevailing party reasonable attorney's fees and court costs to be fixed by the court wherein such judgment shall be entered.

13. WAIVER

Any waiver, by either party hereto of any breach of any provision of this Member Agreement, shall not be deemed to be a continuing waiver or a waiver of subsequent breach of the same or a different provision of this Member Agreement.

14. COVENANTS AND CONDITIONS

Each term and each provision of this Member Agreement by either party shall be construed to be both a covenant and a condition.

15. ROOMS

While each member will be given the opportunity to give input on their desired room, no guaranty will be made by BCL, Inc. that a member will get any specific room. The member will be assigned to a room based on their preferences, the type of room signed for in this contract, and based on the availability of rooms at BCL, Inc. In some situations BCL, Inc. may find it necessary to have a member move to another room at the same price. Examples of situations that call for a member to move may include, but are not limited to, consolidating two half-filled double rooms, moving a member to another room to solve inter-personal conflicts, and moving a member to a different area of the cooperative in order to perform renovations on a building or floor.

By- Laws Of Bloomington Cooperative Living, Incorporated

Mission:

*To build the foundations for a sustainable society
through the practice of cooperative living.*

ARTICLE I

1. Principles:

1.1 Equal Empowerment: All members of the cooperative will be able to play an **equal** part in the decision making process.

1.2 Equal Accountability: All members will be responsible for ensuring that the cooperative remains a good place to live and grow.

1.3 Collective Control of Resources: All property purchased by the cooperative will be owned in common by all members.

1.4 Sustainable Lifestyle

1.41 Ecological Sustainability: We will take all possible measures to minimize energy consumption and act in concert with local and global ecosystems.

1.42 Social Sustainability: We will maintain an environment which is open to people from all backgrounds and capable of changing in accordance with the needs and ideals of the membership.

1.43 Economic Sustainability: We will ensure that membership remains affordable, and that the organization remains fiscally viable.

1.5 Mutual Respect & Diversity: We will remain friendly and open to all people, regardless of race, gender, sexual orientation, age, economic background, political views, education, occupation, dietary choice and favorite color.

1.6 Civic, campus, & co—operative community engagement: We will be active members in the Indiana University and greater Bloomington communities. We will foster solidarity with cooperatives in the community and around the world.

2. Membership:

2.1 Members are defined as “shareholders in Indiana University Students in Cooperation, Inc.”

2.11 No member will be allowed to own more than one share.

2.2 Membership is free and open to all members of the Bloomington, Indiana community.

2.3 Individual houses will have the freedom to set forth criteria for membership in the house constitution, as authored and amended by the members of that house.

2.4 Resident membership must be composed with at least seventy-five (75) percent of resident members qualifying as low-income (earning no more than eighty (80) percent of the local median income) and at least twenty (20) percent of resident members qualifying as very-low income (earning no more than fifty (50) percent of the local median income). No more than twenty-five (25) percent of the units may be occupied by persons who have incomes in excess of the low-income limit.

3. Board:

3.1 The Board of Directors will be an elected group of eight members, including honorary members and members as defined in the cooperative's Articles of Incorporation.

3.2 The board will be the sole decision making entity within the cooperative.

4. Decision making:

4.1 **Board:** Decisions at the board level will be made according to the kwunsensus method, as defined by the Inter Cooperative Council of Ann Arbor in Chapter 1 Section 1.5 of their "Standing Rules." [See Figure 4.11 & 4.12]

4.2 **Houses:** the decision making method within each house will be set forth by the house constitution.

5. Objectives:

5.1 Create a living environment structured around the universal principles of cooperation

5.11 Acquire, finance, and manage property according to and in furtherance of the aforesaid principles

5.12 Build a close knit, horizontally organized community that will perpetuate the aforesaid principals through active practice.

5.2 Encourage active participation and engagement of all members

5.21 Hold regular meetings and practice participatory decision—making

5.22 Promote spontaneous acts of cooperation.

5.3 Sustain the organization through generations of membership

5.31 Maintain an active recruitment process

5.4 Preserve history of organization to aid future decision—making

5.41 General bookkeeping.

5.42 Continuous narrative of organization through various media—based projects.

5.43 Development and perpetuation of organization and house—specific traditions.

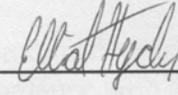
5.44 Generate a co-op cookbook.

