

CITY OF BLOOMINGTON



March 20, 2013 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

PETITION WITHDRAWN:

- CU-9-13 **Michael Lostutter**
3855 E. Brighton Ave.
Request: Conditional use approval to allow a photography studio as a home occupation.
Case Manager: Eric Greulich

PETITION FORWARDED TO BOARD OF ZONING APPEALS:

- V-12-13 **Renaissance Rentals**
4501 E. 3rd St.
Request: Variance from architectural standards for a mixed-use project of 76 hotel units and 152 residential units.
Case Manager: Katie Bannon

PETITIONS:

- V-10-13 **Hoosier Energy**
2790 S. Tech Park Blvd.
Request: Variance from building height standards to allow construction of a new office.
Case Manager: Eric Greulich
- V-11-13 **Trinitas Ventures**
552 S. Adams St.
Request: Variance from parking setback requirements.
Case Manager: Jim Roach

PETITIONER: Hoosier Energy
PO Box 908, Bloomington, IN

CONSULTANT: Bledsoe Riggert Guerrettaz
1351 W. Tapp Rd., Bloomington, IN

REQUEST: The petitioner is requesting a variance from building height standards to allow a new office building.

Report Summary: This property is located at 2790 S. Tech Park Boulevard and is within a Planned Unit Development (PUD). Surrounding uses are an automotive repair station to the southeast, a City Park to the north (Wapehani), vacant land to the east, and an office park to the south. The petition site includes 8 lots of Mill Creek Tech Park that total 4.5 acres. The site is currently vacant and has several mature trees scattered throughout the property. The property also has a substantial amount of topography change across the site with several areas of steep slopes scattered throughout the property.

The petitioner is proposing to aggregate 8 lots of the Tech Park to allow for a new 82,000 sq. ft. office building and approximately 200 parking spaces. With this proposal there would be new landscaping installed throughout the property, including several rain gardens to provide stormwater improvements. The building has also been designed to meet LEED standards. The proposed building will be three stories in height from the front and the petitioner has worked to design a building that meets the 60' height limit, however due to the topography on the site, a portion of an exposed basement will cause the building to exceed the 60' height limit and will be 71' tall.

The petitioner is requesting a variance from the 60' maximum building height standard in order to allow the proposed building to be 71' tall.

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 FINDING: Staff finds that this variance request will not negatively affect the public health, safety, morals, or general welfare of the community. The granting of

the variance will allow only a small portion of the building to exceed the maximum building height and will not be visible from public right-of-way.

- 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.*

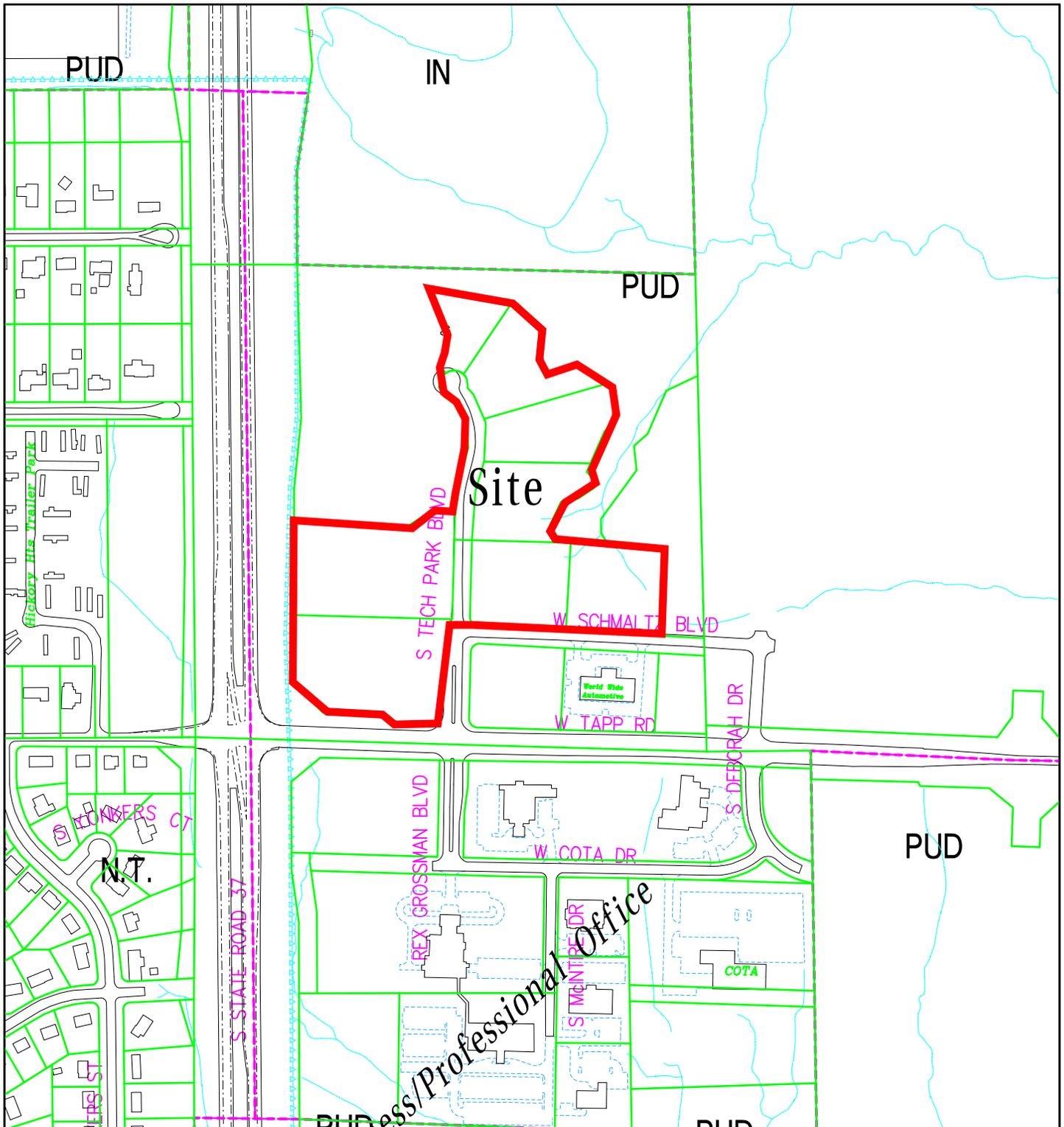
STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. The existing topography will prevent the portion of the building that exceeds the maximum building height to be visible from a public street or from adjacent properties.

