

CITY OF BLOOMINGTON



**OCTOBER 18, 2012 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

BLOOMINGTON BOARD OF ZONING APPEALS
LOCATION: 312 N. Washington Street

CASE #: V-40-12
DATE: October 18, 2012

PETITIONER: Chris Bomba
3756 E. Sterling Ave, Bloomington

REQUEST: The petitioner is requesting variances from density, side yard, and rear yard setback standards.

SUMMARY: This 0.2 acre property is located on the east side of N. Washington Street, midblock between E. 7th Street and E. 8th Street. The property is zoned Residential Multifamily (RM) and has been developed in the past with a residential building along Washington St. and a small detached garage along the rear property line. There are two adjacent alleys located immediately to the north and to the east. The property is surrounded by multi-family structures to the north, south, and east and has a large telecommunications building located immediately to the west. This property is also located within the Old Northeast Downtown neighborhood.

The previous owner resided in the home for many decades and the structure was thought to be a single family home. However, staff has inspected the home and found that there were several unregistered rental units within the structure with approximately 9 total bedrooms. The units appeared to date back several decades and included individual metering, kitchens, and entries. The petitioner recently purchased the property and is seeking an approval to allow the existing structure to be remodeled into three, 3 bedroom units. The petitioner has submitted a proposed floor plan to accomplish this remodel with minimal structure disturbance to the existing building.

The structure currently has several issues due to deferred maintenance. With this proposal, the petitioner would repair the roof and internal leaking, repair windows, and bring the property into compliance with HAND standards and requirements of the Monroe County Building department.

In addition to the proposed remodeling of the main structure, the petitioner is proposing to remove an existing detached garage and replace it with a larger detached garage structure that would include space for 5 cars and a dumpster area. The petitioner has agreed to fully enclose the dumpster within this structure.

The petitioner is also proposing to construct a second floor, 2-bedroom unit above the garage structure. To construct the proposed 2-story building, the petitioner is requesting variances from the side and rear setback standards of 15 feet. The proposed structure is approximately 6 feet from the west property line and 1-foot from the north and south property lines. If this structure were proposed as a garage, it would be permitted to have a 5-foot setback to all three of these sides. It is the inclusion of the residential unit that increases the setback.

The lot in question is permitted to have up to 1.4 DUEs due to the RM zoning allotment of 7 units/acre. The petitioner's proposal includes 3 units in the existing structure and an additional unit in the garage unit. It is only proposed as a 2 bedroom unit, but is too

large to utilize the DUE density reduction. The 4 proposed DUEs calculate to 20 units/acre.

Although staff is not supportive of the additional unit above the garage, if the Board finds it to be appropriate, staff finds the reduced setback to the south and east appropriate, but recommend that the north setback be increased to 5 feet. If the Board does not approve the additional unit, no variance is necessary to the east. Staff would recommend that the setback to the south be granted to allow for 5 cars to be covered and would continue to recommend a 5-foot setback to the north.

SITE PLAN ISSUES:

Density: The 3 proposed units within the existing structure would bring the density of the property to 15 units an acre. This is more than the 7 units/acre that the RM zoning allows. The addition of the garage unit would bring the density of the property to 20 units/acre. Due to the long history of multi-family units within this structure, staff has worked with the petitioner to develop a reasonable remodeling plan for the structure. The petitioner is not looking to expand the structure or add any bedrooms to the structure.

Staff has also analyzed the surrounding area. The property is surrounded with larger multi-family structures to the north, south, and east. The two multi-family properties immediately to the north have densities of approximately 22 and 29 units/ac respectively. The Omega Manor project immediately south has a density of approximately 34 un/ac and the Pavilion Heights project immediately to the east has a density of 49 un/ac.

Therefore, staff finds that the variance criteria can be met for the remodeling of the existing structure into an appropriate multi-family configuration. However, staff finds that the remodeled home will provide for appropriate use of property and does not find any hardship in not adding additional density over what can reasonably be placed within the existing structure.

Parking: The existing site has space for 5 stacked parking spaces including a one car garage. This proposal does not require any parking and would have a maximum parking allotment of 9 cars for the main structure and 2 for the proposed garage unit. The petitioner has proposed a garage structure that would fit up to 5 cars in the same area as the existing garage and asphalt parking area.

Sidewalk and Street Trees: There is an existing sidewalk and street trees along Washington St. The sidewalk must be brought into ADA compliance with this request.

Stormwater/Utilities: No on-site detention is being required. The proposal will not increase the amount of impervious surface on the lot as the new construction is proposed for an area that is currently impervious. The petitioner has discussed all utility requirements of this project and can adequately serve the structure with public utilities.

Architecture: The petitioner has proposed a split-face block and cementitious siding structure for the rear of the property. A proposed rendering and computer model have been included in your packet showing how the proposed structure would fit into the context of the area. The garage would be three-sided and open to the alley to the east. The dumpster would also be placed in this structure. Although not shown, the petitioner has agreed to enclosing the trash within this structure.

Environmental: There are several existing trees on the site including a large sweet gum at the northeast corner of the property. The petitioner is proposing to save this tree. If the garage structure is constructed, there will be a large limb of the tree that will have to be removed. Staff also recommends that fencing be placed near the dripline through out construction so that construction equipment and material are not placed on the root system of the tree.

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 proposed variances from these standards will not be injurious to the public health, safety, morals, and general welfare. The proposed density and setbacks are consistent with those found in the immediately adjacent area. These findings are contingent upon the garage structure being revised to include a 5-foot setback from the north property line.

- 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 effects from this proposal on the areas adjacent to the property. The redevelopment of this property will allow the structure to be improved and brought closer to compliance with current standards. The proposed changes would not increase the number of bedrooms in the main structure. The proposed density is also less than the structures in the immediate area. Staff finds that the setback to the south will not substantially impact the use and value of the property to the south. The other variances would not be necessary if the garage unit is denied. If the Board finds the garage unit to be appropriate, then staff finds a 5-foot setback to the north and east to be consistent with the accessory structure setbacks of the district and similar to the setbacks found in the adjacent area.

- 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:

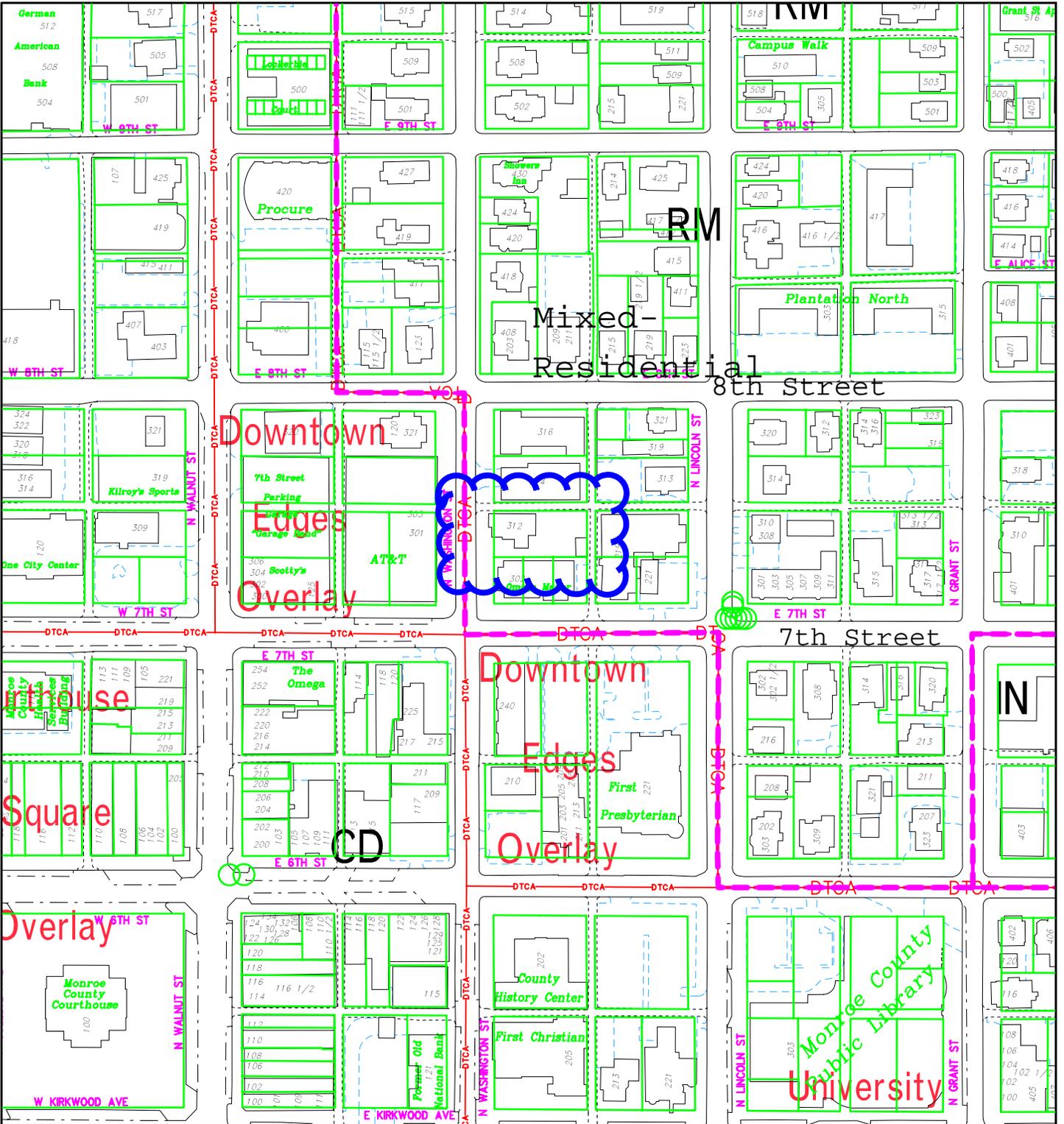
Density: As previously stated, the property is surrounded with larger multi-family structures to the north, south, and east. The two multi-family properties immediately to the north have densities of approximately 22 and 29 units/ac respectively. The Omega Manor project immediately south has a density of approximately 34 un/ac and the Pavilion Heights project immediately to the east has a density of 49 un/ac. When combined with the long-standing history of this property having multi-family units and the densities of the immediately surrounding areas, staff finds peculiar condition and hardship in not allowing the proposed reuse and remodeling of the main structure in a reasonable fashion. However, staff does not find any hardship in limiting the increased density to the existing structure. Re-allocating the existing space is found to be appropriate, but not creating additional residential space.

Setbacks: Staff finds peculiar condition in the combination of replacing an existing garage that has nearly 0-foot setbacks to the south and east, the structure functioning much as an accessory structure rather than a primary structure, and the development patterns of the surrounding area.

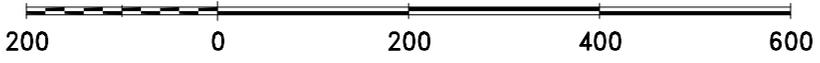
CONCLUSION: Even though the density of the proposed remodel would be greater than the permitted density in the area, the new owner of the structure is not seeking any more bedrooms than have been used in the structure for many decades. The remodel will allow the internal units to be inspected and brought into a safer condition. Staff finds reallocation of the existing space to be a reasonable resolution for the reuse of the structure. Returning this structure to a single family would prove difficult and unnecessary. Although the proposed garage structure would not be out of scale or character with the surrounding area, staff does not find the criteria to warrant further variance from density restrictions of the area.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of the variance V-40-12 with the following conditions:

1. The second floor and residential unit shall be removed from the garage structure.
2. The sidewalk along N. Washington Street shall be brought into ADA compliance.
3. No lighting is approved with this request. Any future lighting shall meet current UDO standards.
4. If a detached garage structure is constructed, the dumpster must be fully enclosed in this structure with a closable door.
5. If a detached garage structure is constructed, it must maintain a 5-foot setback from the north property line.
6. If a detached garage structure is constructed, tree protection fencing must be placed near the dripline throughout construction so that construction equipment and material is not placed on the root system of the tree.



By: shapp
 12 Oct 12



For reference only; map information NOT warranted.

City of Bloomington
 Planning

N

Scale: 1" = 200'

312 N Washington

(8/22/12 for submission)

Current use:

Six (6) kitchen, Nine (9) bedroom apartment / house.

Location:

312 N Washington is hidden between four large buildings on all sides: the 6 story AT&T building across Washington street (west), a 3 story 20-bedroom apartment building to the south, a 3 story 13-bedroom apartment building to the North, and a 4 story 30+ bedroom apartment building with multiple balconies to the east .

Current Plan:

Restore 312 N Washington to being a functional part of the neighborhood. Work with building department and HAND to bring the current building closer to compliance with current building codes. Make the location an asset to the neighborhood.

Planned design:

Redesign the interior of main house closer to the original layout, creating 3, 3- bedroom apartments. The bedroom count is needed to justify bring the building into compliance with building codes and HAND.

Build covered parking and a buffer off the back of the lot to covering 5 parking spaces, include 1, 2-bedroom apartment over the garage. The covered parking would buffer the current back yard from the 4 story building located directly behind the property.

There would be no detrimental effect to current neighbors by adding the buffer to the back of the property. However, the buffer would add many positive attributes to the location. Benefits including the following: widening the alley along the back of the lot, create an oasis between the current house and buffer, shield the oasis from the balconies on the 4 story building behind the property (Current owner witnessed a party on the balconies where participants threw beer bottles over the alley at the dumpster of 312 N Washington), and the buffer would enhance the feel of the area - *312 N Washington was meant to be in this location and not just a house that got stuck between a bunch of large apartments.*

Current plan would still maintain the location as the lowest density property of any of the buildings North, South, East, or West of it. Petitioner is asking for approval of 3,3-bedroom units in the main house and 1, 2-bedroom unit above the garage / buffer.

Current site planned improvements:

Repair and restore roof

Repair original windows and replace others with windows that closer match the originals.