Adopted 08/24/2008

Name Seth Frey Date 11/2/10

Signature 

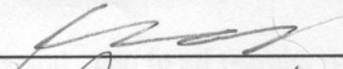
Name Elliot Hayden Date 11/2/10

Signature 

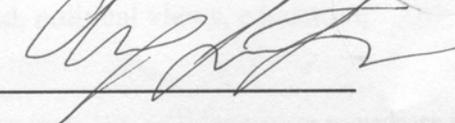
Name Devin Mandley Date 11/2/10

Signature 

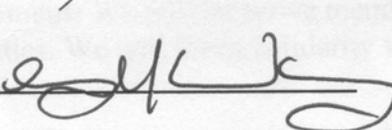
Name Matt Hartzel Date 11/3

Signature 

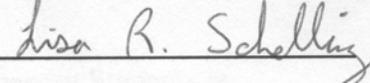
Name Alex Smith Date 11/4/10

Signature 

EMILY M
Name LIPPOLD CHENEY Date 11.06.10

Signature 

Name Lisa Schelling Date 11/11/10

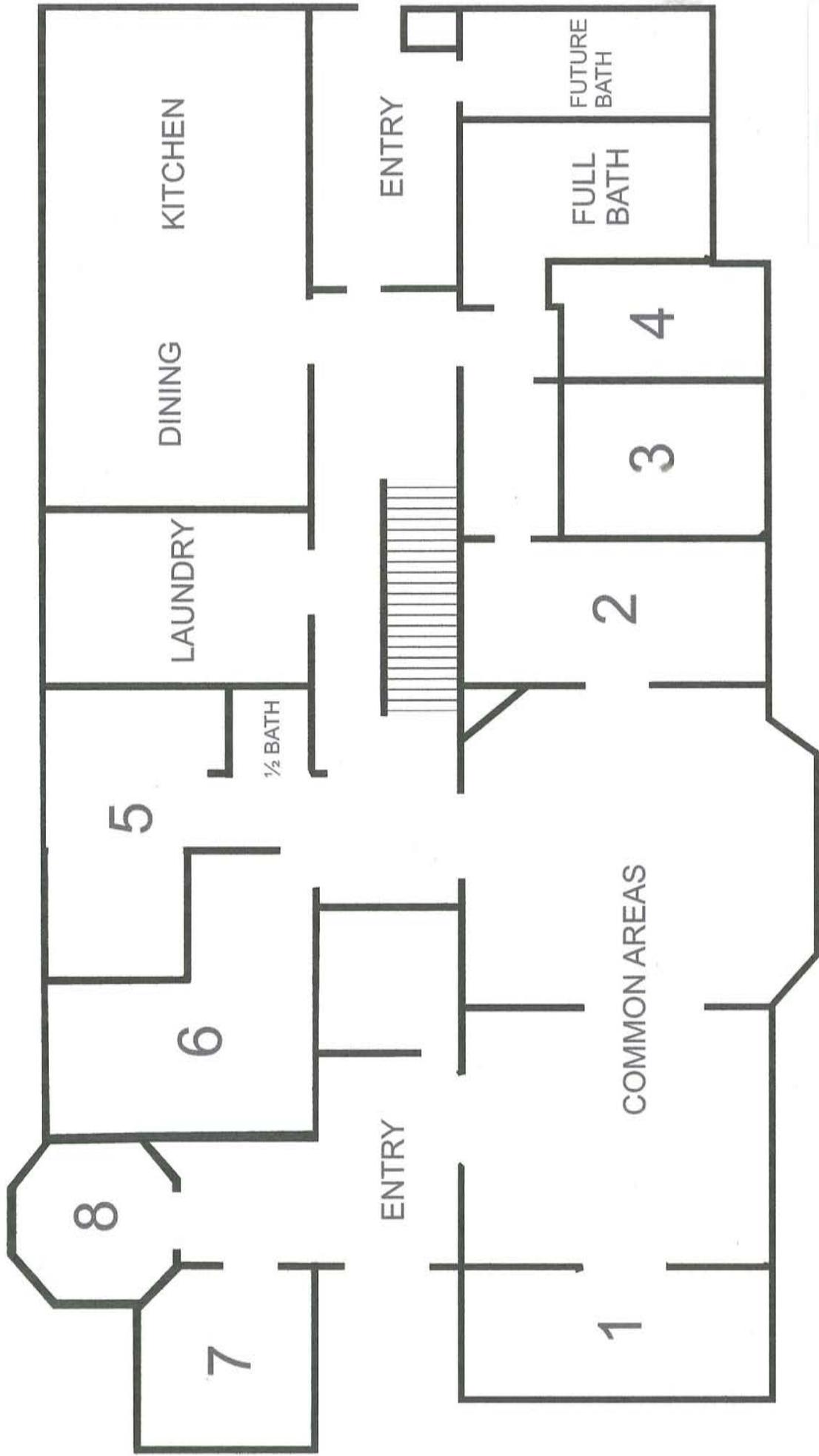
Signature 

Name _____ Date _____

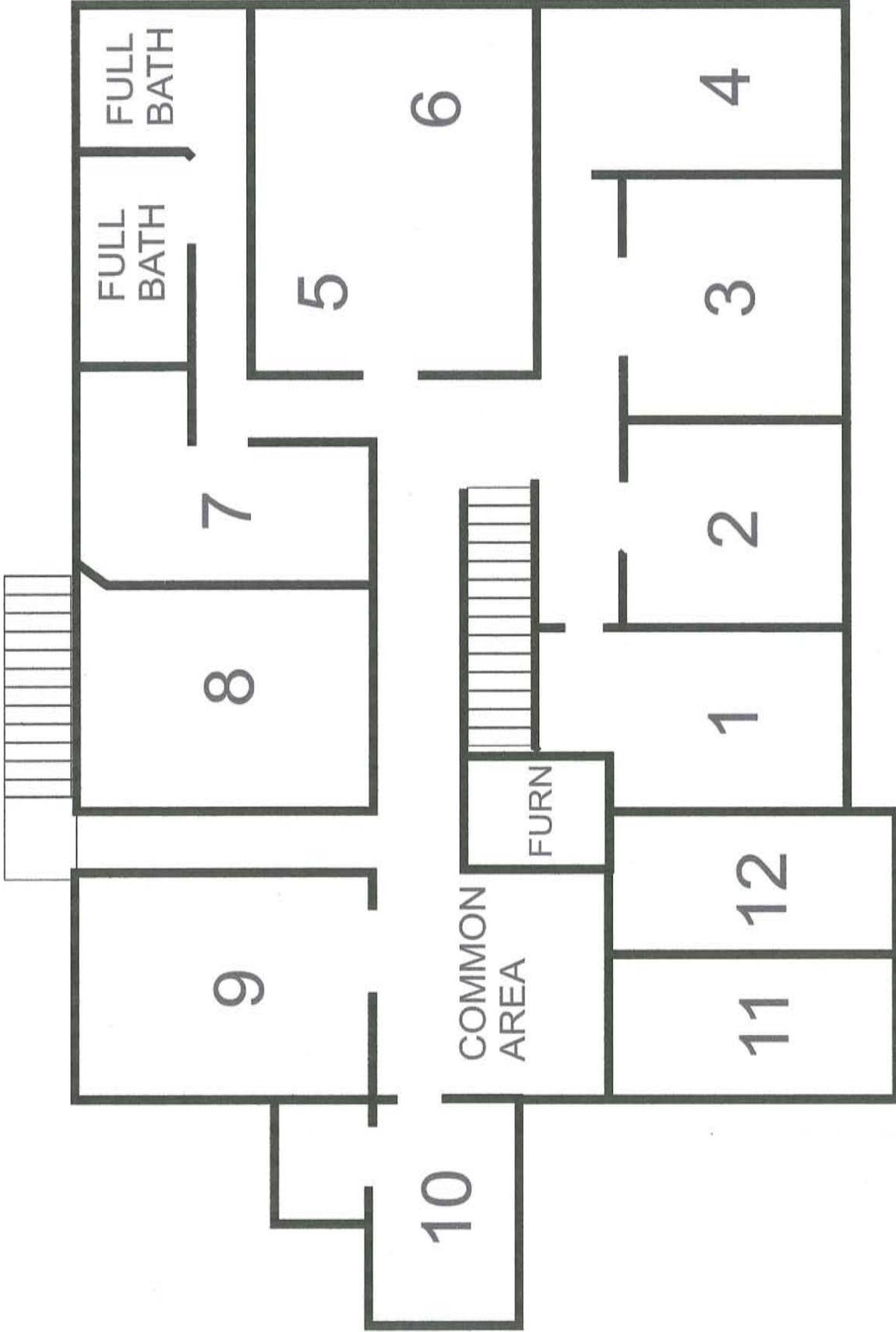
Signature _____



BLOOMINGTON COOPERATIVE LIVING
MIDDLE EARTH HOUSE



55 MIDDLE EARTH HOUSE 1ST FLOOR
5/31/12



56 MIDDLE EARTH HOUSE 2ND FLOOR
 5/31/12

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 2440 S. Henderson Street**

**CASE #: UV-26-12
DATE: July 19, 2012**

**PETITIONER: Life Designs Inc.
200 E. Winslow Road, Bloomington**

**CONSULTANT: Smith Neubecker & Associates, Inc.
453 S. Clarizz Blvd, Bloomington**

REQUEST: The petitioner is requesting a use variance to allow ground floor residential units in a Commercial Arterial (CA) zoning district.

SITE DESCRIPTION: This 0.79 acre property is located at 2440 S. Henderson Street and is zoned Commercial Arterial (CA). The property was previously used as a parking lot for the adjacent property to the south. Surrounding land uses include multi-family units (Timber Ridge) to the north and various commercial uses to the south, east, and west such as Winslow Plaza and Habitat for Humanity Restore to the south, and commercial businesses to the west.

The petitioner is proposing to remove the existing parking area and construct a 3-story building with 25, one-bedroom apartments. A new parking area will also be constructed to the west of the building to provide parking for the tenants. New landscaping, including street trees, will be installed throughout the property as required. In addition, a buffer yard with landscaping is required along the north property line and has been shown on the landscape plan. There is an existing ingress/egress easement along the south property line for an existing shared access drive that provides access for this property as well as for the properties to the south and west from Henderson St. The drivecut will remain in its current location and no new drivecuts are allowed with this petition.

The petitioner is requesting a use variance to allow the ground floor of this building to have multifamily dwelling units. The variance is required because residential dwelling units are only allowed on upper floors in the Commercial Arterial district.

The Plan Commission heard this case (UV-25-12) at the July 9, 2012 meeting and voted 8-1 to forward this to the Board of Zoning Appeals with a positive recommendation. The “no” vote was due to a lack of an entrance along Henderson St. The petitioner has since revised the proposal to include an entrance along the Henderson St. frontage as well as add a complete sidewalk system from the sidewalk on Henderson to the rear parking area.

SITE PLAN ISSUES:

Density: The petitioner is proposing 25, one-bedroom units for a total of 6.25 units (including D.U.E.’s) for an overall density of 7.9 units/acre. This is within the maximum allowed density of 15 units/acre.

Parking: No parking is required for this multi-family use. The petitioner proposes to

provide eight spaces. The proposed 25 dwelling units are permitted a maximum of 1 parking space per bedroom, which would be a maximum of 25 parking spaces.

Environmental: Street trees are required not more than 40' from center along Henderson St. and have been shown on the proposed landscape plan. No sensitive environmental features have been identified.

Architecture: The building will have a variety of architectural materials including brick, limestone, fiber cement panels, and vertical metal ribbed siding. The building will be three stories overall, with only two exposed stories facing Henderson Street. There will be two entrances to the building, one on the west side of the building adjacent to the proposed parking area and the second entrance on the front facing Henderson St. There will be a sidewalk connecting the parking area and rear entrance to Henderson Street.

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 ground floor units. This site is immediately adjacent to another large multi-family complex (Timber Ridge). The prohibition of ground level units was intended to achieve a mix of uses along commercial corridors. Staff finds the area to have an adequate mix of uses due to the surrounding commercial developments.

(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.

(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 presence of established commercial uses and commercially zoned land surrounding this site reduces the need for this property to have commercial uses.

(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 there are adequate

commercial services surrounding the site and additional commercial space is not needed in this area. This use will provide a needed social service component which is funded by a grant that does not allow a commercial component. In addition, this site is further north on Walnut Street Pike than other commercial uses and transitions to strictly residential developments north of this, with no commercial uses further north.

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

Staff Finding: The Plan Commission and Staff find that this proposal does not substantially interfere with the Growth Policies Plan. The GPP designates this property as Community Activity Center (CAC). The CAC designation “is designed to provide community-serving commercial opportunities in the context of a high density, mixed-use development.” The small size of the property does not provide an opportunity to develop the site as envisioned by a typical CAC, however some of the relevant policies for this area state that:

- *Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.*
- *Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.*
- *Street cuts should be limited as much as possible to reduce interruptions of the streetscape.*
- *Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.*

In addition to the policies of the CAC, the GPP’s guiding principles have several policy recommendations that relate to this petition. The “Sustain Economic and Cultural Vibrancy” guiding principle states:

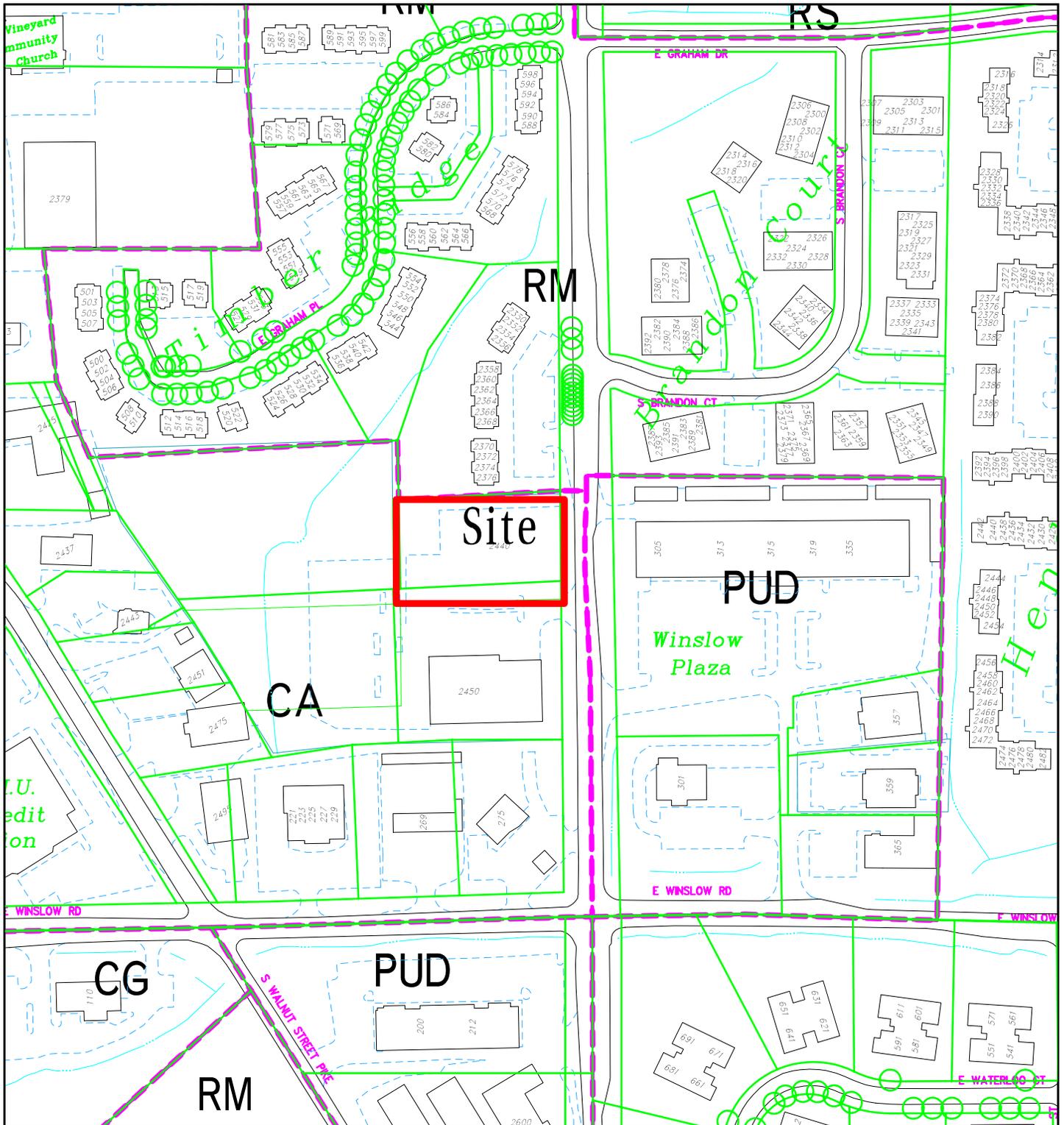
- *...the redevelopment of under-utilized parcels should not be neglected in favor of open land outside of the City.*
- *Within Bloomington, there are significant numbers of properties within downtown, along arterial roadways, and even in core neighborhoods that could be better utilized through redevelopment strategies.*

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the plan and the use variance request at their July 9, 2012 meeting. The Plan Commission voted 8:1 to forward the use variance request to the BZA with a positive recommendation. The Plan Commission found that the proposed use variance does not interfere with the Growth Policies Plan.

CONCLUSIONS: Staff finds that this petition provides an ideal reuse of a property covered by a surface parking lot. The lack of ground floor commercial space at this location does not interfere with the goals and policies of the Growth Policies Plan. The presence of several commercial centers immediately surrounding this property provides adequate commercial service opportunities in this area. The petitioner will be providing

a social service with this project that will be enhanced with the granting of this use variance.

RECOMMENDATION: Based on the written findings of this report staff recommends approval of UV-26-12 with no conditions.



UV-26-12 Life Designs

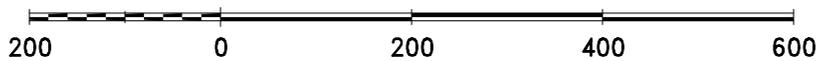
2440 S Henderson St

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

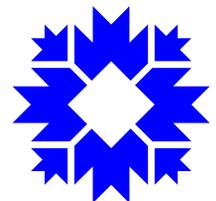
5 Jul 12



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 200'



1101 S Walnut Street Bloomington, Indiana. 47401 Ph. 812.332.6258 Fax 812.332.8658
www.taborbruce.com E-Mail dbruce@taborbruce.com

PLAN COMMISSION

Petitioner's Statement

The Petitioner "LIFE Designs" is a nonprofit organization with the mission to partner with people with disabilities and our communities to bring about self-directed and enriched lives through education, information and support.

Overview

For over three decades, Options has created opportunities for people to work and live in communities that are inclusive by providing the highest quality of care and support in areas like Housing, Continuing Education, Community Living, Employment and Respite.

Life Designs, Inc. f/k/a Options for Better Living, Inc., plans to construct Crawford Apartments, a permanent supportive housing development that will provide permanent rental housing and intensive supportive services to chronically homeless individuals with disabilities to ensure housing stabilization, maximum levels of self-sufficiency, and an overall better quality of life. In this endeavor, we are partnering with Centerstone of Indiana, Inc. and Shalom Community Center for tenant referrals and the provision of a wide array of supportive services. It is important to note that Crawford Apartments will not be student housing. None of its residents will be full-time students, though it is expected that each will receive various forms of job training.