- 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 practical difficulty in that the existing topography presents difficulties in using the site and meeting building height requirements. The property has several areas of steep slopes and elevation change that make designing a building very difficult. The petitioner has designed a building that is predominantly three-stories in height, however because of the need to access the lower level of the building, a small portion of the basement area is exposed and causes the overall building height to exceed 60'.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition with the following conditions:

1. A grading permit is required prior to any site disturbance.
- 2.

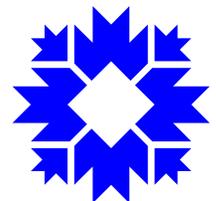


V-10-13 Hoosier Energy
 2790 S Tech Park Blvd
 Hearing Officer
 Site Location, Zoning, Land Use, Parcels

By: greulice
 13 Mar 13



City of Bloomington
 Planning



Scale: 1" = 400'

For reference only; map information NOT warranted.

February 28, 2013

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

Re: Centerpiece, Hoosier Energy Headquarters
Petitioner's Statement
BRG Project No. 7662

Dear Eric,

On behalf Hoosier Energy, we are applying for a building height variance from the UDO requirement of 60' to allow the construction of their new facility in the Mill Creek Tech Park on Tech Park and Schmalz Blvd's. The site address is 2790 South Tech Park Boulevard.

Project Centerpiece is the new corporate headquarters for this long time Monroe County based company. It includes approximately 82,000 square feet of office space in one building and approximately 200 parking spaces. The developed site is approximately 4.5 acres within a wooded setting and a gross site area that exceeds 13 acres. Preservation of as much of the existing woodlands as possible was paramount in the development of the site plan and architecture. Instead of spreading the proposed square footage over a larger area resulting in a larger development footprint and greater impact on the existing woodlands, the building is built up instead of out. The site is heavily buffered from surrounding property and public streets.

The majority of the building and virtually all that is presented to the public is 3 stories in height and meets the requirement. However, in order to work with the sites natural topography, a basement level is proposed beneath the south wing, a small portion of which is exposed as a four story facade to the service yard area and a small rear exercise patio also existing at the service yard level. This allows walk in service and deliveries to the building and positions the service yard as much as 15' below the surrounding grade, which naturally screens the area from the general public, visitor or employee. It allows the exercise patio to be located at existing grade level to the rear of the building. The 4 story exposed area represents less than 15% of the buildings entire facade perimeter and exceeds the UDO maximum requirement for the IG zone, though it has very limited visibility for the reasons stated previously.

The property is scheduled to be purchased on or about March 28th and requires and action from Hoosier Energy's board of directors. The ability to construct the building as proposed is critical to the viability of the project moving forward. Therefore, it is of utmost importance that we have a decision regarding this variance request before that date. It is our understanding that our request will be heard by the hearing officer on March 20th, which just slides in under our timeline limit. The next scheduled hearing officer meeting would be too late.