Clean up and improve landscaping on the property

Paint and improve exterior

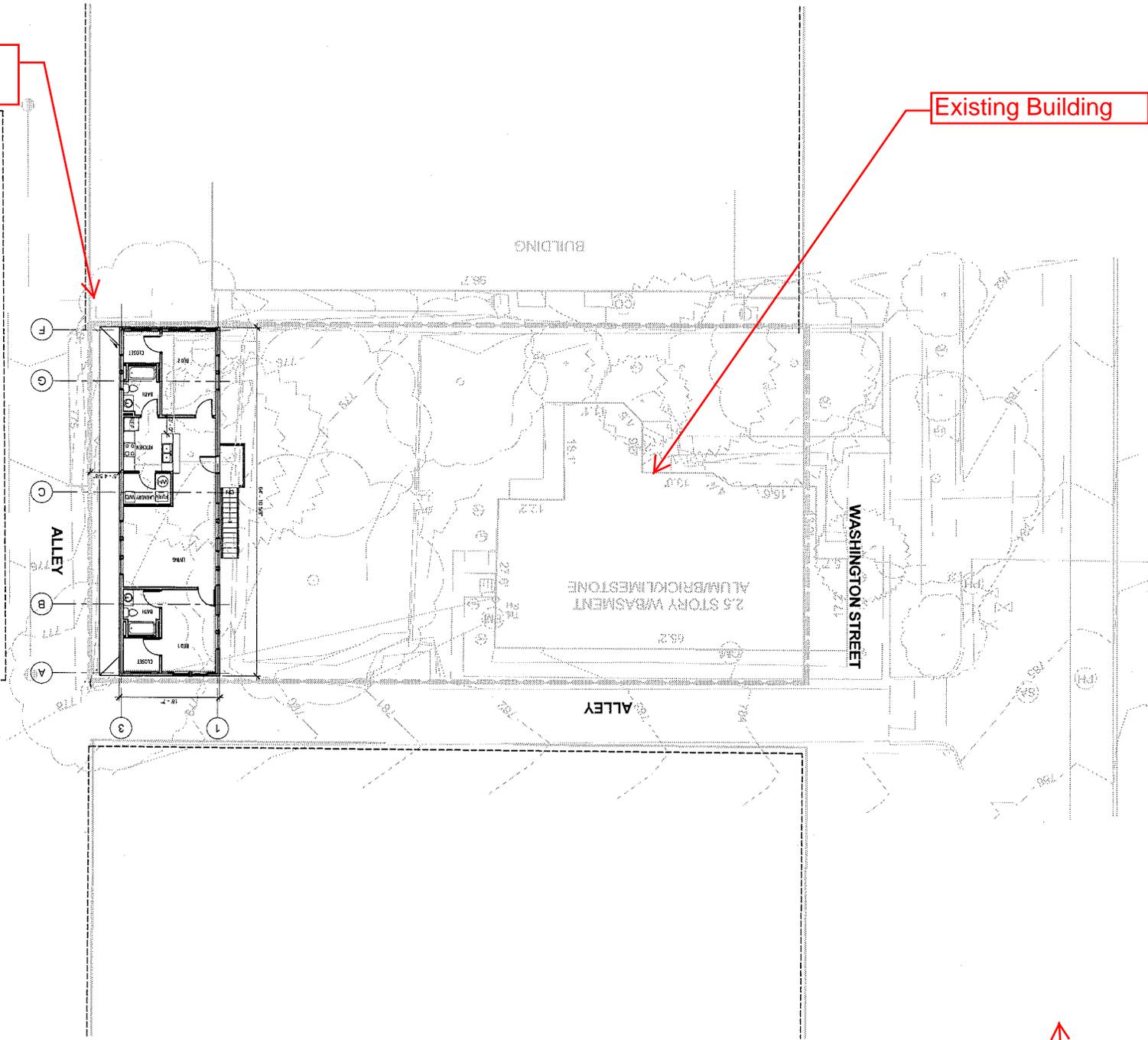
Work with the COB building department and HAND to bring interior of the building closer to compliance with current building codes. (Owner has met with building department and HAND).

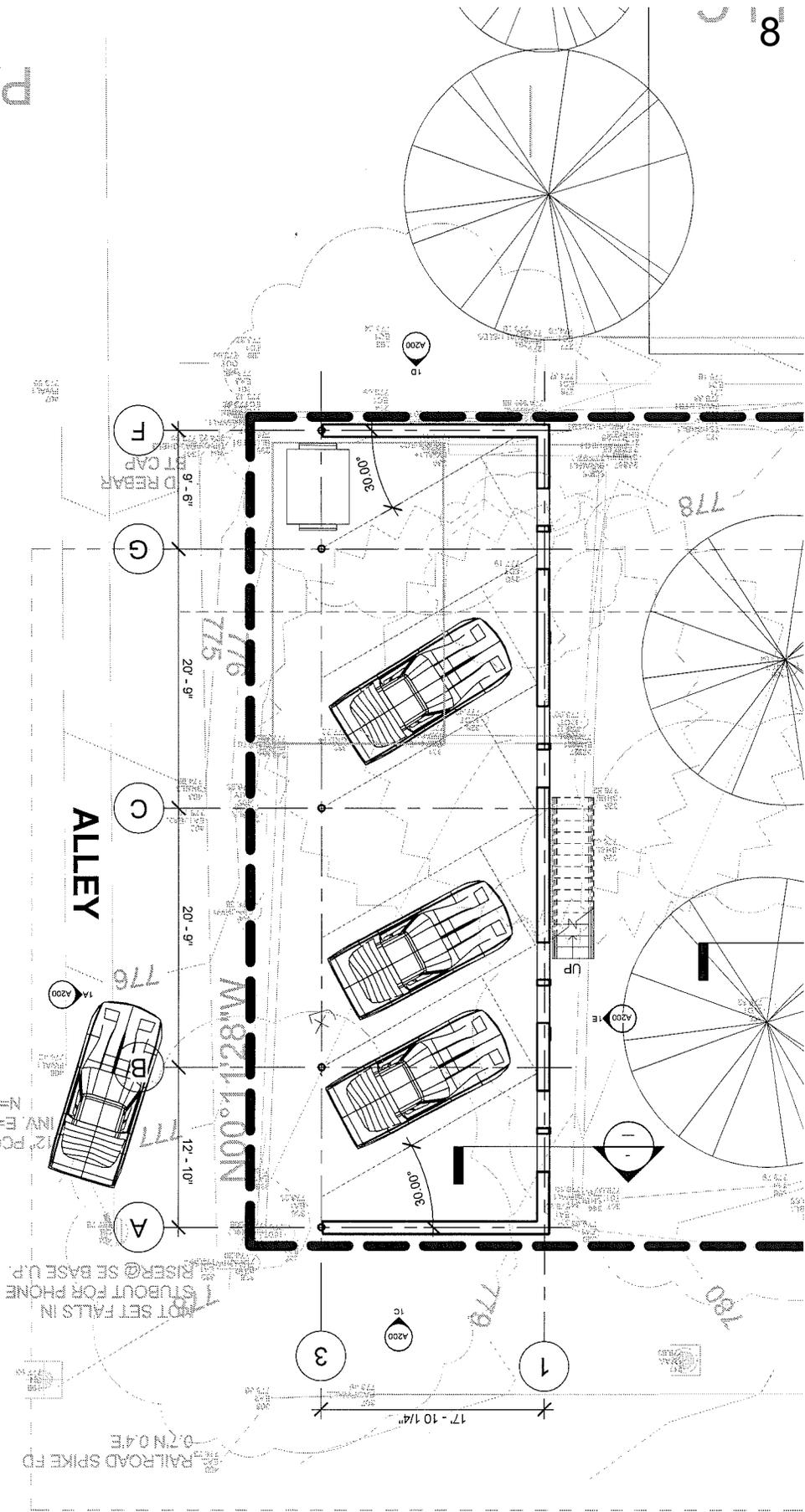
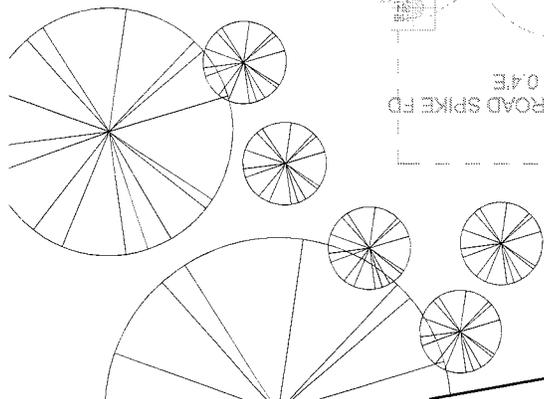
Preserve as many mature trees as possible