Location

Crawford Apartments is proposed to be constructed at xx South Henderson Street. The site is currently a vacant parking lot just north of the old Comcast building. The property is bordered by an office building, more paved parking to the west, and dense multi-story condominium units to the North. Across the street from the site, is a bank and retail center.

UV-26-12
Petitioner's Statement

Building design

The property is planned to consist of a combination of 25 one-bedroom apartments. Each will be Energy Star certified and will be equipped with; refrigerator, range, dishwasher, and microwave oven. Entrances will be secure and monitored. Additionally, Crawford Apartments will provide substantial on-site counseling to assist the residents in obtaining self-sufficiency. The building will house a property manager's office, two case management offices, and a community center for the residents' use.

Our design proposal will use brick and limestone accents, cement board panels and metal panels to suggest an innovative, modern apartment structure that will become a landmark building for this area. The lower level will be built into the lot as the grade for this site falls considerably from the east across to the west which will allow for the structure to remain at a low 2 story height as seen from Henderson Street.

This structure will have entries on both the West (College Ave.) and East facades. The grade slopes from the North to a low point on the south and will use part of the building as a retaining wall so that the building will sit "in" the site. Limestone elements will provide a focal element at the College Ave. entry; double hung windows and other details will set this building apart as an investment in this area.

Waiver Request

Unfortunately, we must request a waiver pertaining to the design of Crawford Apartments.

1. Ground Floor Commercial Space – Waiver Requesting Exemption from this Requirement: The site is too small to provide space for both the Crawford Apartments with its accompanying offices, and for third-party retail or commercial interests. Therefore, we must also request a waiver that the first floor contains non-residential space totaling at least 50% of its square footage.

Instead of providing additional retail/commercial space, the site will be fully dedicated to providing desperately needed guidance and housing for the most difficult to serve population. It has been proven that this comprehensive, intensive approach to serving people who experience chronic homelessness is the most effective way for such individuals to overcome their difficulties and become self-sufficient.

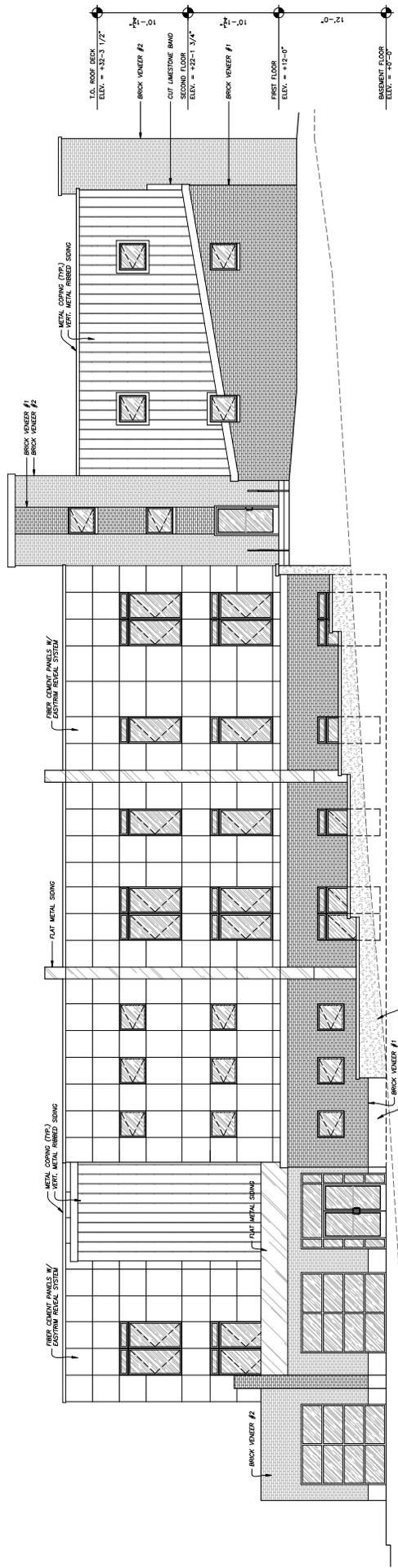
Parking is will also not be an issue. The clientele at Crawford Apartments will not own any vehicles. As they are chronically homeless individuals with disabilities, none will have the financial capacity to own and/or operate a vehicle. Therefore, the only parking required for the building is that which is needed for the staff. At any given time, there is likely to be a total of 2 to 3 staff members on site simultaneously.

LifeDesigns, Inc. appreciates your consideration of these waiver requests. Granting these waivers will enable us to proceed with applications for funding and to complete full design of Crawford Apartments.

Thank you very much,
Susan Rinne,
Chief Executive Officer



WEST ELEVATION



SOUTH ELEVATION

EXTERIOR ELEVATIONS

NEW EMPLOYEE APARTMENTS FOR
 LIFE DESIGN, INC. (CRANFORD JARVIS) 314'-11 1/2"
 CONCEPTAL CURTIS TUCKER BRUCE AND ASSOCIATES A DESIGN
 COMPANY





UV-26-12 Life Designs, Inc.

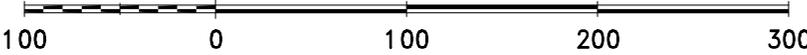
2440 S Henderson St

Board of Zoning Appeals

2011 Aerial Photograph

By: greulice

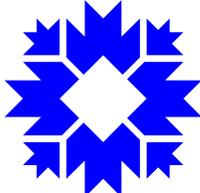
5 Jul 12



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 100'

PETITIONER: Mid-American Radio Group
2685 Wilber Road, Martinsville

CONSULTANT: Bynum Fanyo and Associates
528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting use variances to allow a radio station and a telecommunication facility in a Commercial General (CG) zoning district. Also requested are design standards variances from communication facilities, satellite dish setback and parking setback standards.

SITE DESCRIPTION: This property is located on the west side of N. Walnut Street, between N. Fritz Drive and Blue Ridge Drive, and is zoned Commercial General (CG). The property has been developed with a 1-story single family house, which is currently vacant. The property is surrounded by single family uses in the Blue Ridge Neighborhood to the northeast, a gas station to the east, commercial uses to the north and south and Cascades Park to the west.

The petitioner operates three radio stations in the area, including Spirit 95, and is proposing to consolidate those three stations to this location. Two of these stations are currently located in another CG zoning district near the intersection of E. 3rd Street and S. Park Ridge Road. They would construct a 99-foot tall radio tower on the south side of the building, a 13-space parking lot on the north side of the property, and place two satellite dishes at the south east corner of the property. The site will be brought into compliance with most provisions of the UDO, including paving, bike parking, accessible parking, sidewalks and landscaping.

Neither radio stations, nor communications towers, are permitted uses in the CG zoning district. The petitioner is requesting use variances to allow for these uses. Several design standards variances are also being requested.

Tower standards: While the proposed radio tower meets the definition of a Communication Facility in the UDO, many of the Communication Facilities standards were written specifically with cellular phone towers in mind. The proposed tower does not meet the 80-foot setback standard with only 55 feet (east) and 40 feet (south) proposed. It also does not meet the design (open lattice vs. monopole), staffing (UDO permits only unmanned towers) and co-location (UDO requires that the tower be designed to provide space for future third party cellular antennas) requirements. This tower would be similar in appearance, impact and use as the towers at MCCSC schools, which provide line-of sight communications between their facilities.

Parking setback: Due to the already developed nature of the property, there is little room to construct the needed parking and meet all of the standards of the UDO. Parking cannot be placed to the rear of the building without extensive grading of steep, wooded

slopes. Parking cannot be completely placed to the north side of the building because of a limited distance to the property line. The petitioner proposes a parking lot that is located to the north and east of the building.

Riparian buffer: The UDO requires a graduated, 75-foot buffer adjacent to all intermittent and perennial streams, such as the intermittent stream just to the south of the property line. While the UDO reduces this buffer to only 25 feet for platted lots of record under 1 acre, it does not do the same for un-platted parcels. This 0.8 acre parcel contains retaining walls, mowed lawns, a building and a retaining wall within the 75-foot buffer. The petitioner is proposing to place the tower and satellite dishes within the buffer, as well as grade to improve drainage. They have requested a variance to allow these encroachments.

Satellite dish setback: The UDO requires a 65-foot setback from the centerline of N. Walnut Street. Due to the location of the satellites in the sky and the location of large trees to the south, the best location for the satellite dishes is in the southeast corner of the property, approximately 55 feet from the centerline of N. Walnut Street. A variance from this setback standard has been requested.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the use variance request at their July 9, 2012 meeting. The Plan Commission voted 9:0 to forward the use variance request to the BZA with a positive recommendation. The Plan Commission found that the proposed use variance does not interfere with the Growth Policies Plan.

SITE PLAN ISSUES:

Parking: No parking is required for the commercial use. Based on the number of employees (ten), the petitioner would be permitted a maximum of thirteen parking spaces. The petitioner proposes to provide thirteen parking spaces.

Street trees: Four mature cedar trees currently exist at the western edge of the property within what will become the tree plot. These trees were likely planted to provide visual and sound buffer between the former house and Walnut Street. In order to construct the required sidewalk and open the property up to visibility from the street the petitioner has requested to remove these trees and replace them with more traditional deciduous street trees. Staff has no objection to this request.

Other site planning items: The property will be brought into compliance with all other provisions of the UDO including, but not limited to paving, accessible parking, bike parking, sidewalks, street trees, and landscaping.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 2 recommendations concerning this development.

1. The EC recommends that the petitioner agrees to increase native vegetation within the resulting riparian buffer.

Staff response: The petitioner has agreed to attempt to naturalize the first 25 feet adjacent to the intermittent creek through the cessation of mowing.

2. The EC recommends redundant erosion control around the entire area of disturbance.

Staff response: Staff recommends that this be included as a condition of approval.

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 that the proposed radio station will not be injurious. No safety issues have been identified with this petition. Impacts of this use and associated tower are comparable to professional offices, which is permitted in this zoning district and other tower structures that would be allowed on the property immediately to the south.

- (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 substantial adverse impacts to the adjacent properties from this request. The proposed uses on this property are low traffic generators and have relatively low impacts. The mature vegetation to the west of the structure will help to minimize the visual impact of the proposed tower. The impacts of a radio station are very similar to office uses that are permitted in this district. In addition, the tower itself has similar impacts to potential towers that could be constructed on the property to the south.

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

Staff Finding: Staff finds peculiar condition in the fact that the use has lower impacts than other permitted uses in this zoning district, including professional offices. The radio station use has few employees and is not consumer oriented. In addition, the elevation of the property makes this one of the few commercial properties that will allow a lower tower to effectively achieve the height and line of sight necessary for this type of tower. Staff believes that this property was zoned CG instead of CA, like some properties to the south, because it is closer to the Blue Ridge neighborhood and because there is little buildable area on the lot due to wooded areas or steep slopes. The petitioner's plan reutilizes the existing structure without encroaching into the woods or slopes and is a low impact use near the neighborhood.

(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 UDO will constitute an unnecessary hardship. This location is uniquely situated to take advantage of the elevations to provide line of sight radio broadcast transmissions from this location to the petitioner's transmission tower in Ellettsville. If this variance is denied, the petitioner would need to find another location for their consolidation plans that might necessitate a taller tower for transmission of broadcasts.

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

Staff Finding: The GPP designates this property as "Community Activity Center" (CAC). The CAC areas are "designed to provide community-serving commercial opportunities in the context of a high density, mixed use development." The GPP notes that the "primary land use in the CAC should be medium scaled commercial retail and service uses." Finally, the GPP notes that "rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region." The Plan Commission found that this petition did not substantially interfere with the GPP. They found that the impacts of the Radio Station were similar to a professional office and the tower serves a necessary accessory use to the station.

