

CITY OF BLOOMINGTON



**AUGUST 23, 2012 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

ROLL CALL

MINUTES TO BE APPROVED: June 21, 2012

PETITION WITHDRAWN:

- AA-32-12 **Alice R. Jwaideh Revocable Trust**
415 N. Park Ave.
Request: Administrative Appeal from a Planning staff decision pertaining to occupancy limits.
Case Manager: Patrick Shay
-

PETITIONS:

- V-33-12 **Indiana University Credit Union**
105 E. Winslow Rd.
Request: Variance from dumpster setback requirements.
Case Manager: Jim Roach

- V-36-12 **CFC, Inc.**
320 W. 8th St., and 401 & 501 N. Morton St.
Request: Variance from sign standards.
Case Manager: Katie Bannon

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 105 E. Winslow Road**

**CASE #: V-33-12
DATE: August 23, 2012**

PETITIONER: Indiana University Credit Union
105 E. Winslow Road, Bloomington

REQUEST: The petitioner is requesting a variance from dumpster setback requirements.

REPORT SUMMARY: The subject property is located at the northwest corner of E. Winslow Road and S. Walnut Street Pike. The property is surrounded on all sides by streets: Winslow Rd., Walnut St. and S. Walnut Street Pike. The lot has been developed with a one story bank with a drive through and is surrounded on all sides by commercial uses.

The petitioner is proposing to relocate their existing dumpster. The dumpster is currently located near the rear door of the building, along the east façade and inside of a loading dock that had been used by a previous tenant, a grocery. The petitioner is concerned about safety of employees and security with the current dumpster location. This entrance is used for employee entry before and after business hours. More specifically, the petitioner is concerned about people hiding behind the dumpster enclosure near this entrance and would like to move the dumpster further away from the building.

The UDO requires that dumpsters not be located between a building and the street. This requirement forces dumpsters out of the front setback and into the side and rear yards. This property, however, is surrounded by streets on all sides. There is nowhere on the property where a dumpster can be placed and meet the standards of the UDO. A variance is requested to allow the dumpster between the building and the street.

The petitioner proposes a location at the immediate northwest corner of Winslow Rd. and Walnut Street Pike. They believe this is the best location to ensure truck access to the dumpster and to provide adequate distance between the rear entrance and the dumpster for security. The dumpster screen will be concrete block finished with EIFS to match the building. Shrubs will also be planted to further screen the enclosure from view.

While staff believes this property contains peculiar conditions that will result in practical difficulties in the placement of a dumpster, staff does not believe that the proposed location is the least intrusive location for a dumpster on the property. The service drive on the east side of the building could accommodate a dumpster and be hidden from the major traffic corridors of Walnut St. and Winslow Rd, and hidden from Walnut Street Pike by an existing mature shrub line. However, it may require the removal of parking spaces to allow adequate truck movements.

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: Staff finds adverse impacts to the surrounding properties. The proposed location for the dumpster will place it at a prominent intersection of two streets. Staff believes that other locations on the property, particularly the east side of the building, along S Walnut Street Pike, would serve the petitioner's needs for security and convenience, while still blocking views of the dumpster and enclosure.

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. The dumpster and enclosure will be far enough back from the intersection to not obscure any vision clearance triangles.

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. The property is surrounded by streets on all sides. This creates practical difficulty in selecting a dumpster that will meet UDO requirements. There are no locations that will meet the strict application of the ordinance.

CONCLUSION: While staff finds peculiar conditions and practical difficulty for this property in placing a dumpster enclosure to meet UDO requirements, staff believes that the location chosen will have an undue adverse impact on surrounding properties and views along E. Winslow Rd. Another location on the property, particularly on the east side of the building, may not have the same adverse impacts.

RECOMMENDATION: Based on the written findings, staff recommends denial of the variance.

City of Bloomington
Board of Zoning Appeals

August 13, 2012

Ladies and Gentlemen of the Board,

The Indiana University Credit Union is submitting an application for a variance from the Board of Zoning Appeals for a proposed dumpster enclosure. The address of the location for the request is 105 East Winslow Road at the intersection of Walnut Street and Winslow Road. The IU Credit Union is planning a remodel of the exterior of our Winslow facility to update the building aesthetics and to make it more consistent with our newer branch models. The planned remodel will include enhancements to the parking lot lighting, a new limestone entrance, a limestone band, roof changes, and a new application of finish applied to the exterior.

The property at 105 East Winslow Road has "peculiar conditions" as the building is surrounded by city streets. Any proposed location for a dumpster enclosure, according to the City Planner's office would require approval of a variance due to the city code that states the dumpster cannot be between the building and street. The property is zoned Commercial Arterial and South Walnut Street runs along the western edge of the property. The southern edge of the property is bordered by Winslow Road and the eastern and north section of the property is bordered by South Walnut Street Pike.

There are several considerations and concerns that greatly impact the proposed location of the dumpster enclosure. First and foremost, security is the utmost important consideration when identifying the most ideal location. There have been a number of recent violent crimes in our immediate area; including a murder at the Pizza Express across the street and an armed robbery/shooting at the liquor store across the street. These crimes reinforce our need to mitigate security vulnerabilities to minimize risk for our employees and vendors. A dumpster enclosure next to or attached to the building would create an unsafe environment and an ideal hiding spot for a potential robber either within the enclosure itself or around the corner of the building enclosure. The dumpster is currently located in the loading dock area at the south-east corner of the building. If this area is enclosed it would also create a hiding spot that would have the same security concerns. One of the most vulnerable times for a potential takeover robbery of financial institutions, is first thing in the morning when the first employees are arriving or at closing time in the evening when employees are leaving the building. The hiding spots and blind spots created by the gated enclosure could be exploited during these vulnerable times to the detriment of our employees and vendors.

Representatives from the IU Credit Union have met with City Planner, James Roach on location regarding the dumpster enclosure. James has provided information related to city code and suggested alternative placement of the dumpster enclosure.

The IU Credit Union has carefully considered James's proposed alternative locations, but has strong concerns with each proposed alternative. The IU Credit Union does not believe that any of the alternative locations and would be viable options because of the security concerns that are outlined below.

The attached site map shows the IU Credit Union proposed site and the alternative site locations that were suggested by the City Planner. One suggested location was next to the building along the south-eastern corner of the building where our courier vehicles are currently parked (**Alternative 1**). This location would have the same security vulnerabilities as listed above. Another proposed alternative location is in the north

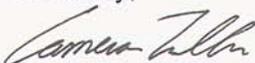
employee parking lot (**Alternative 4**). This would create different security concerns for our nightly cleaning staff removing trash from the facility. The nightly cleaning staff works late into the night with minimal personnel. It is not safe for our cleaning personnel to walk from the building all the way to the north parking lot late at night. This would leave the cleaning personnel vulnerable to be intercepted or ambushed by someone attempting to force their way into the building. The recent violent crimes in the area raise concerns for people that might have to walk across the parking lot at night. **Alternates 2 and Alternate 3** both present the same security concerns as **Alternative 1**. In addition to the security concerns it would also be difficult, if not impossible, for a dump truck to service.