Included with this petitioners statement is the \$200 application fee and several drawings that illustrate the architecture, site plan and 3d views of the building and site. Full site and architectural plans are in the process of being completed by the team of Schmidt Associates, Inc. and BRG for an expected bid date at the end of April. Notices will be sent to adjacent property owners and mailed by Friday, March 9th, as required.

Please let us know if there is something further you need from our team or if you have any questions.

Centerpiece project Petitioner's Statement
Eric Greulich
February, 28, 2013
Page Two

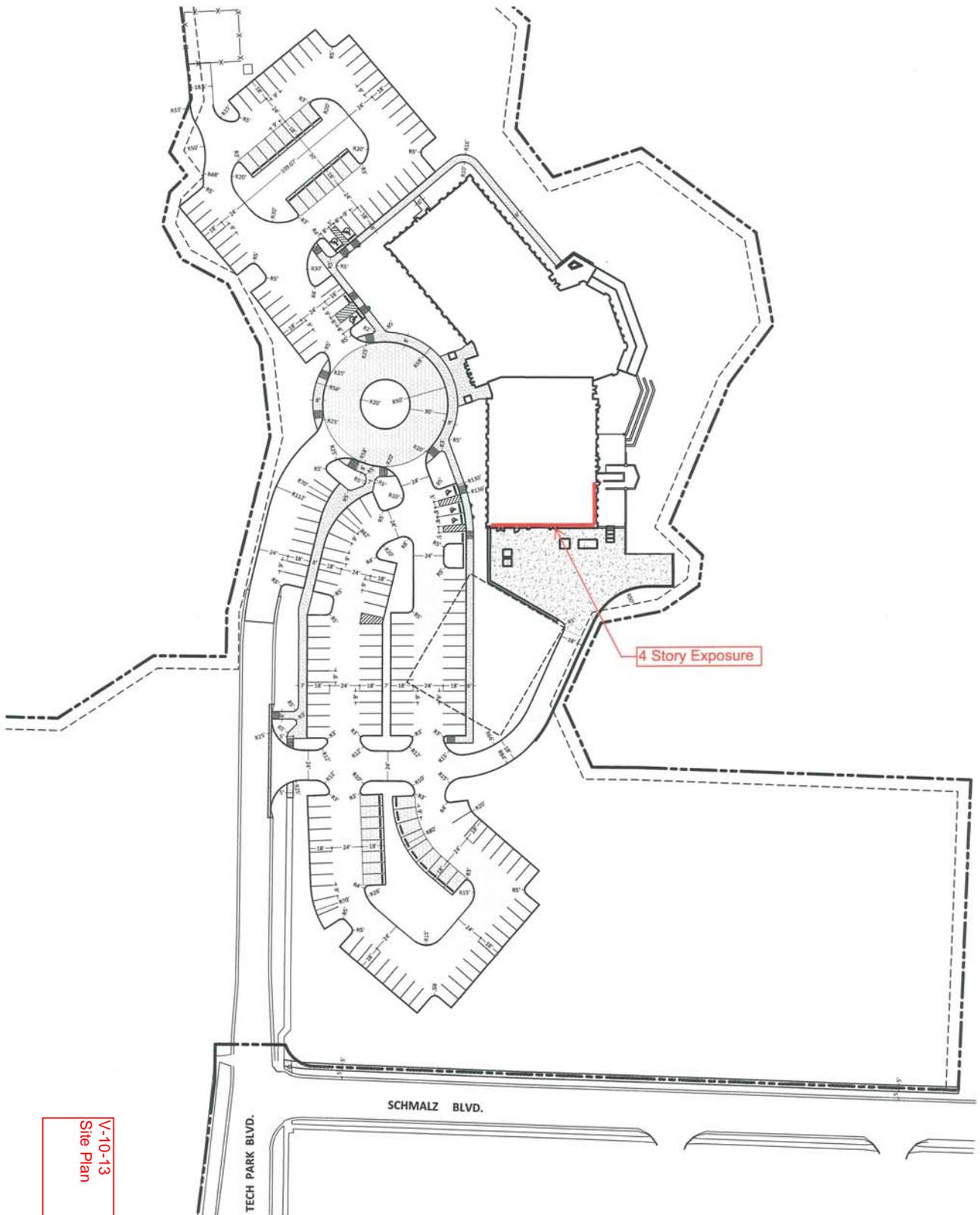
Sincerely,



Dan Neubecker, Project Manager
Bledsoe Riggert Guerrettaz

ec: Matt Mabrey Hoosier Energy
Lisa Gomperts Schmidt Associates
Corrie Meyer Schmidt Associates