CRITERIA AND FINDINGS: All other variances

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 with the petition. The proposed design standards variances will allow a low intensity commercial use and an accessory tower in a CG district.

(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 does not anticipate any substantially adverse impacts of the proposed variances. The proposed parking layout is very similar to other uses in the area and the tower should not be substantially taller than existing trees on the property.

(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: Peculiar condition for the parking setback variance is found in the large setback of the existing structure and the inadequate area for a rear parking lot given the steep slopes and wooded area. Other commercial properties in this area have been developed with large setbacks and parking near the street.

Peculiar condition for the communication facilities standards is found in the fact that the majority of the standards were written to address cellular towers. The proposed 99 foot tall, lattice tower will not be designed to accommodate any cellular antennas, including co-locations. It will also be staffed by the employees of the radio station, unlike a cellular tower that is not staffed. The tower can not meet front (east) setbacks without encroaching on the woods to the west. While the tower could meet the side (south) setback, the proposed location will allow the most convenient construction with access from the street due to the shallow back yard.

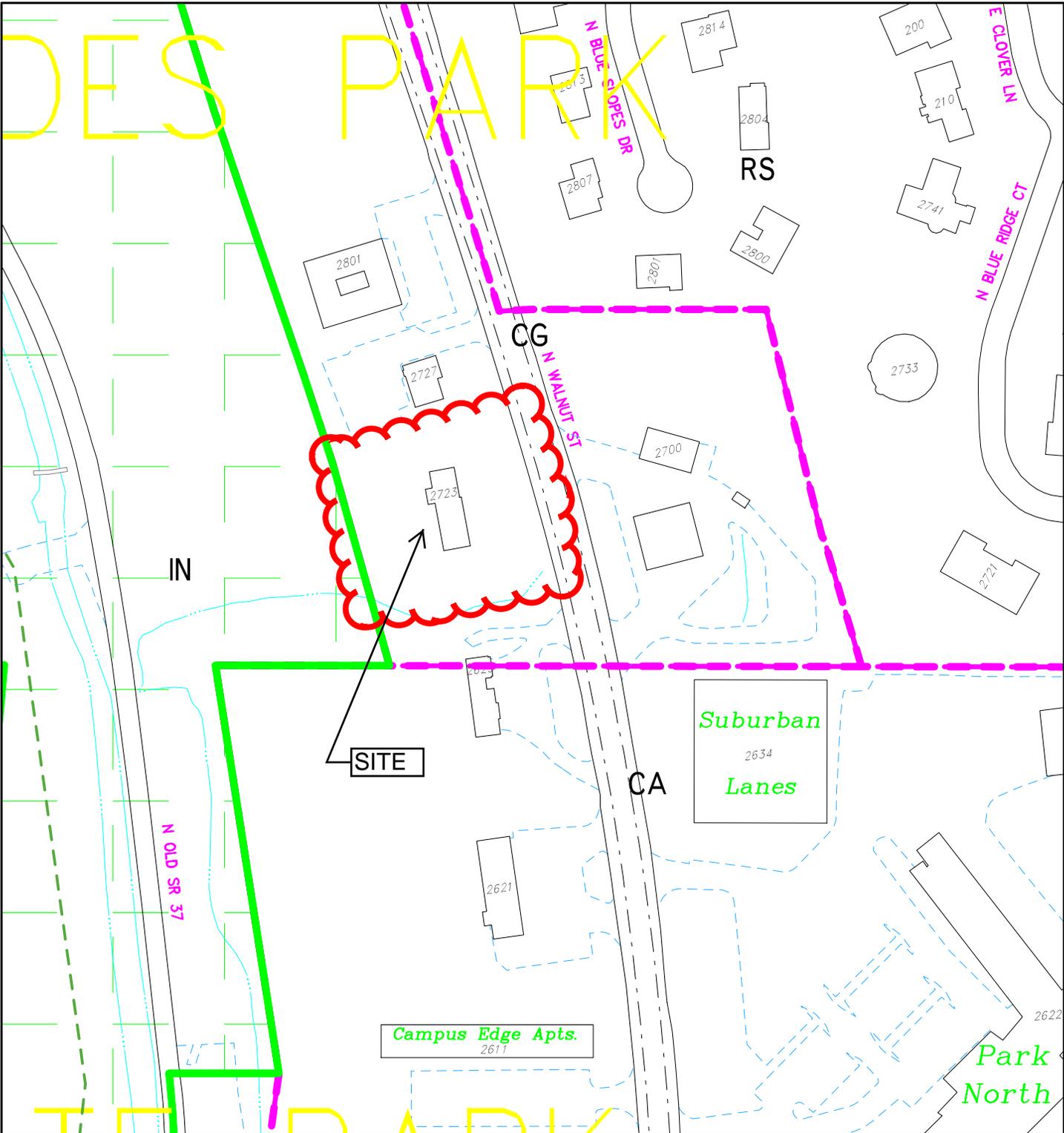
Peculiar condition for the satellite dish setback variance is found in the location of trees south of the property line. The petitioner can not remove these trees and the UDO prohibits tree removal in the riparian buffer. The dishes must be placed in the proposed location to allow for line of sight to the satellites in the southeast sky.

Practical difficulty is found in that without approval of these variances, the proposed radio station use would not be feasible. Staff finds that there is practical difficulty, based on peculiar conditions, to permit the radio station and tower at this location. Without these variances it would not be possible to develop the lot to serve the communication and parking needs of the use. Furthermore, staff finds that if not approved, other permitted uses could potentially have a much higher impact to the area and the environmental sensitivities of the site. The lower impact and necessary footprint of the proposed use will allow the existing structure to be reused and require less parking and grading than would be anticipated with many permitted uses for this property.

CONCLUSIONS: Staff finds that the proposed uses do not substantially interfere with the GPP. This petition would allow for a radio station with impacts similar to a professional office use, which is a permitted use. The proposed tower would not be substantially taller than the existing trees on the property and takes advantage of the elevation of the property to keep the height as low as possible.

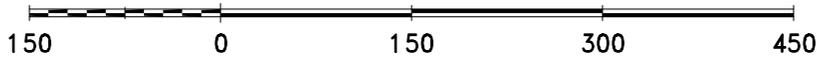
RECOMMENDATION: Based upon the written findings in this report, staff recommends approval of UV/V-27-12 with the following conditions:

1. The petitioner shall cease mowing the 25-foot wide "streamside zone" adjacent to the intermittent creek.
2. Redundant erosion control shall be utilized adjacent to the riparian corridor and steep slopes.



UVV-27-12
Location Map

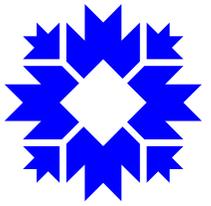
By: roachja
4 Jun 12



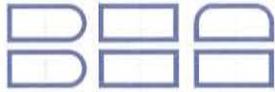
For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 150'



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

June 9, 2012

City of Bloomington Plan Commission
401 N. Morton Street
Bloomington, Indiana 47403

Re: Mid America Radio Group Use and Setback Variance
2723 N. Walnut Street, Bloomington, In.
BFA Project #401214

Dear Plan Commission and Board of Zoning Appeals Members:

Our client Mid-America Radio Group respectfully requests the following variances:

1. Use variance to allow a radio station in the CG zone.
2. Use Variance to allow a radio tower in the CG zone.
3. Front, side and rear yard setback variance for the radio tower.
4. Front yard setback for parking.
5. Front yard setback for two satellite dishes.
6. Riparian buffer setback variance to allow tower and satellite dishes to be placed within the 75 foot buffer.

The proposed property is approximately 0.75 acres with frontage on N. Walnut Street. There is an existing driveway near the north property line that will be shifted south and widened to 24-feet. There are office buildings located north and south of the property, a service station located east of the property and vacant wood area is located west of the property.

The purpose of the above request is to allow a radio station with a 99 foot tower and two ground mounted satellite dishes to locate at this site. The location of this property is unique in the fact that it has the height and distance necessary to communicate with the radio station's other towers located in Ellettsville, Bloomfield and the east side of Bloomington. Due to the size of the existing property setback, variances are required to the south and east since we cannot meet the 80% of the height setback requirement.

The property currently has a single family residence with front and side yard parking spaces. The property has moderate slopes in the front, side and part of the rear yard. The western portion of the rear yard slopes drastically beyond the drip line of the woods west of the house. The proposed plan would be to do some minor interior modifications to the existing residence to accommodate a radio studio and offices. There would be approximately 10 employees at this location with 13-parking spaces along the north property line. Due to the steep slopes to the rear of the house we are requesting a front yard parking variance to achieve the necessary number of space without the necessity to disturb the steep slopes and trees mentioned above.

UV-26-12
Petitioner's Statement

528 NORTH WALNUT STREET
812-332-8030

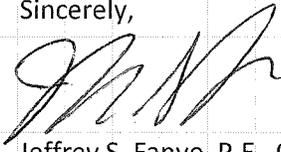
BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

We are also requesting front yard variance for the satellite dishes to be placed where they can receive signals from a southeasterly direction. South of the south property exists an intermittent stream flowing from east to west. The proposed satellite dishes and tower will be within 34-feet of this intermittent stream and as a result will also require a variance to be placed as needed to accommodate the radio station.

We have attached photographs of satellite dish and radio tower that are similar to the equipment proposed for this site. Landscaping will be provided around the rear and sides of the satellite dishes and the base of the radio tower to help buffer them from the street.

If you have any questions regarding our request please contact us at your convenience. We thank you for your consideration.

Sincerely,



Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.

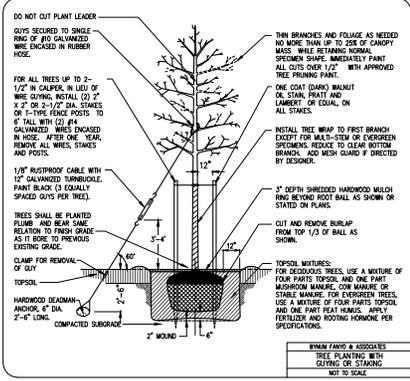


PLANT LIST

LARGE CANOPY DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	OP	QUERCUS PRINUS	CHESNUT OAK	5	2" CAL. B & B
	AG	QUERCUS GLABRA	OHIO BLACKOAK	5	2" CAL. B & B
	MS	AZER RUBRUM	RED SPANISH MAPLE	5	2" CAL. B & B
SMALL / MEDIUM DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	BN	BETULA NIGRA	RIVER BIRCH	2	2" CAL. B & B
EVERGREEN TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	PS	FRAX VIRGINIANA	VIRGINIA PINE	7	5'-4" HEIGHT
DECIDUOUS SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	AM	ARUNIA ARBUTIFOLIA	BLACK CHOKEBERRY	26	24" SPREAD
	LS	LINDERA BENSONI	SPECIOSA	18	24" HOODY
EVERGREEN SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	SS	SYMPLOCARPOS OBOVATUS	MEYER CURRANT	18	24" HOODY, CONT.
	VO	VERBURNUM DENTATUM	ARBOREOUS	18	24" HOODY, CONT.

CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE.

NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 2006 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.