The IU Credit Union believes the south-eastern corner of the parking lot remains the most ideal location for a dumpster enclosure for several reasons. The main benefit to having the dumpster location in the southeastern corner of the lot is that security will not be a concern for our staff arriving in the morning or leaving at night. This location while, removed from the building, is still convenient and doesn't present any security concerns for our cleaning personnel. Another important benefit to this proposed location is that it will not interfere with the aesthetics of the property or adversely impact visibility for traffic purposes. The proposed location will be mostly concealed by the existing shrubs and trees from vehicles moving west along Winslow Road. The location will be partially concealed by the southern IU Credit Union sign and employee parking from traffic moving east along Winslow Road. The location would be partially concealed by shrubs from traffic heading south on Walnut Street Pike. Images of the traffic approaches are provided in the variance request for reference purposes. The enclosure will be designed to match the main building exterior as it would be coated with the same finish material as the remodeled exterior. This will allow the enclosure to blend seamlessly with the rest of the main building. The location will provide easy access for servicing and is not largely visible from traffic approaches. This spot will not have an adverse impact on the public or the surrounding property owners. The IU Credit Union is committed to maintaining our facilities in a manner that mirrors our organizational goals and that will have a positive impact on our community. We believe that this dumpster enclosure will be an improvement to our facility and will not adversely impact the buildings aesthetics.

The IU Credit Union has reached out to some of the property owners or property management companies in the area directly regarding the request for the variance. We have also sent the required notices to all surrounding property owners as part of the variance request process. The IU Credit Union hasn't received any objections with the proposed dumpster location.

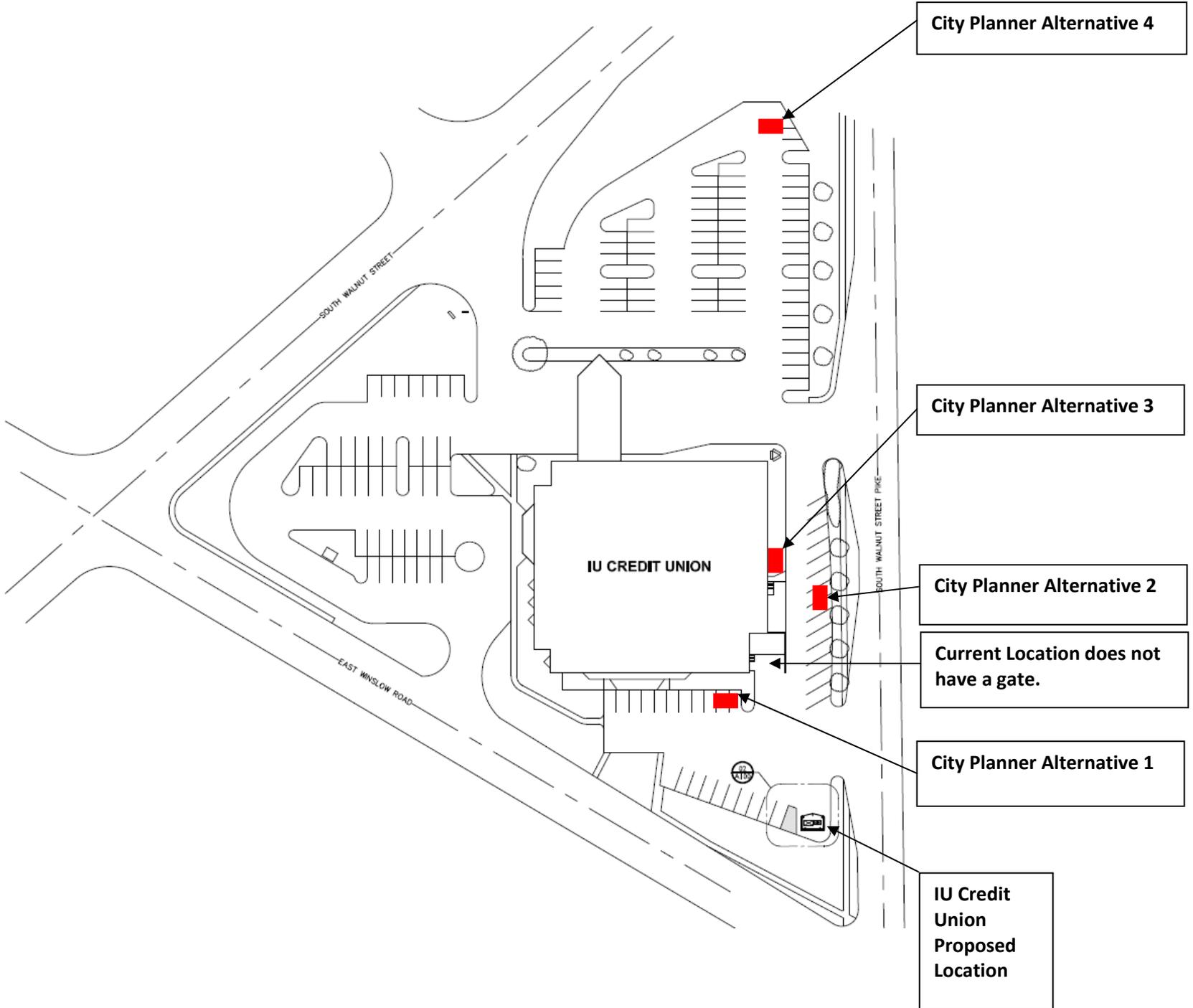
IU Credit Union is dedicated to our community. It is our goal to maintain our property in a manner that adds value to the surrounding areas and limit any adverse impacts on our neighbors or community. We are seeking approval of the variance request for the proposed dumpster enclosure location because we feel that it is the most ideal location to address employee/vendor safety concerns and we do not believe it will have an adverse impact on the surrounding properties or affect the visual appeal of our facility. Thank you for your consideration and we look forward to the board's decision.

Sincerely,



Cameron Tullis
Operational Risk Manager
IU Credit Union

V-33-12
Location Options



Ken Otsuka, CPA
Senior Consultant-Risk Management
telephone: 800.356.2644, ext. 6655158
Cell Phone: 847.612.9653
E-mail: kenneth.otsuka@cunamutual.com
Fax: 608.218.2140



August 10, 2012

CUNA Mutual Group
Contract Number: 013-0295-6

Cameron Tullis, Operational Risk Manager
Indiana University Credit Union
Post Office Box 368
Bloomington, IN 47402-0368

Dear Cameron:

This is in response to your recent request to review the plans by Bloomington's city planner on the placement of the dumpster at IUCU's Winslow Branch. We understand the City of Bloomington requires the dumpster to be enclosed with a gate installed and prohibits placing the dumpster between the building and street. The dumpster at the Winslow Branch is currently located in the dock area on the southeast corner of the building; however, it is not enclosed with a gate as required by the City of Bloomington. The city planner provided four alternate locations for placement of the dumpster.

Enclosing the dumpster at its existing location by adding a gate would create an ideal hiding spot for a robber, which increases IUCU's robbery exposure. The robber could hide in or near the enclosed dumpster area before the Winslow Branch opens for business, ambush an employee arriving for work, and force the employee into the building. If it is the opening employee who is ambushed, the robber forces the employee to disarm the alarm system. Furthermore, this robbery method typically results in a hostage situation involving several employees as the robber ambushes later arriving employees as they enter the building. IUCU is reminded of its responsibility to maintain a safe and secure environment for both employees and members.