xc: File – Project No. 7662



V-10-13
Site Plan

Exterior Building Images- looking west



Exterior Building Images- looking east



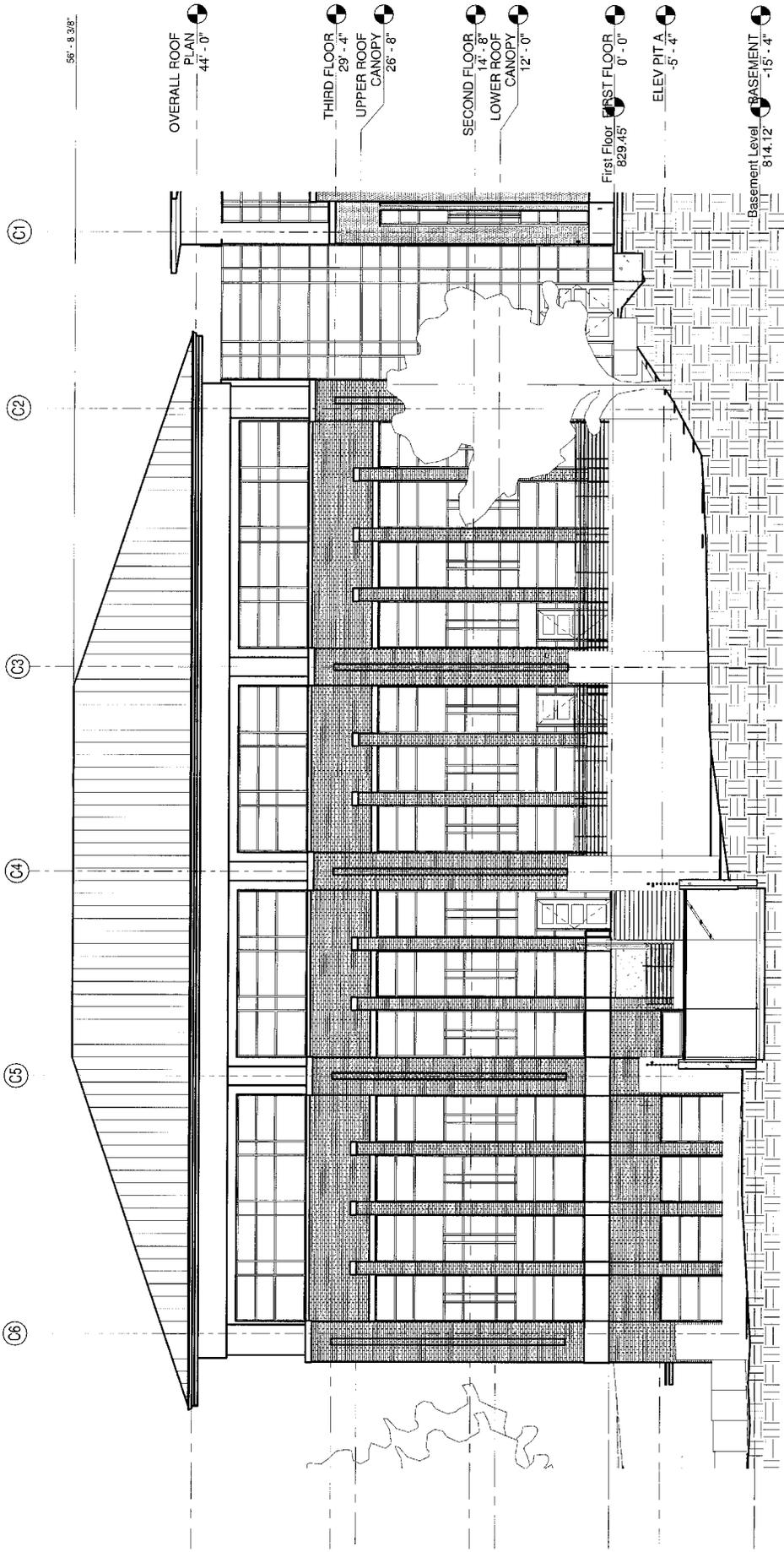