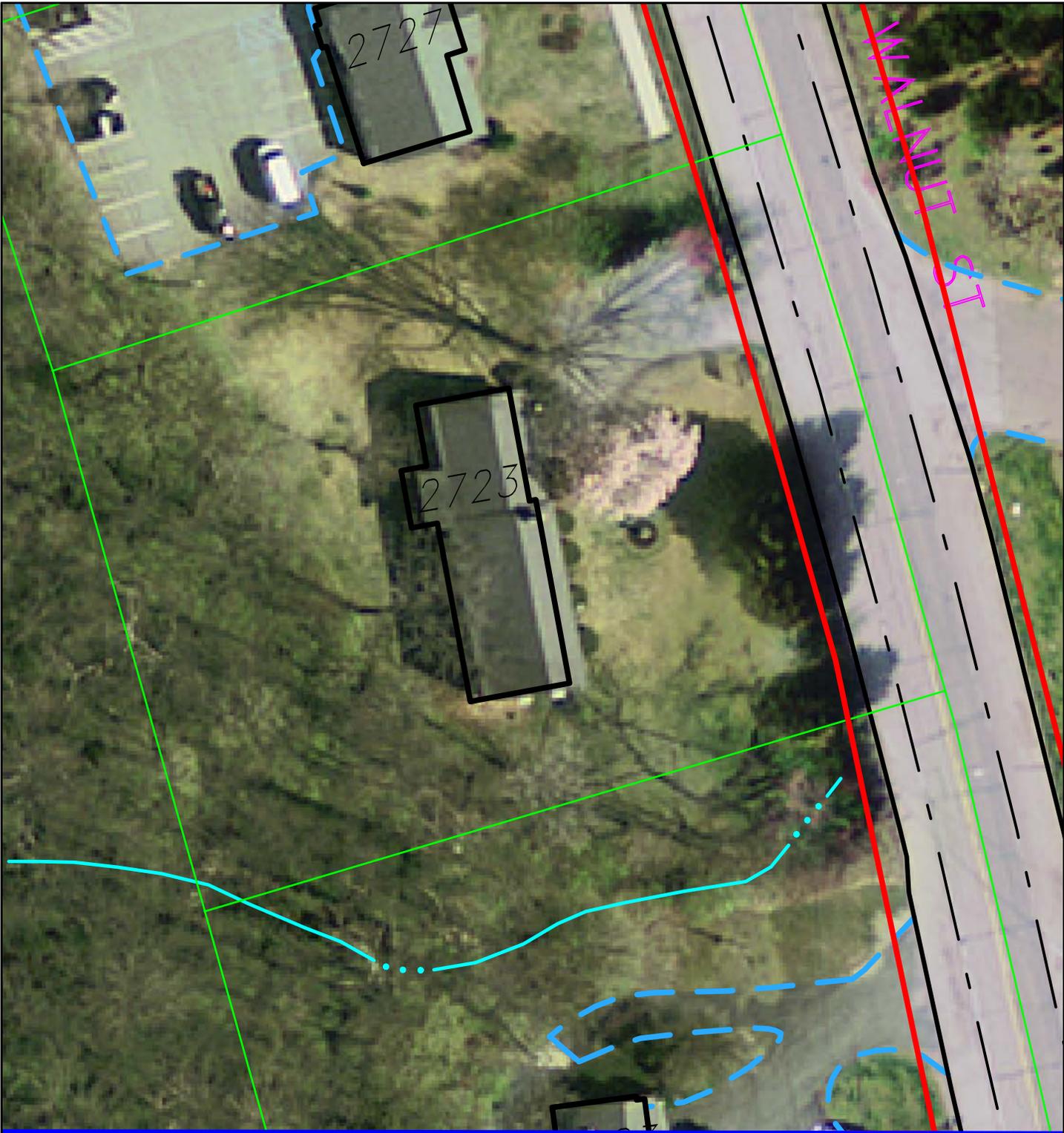
Satellite Dish At WCLS Studios In Ellettsville On Hwy 46
(2 Of This Kind Of Dish At Walnut Street Location)

UVV-27-12-12
Illustrative photo



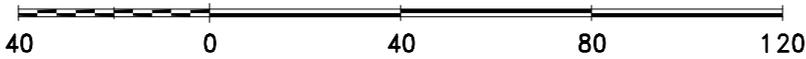
**85 Foot Antenna At WCBK Studio In Martinsville
(Type Of Antenna Needed At Walnut Street Location)**

UVV-27-12
Illustrative Photo



UV/V-27-12
2011 Aerial Photo

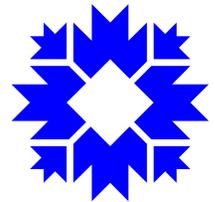
By: roachja
4 Jun 12



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 40'

PETITIONER: Storage Express Holdings, LLC
301 W. Patterson Dr., Bloomington

CONSULTANT: Bynum Fanyo Associates, Inc.
528 N. Walnut St, Bloomington

REQUEST: The petitioner is requesting a use variance to allow development within the floodplain consisting of grading and parking.

SITE DESCRIPTION: The petition site is located at 301 W. Patterson Drive and is also within Parcel E of the Thomson Planned Unit Development (PUD-41-98). The site is mostly occupied by part of an existing 150,000 sq. ft. warehouse that spans the property line and extends south. A surface parking lot and truck marshalling yard is located on the north side of the building. Surrounding land uses include the B-Line Trail and Switchyard Park to the east, a warehouse to the south, single family residences to the west (McDoel Gardens Neighborhood) and a parking lot to the north that was recently approved for redevelopment.

The petitioner owns approximately 50,000 sq. ft. of the 150,000 sq. ft. building and will be utilizing their portion of the building to provide approximately 200 mini-warehouse storage units. The petitioner is requesting a use variance to allow development in the floodplain for the proposed excavation and placement of fill on the north side of the building. The fill is necessary to raise the elevation of the parking and loading area to the same level as the floor of the building. Fill is also necessary along Patterson Dr. to allow for an existing retaining wall and non-conforming fence to be removed. Other related site improvements include redistributing parking spaces, installation of new landscaping, and reduced entrance drive width. A new parking area with 5 spaces will be added west of the existing parking lot to relocate the parking areas that will be removed. There are 2 existing parking spaces in front of the building that will remain for a total of 7 parking spaces on the property.

SITE PLAN:

Pedestrian Facilities: There is an existing sidewalk along Patterson Drive. With this petition, the existing entrance drive will be reduced in width and a new sidewalk will be installed for the portions of the drive that are removed. No connections to the B-Line trail are proposed.

Parking: There will be 7 parking spaces provided for the new facility. This does not exceed the maximum UDO parking requirements. The UDO allows a maximum of one parking space for each employee per largest shift plus 1 parking space for each 25 units. There will be one person on the maximum shift plus 200 storage bays for a maximum of 9 parking spaces allowed.

Access: There is an existing access drive on Patterson Drive that will be reduced in width to meet the UDO requirements. A concrete apron is required for the portions of the drive in the right-of-way and will also be installed.

Landscaping: The Thomson PUD approved reduced landscaping standards given site constraints, but does require landscaping to the extent practical. Staff has worked with the petitioner to install landscaping around the site including along the parking spaces facing the B-Line Trail and new street trees.

Floodplain: The 100-year floodplain of Clear Creek extends through the property and portions of the building. The petitioner is proposing to place fill in the parking area on the north side of the building to raise the ground elevation of the new parking lot to be level with the floor of the building. The proposed fill will also allow the removal of an existing retaining wall and fence along Patterson Drive. A permit from the Department of Natural Resources has been approved (FW-26,532) to allow the work within the floodplain. The Thomson PUD had less restrictive development standards and foresaw that it may not be possible to meet all zoning standards in the redevelopment of certain parcels, including this parcel, where the entire site outside of the building is within the floodplain.

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 has been issued that found no adverse impact from the placement of fill.

(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. The proposed fill will allow the site to be raised, allowing additional greenspace to be added along the street and removal of an unsightly fence along Patterson Dr.

(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 entire property is located in the floodplain and would not be allowed any development on the exterior. The Thomson PUD expected some development to occur on parcels that are constrained by small property size and large buildings that encompass most of the property. This property is almost entirely covered by a large warehouse and existing parking area,

this approval allows a desirable redevelopment of an already disturbed area.

- (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 redevelopment in the area outside the building. As mentioned previously, the Thomson PUD expected development to occur on some of the parcels that are completely encumbered by the floodplain. The intent of the Thomson PUD was to promote the reuse of these old warehouses through relaxed development standards given the constraints on the properties.

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

Staff Finding: Staff find that this proposal does not substantially interfere with the Growth Policies Plan. Staff finds that the redevelopment of this site in a manner that will allow for continued site improvements, new landscaping, reduced impervious surface and most importantly reuse of a declining industrial building along the B-Line trail outweighs the small impact to the floodway in this area. The City created the Thomson PUD in 1998 to deal with these issues. We found at that time that some encroachment and development within the floodway was anticipated. This request is similar to those recently done to the north and south also found within this PUD. This request does include more fill, but will have minimal impact as evidenced by the permit issued by DNR for this project.

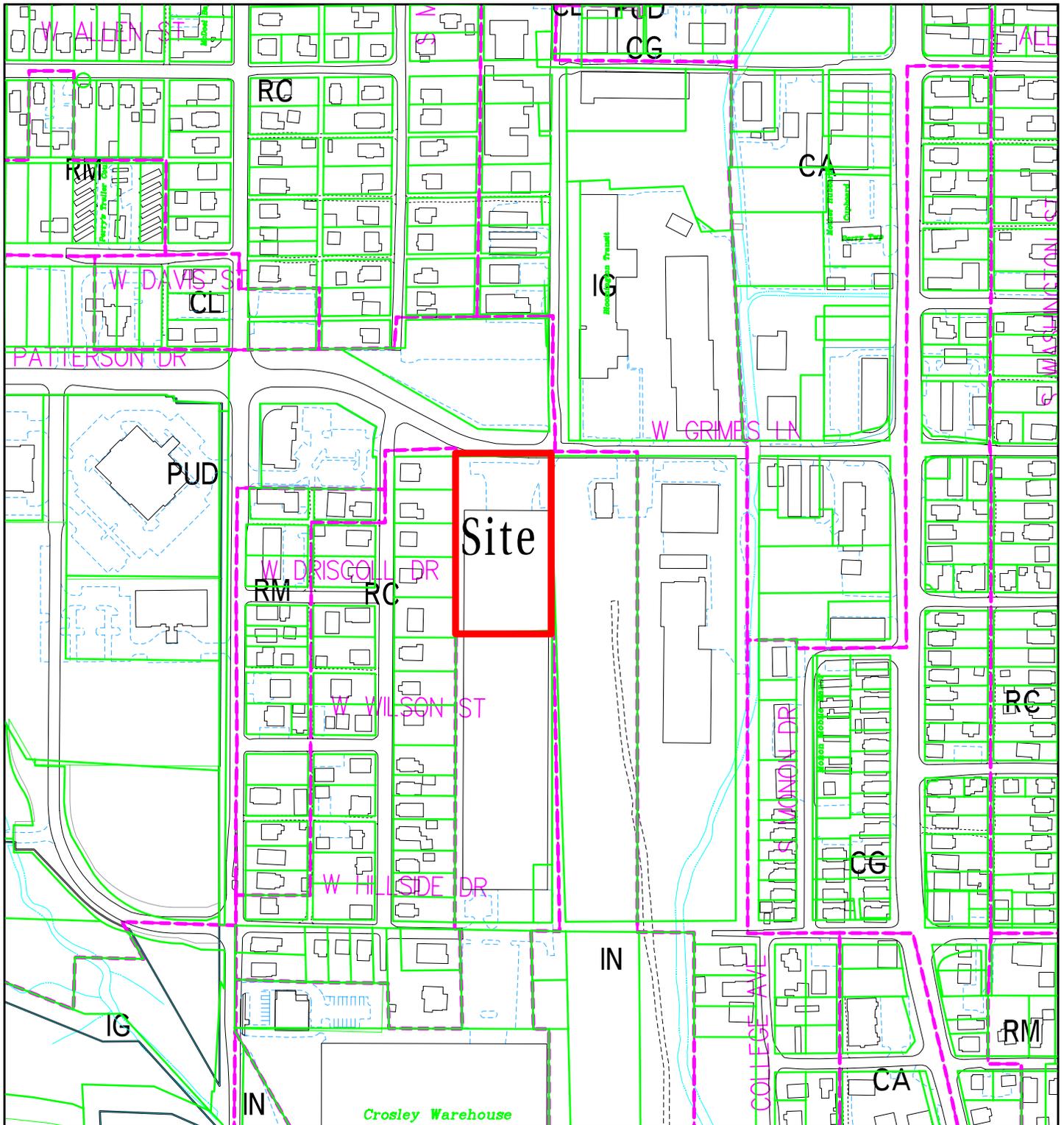
ENVIRONMENTAL COMMISSION: The EC has reviewed this petition and does not find the proposed fill within the floodplain to be warranted and has recommended denial.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the plan and the use variance request at their July 9, 2012 meeting. The Plan Commission voted 9:0 to forward the use variance request to the BZA with a positive recommendation. The Plan Commission found that the proposed use variance does not interfere with the Growth Policies Plan.