We also have concerns with the four alternate locations suggested by the city planner. Alternate locations 1, 2 and 3 create the same exposures as discussed above since the locations are next to or few steps away from the building. Alternate location 4 appears to be too far removed from the building. This would place the night time cleaning crew at risk of being ambushed.

In our opinion, IUCU's proposed location for the enclosed dumpster (southeast corner of the parking lot) is the most logical location to mitigate the risk of robbery. This location minimizes the risk of a robber hiding in or around the enclosed dumpster since it is not next to the building. The risk to the cleaning crew is reduced since they will not have to walk to the far corner of the parking lot.

Please feel free to contact me should you have any questions.

Sincerely,

Ken Otsuka, CPA
Senior Consultant-Risk Management
Credit Union Protection Risk Management

KO:jd

cc: Joanne Schroeder, Credit Union Protection Underwriting
Doug Macias, Sales Executive
Sara Braun, Account Consultant
John Stock, Corporate P&C Specialist

P.O. Box 391, 5910 Mineral Point Road ▪ Madison, WI 53701-0391

V-33-12
Supplementary letter

V-33-12
Current remodeling project



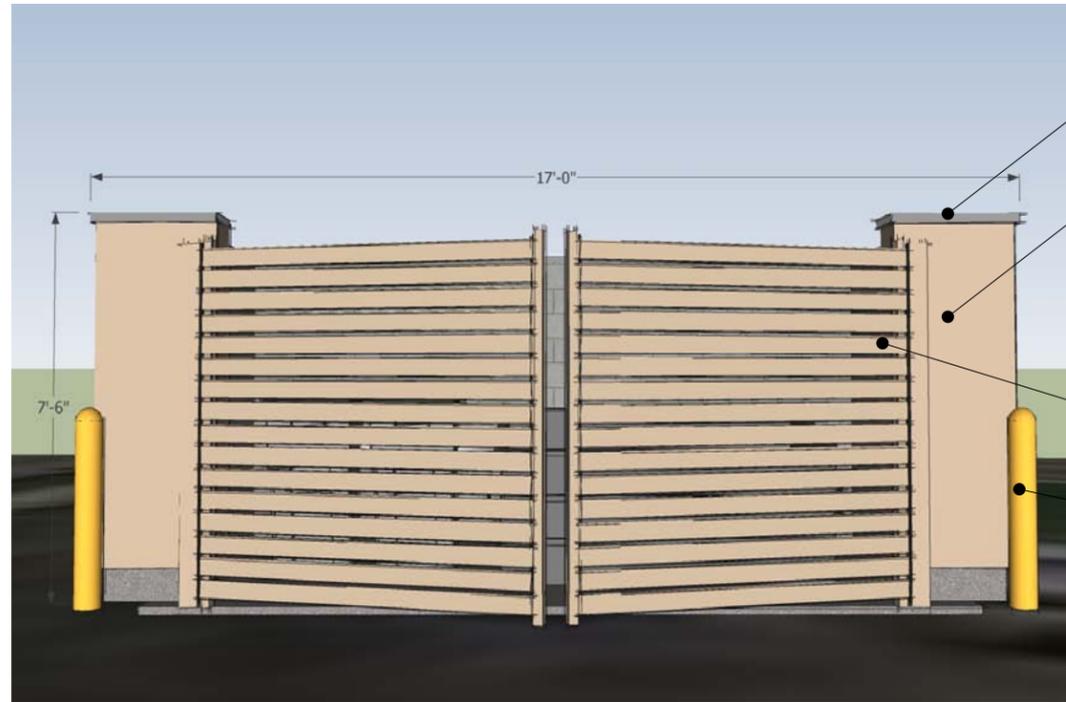