Service Yard



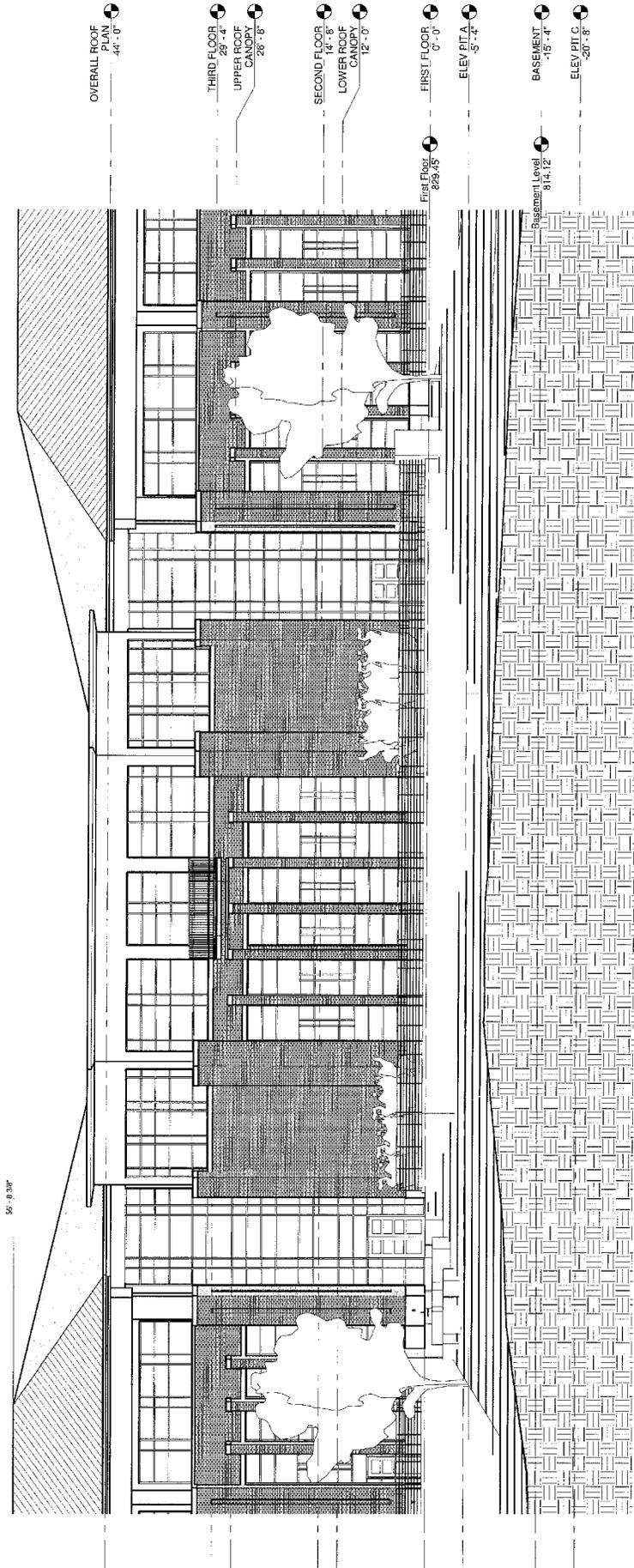
SCHMIDT
ASSOCIATES



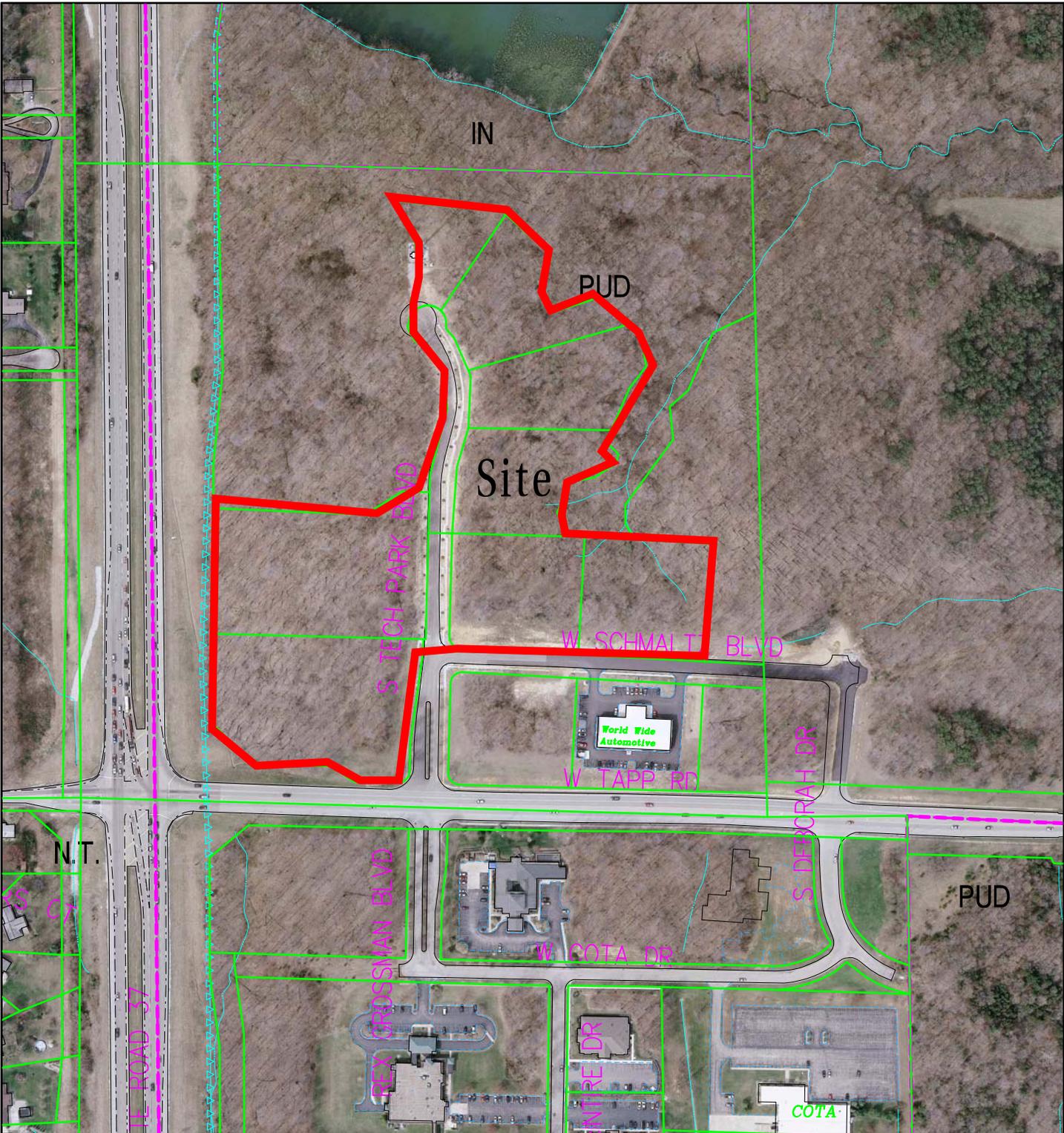
HOOSIERENERGY
A Touchstone Energy® Cooperative