CONCLUSIONS: Due to the low number of environmental features, the presence of a permit from DNR, and the high desirability for redevelopment of this area, staff ultimately finds this project does not substantially interfere with the goals and policies of the GPP.

RECOMMENDATION: Based on the written findings of this report staff recommends approval of the UV-28-12 with the following conditions:

1. This approval allows for the excavation and fill as depicted only. Any additional disturbance will require another use variance.



UV-28-12 Storage Express

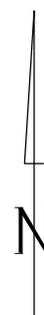
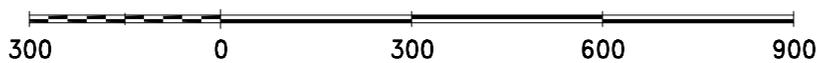
301 W Patterson Drive

Board of Zoning Appeals

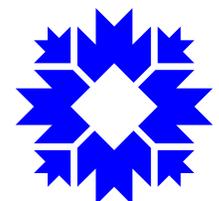
Site Location, Zoning, Land Use, Parcels

By: greulice

5 Jul 12

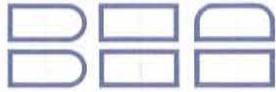


City of Bloomington
Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

June 9, 2012

City of Bloomington Plan Commission
401 N. Morton Street
Bloomington, Indiana 47403

Re: Use Variance Request, Storage Express 301 West Patterson Drive
BFA Project #401154

Dear Plan Commission and Board of Zoning Appeals Members:

Our Client, Storage Express respectfully request a use variance to allow the construction of a marshalling yard, parking spaces, sidewalks and landscaping areas within the floodplain located at the above address. The existing building at 301 W. Patterson Drive is part of the Thompson PUD. At the time of PUD approval it was anticipated that the existing buildings and parking areas within the PUD would be redeveloped including the areas within the floodplain. This type of construction is an allowed activity per the FEMA and IDNR regulations.

In December of 2010 a new UDO was adopted that is stricter than FEMA's model ordinance. The UDO now prohibits the construction anticipated in the Thompson PUD. This provision has created a condition that will not allow the Planning Department to issue a grading permit for the required redevelopment of the site.

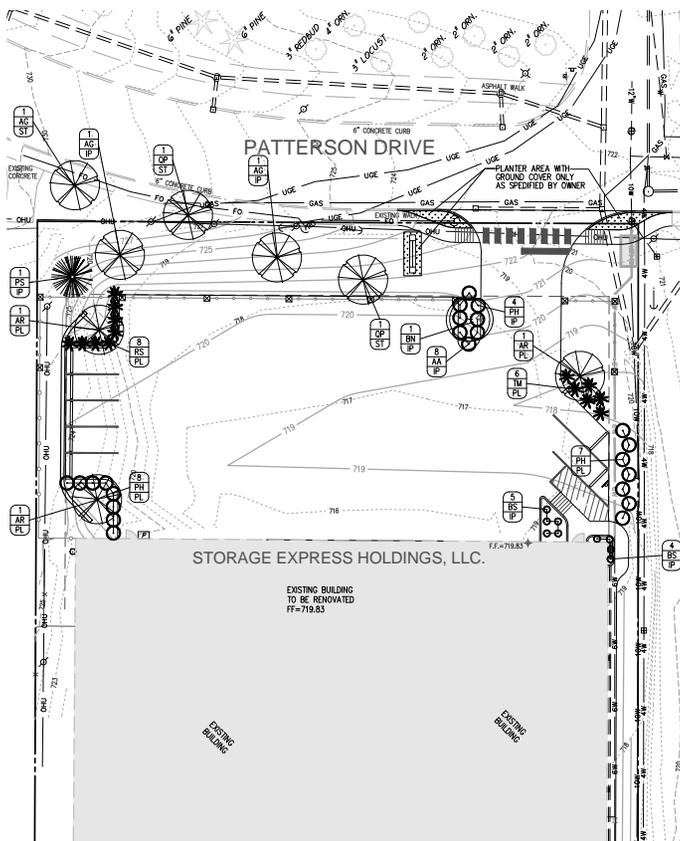
Plans have been prepared for the proposed improvements and submitted to the Indiana Department of Natural Resources which has issued a permit to allow the construction in the Floodplain. In order to allow the proposed construction to be issued a local permit, we need the requested use variance. This type of variance to the UDO has been approved for two other properties in this PUD. The two approvals were granted in Parcel C just north of this site and Parcel E south of this site. In both of these approvals it was determined that no adverse impact would be created by the approval of variance. Similar to the other two variances, the proposed construction will have no adverse impact on the floodplain as evidenced by the issuance of the IDNR permit.

If you have any questions regarding this request please contact us at your convenience.

Sincerely,

Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.

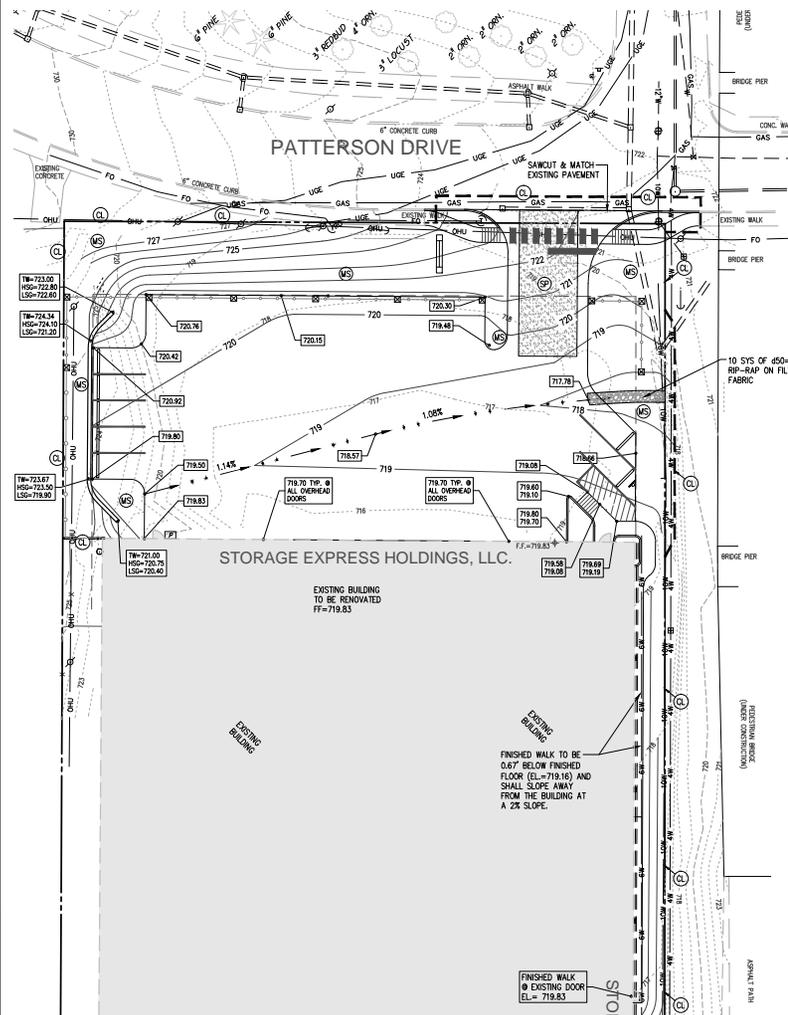
UV/V-28-12
Petitioner's
Statement



LANDSCAPE PLAN

SCALE: 1"=20'

PLANT LIST					
LARGE CANOPY DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	QP	QUERCUS PRINUS	CHESNUT OAK	2	2" CAL. B & B
	AG	AZOLUS GLABRA	SHO BUCKEYE	3	2" CAL. B & B
	AR	AZEA RUBRA	RED SWEET MAPLE	3	2" CAL. B & B
SMALL / MEDIUM DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	BN	BETULA NIGRA	RIVER BIRCH	1	2" CAL. B & B
EVERGREEN TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	PS	PRUNUS STROBUS	WHITE PINE	1	3-4" HEIGHT
DECIDUOUS SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	AA	ARJUNIA ARBUTIFOLIA	BLACK CHERRYBERRY	8	24" SPREAD
	PA	PAVIA ACERIFOLIA	WOODSAGE	10	24" HEIGHT
	BS	BURS SERPENTINIS 'AUFRETTOSITA'	ENGLISH 'TWIST' BURNING	9	24" HGT. CONT.
EVERGREEN SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	NW	TAXUS MEDIA 'NORWIKY'	BROWN'S NEEDLE	8	24" HGT. CONT.
	RS	RHOODODENDRON SPECIES	RHOODODENDRON	8	24" HGT. CONT.
<p>PLANT QUANTITY: 100% PLANT TYPE: 100% REQUIRING ESTIMATION: 100% PLANTING: 100% PLANTING: 100% PLANTING: 100%</p>		<p>*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE</p> <p>NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.06 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.</p>			



GRADING & EROSION CONTROL PLAN

SCALE: 1"=20'

UTILITY AND GRADING LEGEND

- PROPOSED DIP WATER LINE
- PROPOSED WATERLINE VALVE
- PROPOSED WATERLINE CAP AND VALVE
- PROPOSED FLUSH HYDRANT (FH)
- PROPOSED WATER METER (TO BE SIZED BY THE CITY OF BLOOMINGTON UTILITIES)
- PROPOSED 8" PVC SANITARY SEWER AND SANITARY SEWER MANHOLE
- PROPOSED 6" SANITARY LATERAL AND SANITARY SEWER CLEANOUT
- PROPOSED STORM PIPE, INLET AND END SECTION
- PROPOSED FOOTING DRAIN: SDR-35 PERFORATED DRAIN PIPE WRAPPED WITH FILTER FABRIC SOOK, INSTALLED ALONG FOOTING
- PROPOSED SOLID SDR-35 DRAIN PIPE TO POINT OF DISCHARGE
- PROPOSED DRAINPIPE: SDR-35 PERFORATED DRAIN PIPE WRAPPED WITH FILTER FABRIC SOOK, UNDER POND & VOLETTICAL COURT
- PROPOSED SOLID SDR-35 DRAIN PIPE TO POINT OF DISCHARGE
- PROPOSED DOWNSPOUT DRAIN: SOLID SDR-35 DRAIN PIPE TO POINT OF DISCHARGE
- PROPOSED SCHEDULE 40 PVC PIPE, ELECTRICAL GRADE (GREY) CONDUIT BURIED 36" BELOW FINISHED GRADE
- PROPOSED RIP-RAP ON FILTER FABRIC
- PROPOSED FLOW LINE
- PROPOSED TOP OF CURB ELEVATION
- PROPOSED EDGE OF PAVEMENT ELEVATION
- PROPOSED SPOT GRADE ELEVATION
- FINISH FLOOR ELEVATION
- FINISH EARTH PAD ELEVATION
- FINISH BASEMENT ELEVATION
- PROPOSED TOP OF WALL ELEVATION
- PROPOSED HIGH SIDE OF WALL FINISH ELEVATION
- PROPOSED LOW SIDE OF WALL FINISH ELEVATION
- PROPOSED FIRE PIT/DOUBLE DETECTOR
- CHECK VALVE @ FIRE SERVICE LINE "2" SERVICE LINE

EROSION CONTROL LEGEND

- SILTATION FENCE (TEMPORARY)
- CONSTRUCTION LIMITS
- MULCH SEEDING - SEE SPECIFICATIONS (TEMPORARY)
- 20' X 50' STONE PAD, 6" DEEP TO KEEP FROM TRACKING MUD OFF SITE (TEMPORARY)
- CHECK DAM (TEMPORARY)
- CONCRETE WASHOUT AREA (TEMPORARY)
- EROSION CONTROL BLANKET (PERMANENT)
- STRAW BALE (TEMPORARY) (TO BE USED ON ALL YARD INLETS)

NOTE: THIS PROPERTY CONTAINS A FLOOD HAZARD ZONE "AE" AS SCALED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR BLOOMINGTON, INDIANA. COMMUNITY NAME: CITY OF BLOOMINGTON, INDIANA, MONROE COUNTY. COMMUNITY NUMBER: 18100C. PANEL NUMBER: 0143 D. DATE: DECEMBER 17, 2010.