DUMPSTER ENCLOSURE PLAN

PROPOSED NEW DUMPSTER
ENCLOSURE LOCATION

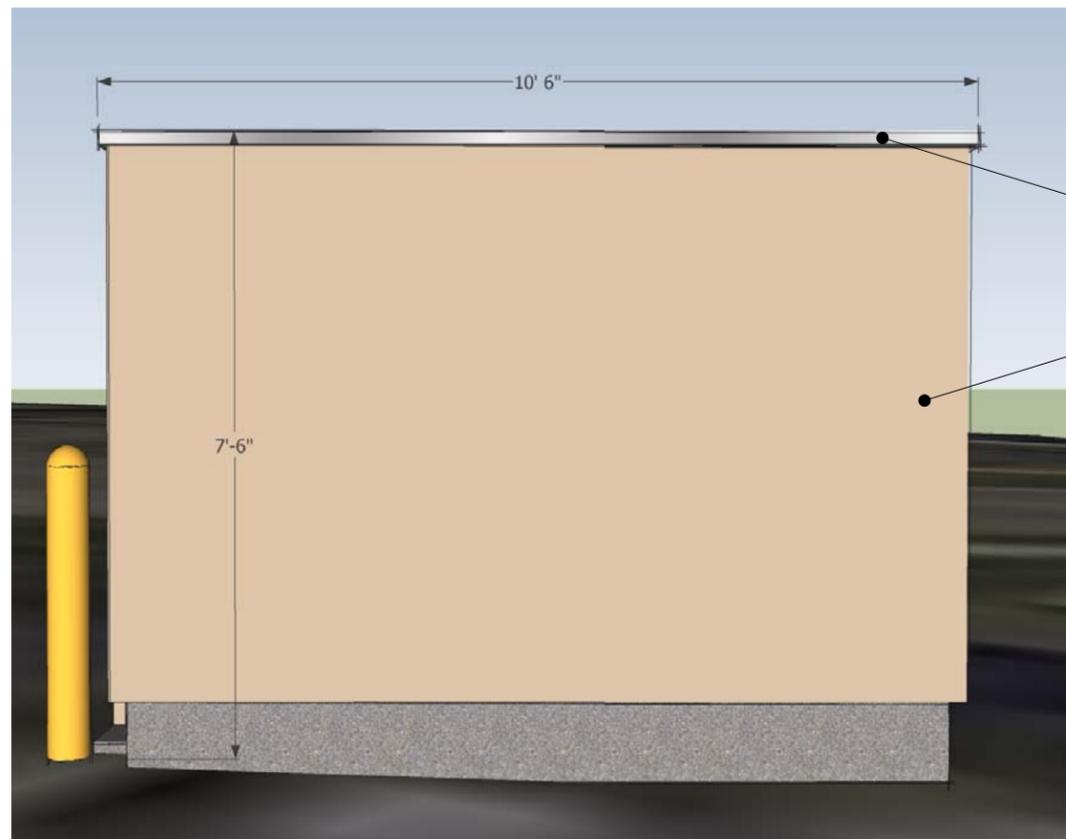
V-33-12
Dumpster details





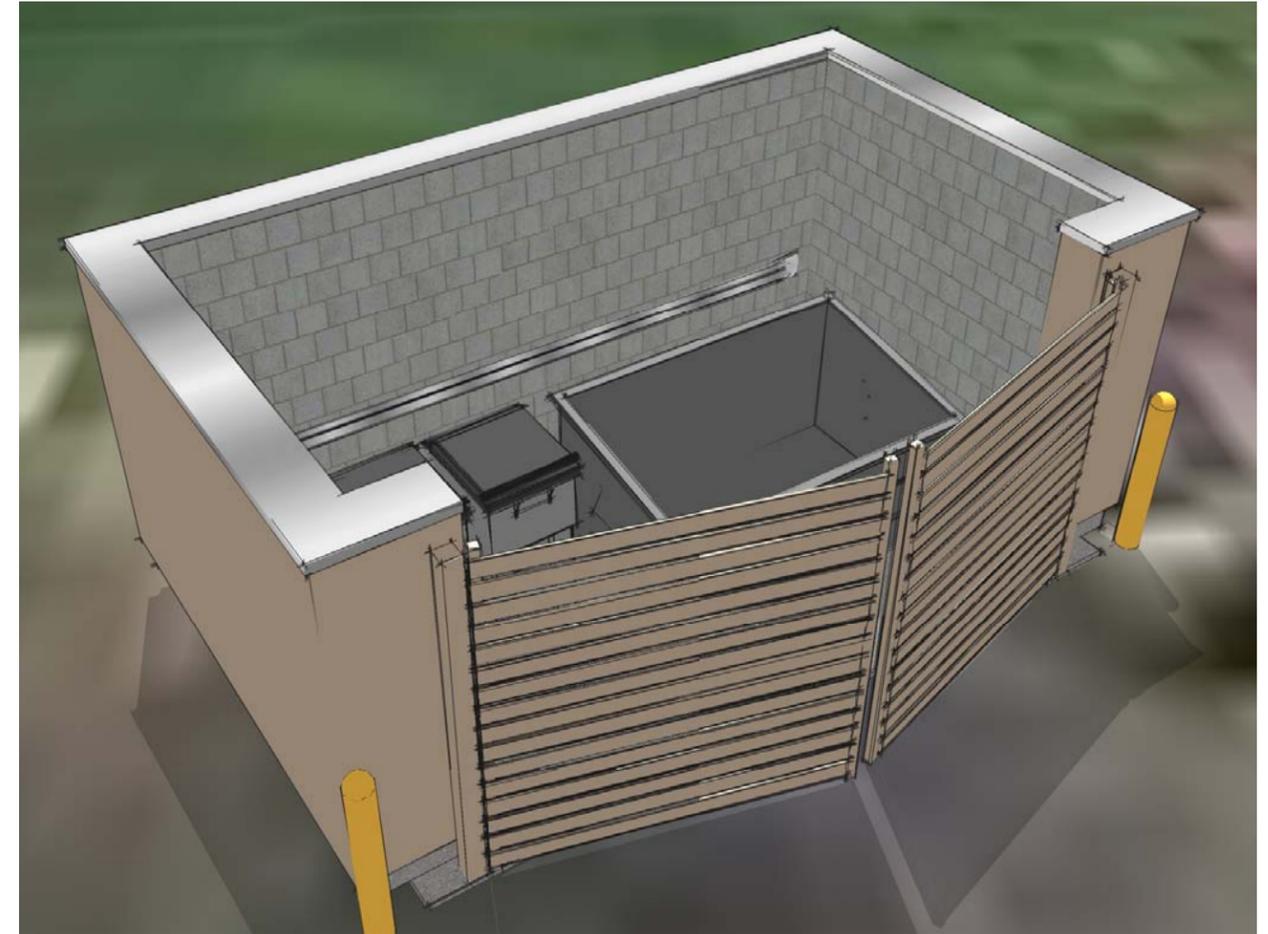
- PREFINISHED ALUMINUM WALL CAP
- EIFS FINISH TO MATCH BUILDING OVER 8" CMU WALL
- PAINTED STEEL SWING GATE
- PAINTED STEEL BOLLARD

DUMPSTER ENCLOSURE - FRONT ELEVATION



- PREFINISHED ALUMINUM WALL CAP
- EIFS FINISH TO MATCH BUILDING OVER 8" CMU WALL

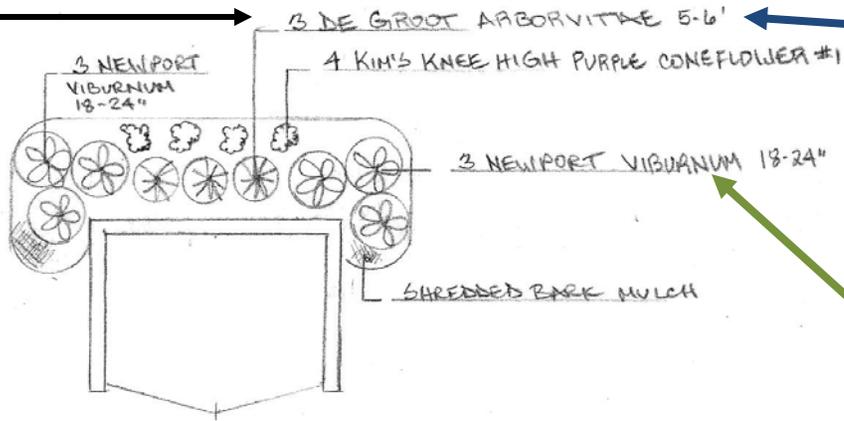
DUMPSTER ENCLOSURE - SIDE ELEVATION



DUMPSTER ENCLOSURE - PERSPECTIVE

V-33-12
Dumpster details

S. WALNUT ST. FIRE



PROJECT: TU CREDIT UNION WINSLOW
 SUBJECT: LANDSCAPE PLAN FOR BACK SIDE
 OF PROPOSED DUMPSTER ENCLOSURE

North
 SCALE: 1" = 10'-0"

Nature's Way, Inc.
 P.O. Box 6896
 7330 North Wayport Road
 Bloomington, IN 47407
 Phone (812) 876-7888
 "An Investment That Keeps On Growing"



East side of proposed dumpster location



View North at intersection of S Walnut Street Pike and Winslow Road



View moving east on Winslow Road



View looking west at north intersection of S. Walnut Street Pike and Winslow Road



View looking north toward proposed dumpster enclosure location



Road view of proposed dumpster location at lot entrance moving south along Walnut Street Pike