V-10-13
Elevations



V-10-13
Elevations



V-10-13 Hoosier Energy

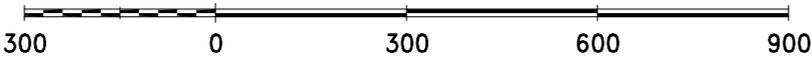
2790 S Tech Park Blvd

Hearing Officer

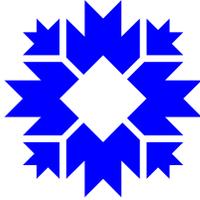
2010 Aerial Photograph

By: greulice

13 Mar 13



City of Bloomington
Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.

PETITIONER: Trinitas Ventures LLC
201 Main Street, Suite 1000, Lafayette, IN

REQUEST: The petitioner is requesting a variance from parking setback requirements to create a property line through a parking lot.

SITE DESCRIPTION: The property is located north of W. 2nd Street, west of S. Adams Street and south of W. 3rd Street. It is located within the Patterson Pointe Planned Unit Development (PUD). This property is the southern half of Parcel B in the PUD. Surrounding land uses are primarily a mix of multi-family apartments, commercial and offices. The property is currently vacant.

The petitioner received approval of a 109 unit apartment development at the 12/03/2012 Plan Commission meeting (case #PUD-44-12). At that time it was unclear the extent of the environmental contamination on the property. After further analysis, the petitioner has found that contamination is spread over an approximately 1/3 of an acre area. The area does not include any proposed residential building. The petitioner would like to begin construction prior to final clear-up of this area. They have had difficulty finding lenders willing to take part in the project with this contamination on-site. To solve this problem, they propose to shift the property line between this property and the property to the south. The property to the south is owned by the current owner of the property in question. They have designed a plat that will transfer just the necessary land and no more. This will be reviewed by the Plat Committee at its meeting on April 8, 2012 (case #PUD-13-13). The proposed lot line cuts across the approved parking lot and cuts through parking spaces. The petitioner is requesting a parking setback variance to allow this new lot line without a setback.

The Patterson Pointe PUD created a parking setback of 7 feet. At the time of development of the PUD District Ordinance, the extent of the contamination was not certain. There was also not a remediation plan developed at that time. The petitioner's proposal will allow for the financing of the project, will allow for a quicker start to construction and will allow for a development that will look identical to that approved by the Plan Commission. Cross-parking and access easements will be provided to allow the petitioner to still use the parking on the transferred area.

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. Clean-up is still planned and will be conducted through construction. The development will look exactly the same as approved by the Plan Commission.