NOTE: THE TOPOGRAPHIC SURVEY WAS PERFORMED BY BYNUM & FAYO ASSOCIATES, INC. IN DECEMBER, 2011. MEASUREMENTS WERE REFERENCED TO NAVD 1988. ELEVATION DATA BASED ON INDOT CONTINUOUSLY OPERATING REFERENCE STATIONS (INCORS).

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INCONGRUITIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE	PLANNING
CIVIL ENGINEERING	PLANNING
BYNUM FAYO & ASSOCIATES, INC.	
Bloomington, Indiana	
(812) 339-2990 (Fax)	



PROPOSED
 STORAGE EXPRESS
 GRIMES LANE FACILITY
 301 W. PATTERSON DRIVE
 BLOOMINGTON, INDIANA

title: GRADING, EROSION CONTROL & LANDSCAPE PLAN

designed by: JBT
 drawn by: JBT, JR.
 checked by: JBT
 sheet no: C103
 project no: 401154

PETITIONER: **Deborah Parker-Hawkins**
 1400 E. Sample Road, Bloomington

REQUEST: The petitioner is requesting conditional use approval to allow an historic adaptive reuse of an existing mixed-use structure.

REPORT: This 0.2 acre site is located on the north side of W. Kirkwood Avenue, midblock between N. Rogers Street and N. Jackson Street, and is zoned Commercial General (CG). This structure was originally constructed as a residential structure. In 1994, the petitioner received a use variance to allow the ground floor of the structure to be used for a commercial tenant. With that approval, the petitioner requested the structure to receive a local historic designation. Since that time the property has been used as a mixed-use building with rental units on the upper floor and commercial space on the ground floor.

With the adoption of the Unified Development Ordinance (UDO) in 2007, the zoning for the property was changed from its longstanding multi-family zoning to CG. The new zoning designation prohibited residential units on the ground floor. Since the rezoning, the commercial tenant has moved out and the petitioner has had difficulty in securing a long-term commercial tenant. Therefore, the petitioner is seeking a conditional use approval for an historic adaptive reuse of the structure to allow the ground floor to be reverted back to the residential use of two, 1 bedroom units. The petitioner believes that the residential rents of the new units will allow a more consistent income that will assist in the future viability of maintaining the historic structure.

Due to the historic use of the property as a residential structure and the historic designation of the property, staff finds this request to be appropriate.

SITE PLAN ISSUES: The petitioner will be able to meet all site planning requirements for this site. A small amount of additional landscaping and bicycle parking will be addressed with future permitting. The parking for the site is an unusual configuration that has resulted in 12 parking spaces with a large drive cut onto the adjacent alley. It is also a relatively inefficient design. The total number of bedrooms proposed for the structure is four. Therefore, the minimum number of parking spaces for the property is four. Since this project is located adjacent to a Residential Core (RC) zoning district, there is no maximum parking for the proposed use. Staff would like direction from the BZA as to whether the number of parking spaces should be reduced below the 12 existing spaces.

The petitioner is proposing to remove the southernmost 2 parking spaces near the building for a new total of 10 parking spaces for the 4 bedrooms. Other options would be to reduce the number closer to the number of bedrooms on the site (4) or to allow one row of back-out parking spaces remain along the alley. This would result in a new total of 7 parking spaces and removal of more than half of the existing parking area.

The Near West Side Neighborhood reviewed the proposal and has recommended that the parking area remain as is or lose only two parking spaces. This position was based on the desire for the parking to remain in case the structure returned to commercial space in the future and to allow overflow parking from the adjacent Salvation Army property to continue to occasionally utilize the parking lot. Although staff finds the reduction in the parking area to be desirable, we recognize the neighborhood's position and recommend the loss of two parking spaces. If the BZA finds additional loss of parking to be appropriate, staff is willing to continue to work with the petitioner and the Board to develop an alternate site plan.

Criteria and Findings for Conditional Use Permits

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

Staff's Finding: This site is designated by the GPP as Core Residential. Staff finds no interference with any of the goals and objectives of the GPP with the request. A use of this historic structure as multi-family is consistent with the Core Residential designation. This will not permit the conversion of a single family home to multi-family and it is located along an arterial roadway. Continued preservation of this structure is a desirable outcome in line with the City's comprehensive plan.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Staff's Finding: The proposed addition will not create a nuisance. The structure has historically been used as a residential structure and will have similar impacts to other residential structures in the area.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

Staff's Finding: Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. Again, the structure existed for many years with multi-family zoning and residential use.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

Staff's Finding: The site is adequately served by all public utilities.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

Staff's Finding: The use of the ground floor as residential will result in less traffic than the permitted commercial uses of the property. In addition, the property is located on Kirkwood Ave. and does not require traffic to utilize any residential streets.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

Staff's Finding: Staff finds that there will not be any excessive loss. Conversely, staff finds that this petition will increase the ability of the petitioner to continue to preserve and maintain this locally historic structure.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

Staff's Finding: With the proposed conversion to multi-family, there are no hours of operation associated with this proposal.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

Staff's Finding: No signage has been proposed with this request.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

ADDITIONAL HISTORIC ADAPTIVE REUSE STANDARDS: BMC 20.05.025(e) lays out the following four specific operations standards for historic adaptive reuse:

- a) *The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of the application for a Conditional Use approval.*

Staff Finding: This property has already been locally designated by the City.

- b) *The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.*

Staff Finding: No exterior changes to this structure are proposed. Any changes would require a Certificate of Appropriateness from the Historic Preservation Commission.

- c) *The proposed use shall enhance the ability to restore and/or preserve the property.*

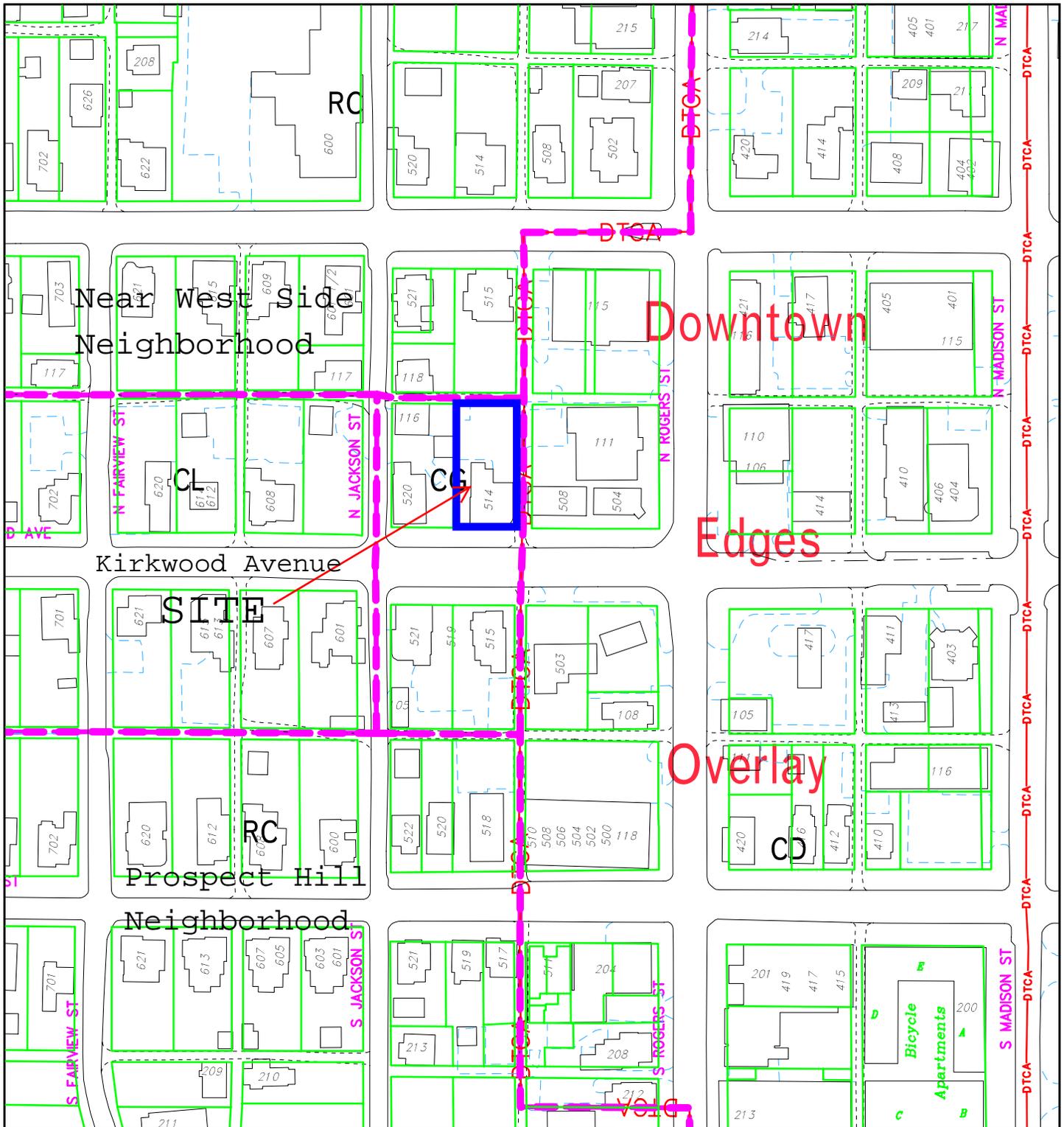
Staff Finding: Staff finds that the difficulty in preserving a long-term commercial tenant has made the maintenance of this historic structure more difficult and the consistent income from the use of the structure as residential will allow an improved ability to maintain the structure.

- d) *The granting of the Conditional Use approval shall be contingent upon any required Certificate of Appropriateness and upon granting of a local historic designation or the presence of such designation being in place.*

Staff Finding: This site has been locally designated and any changes to the property will require a Certificate of Appropriateness.

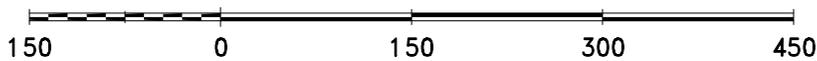
RECOMMENDATION: Based on the written findings in this report, staff recommends approval of CU-30-12 with the following conditions:

1. The two southernmost parking spaces must be removed prior to occupancy of the new units.
2. The petitioner must receive a remodel permit prior to any construction activities.



CU-30-12 Deborah Parker-Hawkins
 Location/Zoning/Land Use Map

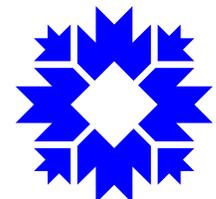
By: shapp
 13 Jul 12



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 150'



Patrick Shay <shayp@bloomington.in.gov>

owner statement for adaptive reuse 514

Deb Hawkins <deb@animalbehaviormodification.com>
To: shayp@bloomington.in.gov

Tue, Jun 19, 2012 at 3:06 PM

Thanks for looking this over for me, see you at 3:00 tomorrow, Wednesday

June 19, 2012

To: City of Bloomington Planning

From: Debra Parker-Hawkins and Ron Hawkins, owners 514 West Kirkwood

Regarding: 514 West Kirkwood, Bloomington, IN Petition for conditional use approval for a Historic Adaptive Reuse within a Commercial General Zoning District to allow the owners to restore the main level to 2 residential apartments.