V-40-12 Petitioner's Statement

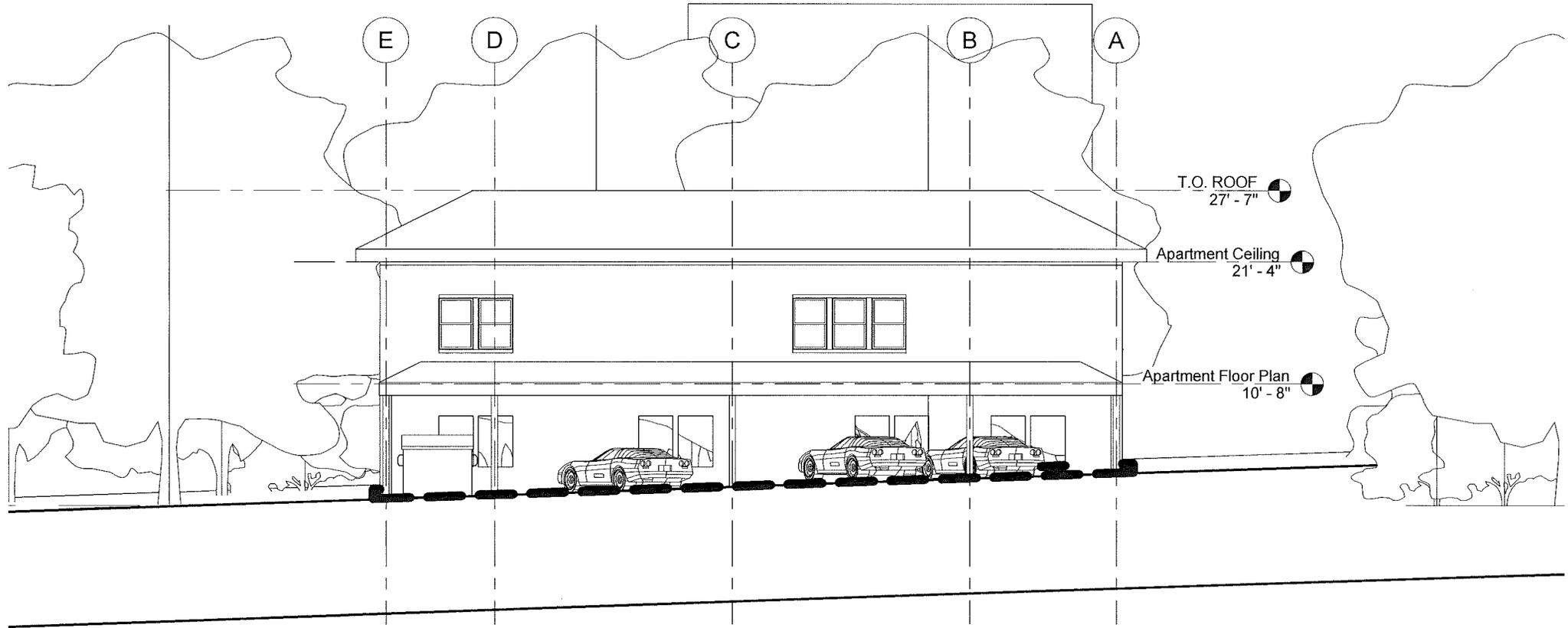
New Garage Structure

Existing Building

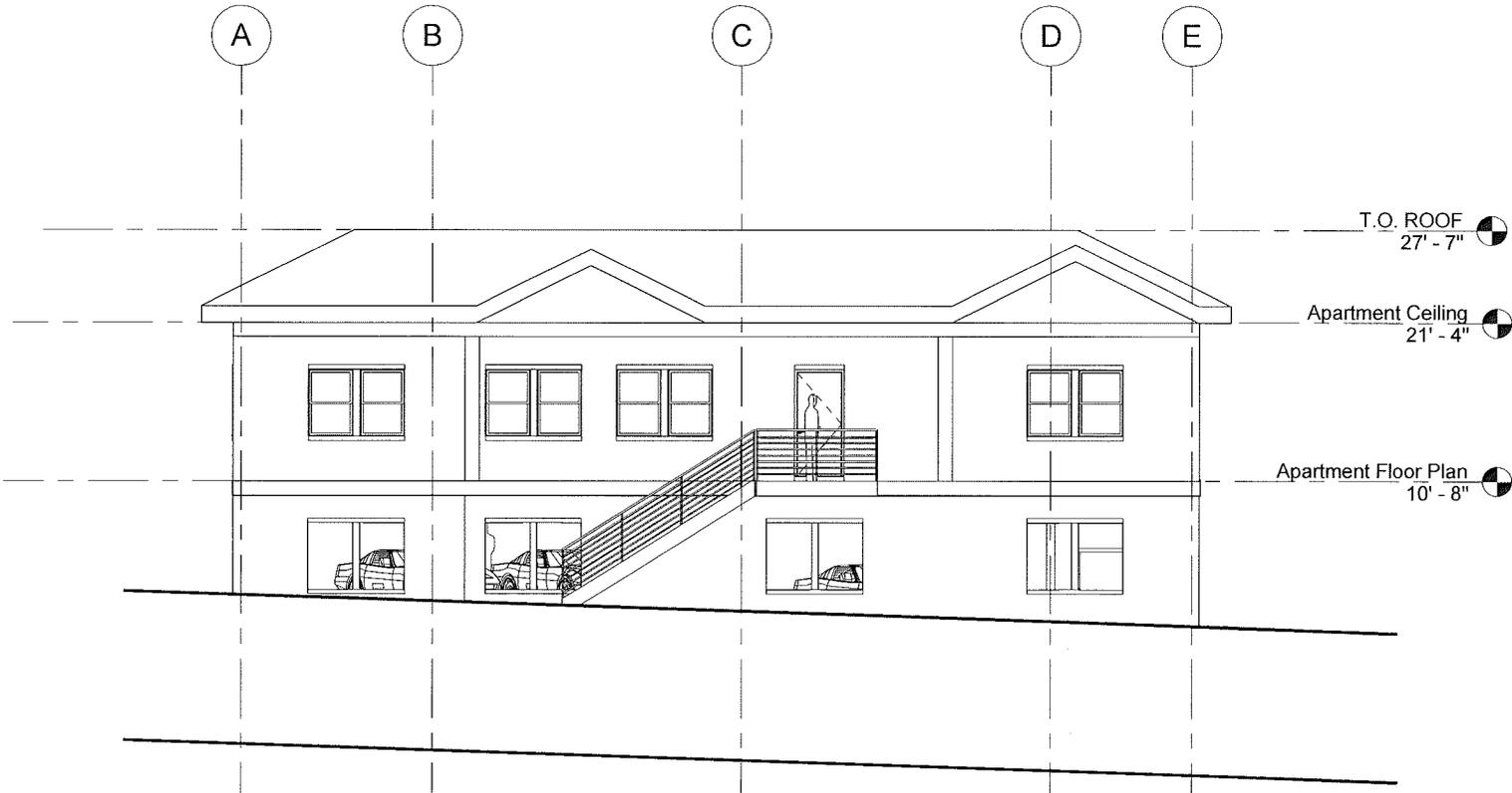




Detail of new building



Alley elevation

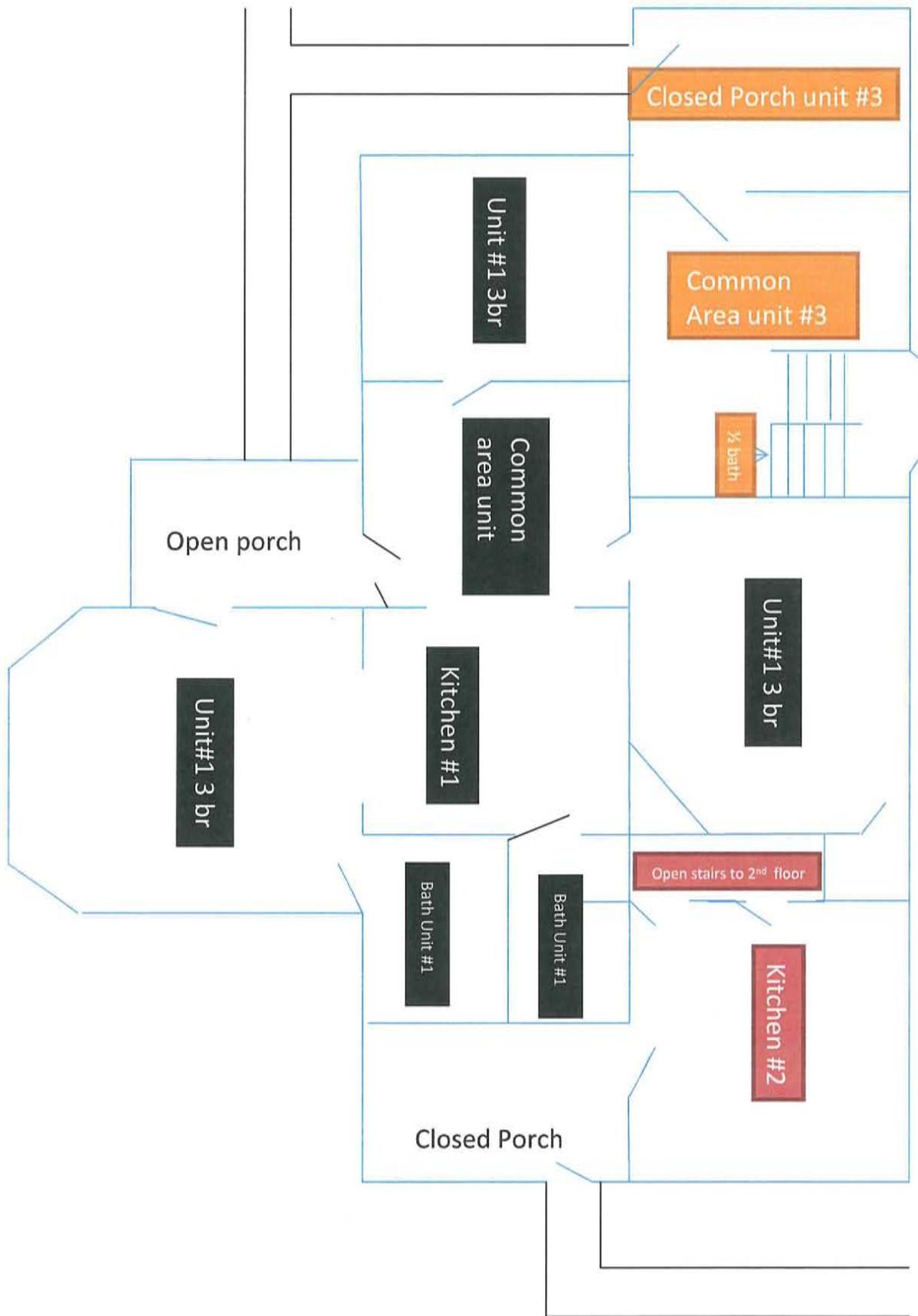


East elevation

1st Floor Proposed

Ally

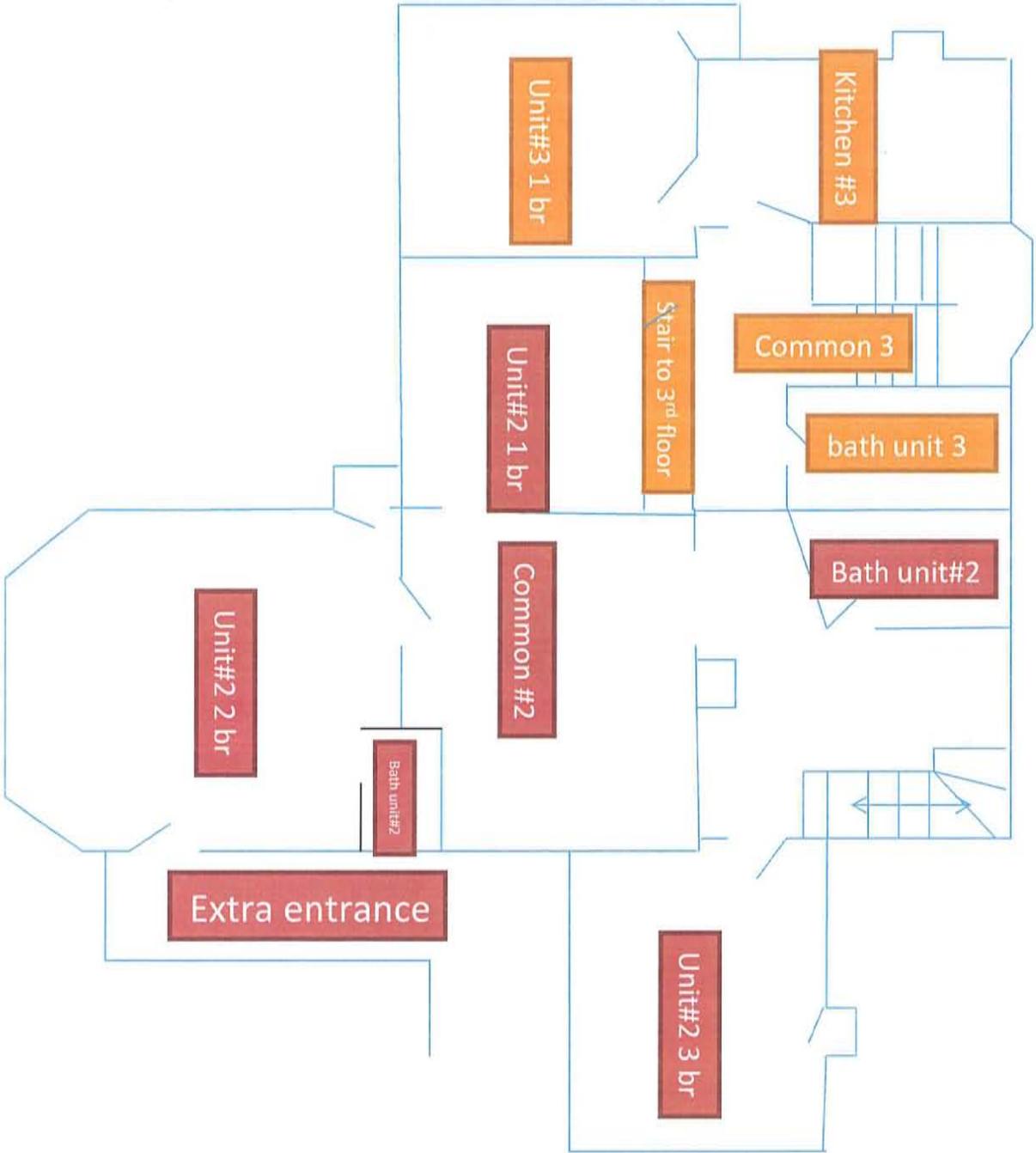
Washington Street



Proposed first floor plan

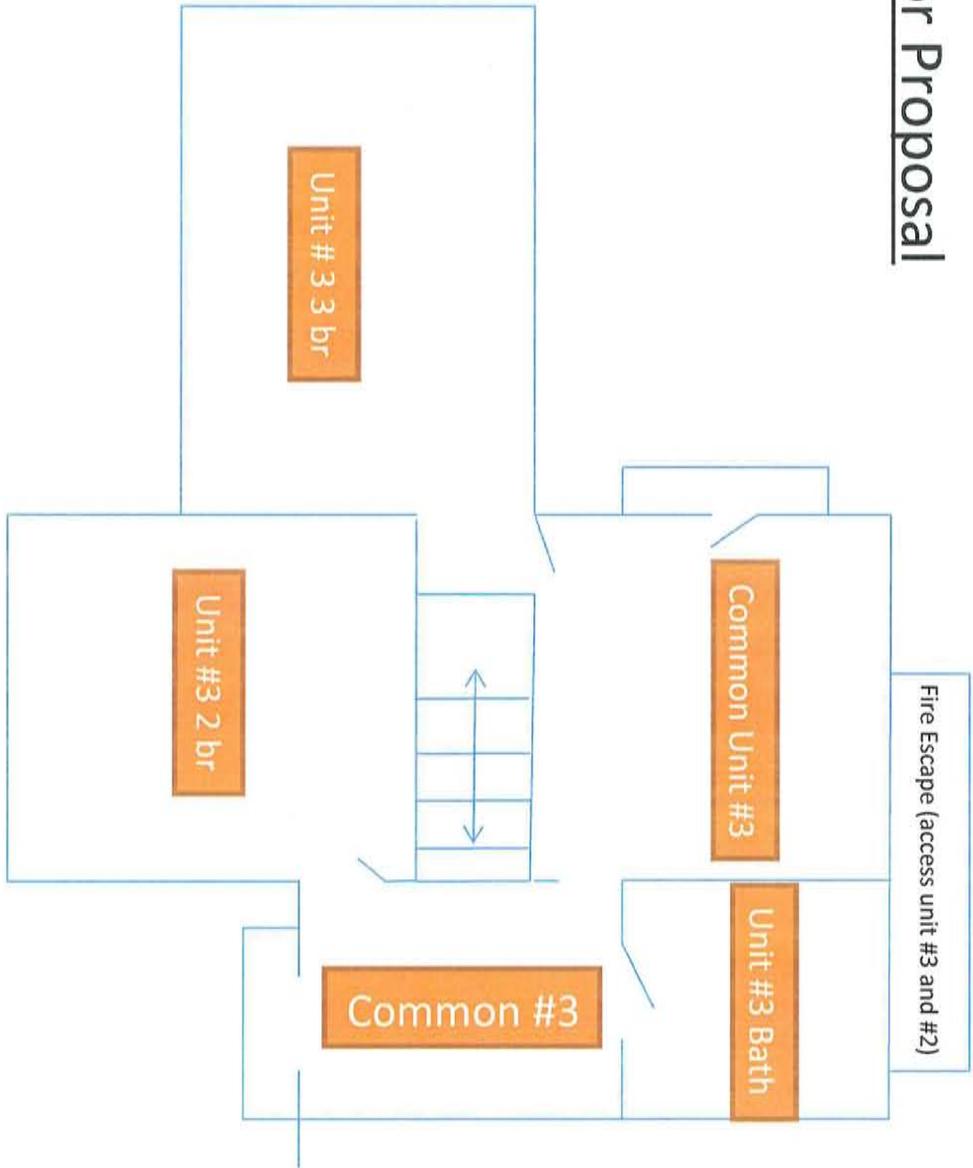
2nd floor Proposal

Ally



Proposed 2nd floor plan

3rd floor Proposal



Proposed 3rd floor plan



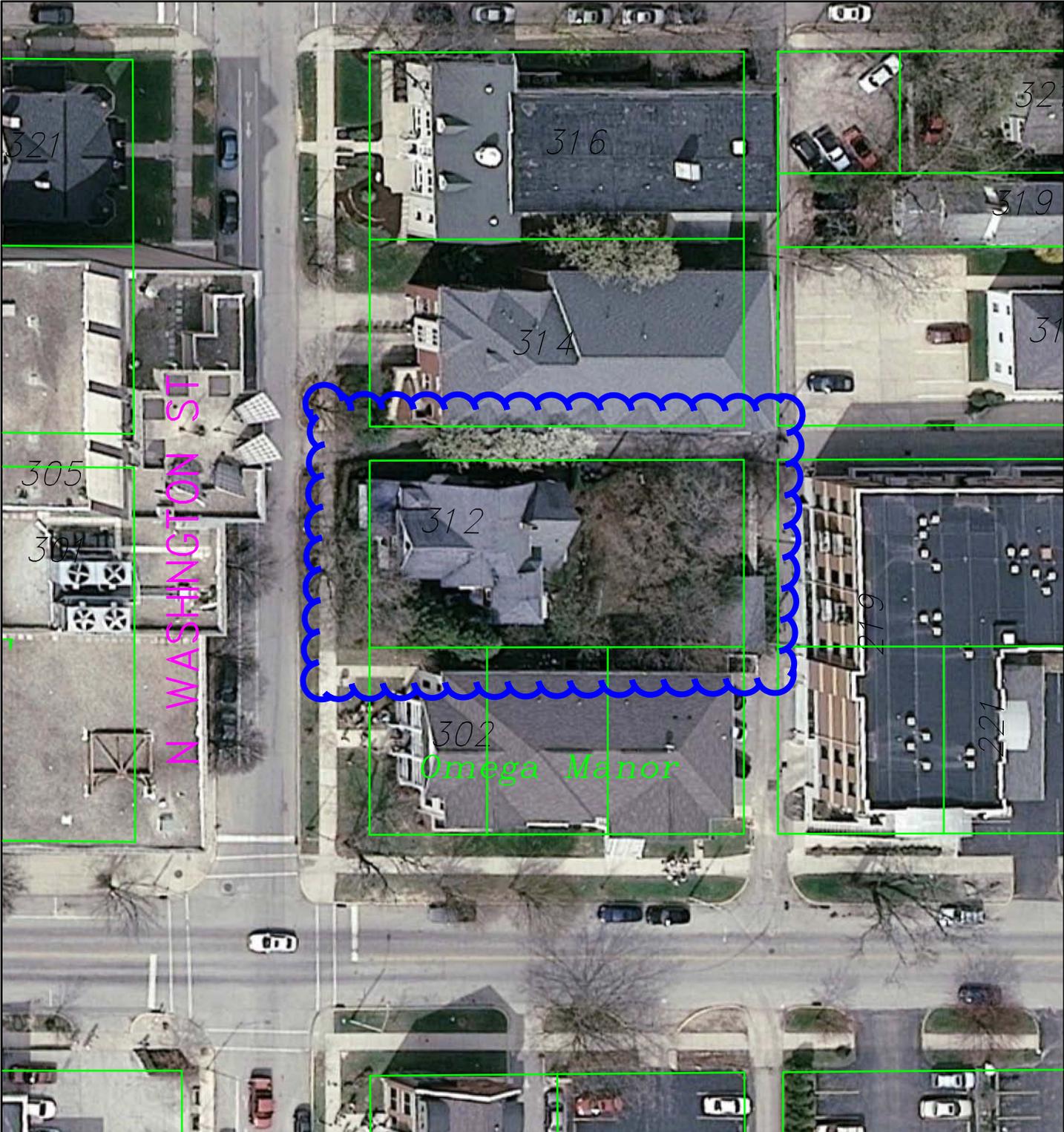
Model - looking southeast



Rendering from
alley

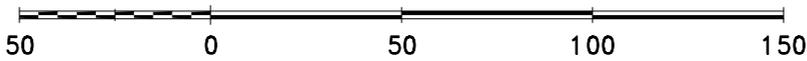


Rendering from
alley looking south

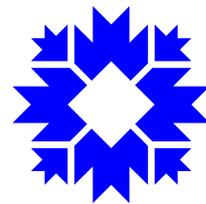


V-40-12 Chris Bomba
Aerial Photo

By: shayp
12 Oct 12



City of Bloomington
Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 2960 S. Walnut Street

CASE #: UV/V-42-12
DATE: October 18, 2012

PETITIONER: The NRP Group, LLC
5309 Transportation Blvd, Cleveland, OH

CONSULTANT: American Structurepoint Inc.
7260 Shadeland Station, Indianapolis, IN

REQUEST: The petitioner is requesting a use variance to allow ground floor residential units in a Commercial Arterial (CA) zoning district. Also requested are variances from driveway setback and riparian buffer standards.