- 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.*

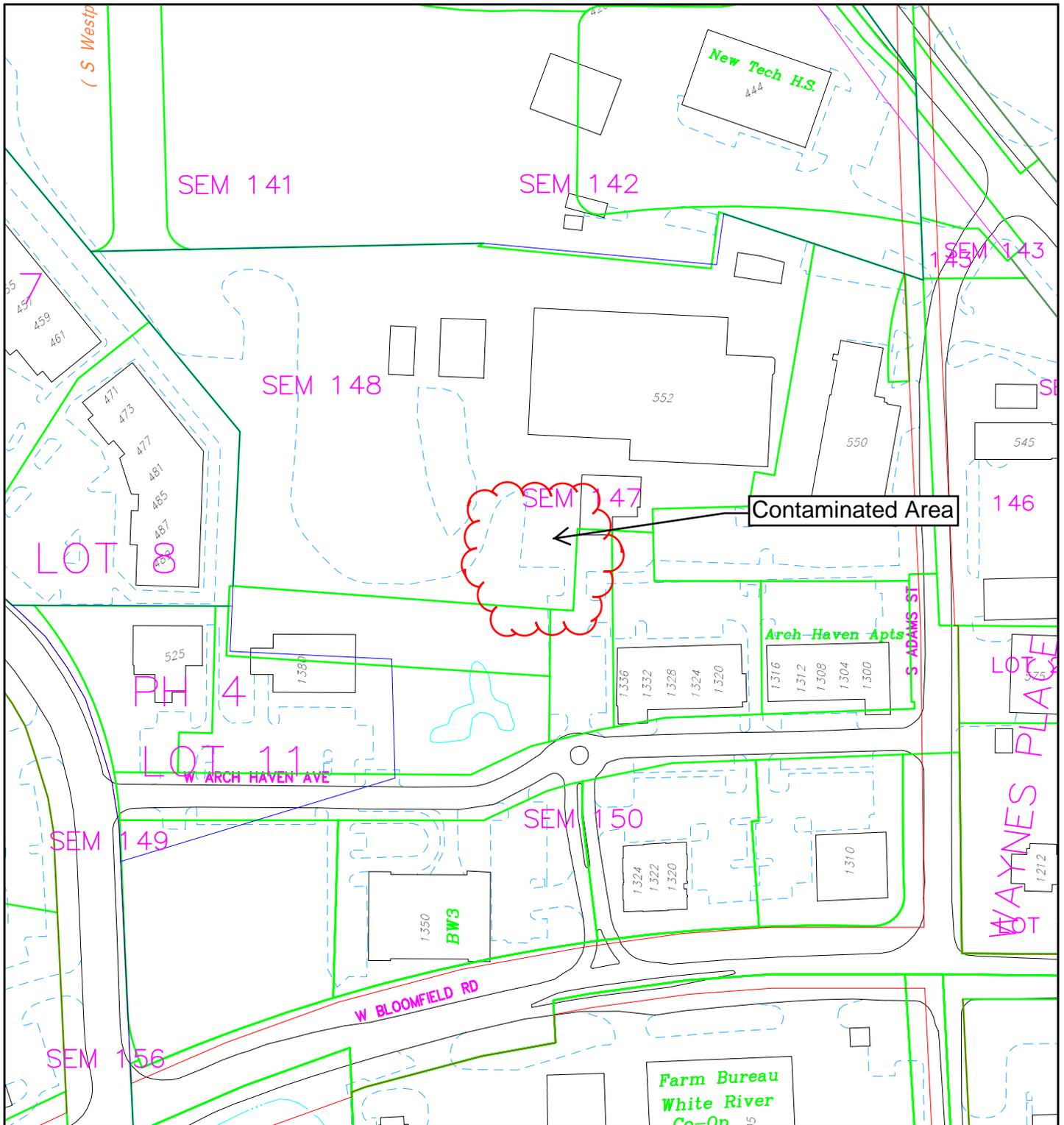
STAFF FINDING: Staff does not find any adverse negative impacts to the surrounding uses or a negative impact on adjacent property values as a result of the proposed variance. The property line in question is between to parts of the PUD, not adjacent to a neighboring property.

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

STAFF FINDING: Staff finds peculiar condition in the presence and extent of the ground contamination that was not known at the time of the creation of the PUD. Staff finds practical difficulty in the fact that lenders are reluctant to lend to projects on sites with unresolved environmental contamination. The proposed lot shift will allow the burden of ownership and clean-up to fall on the existing owner and not the proposed owner of the property.

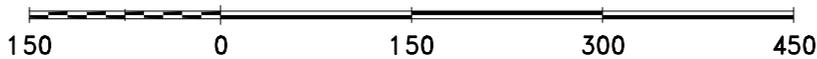
RECOMMENDATION: Staff recommends approval of V-11-13 with the following conditions of approval:

1. All terms and conditions of Plan Commission case #PUD-44-12 are binding on this petition.
2. Approval of variance does not constitute approval of a plat.

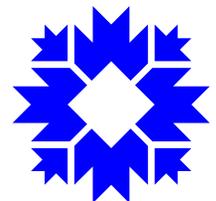


V-11-13
Location Map

By: roachja
14 Mar 13



City of Bloomington
Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.