V-33-12
Site photos

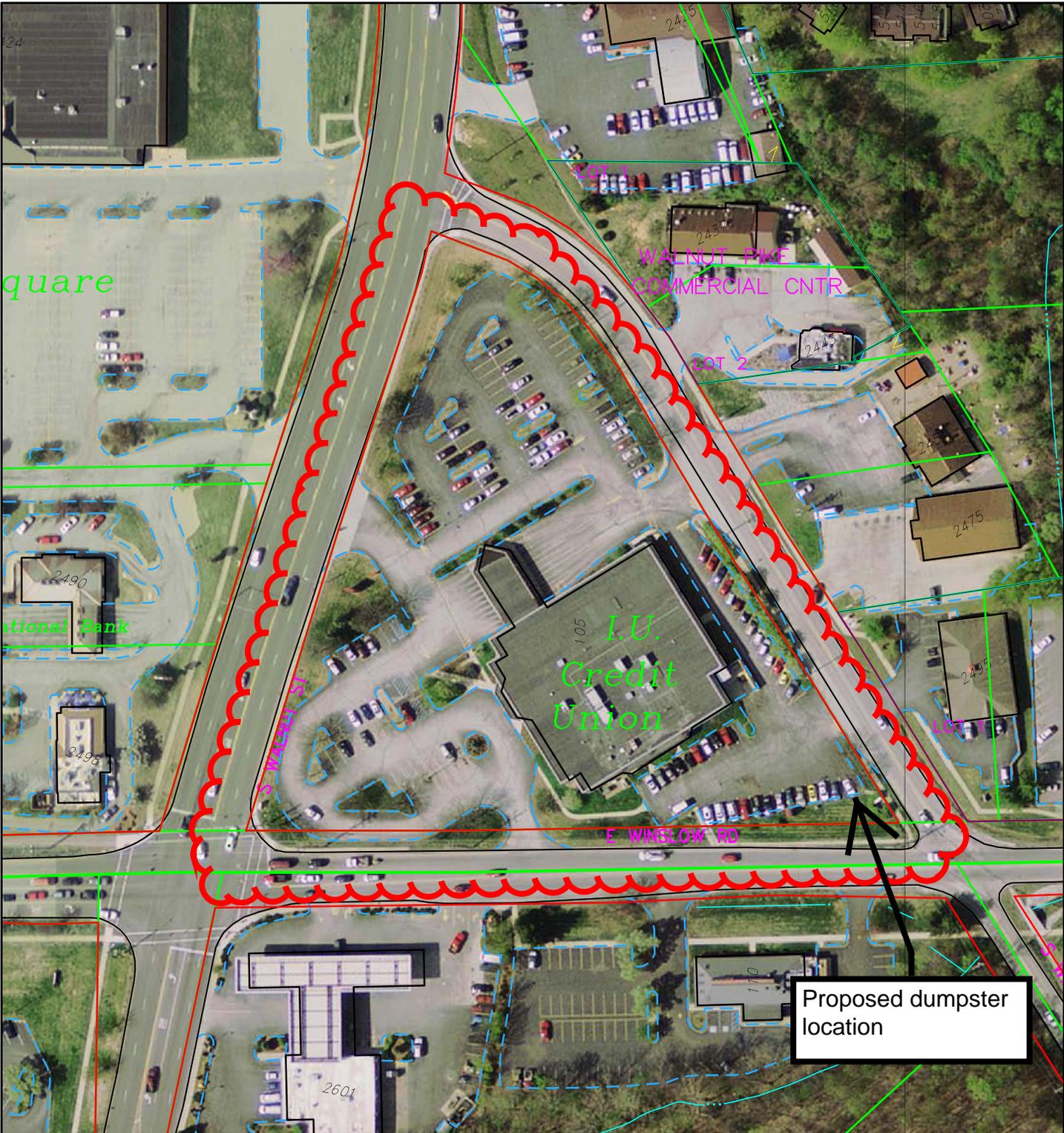
Road view of proposed dumpster location at lot entrance moving south along Walnut Street Pike



Proposed Dumpster Location (shows that trees & shrubs will help hide dumpster enclosure)

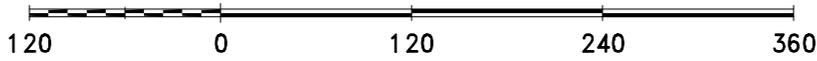


V-33-12
Site photos



V-33-12
2011 Aerial photo

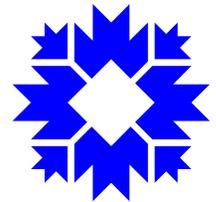
By: roachja
16 Aug 12



For reference only; map information NOT warranted.

Proposed dumpster location

City of Bloomington
Planning



Scale: 1" = 120'



PETITIONER: CFC, Inc.
320 W. 8th Street, Suite 200, Bloomington

REQUEST: The petitioner is requesting a variance from sign standards to allow eleven freestanding signs for a multi-tenant building.

SITE DESCRIPTION: The property is located at 320 W. 8th Street, and 401 & 501 N. Morton Street. It is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay District. Surrounding land uses are a mix of office, commercial, and multi-family. The property has been developed with a two-story multi-tenant building with office and commercial space. There are three sections of the building: CFC Business Plaza, City of Bloomington City Hall, and Monroe County Government Offices. Each section has a separate entrance, and sections are not connected to one another internally.

The petitioner is proposing seven new freestanding signs in addition to the existing four freestanding signs on the site. The existing freestanding signs are identification signs for the three sections: CFC Business Plaza, City of Bloomington City Hall, and Monroe County Government Offices. The proposed new signs are wayfinding signs that direct the public to the three sections of the building. Ever since the building was occupied in 1995, the major tenants of the building have faced difficulties directing customers to various locations due to the lack of internal connectivity within the structure. As a result, the City, County, and CFC have partnered to develop and finance the sign proposal. Six of the proposed signs are 5.5 feet tall with 14.67 square feet of sign area. The seventh proposed sign is 8.08 feet tall with 33.12 square feet of sign area.

The Unified Development Ordinance states that in the CD district a maximum of one freestanding sign with a maximum height of four feet and a maximum sign area of 15 square feet is allowed. The petitioner is requesting a variance for the number, height, and sign area of the proposed freestanding signs.

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: The granting of the variance from the standards will not be injurious to the public health, safety, morals, and general welfare. Two sections of the building are used for governmental offices and are accessed frequently by the public. Better wayfinding signs will aid members of the public in finding their

destinations.