Area:	5.33 Acres
Zoning:	Commercial Arterial (CA)
GPP Designation:	Community Activity Center
Existing Land Use:	Restaurant/Motel
Proposed Land Use:	Multi-family Residences
Surrounding Uses:	East - Offices/Self Storage Units South - Automobile Dealership/U-Haul West - Duplexes North - Duplexes

REPORT SUMMARY: This 5.33 acre property is located at 2960 S. Walnut St. and has been developed with a dance club/bar and 2 motel buildings and is zoned Commercial Arterial (CA). Surrounding land uses include offices and storage units to the east, an automobile dealership to the south, and a duplex development to the north and west.

The property has a mild east-to-west slope with scattered interior trees and a vegetated fence row along the property borders. There is a small creek that flows from a box culvert under Walnut Street that is collected by a swale along the southern property line of the site which eventually discharges to Clear Creek to the west. This creek is subject to the riparian buffer standards of the UDO. A portion of the floodplain from Clear Creek also extends onto this property and has been shown on the site plan. A portion of this area will be disturbed for utility crossings and to remove some soil to offset fill associated with the utility lines.

The petitioner is proposing to remove all of the existing buildings except for the limestone clubhouse building and construct 5 new multifamily residential buildings that will be used for affordable housing. There will be a total of 108 units and 198 bedrooms on the property with 42 one-bedroom units, 42 two-bedroom units, and 24 three-bedroom units. A total of 111 parking spaces are being proposed for the units. With this proposal, there would be a new 5' wide concrete sidewalk and tree plot installed along Walnut Street as required.

The petitioner is requesting a use variance to allow ground floor residential units. Also

requested are a variance from driveway setback requirements to allow the existing drivecut to remain and a riparian buffer variance to allow encroachment into the required 75' setback requirement from a stream bank.

The Plan Commission heard this case at the October 8, 2012 meeting and approved the proposed site plan, pursuant to approval of the requested variances, and voted 8-0 to send this to the Board of Zoning Appeals with a positive recommendation.

SITE PLAN REVIEW:

Access: The petitioner would be utilizing the existing drive cut onto Walnut St. Minor changes would be done to the drive cut to re-align it with the parking lot changes. The current drive cut is approximately 70' from the adjacent drive to the south and does not meet the 100' setback requirement. The petitioner is requesting a variance to allow for the existing driveway to remain. The location of existing driveways on the adjacent properties and an adjacent driveway on the opposite side of Walnut Street make installing a compliant driveway location difficult.

Pedestrian Facilities: There is an existing sidewalk along a portion of the property frontage. The sidewalk will be extended to the north property line with this petition and be continuous across the frontage. There will also be a series of internal sidewalks that connect the development to the sidewalk along Walnut Street. New ramps will be installed along the sidewalk intersection with the drive.

Parking: The proposed development is not required to provide any parking spaces, but will have 111 parking spaces to serve the needs of the tenants. The parking area is required to have 7 islands with a tall, canopy tree planted in each and these have been shown on the landscape plan. A total of 33 bicycle parking spaces are required and have been shown. Bicycle parking will be provided both inside the buildings as well as covered bike racks adjacent to the buildings.

Environmental Features: The property has a few scattered pine trees and a vegetated fence row along the north, west, and south property borders. The floodplain of Clear Creek encroaches onto the west and southwest portions of the site. The lowest finished floor elevation of the buildings has all been shown 2' higher than the flood elevation. The small creek that flows along the south property line is subject to the riparian buffer standards. There are currently several encroachments into this buffer including two buildings and parking area. Staff has worked with the petitioner to maximize the distance from the proposed buildings and parking areas to the creek in order to provide the greatest opportunities for protection. The UDO requires a 75' setback from the top of creekbank and the site plan shows encroachments up to 37' from the creekbank on the east end of the site with a greater setback of almost 70' further west.

Stormwater Detention/Utilities: The grading plan shows two stormwater detention swales along the south side of the property to provide stormwater detention and improve stormwater runoff quality. In addition there will be underground detention provided under

the parking areas through a series of pipes. Once constructed, stormwater runoff will be collected by inlets or swales and discharged into either the proposed underground detention chambers or the rain gardens. The western portion of the site will be collected by a storm sewer network while the eastern portion will be collected by one of two stormwater swales. The proposed swales will be planted with a wetland seed mix to provide water quality improvements before water enters Clear Creek. The outfall from the underground detention will discharge via either a 15-inch or 12-inch stormwater pipe outlet to the existing swale along the southern property line. There is an adjacent sanitary sewer line that is being connected to that runs along Pinewood Lane to the west. In order to achieve enough burial depth for the new sewer line a small amount of fill will need to be placed in the floodplain to bury the line. As a result of this fill, an equal amount of soil must be removed from the floodplain to compensate for the fill. A permit from the Department of Natural Resources must be approved prior to any disturbance in the floodplain.

Architecture: Elevations for the proposed buildings have been submitted and are included in the packet. The buildings will be approximately 43' tall and have sloped roofs with shingles. The façades will be finished with a mix of brick veneer, vinyl, shake accent siding, and decorative trim.

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 multi-family complex to the north. 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. Furthermore, Staff finds the proposed development of a poorly maintained site with a desired use and improved environmental sensitivity only increases the value of surrounding properties.

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

Staff Finding: Staff finds peculiar condition in that the presence of established

commercial uses and commercially zoned land surrounding this site reduces the need for this property to have commercial uses. In addition, the narrow lot width and long length of the property make redevelopment with all commercial uses difficult.

- (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 affordable housing component to the City. The requirement to have ground floor commercial space on every building on this property creates a hardship in its development. In addition, this site is further north on Walnut Street than other commercial uses and transitions to strictly residential developments north of this, with limited 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.*

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 a variance from these standards will not be injurious to the public health, safety, morals, and general welfare. A substantial amount of the property will be coming closer to compliance with current standards by removing existing encroachments of buildings and parking area. There are no known traffic hazards associated with the distance of the current driveway from adjacent driveways. There will be substantial amount of encroachments removed from the current riparian buffer with new landscaping and vegetation installed that will greatly improve the buffer from the creek from existing conditions.

- 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 effects from this proposal on the areas adjacent to the property. The redevelopment of this property will only improve the condition of the property and impacts on adjacent properties.

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

STAFF FINDING: Staff finds peculiar condition in the Engineering Department's determination that the proposed drive location will be safer than a compliant setback due to the location of the drive on the east side of Walnut St. The narrow width of the lot and existing encroachments create practical difficulty in the use of the property. Staff has worked with the petitioner to maximize the setback from the riparian buffer and feels confident the proposed site plan meets the intent of the riparian buffer standards.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the plan and the use variance request at their October 8, 2012 meeting. The Plan Commission voted 8:0 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: With the exception of the requested variances, the proposed site plan meets the requirements of the Unified Development Ordinance. The removal of several dilapidated buildings, along with site and landscape improvements, will provide improvements to the property and a re-investment in the southern Walnut Street corridor. The extension of the sidewalk across the property frontage will also help complete a sidewalk system along Walnut St. that was started with a City project. The narrow width of this property and shape of the lot make a general Community Activity Center difficult. Furthermore, 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 commercial service opportunities in this area. This project would provide a needed affordable housing project along with redeveloping an underdeveloped property.

RECOMMENDATION: Based upon the written report, staff recommends approval of the requested variances with the following conditions:

1. Thirty-three (33) Class II bicycle parking spaces are required.
2. The riparian buffer area must be planted in accordance with UDO requirements.
3. A complete photometric plan must be submitted and approved prior to issuance of a building permit.
4. A permit from the Department of Natural Resources must be approved prior to any disturbance in the floodplain.

MEMORANDUM

Date: September 27, 2012

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP/UV-40-12, Bloomington Pointe Apartments

This memorandum contains the Environmental Commission's (EC) recommendations regarding a Use Variance and Site Plan for a 120-unit apartment building, totaling 216 bedrooms. The 5.33-acre site is within the Commercial Arterial (CA) zoning district. The topography slopes east to west from South Walnut Street and supports scattered trees, a vegetated creek along the south and the west borders. Environmental constrictions for the property include a floodplain and riparian buffers. The EC has no objections to granting a Use Variance for the multi-family dwelling, or a reduced riparian buffer, given the vegetation that will be planted within it.

ISSUES OF SOUND ENVIRONMENTAL DESIGN:

1.) LANDSCAPE PLAN:

The landscape plan includes a good diversity of plants with some native species and cultivars of natives along with the exotic plants. The EC is also pleased with the inclusion of the two rain gardens. However, the red maple, *Acer rubrum* 'Bowhall', Street Trees should be reconsidered. The cultivar Bowhall is an acceptable choice for the location, but Bloomington has an overabundance of maple trees and the city has a goal of more diversity for our Urban Forest. Additionally, there are two healthy Moraine sweetgum (*Liquidamber styraciflua* 'Moraine') Street Trees already established in the tree plot. The EC recommends using additional Moraine sweetgums if the intent is to have all the street trees match. If not, the recommendation is to leave the two sweet gums in place and add the Bowhall maples along with them.

2.) GREEN BUILDING AND SITE DESIGN:

The EC recommends green building and site features. Green building can provide substantial savings in energy costs to a building over its life cycle and is thus an especially prudent investment in this time of rising energy prices. Green building features are consistent with the spirit of the UDO and supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Kruzan, by City Council resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions, and by City Council resolution 06-07, which recognizes and calls for planning for peak oil, and by Redefining Prosperity: Energy Decent and Community Resilience Report of the Bloomington Peak Oil Task Force.

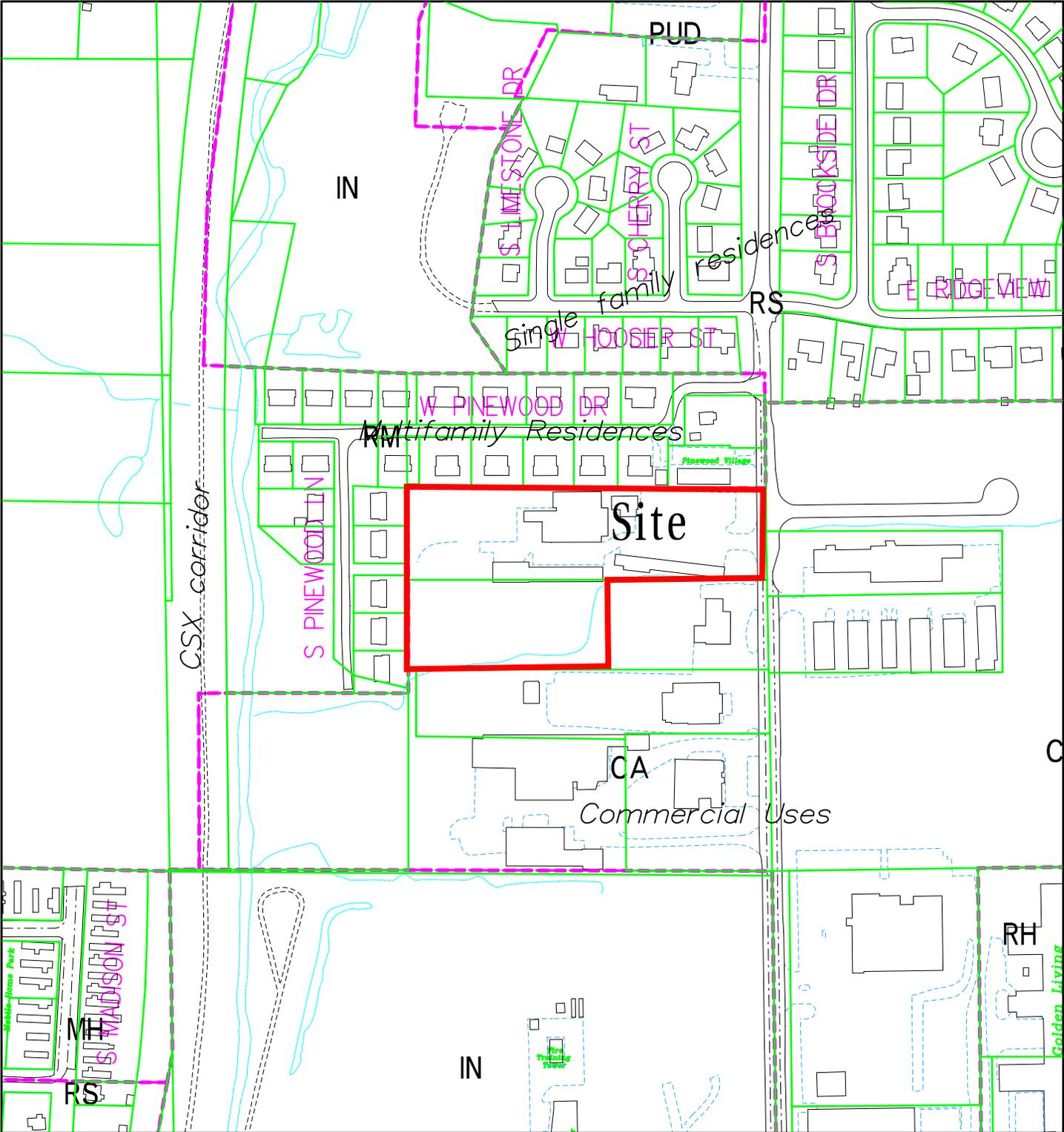
Green building options are many and continue to grow. The city's municipal code includes a section of green development incentives (Unified Development Ordinance: 20.05.045 Green Development Incentives, GD-01, pp. 5-40:5-42). Some examples of green building and landscaping features consistent with the UDO include: energy saving lighting and appliances (20.05.049 GD-01 (a) (1) (B)); solar systems (e.g. passive solar space or water heating; solar photovoltaic cell system) (20.05.049 GD-01 (a) (1) (C)); recycled or salvaged construction and demolition debris (20.05.049 GD-01 (a) (1) (D)); utilization of local building materials or products (20.05.049 GD-01 (a) (1) (E)); use of native vegetation and other conservation design techniques to convey and filter stormwater (20.05.049 GD-01 (a) (2) (B)); and capture and use of rainwater for common and public space irrigation (20.05.049 GD-01 (a) (2) (C)).

3.) RECYCLING:

The EC recommends that the petitioner allocate space within the site design to accommodate recyclable materials storage. The pick-up service is readily available in Bloomington if space is planned in advance at the site. The petitioner should find a full service recycling company that will pick up the stored materials and deliver them to a Materials Recovery Facility (MRF). Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. People are educated about the importance of recycling from youth these days and it has become an important norm that has many important benefits in energy and resource conservation. The EC feels that recycling is an important contributor to Bloomington's environmental quality and sustainability and that it will also increase the attractiveness of the apartments to prospective tenants.

EC RECOMMENDATIONS:

- 1.) The petitioner should change the Street Tree choices and leave the two existing trees in place.
- 2.) The petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure.
- 3.) The petitioner should provide space for recyclable-materials storage and a recycling company to pick it up.