The building located at 514 West Kirkwood Avenue has been designated historic at the local level.

The proposed use will not diminish the historic character of the property

The proposed use will allow the owners the financial means to continue to maintain the property as a local historic landmark.

The proposed use is consistent with the use of the property directly to the west and the north and the neighborhood in general.

The signage will maintain the character of the house and will be as previously approved

This house is a home and the best use for this house and the neighborhood is for it to be used as a residence. We have owned this house for almost 25 years. Immediately after purchasing the home we made a great deal of improvements to the exterior and interior of this house and shortly afterward with approval, we removed all 4 efficiency apartments from the main level and I moved my business, Parker Real Estate Management into the main level. For 15 years I operated Parker Real Estate out of the main level. Approximately 5 years ago, Parker Real Estate was sold and the owners moved the business to another location. The property was vacant for nearly 2 years until the current tenant, Sublime Design took possession 2 years ago. Unfortunately the location did not afford the necessary traffic for a successful retail business and they are vacating next month. During the period of vacancy there were few prospects and all were found to have chosen new commercial space in favor of this near west side historic home. I believe that the best use for this property and of the neighborhood is for it to remain a home, as it has been for over 100 years.

CU-30-12
Petitioner's Statement

In order to continue to maintain the character of this property we are requesting a use variance to restore 2 (of the 4 original) residential apartments on the main level.

Please also allow the existing parking spaces to remain.

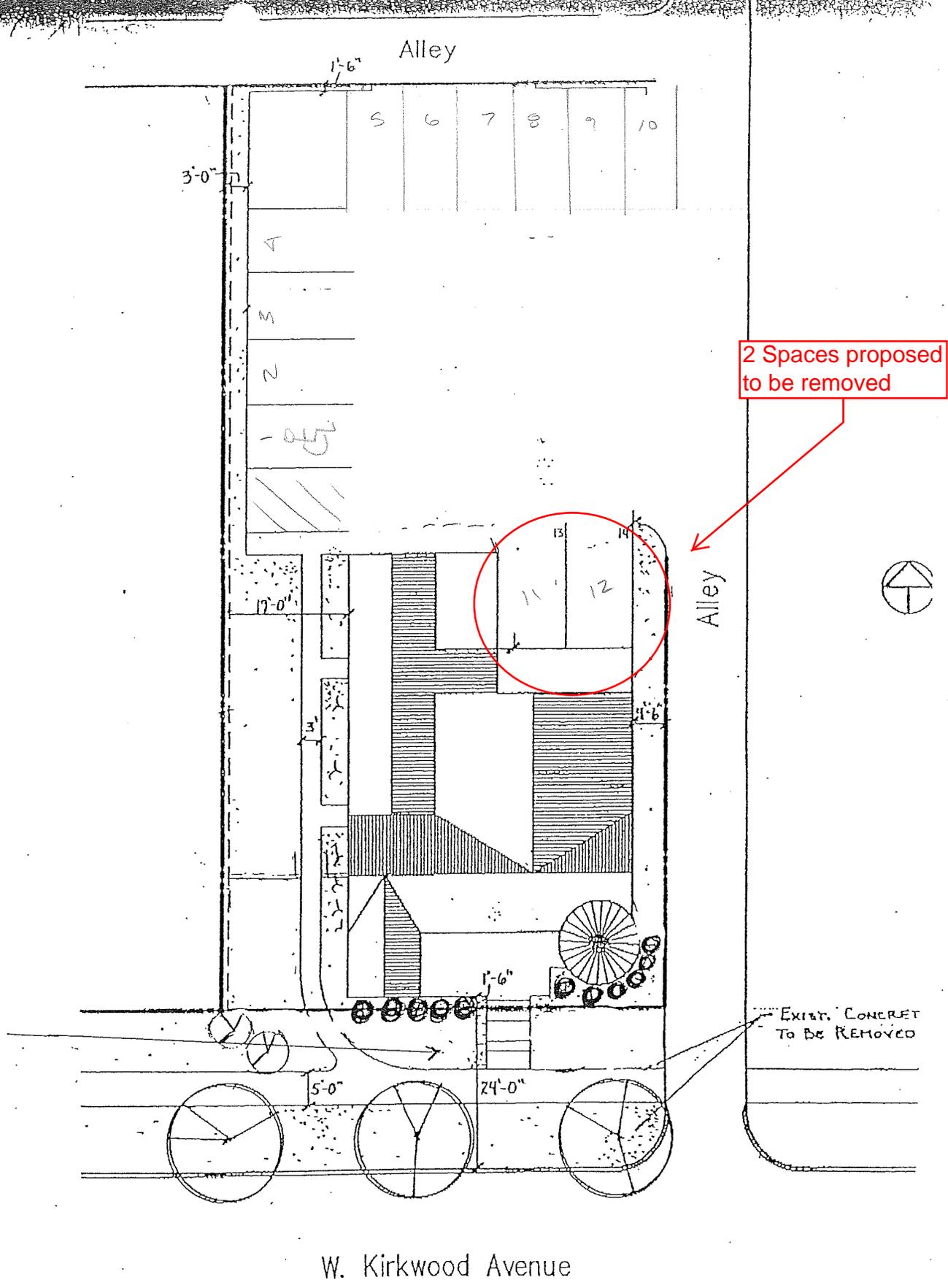
I have met with the neighborhood association received their approval for 2 apartments on the main level and they too request the parking spaces remain.

Plans are attached for 2 approximately 800 sq ft apartments

Thank you for your time and consideration,

Debra Parker-Hawkins

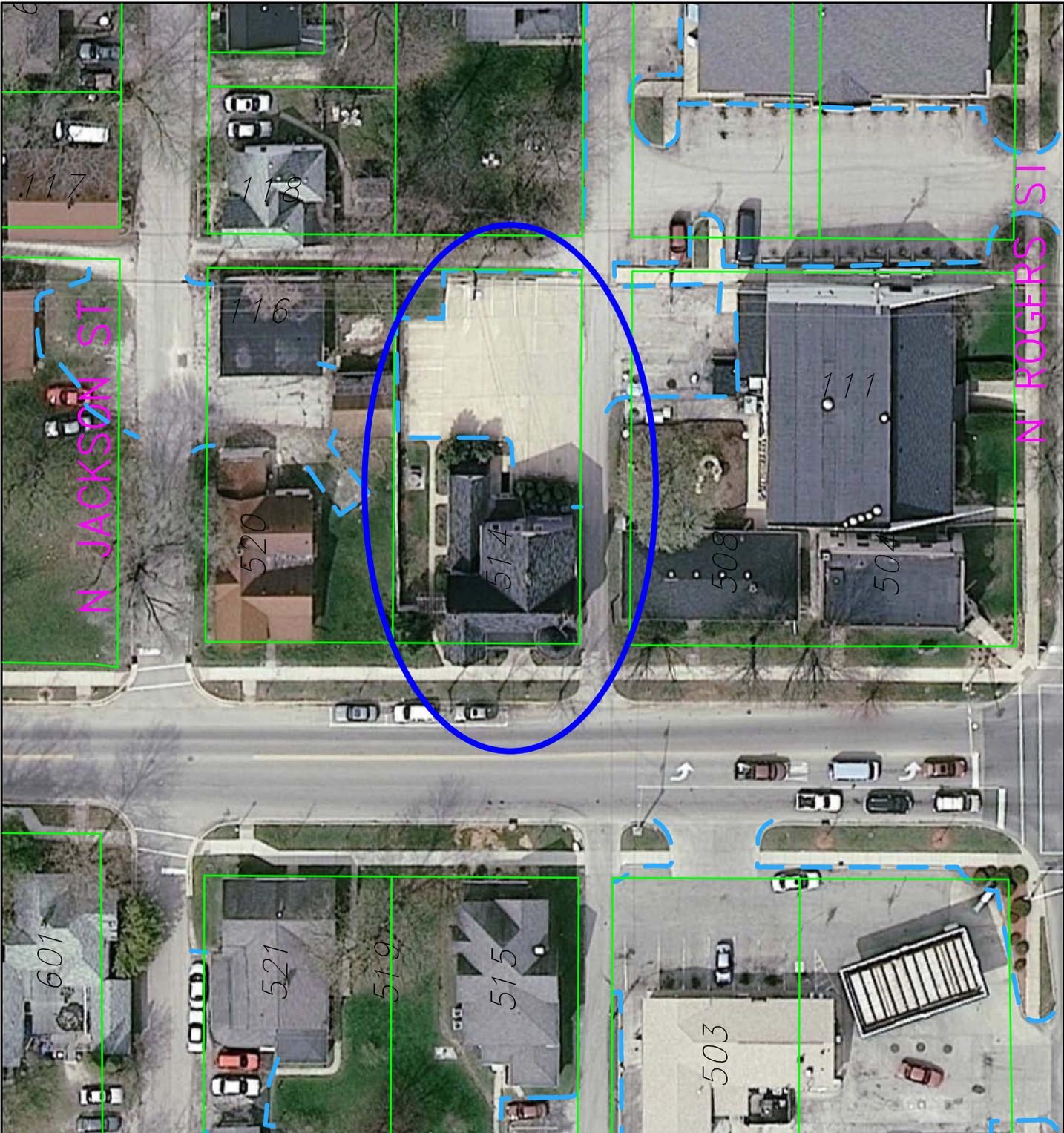
Ron Hawkins



2 Spaces proposed to be removed

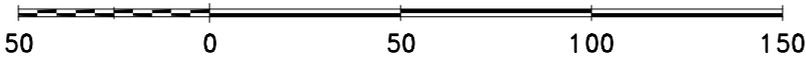
EXIST. CONCRET TO BE REMOVED

CU-30-12
Site Plan

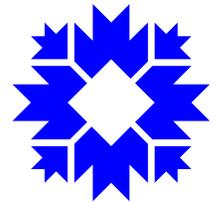


CU-30-12
Aerial photo

By: shayp
13 Jul 12



City of Bloomington
Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

NEAR WEST SIDE NEIGHBORHOOD ASSOCIATION

26 June 2012

Dear Board of Zoning Appeals:

Deb and Ron Hawkins attended the June Near West Side Neighborhood Association meeting and asked for our support for their petition for conditional use before the Board of Zoning Appeals. They informed us that they have been unable to find reliable commercial tenants for the first floor of the building they own at 514 West Kirkwood, which they call the Parker Building. Currently the second floor of the building is devoted to apartments while the first floor is commercial space. They wish to return the first floor to its historic use as residential space.

NWSNA was deeply involved in and supported the Kirkwood sub-area plan which called for small scale commercial use of the first floor of that building. We still believe that it would be desirable if that could be achieved, but we also recognize the current difficulty in getting reliable commercial tenants for that space.

NWSNA is therefore supporting the Hawkins' petition on the condition that the first floor is configured to contain two apartments. We also support their plan to re-install the attractive sign which formerly was in front of the building when it housed Parker Real Estate Management (modified to read "Parker Building").

In addition, the Association urges the city to permit the existing parking lot to remain unchanged, or at least not be reduced by more than 2 spaces. The reason for this is twofold. First, it will make it easier to again configure the space for commercial use if that later becomes economically feasible, and second it makes it possible for the Hawkinses to continue their practice of permitting the Salvation Army to use some of the Parker Building parking lot.

Sincerely,



William Baus, President,
Near West Side Neighborhood Association

Cc: City of Bloomington Planning Department
Deb and Ron Hawkins

CU-30-12
Letter of Support