- 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.*

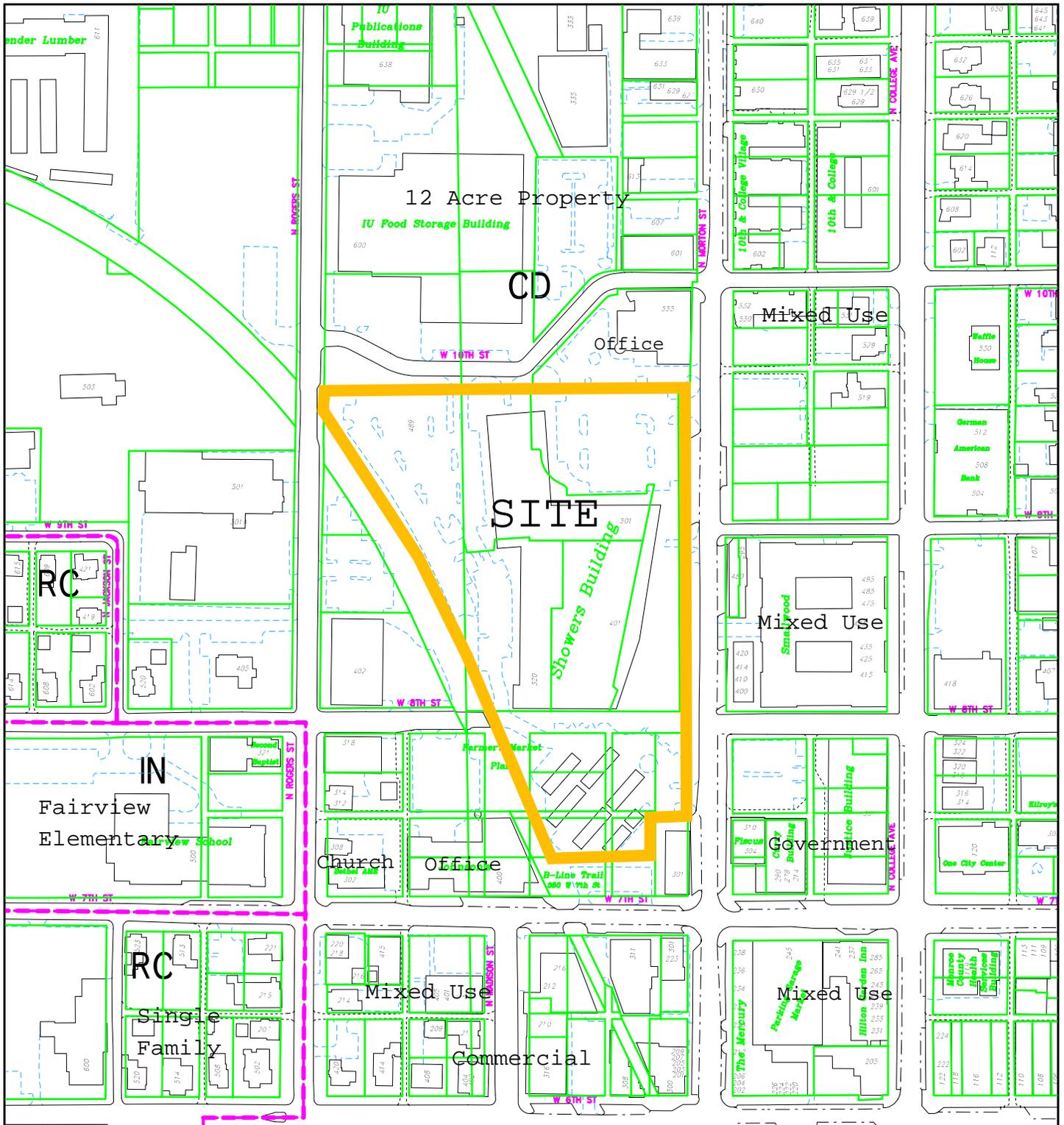
STAFF FINDING: Staff does not find any negative impacts to the surrounding uses or a substantial adverse impact on adjacent property values as a result of the proposed signs. The property has four separate frontages and parking areas that are not connected. Better wayfinding signs may improve circulation in the area by reducing the number of cars circling on surrounding streets to find the correct building entrance.

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

STAFF FINDING: Staff finds peculiar condition in that this building is substantially larger than most buildings in the downtown and located on a large campus-like property. Most large campus-like sites are located within the Commercial General (CG), Commercial Arterial (CA), Business Park (BP), Medical (MD), or Institutional (IN) zoning districts. If the property were located in the one of these districts, it would be allowed four freestanding signs with a maximum sign area of 125 square feet and a maximum height of fifteen feet. The proposed signs are well below the maximum size and height allowed in these districts. These districts allow a total combined sign area of 500 square feet. The combined sign area proposed is 246.33 square feet. Additionally, peculiar condition is found in that this approximately 210,000 square foot building has three distinct sections, each with a separate entrance. The sections are not internally connected to one another so it is important that members of the public be well-directed to their intended destination. Additional signage will improve wayfinding within the site.

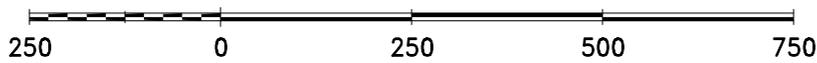
RECOMMENDATION: Staff recommends approval of V-36-12 with the following conditions of approval:

1. A sign permit shall be obtained prior to installation of the sign.
2. Sign location must be field verified prior to installation to ensure that signs are not within the clear sight triangle.
3. The petitioner will work with staff to modify the sign base height to be less than 25% of the total height of the sign.



V-36-12
 320 W. 8th St. and 401 & 501 N. Morton St.
 CFC, Inc.
 Zoning and Land Use Map

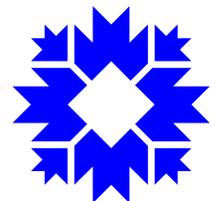
By: bannok
 16 Aug 12



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 250'



CFC PROPERTIES
320 W. EIGHTH ST., SUITE 200
P.O. BOX 729
BLOOMINGTON, IN 47402-0729 USA
PHONE: 812.332.0053 FAX: 812.333.4680
WWW.CFCINCORPORATED.COM

July 19, 2012

Petitioner: CFC, Inc.

Petitioner's Statement:

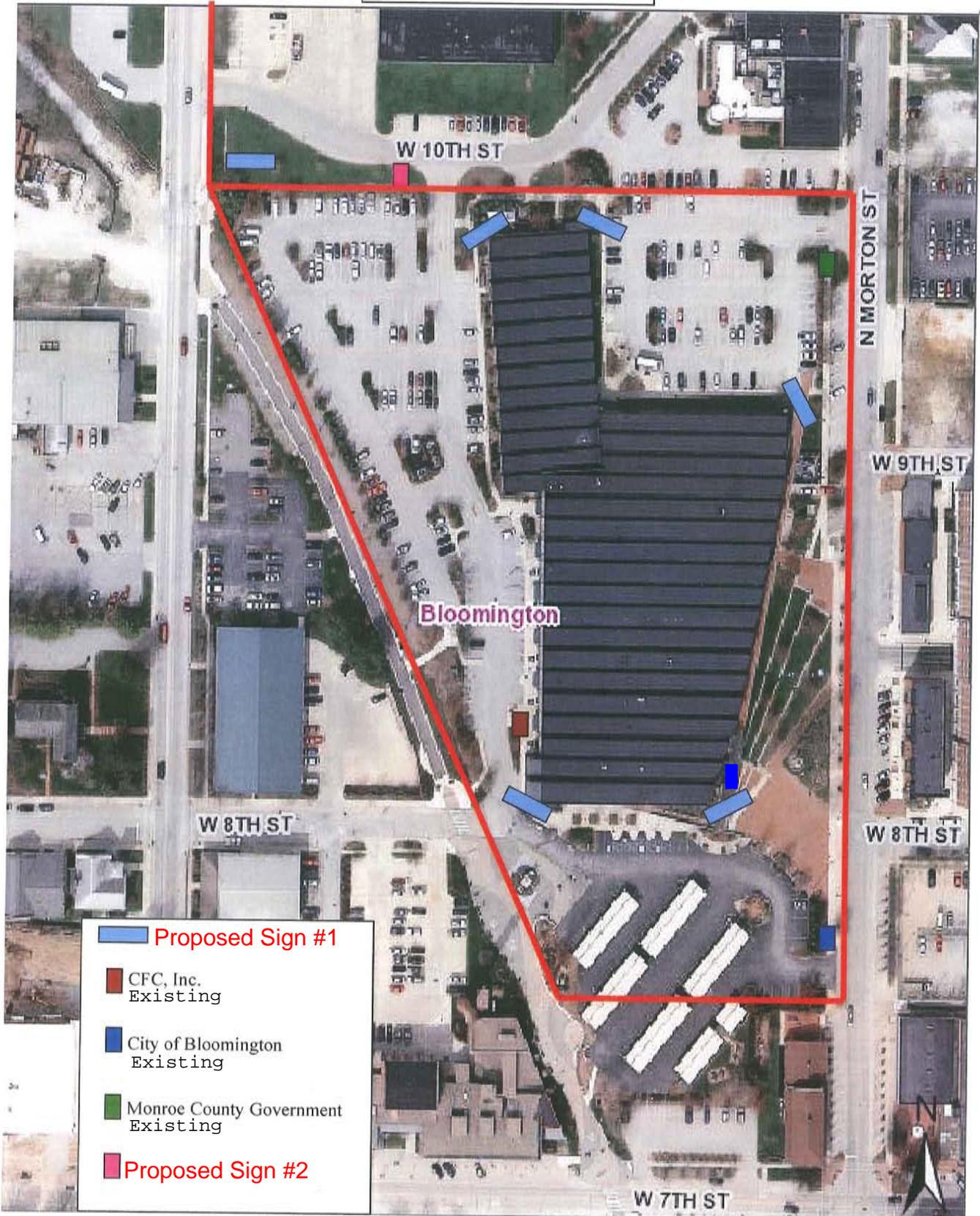
The reason for this request is to provide better direction to visitors of the Showers Building. The Showers Building is approximately 210,000 square feet under one roof. The Building is owned by three separated entities with each entity owning a section of the building that is approximately 70,000 square feet. The entities consist of CFC, Inc.; City of Bloomington and Monroe County Government. Each section has its own entrance and none of the sections are connected internally. Basically, you cannot go from one sections to another without going around the building and entering into a particular section's main entrance. This has presented major confusion to the public, customers and clients to the businesses located in the Showers Building.