UV/V-42-12 NRP Group, LLC

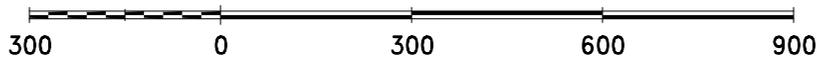
2960 S Walnut Street

Board of Zoning Appeals

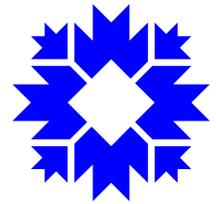
Site Location, Zoning, Parcels, Land Use

By: greulice

3 Oct 12



City of Bloomington
Planning



Scale: 1" = 300'

PETITION

Bloomington Pointe is a comprehensive neighborhood revitalization development on a site of a previously used for a bar/restaurant and an existing short term stay motel to a multifamily neighborhood. Bloomington Pointe proposes to develop a green design multi-unit residential facility for the purpose of providing housing for families

Bloomington Pointe will provide a high quality green universally designed affordable housing option for 120 families living in Bloomington. The energy efficient cottage and garden style apartment homes will meet and exceed the IHEDA Minimum Development Standards for new construction buildings including Special Housing Needs. The Universal Design Features will be constructed to the Blue Ribbon status. Additionally, Bloomington Pointe has been designed to incorporate the High Performance Housing Characteristics for energy efficiency and will achieve the building certification of LEED or equivalent rating.

Bloomington Pointe will offer a pedestrian-oriented neighborhood including multiple bike racks, playground and public bus stop. Additionally a Community Clubhouse complete with a large living room offering a flat screen TV, oversized fireplace, kitchenette, common laundry room computer room and offices will greet the new residents at the entrance.

This property is located at 2960 S. Walnut Street, Bloomington, IN 47402. The Petitioner is requesting a Use Variance to allow for ground floor residential dwelling units zoned commercial arterial and a riparian buffer variance and driveway setback variance from the City of Bloomington, Monroe County, Indiana.

By: 

J. David Heller

Managing Member

NRP Properties LLC

5309 Transportation Boulevard

Cleveland, Ohio 44125

State of Ohio

SP/UV-40-12
Petitioner Statement

County of Cuyahoga

Subscribed and sworn before me, a Notary Public, in and for the said County and State,
this 14 day of September, 2012.

Mary E. Hada
Signature

MARY E. HADA
Printed Name



MARY E. HADA
Notary Public
State of Ohio
My Commission Expires
May 12, 2013

NOT FOR CONSTRUCTION

CERTIFIED BY:

BLOOMINGTON PONTE
 2809 SHADLERS STATION
 BLOOMINGTON, INDIANA 47403
 TEL: 317.547.0890 FAX: 317.547.0270

PROJECT NO. 2809 SHADLERS STATION
 SHEET NO. 2809-01

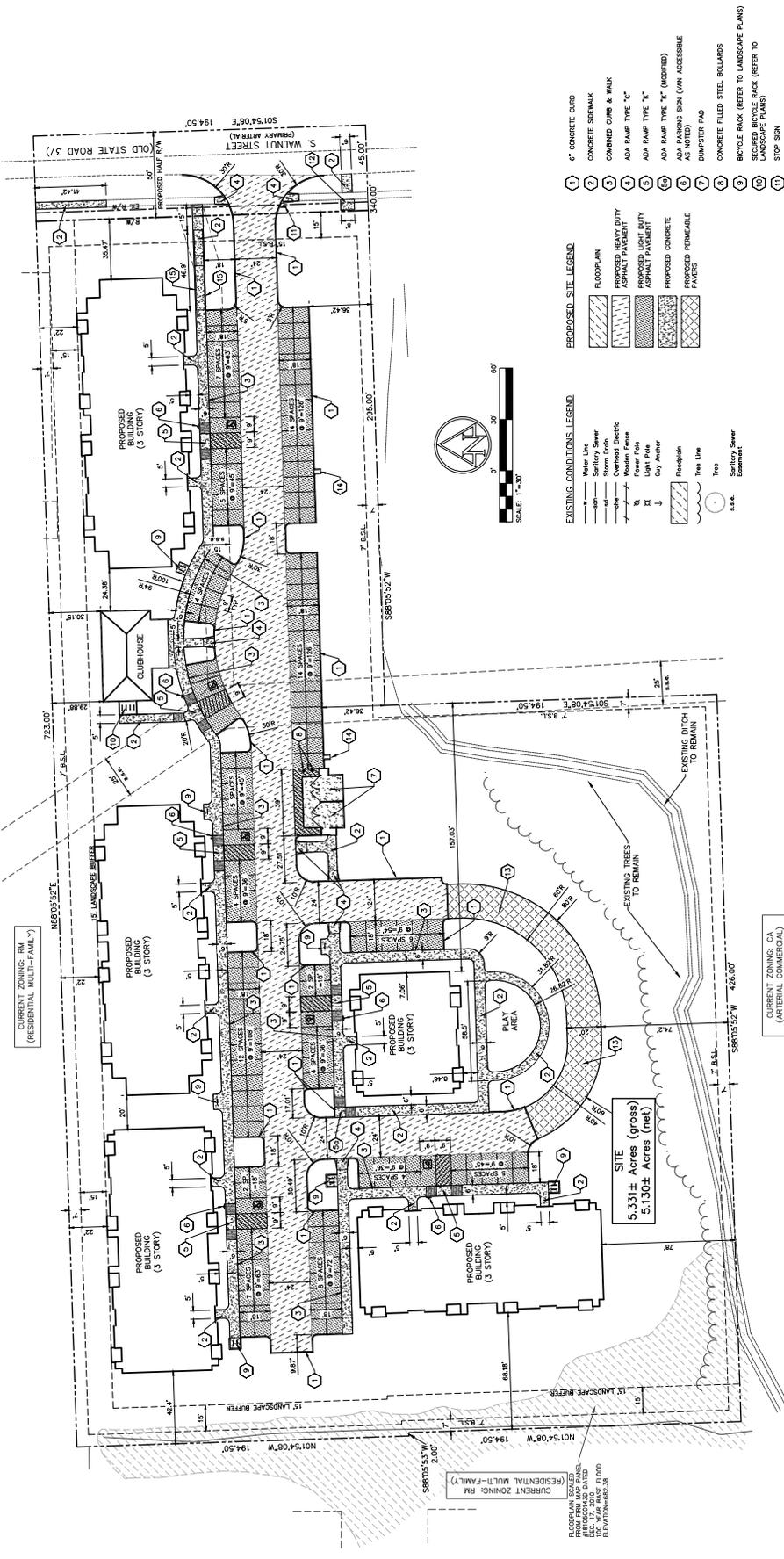
DATE:	06/24/2012
DRAWN BY:	JCS
CHECKED BY:	RKN
JOB NO.:	28090493
REVISIONS:	

SITE PLAN

29

SHEET NO. **C-200**

OF



- PROPOSED SITE LEGEND**
- 1 6" CONCRETE CURB
 - 2 CONCRETE SIDEWALK
 - 3 COMBINED CURB & WALK
 - 4 ADA RAMP TYPE "C"
 - 5 ADA RAMP TYPE "D"
 - 6 ADA RAMP TYPE "X" (WOODEN)
 - 7 ADA PARKING SIDE (WVA ACCESSIBLE AS NOTED)
 - 8 DAMPER PAD
 - 9 CONCRETE FILLD STEEL ROLLERS
 - 10 BICYCLE RACK (REFER TO LANDSCAPE PLANS)
 - 11 STOP SIGN
 - 12 6" x 8" CONCRETE PAD FOR BUS SHELTER (SEE CONCRETE SIDEWALK SECTION). BE PROVIDED AS MANUFACTURED BY BRASSO INTERNATIONAL, INC. (BLOOMINGTON, INDIANA) AS APPROVED BY THE CITY OF BLOOMINGTON.
 - 13 PERMEABLE PAVERS
 - 14 CURB TURNOUT
 - 15 HORIZONTAL
 - 16 B.S.L. BUILDING SETBACK LINE
 - 17 S.S.E. SANITARY SEWER EASEMENT
 - 18 HANDICAP ACCESSIBLE PARKING SPACE

- EXISTING CONDITIONS LEGEND**
- 1 FLOODPLAIN
 - 2 PROPOSED NEWLY DITCH
 - 3 PROPOSED URGE CITY ASPHALT PAVEMENT
 - 4 PROPOSED CONCRETE PAVEMENT
 - 5 PROPOSED PERMEABLE PAVEMENT
- EXISTING CONDITIONS LEGEND**
- 1 Manhole
 - 2 Sanitary Sewer
 - 3 Storm Drain
 - 4 Overhead Electric
 - 5 Overhead Gas
 - 6 Light Pole
 - 7 Guy Anchor
 - 8 Fretboard
 - 9 Tree Line
 - 10 Tree
 - 11 S.S.E. Sanitary Sewer Easement

CAUTION: THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES (including, but not limited to, water, sewer, gas, and electric) HAS NOT BEEN VERIFIED BY DRUPROJECT. CONTRACTOR SHALL VERIFY LOCATION, SIZE AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES DURING CONSTRUCTION. CONTACT OWNER OR UTILITY PROVIDER FOR UTILITY INFORMATION.

NOTES:

- CONTRACTOR TO VERIFY LOCATION, SIZE AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. CONTACT OWNER OR UTILITY PROVIDER FOR UTILITY INFORMATION.
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FLOODPLAIN NOTE: THE FLOODPLAIN REGION REPRESENTS THE 100-YEAR BASE FLOOD ELEVATION PER FIRM MAP PANEL #1805043D DATED DECEMBER 16, 2010. THIS FIRM MAP IS BASED ON VERTICAL DATUM NAVD 83. THIS FIRM MAP IS BASED ON THE NATIONAL GEODETIC SURVEY TO VERTICAL DATUM NAVD 1989 (+0.377 FT) TO BE ELEVATION 682.38.

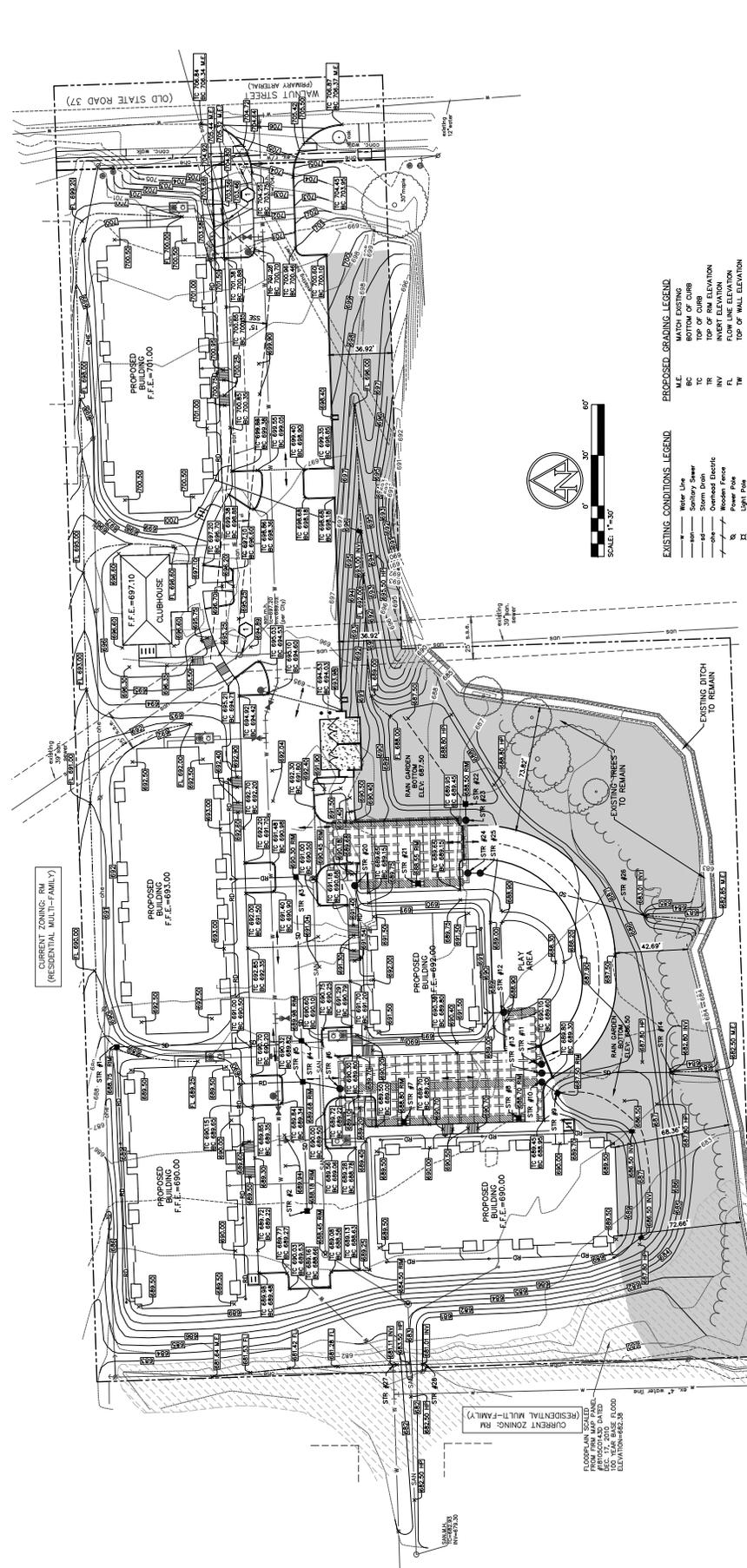
NOTES: THE FLOODPLAIN REGION WITHIN THIS SITE PLAN IS A TOPOGRAPHIC SURVEY PERFORMED BY PERLUM O. HARRIS & COMPANY INC. (PROJECT NO. 6071) AND DATED JANUARY 04, 2007. ORIGINAL DATUM: NAVD 83.

- ALL DIMENSIONS ARE 3.0' UNLESS INDICATED OTHERWISE.**
- RESURFACE OR RECONSTRUCT AT LEAST TO ORIGINAL CONDITIONS ALL AREAS WHERE THE EXISTING PAVEMENT OR LINES ARE DAMAGED DURING CONSTRUCTION FROM TRAFFIC BY CONTRACTORS, SUBCONTRACTORS OR SUPPLIERS OF MATERIALS. RECONSTRUCTION SHALL BE TO ORIGINAL CONDITIONS.
 - EXISTING PAVEMENT SHALL BE PAINTED (WHITE). HANDICAPPED ACCESSIBLE AREAS SHALL BE PAINTED (RED).
 - ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB, UNLESS NOTED OTHERWISE.
 - ALL DIMENSIONS ARE TO FACE OF BRICK OR FACED MATERIAL, WHERE APPLICABLE.
 - ALL DIMENSIONS ARE PARALLEL WITH OR PERPENDICULAR TO BASE LINES, PROPERTY LINES OR BOUNDING LINES UNLESS NOTED OTHERWISE.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS. IF CONSTRUCTION OF THE PROJECT REQUIRES ANY CHANGES TO THE FIELD DIMENSIONS, CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
 - PROVIDE SMOOTH TRANSITIONS FROM NEW AREAS TO EXISTING FEATURES AS NECESSARY.
 - ALL EXCAVATED AREAS SHALL BE SEDED AFTER FINISH GRADING UNLESS OTHERWISE NOTED. ALL NEW SEDED AREAS SHALL HAVE A MINIMUM OF 4" OF TOP SOIL.
 - CONTRACTOR SHALL LOCATE AND STAKE THE PERIMETER OF THE ON-SITE FLOODPLAIN IN PLACE THROUGHOUT CONSTRUCTION. ALL STAKES TO BE PROTECTED AND REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

- SITE NOTES:**
- ALL WORK TO CONFORM TO STATE AND LOCAL REGULATIONS.
 - ALL PAVEMENT SHALL BE 4" PAINTED (WHITE). HANDICAPPED ACCESSIBLE AREAS SHALL BE PAINTED (RED).
 - ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB, UNLESS NOTED OTHERWISE.
 - ALL DIMENSIONS ARE TO FACE OF BRICK OR FACED MATERIAL, WHERE APPLICABLE.
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 - ALL EXCAVATED AREAS SHALL BE SEDED AFTER FINISH GRADING UNLESS OTHERWISE NOTED. ALL NEW SEDED AREAS SHALL HAVE A MINIMUM OF 4" OF TOP SOIL.

SITE DATA

STANDARD PARKING (8'x4')	104 SPACES
HANDICAP PARKING PROVIDED	6 SPACES
TOTAL PROPOSED PARKING	110 SPACES
BICYCLE PARKING (8'x6')	24 SPACES
TOTAL BICYCLE PARKING	24 SPACES
IMPERVIOUS AREA	1,134 SQ. FT.
	2,208 AC. (43%)



CAUTION: ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON ABOVE GROUND RECORDS AND FIELD SURVEY. CONTRACTOR SHALL VERIFY LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO ANY AND ALL CONSTRUCTION. THE EXACT LOCATION OF SAID EXISTING UNDERGROUND UTILITIES SHALL BE DETERMINED BY THE CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION. 1-800-387-3544

- NOTES:**
- CONTRACTOR SHALL PROTECT AND NOT DESTROY THE PROPERTY CORNER MONUMENTS.
 - CONTRACTOR TO VERIFY LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO ANY AND ALL CONSTRUCTION. CONTACT ENGINEER IF A VARIATION EXISTS.

FLOODPLAIN NOTE:
THE FLOODPLAIN SHOWN REPRESENTS THE 100-YEAR BASE FLOOD ELEVATION PER FIRM MAP NO. 15010-01-0001-0000-0000-0000-0000-0000. THE FIRM MAP SHOWS AN ELEVATION OF 652.00 FEET. CONTRACTOR SHALL VERIFY THE EXACT ELEVATION AND SHALL COMPLY WITH THE NATIONAL GEODETIC SURVEY TO VERTICAL DATUM (NGVD 1929 (+1377 FT)) TO BE ELATION 682.38.

- EXISTING CONDITIONS LEGEND:**
- M.L. Match Line
 - BC Bottom of CURB
 - TC Top of CURB
 - INVT Invert Elevation
 - FL Flow Line Elevation
 - FW Flow Line
 - RPZ Riparian Buffer Zone
 - SD Storm Drain Pipe
 - CONTOUR ELEVATION
 - FLOW LINE
 - CURB ELEVATION
 - SPOT ELEVATION
 - RIPIARIAN BUFFER ZONE (VARIOUS WIDTH)
 - ADJUST PROPOSED GRADE

- PROCESSED GRADING LEGEND:**
- M.L. Match Line
 - BC Bottom of CURB
 - TC Top of CURB
 - INVT Invert Elevation
 - FL Flow Line Elevation
 - FW Flow Line
 - RPZ Riparian Buffer Zone
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 - SPOT ELEVATION
 - RIPIARIAN BUFFER ZONE (VARIOUS WIDTH)
 - ADJUST PROPOSED GRADE

- GENERAL GRADING NOTES:**
- ALL WORK TO CONFORM TO STATE AND LOCAL REGULATIONS.
 - SITE OPENING SHALL NOT PROCEED UNTIL EROSION CONTROL MEASURES HAVE BEEN INSTALLED AND APPROVED BY THE ENGINEER.
 - THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS (VERTICAL AND HORIZONTAL) IN THE FIELD PRIOR TO STARTING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND SHALL NOTIFY THE ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND.
 - THE ENGINEERING CONTRACTOR MUST TAKE PARTICULAR CARE WHEN EXCAVATING IN AND AROUND EXISTING UTILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF ANY UTILITIES ARE ENCOUNTERED AND/OR UTILITIES COMPANY AS NOT TO CAUSE DAMAGE.
 - THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES 72 HOURS BEFORE CONSTRUCTION OF ANY EXCAVATION OR INSTALLATION OF ANY STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY COMPANIES TO INSPECT AND OBSERVE DURING CONSTRUCTION.
 - MATERIALS SHALL BE BARRICADED COMPLETELY WITH GRANULAR MATERIAL TO PREVENT TRAFFIC FROM ENTERING THE SITE.

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STORM SEWER - STRUCTURE DATA TABLE

STR.	STRUCTURE	CASTING	PIPE SIZE	TYPE	FOR	ELEVATIONS	GRADE	CONNECT TO
1	TYPE 'W' INLET	R-2115G	108	15	HDPE	688.75	688.31	684.76
2	TYPE 'W' INLET	R-2472	77	12	HDPE	688.18	684.87	684.42
3	TYPE 'W' INLET	R-2472	97	12	HDPE	688.30	685.49	684.76
4	TYPE 'W' MANHOLE	R-1772	22	18	HDPE	688.68	684.62	684.41
5	TYPE 'W' MANHOLE	R-1772	1	6	PVC	688.34	682.97	0.00
6	TYPE 'W' INLET	R-3396	7	6	PVC	688.80	682.97	0.00
7	TYPE 'W' INLET	R-3396	9	6	PVC	688.20	682.97	0.00
8	TYPE 'W' MANHOLE	R-1772	11	12	HDPE	688.20	682.97	682.97
9	TYPE 'W' MANHOLE	R-1772	1	6	PVC	688.20	682.97	0.00
10	TYPE 'W' MANHOLE	R-1772	1	6	PVC	688.39	682.97	0.00
11	TYPE 'W' MANHOLE	R-1772	1	6	PVC	688.90	682.97	0.00
12	TYPE 'W' MANHOLE	R-1772	1	6	PVC	688.90	682.97	0.00
13	TYPE 'W' MANHOLE	R-1772	1	6	PVC	688.90	682.97	0.00
14	CONCRETE END SECTION	R-1772	77	12	HDPE	682.90	682.90	0.00
15	CONCRETE END SECTION	R-1772	1	6	PVC	688.48	683.25	683.25
16	CONCRETE END SECTION	R-1772	1	6	PVC	688.55	683.25	683.25
17	CONCRETE END SECTION	R-1772	1	6	PVC	688.55	683.25	683.25
18	CONCRETE END SECTION	R-1772	1	6	PVC	688.85	683.25	683.25
19	CONCRETE END SECTION	R-1772	1	6	PVC	688.70	683.25	683.25
20	CONCRETE END SECTION	R-1772	1	6	PVC	688.60	683.25	683.25
21	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
22	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
23	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
24	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
25	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
26	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
27	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01
28	CONCRETE END SECTION	R-1772	1	6	PVC	688.01	681.01	681.01



ASPHALT SHINGLE ROOF W/
CONTINUOUS RIDGE VENT
CONT. RAIL SYSTEM
W/ VINYL POST SLEEVES
ALUMINUM GUTTER &
DOWNSPOUT
SHAKE ACCENT SIDING
CASEMENT WINDOWS

SHAKE ACCENT SIDING
DECORATIVE
FYPON VENT

PVC TRIM
DECORATIVE TRIM BAND

VINYL LAP SIDING
BRICK VENEER W/
SYNTHETIC STONE
WATERTABLE
PVC COLUMN COVER

SIDING & SHAKE
ALSIDE
SILVER MOSS, COASTAL SAGE, & ANTIQUE PARCHMENT

ASPHALT SHINGLE
ROOF
OPEN BREEZEWAY
& STAIR

BRICK
GLEN-GERY BRICK
COLONIAL SAND

H.P. TOP/ ROOF
EL. +7'-43"-0"

TRUSS BEARING
EL. 27'-2"

THIRD FLOOR
EL. 19'-0"

SECOND FLOOR
EL. 9'-6"

FIRST FLOOR
EL. 0'-0"

ELEVATION

BLOOMINGTON POINTE
BLOOMINGTON, INDIANA

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RDL ARCHITECTS, INC.
 16102 Chagrin Blvd., Suite 200
 Shaker Heights, Ohio 44120
 216.752.4300 (fax) 216.752.4301
 Email: info@rdlarchitects.com

The NRP Group
 5309 Transportation Blvd.
 Cleveland, Ohio 44125
 Telephone: 216.475.8900
 Fax: 216.475.8300

SP/UV-40-12
 Front Elevation



SHAKE ACCENT SIDING

H.P. TOP/ROOF
EL. +1'-43"-0"

TRUSS BEARING
EL. 27'-2"

THIRD FLOOR
EL. 19'-0"

SECOND FLOOR
EL. 9'-6"

FIRST FLOOR
EL. 0'-0"

ASPHALT SHINGLE ROOF W/
CONTINUOUS RIDGE VENT
ALUMINUM GUTTER &
DOWNSPOUT
CONT. RAIL SYSTEM
W/ VINYL POST SLEEVES
CASEMENT WINDOWS

VINYL LAP SIDING
BRICK VENEER W/
SYNTHETIC STONE
WATERTABLE

DECORATIVE TRIM BAND

SIDING & SHAKE
ALSIDE
SILVER MOSS, COASTAL SAGE, & ANTIQUE PARCHMENT



BRICK
GLEN-GERY BRICK
COLONIAL SAND



ELEVATION

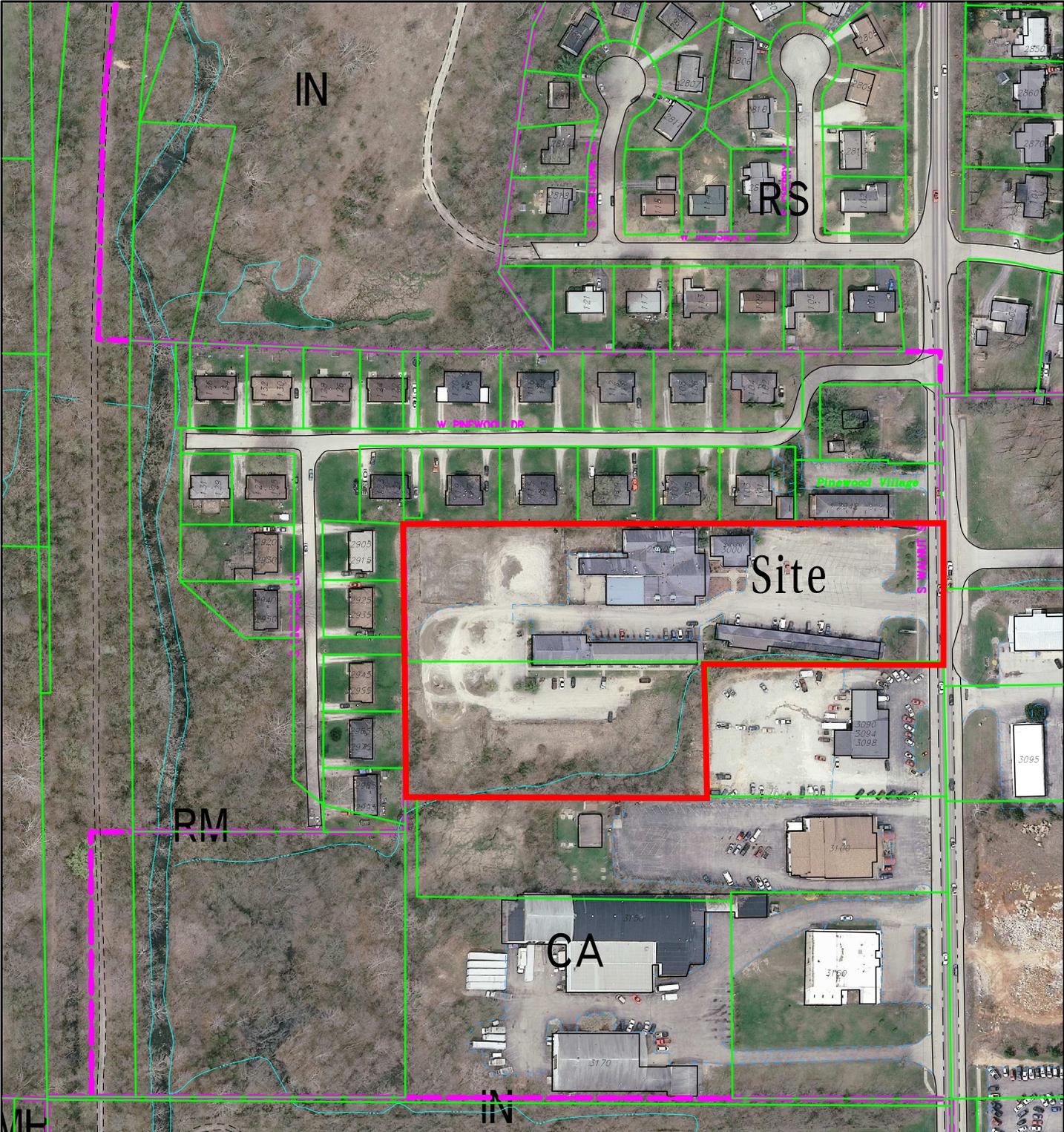
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BLOOMINGTON POINTE
BLOOMINGTON, INDIANA

The NRP Group
5309 Transportation Blvd.
Cleveland, Ohio 44125
Telephone: 216.475.8900
Fax: 216.475.8300

SP/UV-40-12
Side Elevation



UVV-42-12 NRP Group, LLC

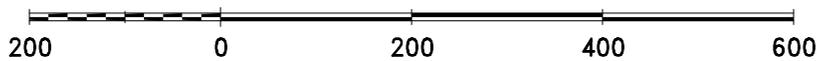
2960 S. Walnut Street

Board of Zoning Appeals

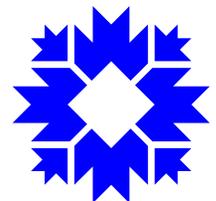
2010 Aerial Photograph

By: greulice

3 Oct 12



City of Bloomington
Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1015 N. Jordan Ave.**

**CASE #: V-44-12
DATE: October 18, 2012**

**PETITIONER: Sigma Nu Association of Indiana University
 4936 Austin Trace, Zionsville, IN**

REQUEST: The petitioner is requesting variance from maximum parking and dumpster setback requirements.

REPORT SUMMARY: This approximately 2.6 acre property is located on the west side of N. Jordan Avenue between E. Lingelbach Lane and E. Law Lane and is zoned Institutional. Surrounding land uses to the north, east and south are fraternities and sororities. To the west is IU's Sembower Field. The property has been developed with a 3-story fraternity for the Sigma Nu chapter.

The fraternity is currently designing an expansion of the chapter house to the south. This expansion will include living space as well as several common rooms. Due to changes in the interior floor plan of the existing structure, the fraternity does not propose an increase in the maximum occupancy of the house. The current and future occupancy is approximately 72 men.