The building owners believe additional signage is needed to help the general public navigate the building and find their destination.

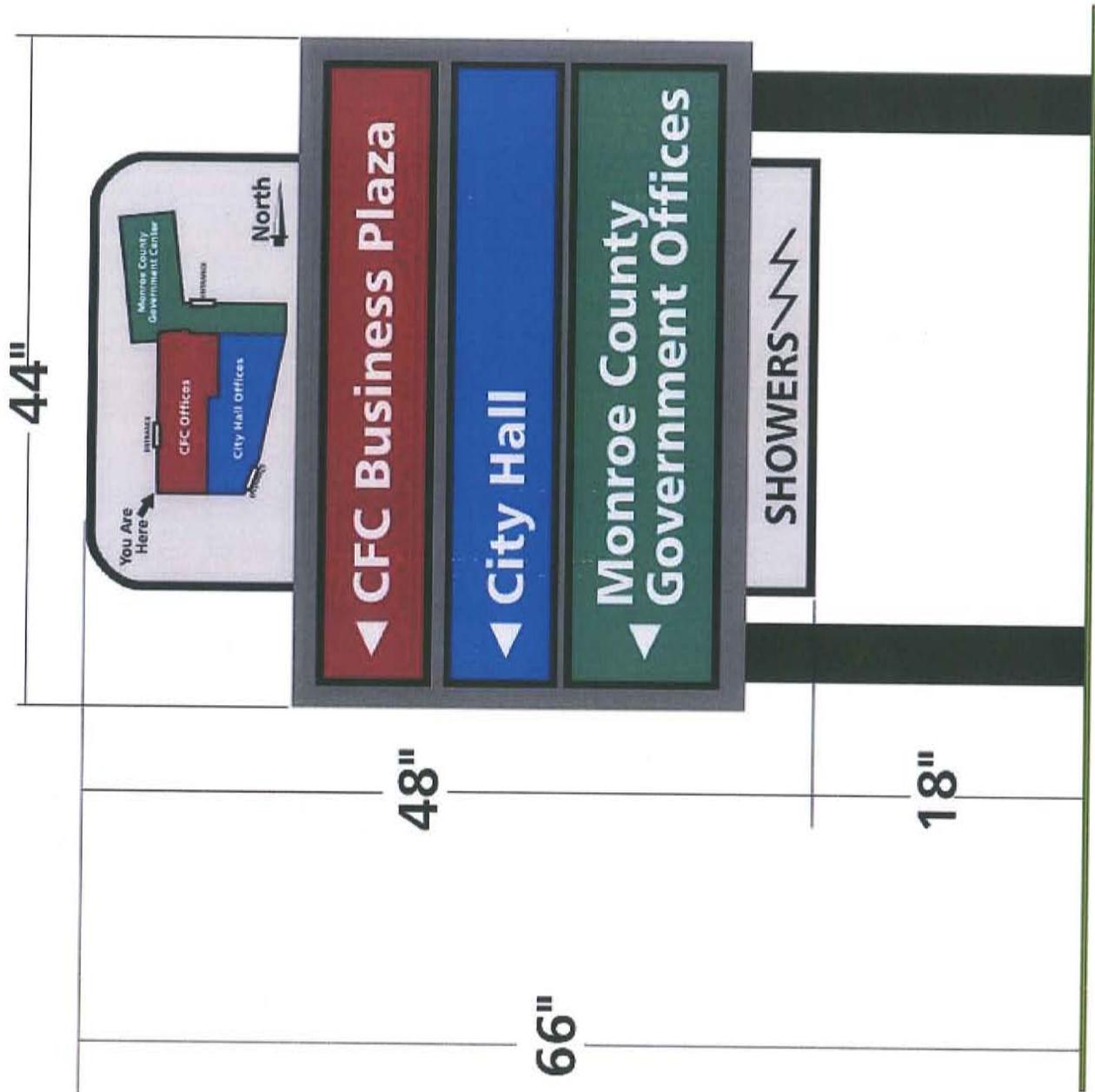
CFC, Inc.

Chris Cockerham
Vice President, Commercial Real Estate

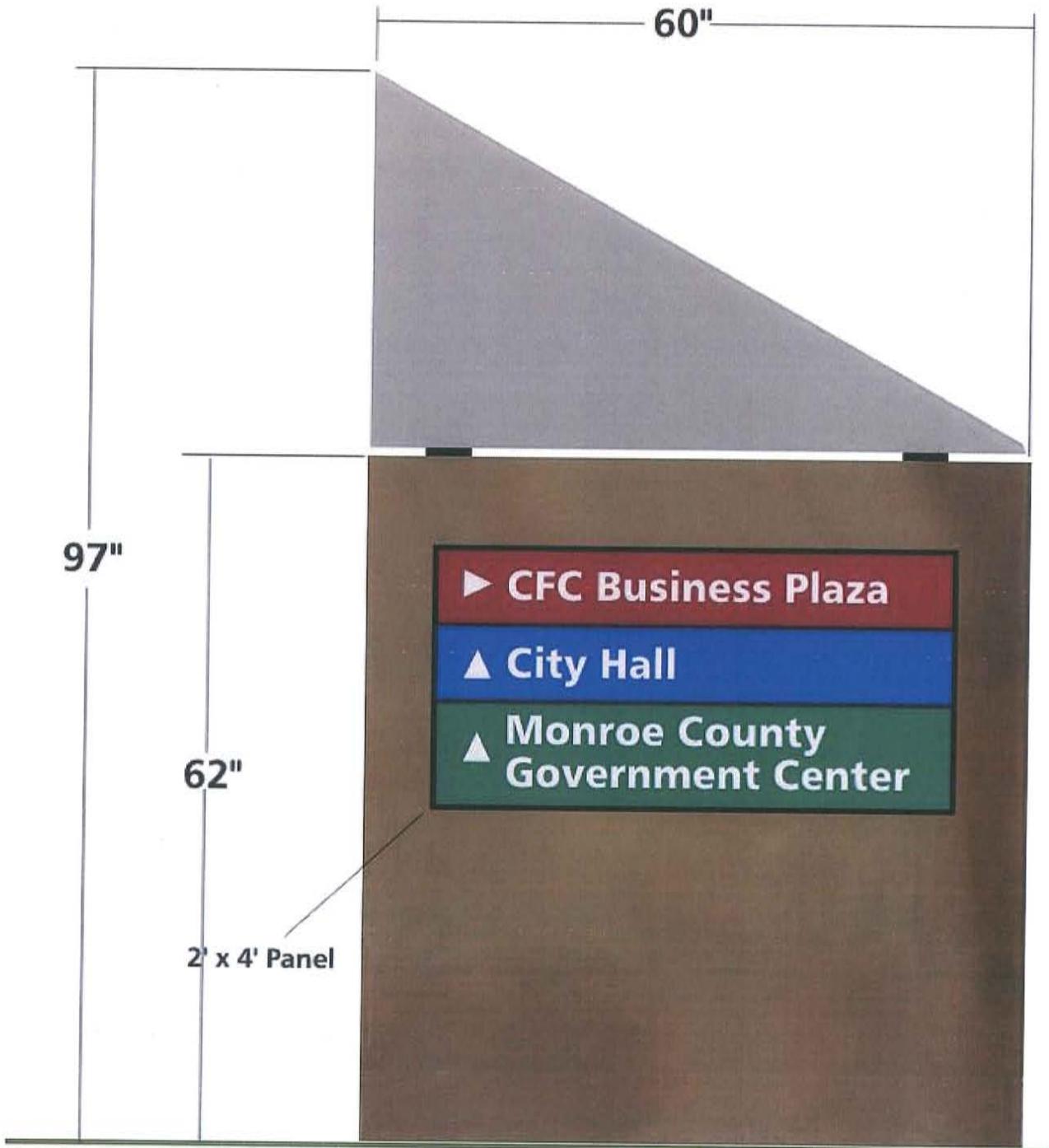
Showers Building Signage Proposal

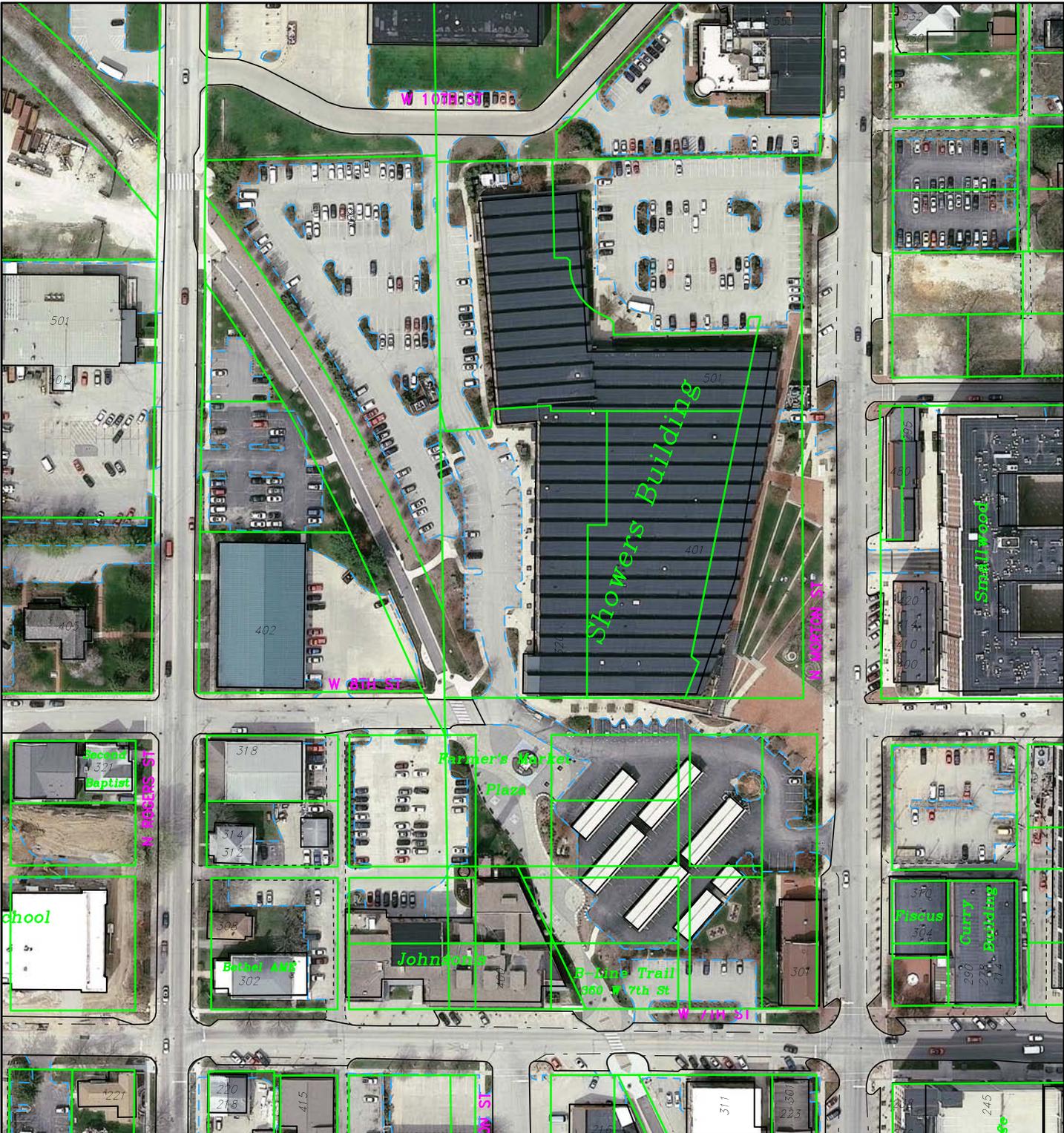


Proposed Sign #1



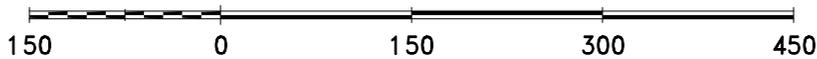
Proposed Sign #2





V-36-12
 320 W. 8th St. and 401 & 501 N. Morton St.
 CFC, Inc.
 2010 Aerial Photograph

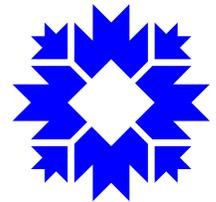
By: bannok
 16 Aug 12



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 150'