With the proposed expansion, the petitioner is required to bring the site into compliance with many parts of the UDO including landscaping, bike racks and maximum parking. The UDO bases parking for fraternities and sororities on the number of bedrooms. The maximum parking is 0.8 spaces per bedroom. This is less than that applied to apartments (1:1). In many greek houses, rooms are often occupied by 2-4 people. While the petitioner estimates occupancy of 72 members, there will only be 24 bedrooms. The maximum parking for this use is 19 parking spaces.

Existing on the property are 47 spaces, plus 8 spaces on adjacent land owned by Indiana University, for a total of 55 spaces. If parking was based on 0.8 spaces per occupant, the maximum parking would be 57 spaces. Staff conducted a count of cars on the property on a Tuesday morning at 8:30 AM and found 51 cars parked on site. The petitioners are requesting a variance from maximum parking requirements to allow the existing 55 spaces to remain.

The petitioner would also like to relocate the existing dumpster. The dumpster is currently located at the northeast corner of the building, with the door facing the street. Because of narrow access aisles in the parking lot, the petitioner would like to keep the dumpster near the front of the lot. They propose to relocate the dumpster closer to the street, but rotate the door so that it faces away from the street. In addition, the dumpster pad would be about three feet below the grade of the land toward the street, allowing the dumpster to be partially hidden by a retaining wall. The UDO requires that dumpster not be located between the building and the street. The petitioners are requesting a variance to allow the dumpster to be relocated but stay between the building and the street.

CRITERIA AND FINDINGS

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

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

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

Staff's Finding: Staff finds no injury to the general welfare. The total number of parking spaces is not changing with this petition. The property will still meet maximum impervious surface coverage requirements. In regards to the dumpster, the existing dumpster has been located between the building and the street for many years with no known injury.

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

Staff's Finding: Staff finds the use and value of the area adjacent to the property will not be negatively impacted by the parking variance. This variance will allow the petitioner to meet the true maximum parking needs of the use on site without spill-over onto adjacent properties. In regards to the dumpster, by rotating the orientation of the door, this variance will decrease impacts to the street and surrounding properties.

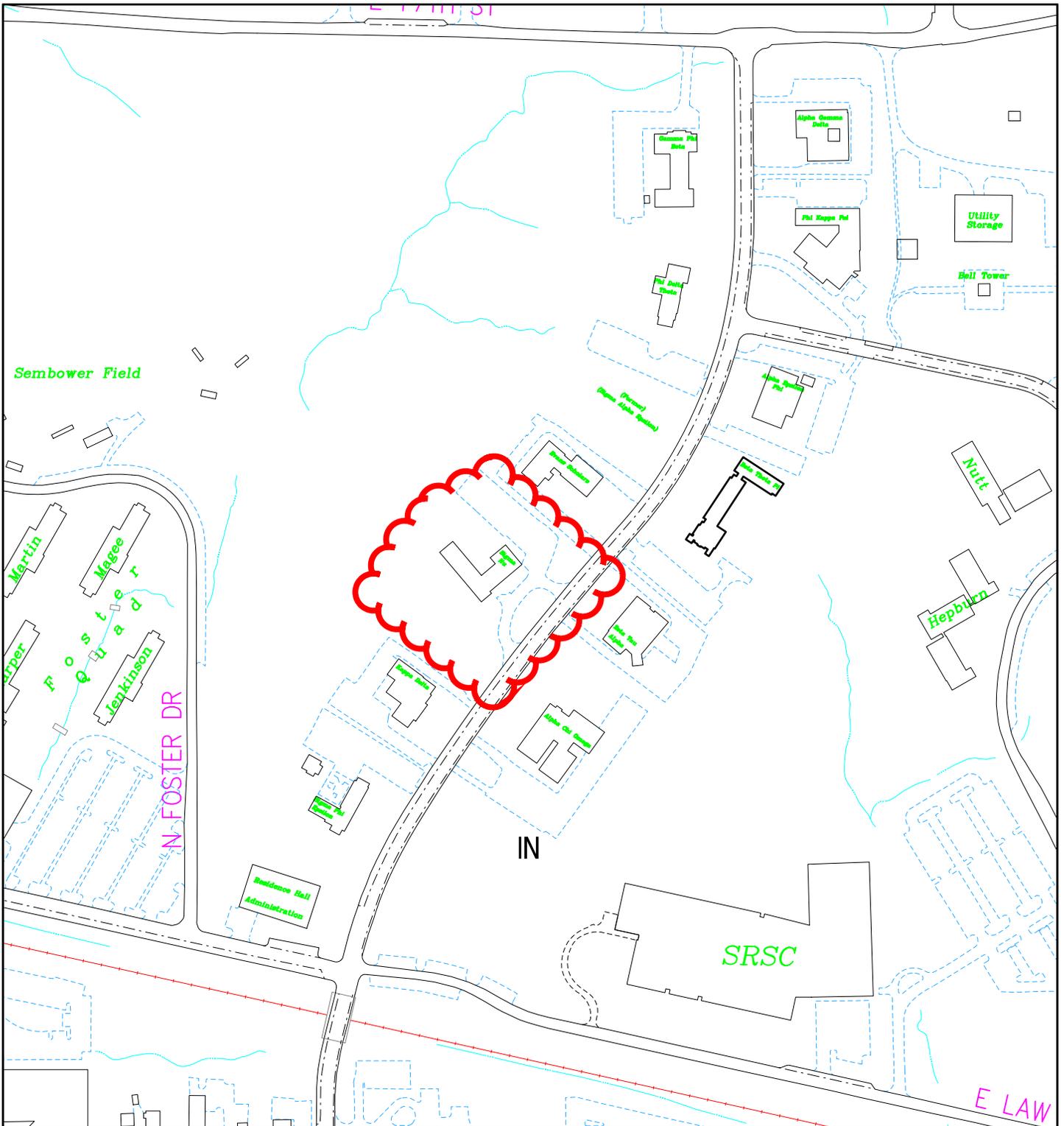
3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

Staff's Finding: Staff finds peculiar conditions for the parking variance in the nature of the living and sleeping arrangements of this fraternity. While other fraternities and sororities may have one member per bedroom, this fraternity has been designed to house two or more members per room. Practical difficulty is found in that if the parking variance is not approved, the petitioner would be required to remove nearly 2/3rd of the parking on the property. This would require on average 30 drivers to find parking elsewhere.

Peculiar condition for the dumpster setback variance is found in the existing built nature of the lot and parking lot as well as a platted 100 foot setback along N Jordan Ave. Without these conditions, the building could be built closer to the street and a dumpster location to the side or rear of the building would be easier to find. Practical difficulty is found in that if denied the petitioner would have to remove additional parking to accommodate a complying dumpster and the turning movements needed for a garbage truck. The dumpster will still maintain a 45 foot setback from the street.

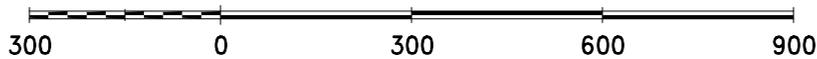
RECOMMENDATION: Based on the written findings, staff recommends approval of the variance with the following conditions:

1. Site must be brought up to compliance with other provisions of the UDO, including but not limited to landscaping, bike parking and lighting, per UDO 20.08.060.
2. The parking variance shall approve the existing number of spaces. The spaces can be redesigned but can not increase the number of spaces within the front setback or overall.

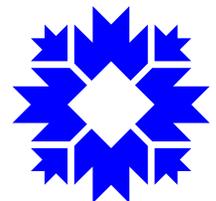


V-44-12
Location and Zoning Map

By: roachja
10 Oct 12



City of Bloomington
Planning



Scale: 1" = 300'

PETITIONER'S STATEMENT

Sigma Nu Alumni Association of Indiana University, Inc. requests design standard variances:

1. Maximum number of parking spaces permitted under M.C.O. 20.05.070; and
2. Dumpster or trash receptacle setback under M.C.O. 20.05.077.

Petitioner owns the fraternity house located at 1015 N. Jordan Avenue. The house was built in 1953 and has not had a significant renovation since 1998. The structure is in need of a major renovation. Petitioner also seeks to add a "senior wing" as addition usable space. The renovation and the enlargement of the structure will add room for additional amenities. The renovation and the addition of the senior wing are not intended to increase housing capacity.

Aside from meeting its goals and objectives as a fraternal organization, the fraternity house must also provide quality housing opportunities consistent with or in competition with apartment complexes and housing opportunities available in the current residential environment. The Chapter House built in 1953 was not designed to allow the multiple interior uses for meeting rooms, study areas, indoor recreation and similar activities.

The property consists of two (2) lots providing ample room to expand the structure south, away from the public road. The structure is set back from the public right-of-way for N. Jordan Avenue approximately 75 feet. The expansion will not cause a loss of any significant trees.

The proposed plans include:

1. Adding a new, two story "senior wing" that would attach at a right angle to the existing structure on the south side. This wing will provide modern, more amenitized housing to attract and retain senior leadership in the house (higher ceilings, higher grade finishes and more living space per occupant;
2. One hundred percent (100%) new, traditional style limestone façade on the entire existing structure to match the new wing. The exterior façade will be in the general style of the Hutton Honors College Building located on 7th Street across from the Indiana Memorial Union;
3. Major renovations/reconstruction of other exterior elements of the existing structure, such as the roof and common area windows; and
4. Renovation of all interior aspects of the existing structure, including a new 900 square foot library, state of the art computer and communications technology, upgrades to kitchen and dining facilities.

Current occupancy of the fraternity house ranges from 70 to 72 men. This occupancy is expected to continue after the renovation and with the additional general living space and improved facilities. No expansion of parking lot or exterior features are expected other than the addition of the wing.

The renovation and expansion will provide a substantially modernized and improved exterior appearance enhancing the value of the property and surrounding properties. The interior improvements with the upgraded and expanded facilities will enhance the fraternity experience, the student experience and set a new standard for fraternity housing on the IU campus.

The current dumpster or outdoor trash receptacle is depicted in the photograph provided. The current site is on the northeast corner of the building exposed to view from the public street. The large setback from the road right-of-way and the location of existing parking make relocation of the dumpster difficult. Petitioner proposes to relocate the dumpster within the setback area in a modern, enclosed facility that is more sanitary and more aesthetically pleasing. The location and the setback allow the dumpster to be set below street grade generally removing it from open visibility. The addition of new trees, particularly street trees, will further improve the aesthetics and screen the dumpster location.

The proposed dumpster location will minimize the requirement for trash truck traffic on the property providing direct access to the dumpster for easy and safe truck traffic. Locating the dumpster outside a setback area will require the trash truck to utilize the parking lot and travel throughout the parking lot to access the dumpster site outside of the setback. Other available dumpster sites will be more visible than the proposed site.

No alterations or expansions to the parking are planned. The existing parking has been in place for decades. The design of the fraternity house makes calculation of permitted parking spaces by bedroom count impractical. The fraternity utilizes large rooms as "cold dorms" or other multiple-manned sleeping rooms. Individualized bedroom count is inapplicable to the fraternity structure as presently designed. No changes are expected to the sleeping rooms.

Petitioner is required to demonstrate certain findings of fact:

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

Relocation of the dumpster in the setback allows for a more modernized and more sanitary dumpster/outdoor trash receptacle. The location is more aesthetically pleasing and less visible while providing a more safe and direct access for trash truck traffic to the dumpster site. The relocation of the dumpster will not be injurious to the public health, safety, moral and general welfare.

Maintaining the existing parking lot and parking space count will not alter and, therefore, be injurious to the public health, safety, morals and general welfare of the community.

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.

Placement of the trash dumpster in the setback area below street grade will enhance the property and the aesthetics of the site. Adjacent properties will not be affected in any manner by the relocation of the trash dumpster.

Adjacent properties and properties in the nearby area have existing parking comparable to or in excess of the current parking on the Petitioner's property. The parking has been in existence for an extended period of time. Maintaining the parking will not adversely affect the use or value of adjacent properties.

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

Strict application of the UDO will prevent relocation of the trash dumpster. The inability to relocate the trash dumpster outside of the setback area presents traffic flow concerns for the trash truck required to remove the trash and dumpster. Relocation of the dumpster outside of the setback will be less aesthetically pleasing and will likely be more visible while less accessible. Without the variance, it will be necessary to leave the trash dumpster location in its more visible, current location on the northeast corner of the structure.

The existing structure and the design concept of a single large bedroom holding multiple occupants as a sleeping room arrangement is part of the design of the structure since it was built in 1953. There is no practical means to alter the bedroom count within the existing structure. The structure sits on two lots with large setbacks required by plat covenant. The parking count existed prior to the adoption of the parking standards set forth in the United Development Ordinance. Reducing parking will cause substantial harm to Petitioner by artificially restricting the number of occupants and encourage occupants to seek alternate residential housing with available parking. The development standards and maximum allowed parking have changed subsequent to the original construction of the building. Without the variance, Petitioner cannot undertake the renovation and the addition of the senior wing and its enhanced facilities. A variance will allow the renovation of the structure while maintaining long time existing parking.

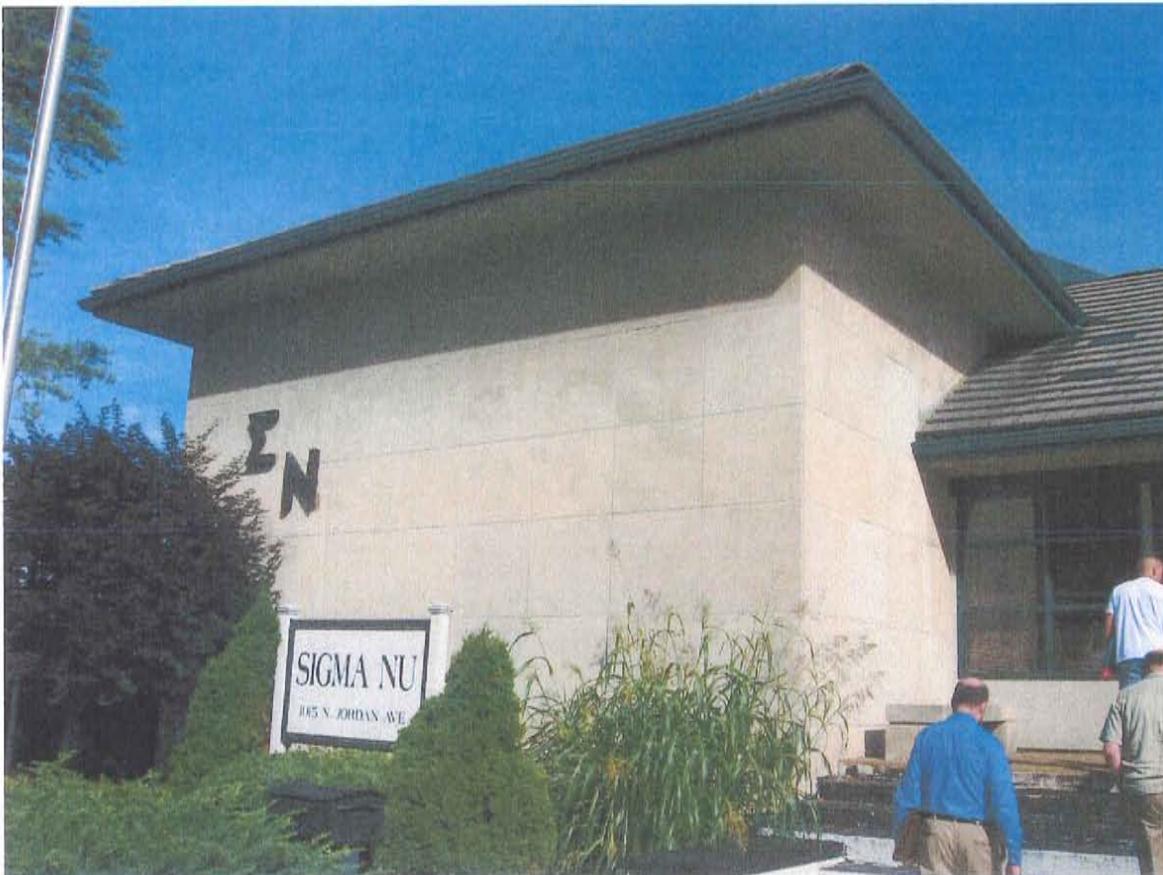
352728

V-44-12 Petitioner's Statement

these photos show the west elevation (faces the soccer fields that lead to Foster, Business School, etc.). The 3 story section to right in photos is the existing man wing. The patio area where the water is (we fixed that drainage problem since then) is where we propose to build new library—see site plan.



Front of house



351219

This is where existing man wing exits west to soccer fields. That brick facing has always been there—that plan is that ALL masonry gets ripped off and building gets re-clad in matching limestone.



351220

V-44-12
Petitioner's Statement - photos



V-44-12
Petitioner's Statement - photos

Be to

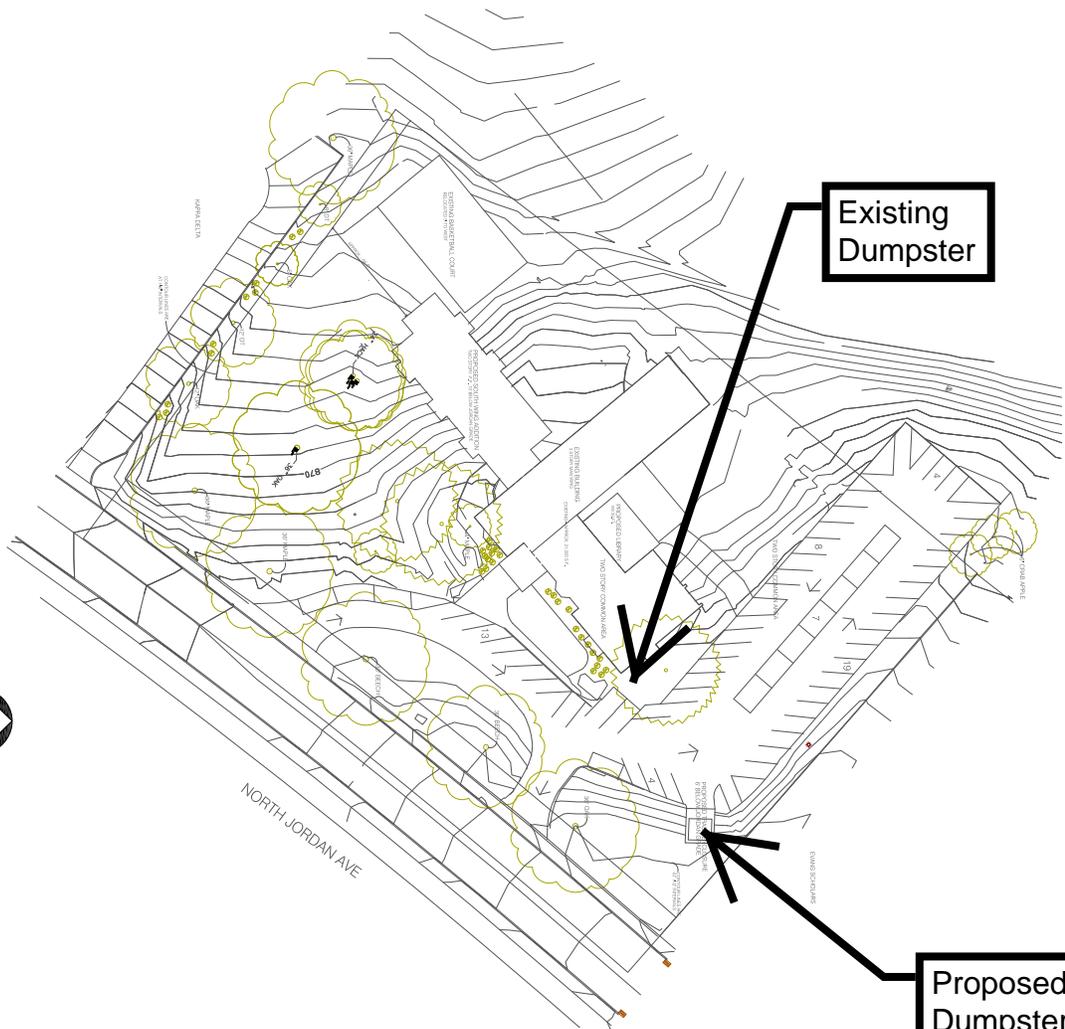
EVANS SCHOLARS

Proposed new tree area





V-44-12
 Petitioner's Statement - photos



SITE PLAN REFLECTING PROPOSED ADDITION



NORTH JORDAN AVE

NOT FOR CONSTRUCTION

COMMISSIONER OF INSTRUMENTS OF SERVICE STATE OF UTAH DIVISION OF ARCHITECTURE 160 EAST SOUTH WEST STREET, SUITE 200 SALT LAKE CITY, UTAH 84111-2000 TEL: 313.246.3000 FAX: 313.246.3001 WWW.STATE.ARCHITECTURE.UT.GOV	
KDA ARCHITECTURE + P 1015 N. JORDAN AVE., SUITE 200 SALT LAKE CITY, UTAH 84116	PRELIMINARY

V-44-12
Site Plan

V-44-12
Remodel images



ENTRY DRIVE from NE
Proposed Additions & Alterations to:
SIGMA NU FRATERNITY HOUSE / INDIANA UNIVERSITY / Bloomington, IN
KD Architecture - Planning / Phoenix, AZ 8/1/12

V-44-12
Remodel images

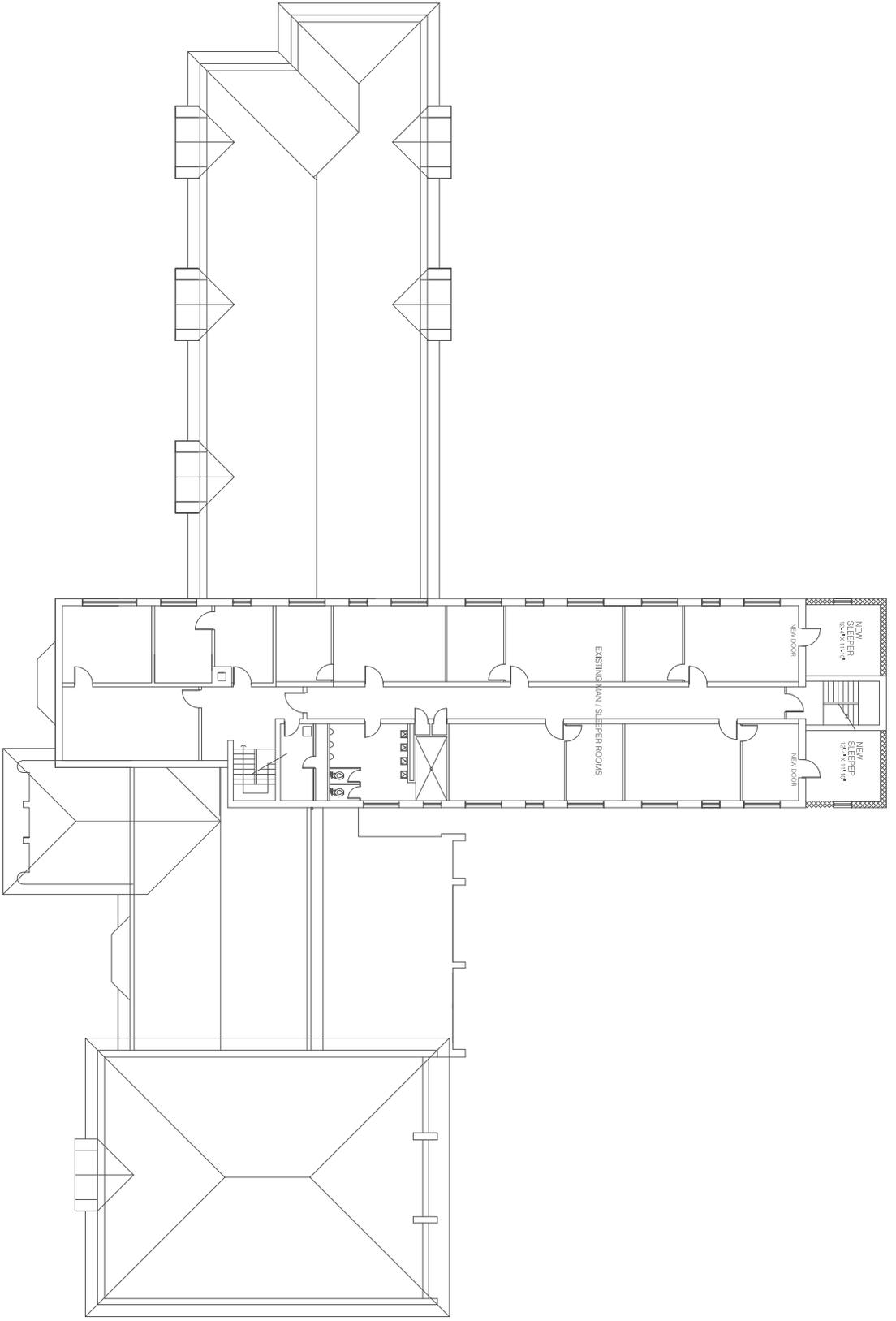


ENTRY WALKWAY & RAMP
Proposed Additions & Alterations to:
SIGMA NU FRATERNITY HOUSE / INDIANA UNIVERSITY / Bloomington, IN
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V-44-12
Remodel images



NEW WING VIEW from NE
Proposed Additions & Alterations to:
SIGMA NU FRATERNITY HOUSE / INDIANA UNIVERSITY / Bloomington, IN
KD Architecture - Planning / Phoenix, AZ 8/1/12



UPPER LEVEL FLOOR PLAN

1/8" = 1'-0"

CROSS-HATCH AREA INDICATING NEW ADDITION AREAS

CROSS-HATCH AREA INDICATING NEW ADDITION AREAS

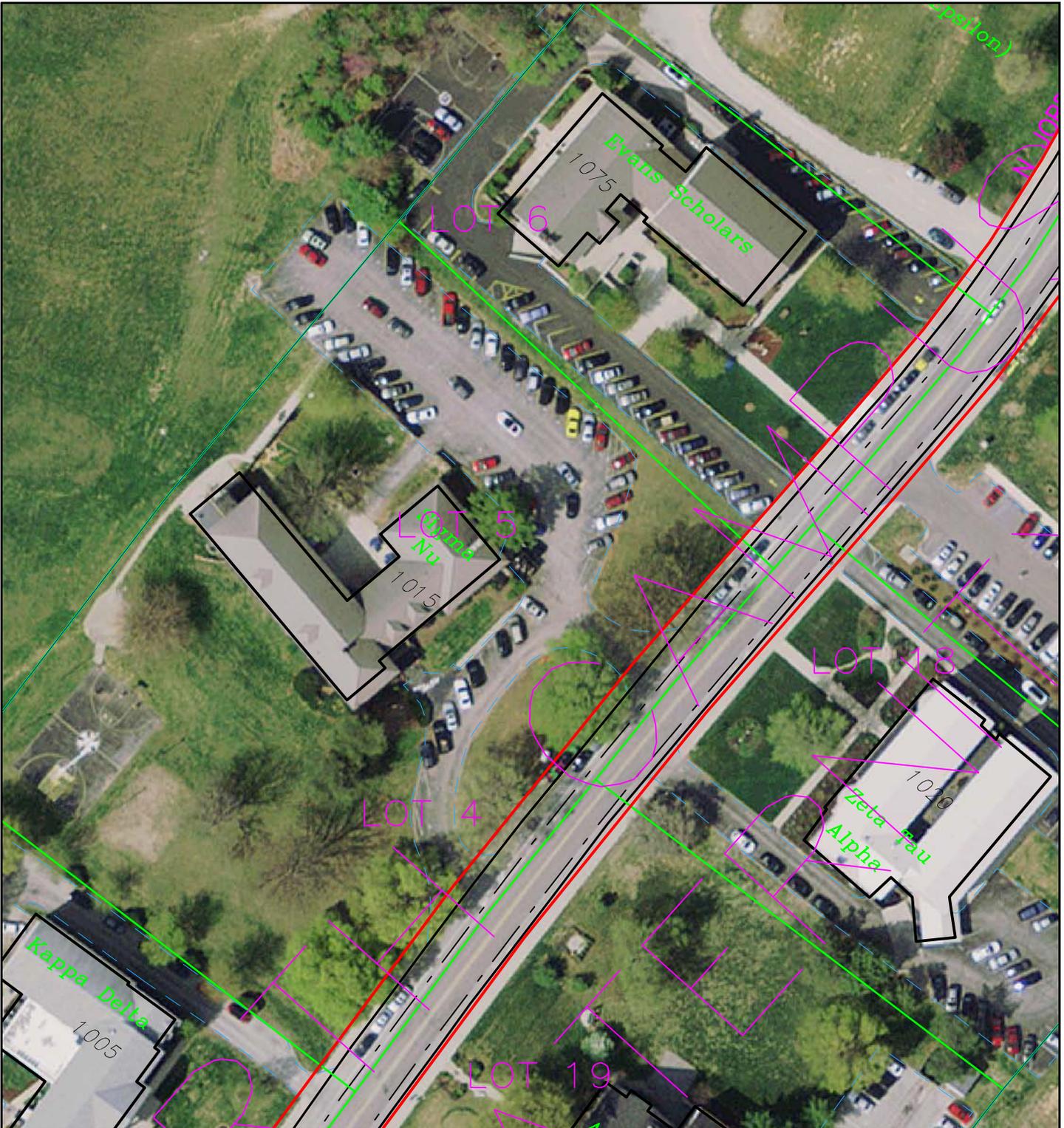
NOT FOR CONSTRUCTION

V-44-12
 Floor Plan

KD ARCHITECTS
 ARCHITECTS
 1015 N. JOHNSON
 IN. 46202-1015

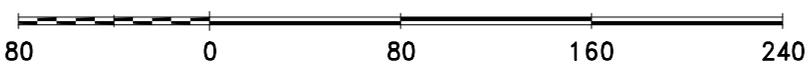
PLANNING
 ARCHITECTS
 1015 N. JOHNSON
 IN. 46202-1015

PRELIMINARY

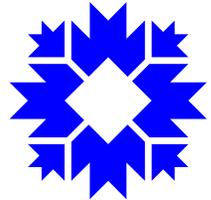


V-44-12
2001 Aerial Photo

By: roachja
10 Oct 12



City of Bloomington
Planning



Scale: 1" = 80'

For reference only; map information NOT warranted.