February 25, 2013

City of Bloomington Planning Department

401 N. Morton Street

Bloomington, Indiana 47403

Re: Lot 2 Patterson Pointe Subdivision

Trinitas Ventures, LLC, Petitioner

Dear Plan Commission:

Our client respectfully requests a parking rear yard setback variance for the referenced property. This request is a result of contamination of a portion of the site located under a proposed parking lot. The current owners are in the process of cleaning the contamination, however, Trinitas Ventures, LLC does not want to take possession of this land and has made arrangements to acquire a parking and ingress/egress agreement with the current owner retaining this portion of the property. A revised plat will be recorded with the new lots lines omitting this area from lot 2 and becoming a part of the property to the south of lot 2.

As a result of the property transfer and new lot lines the parking lot as approved will not meet the required seven foot setback. There will be no change to the approved development plan as a result of this approval. We have attached a site plan denoting the location of the revised property lines and the location of the requested set back variance. Please feel free to contact me at any time with questions you may have.

We thank you in advance for your consideration on this matter.

Sincerely,

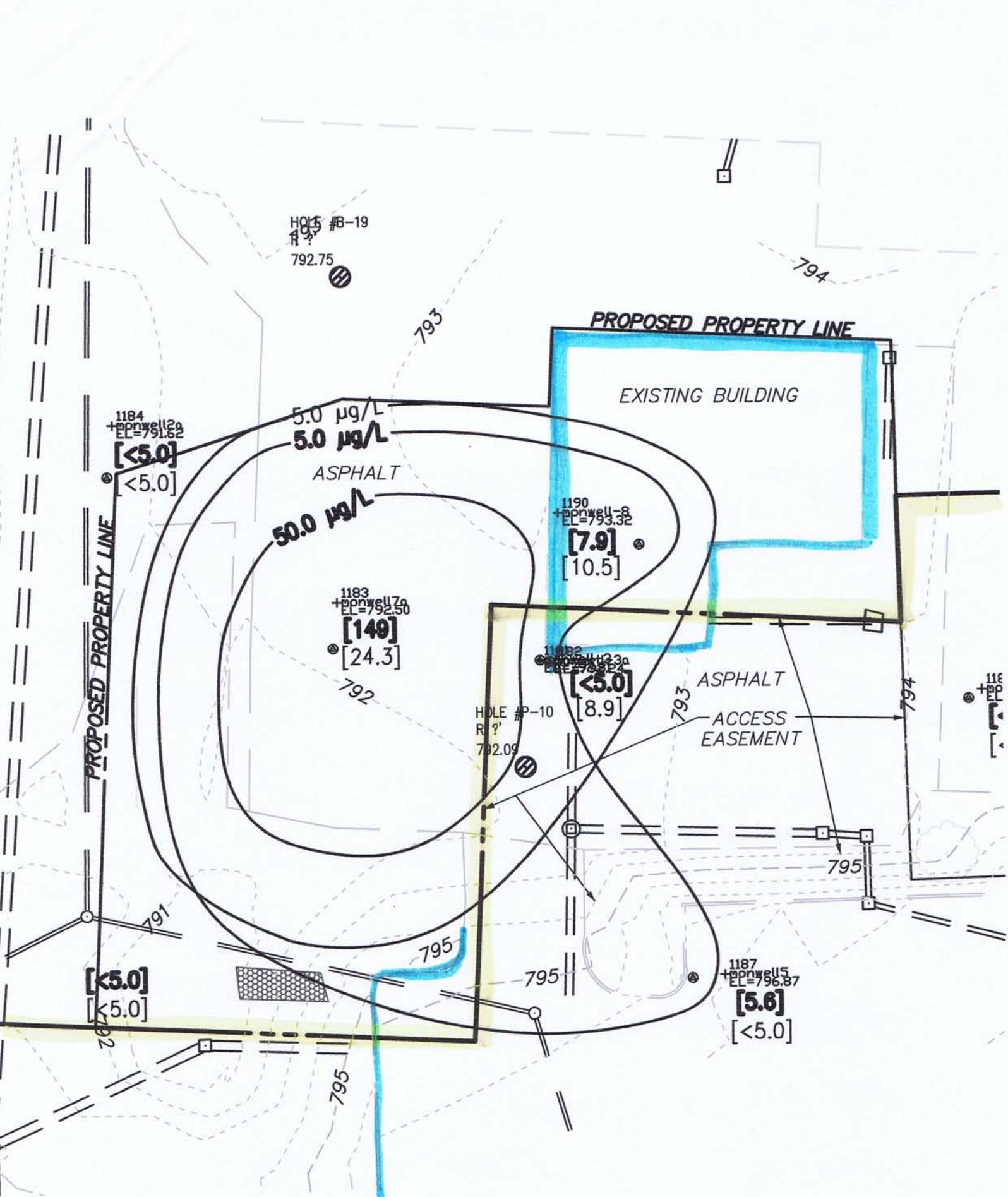


Daniel Butler, EIT, Project Engineer

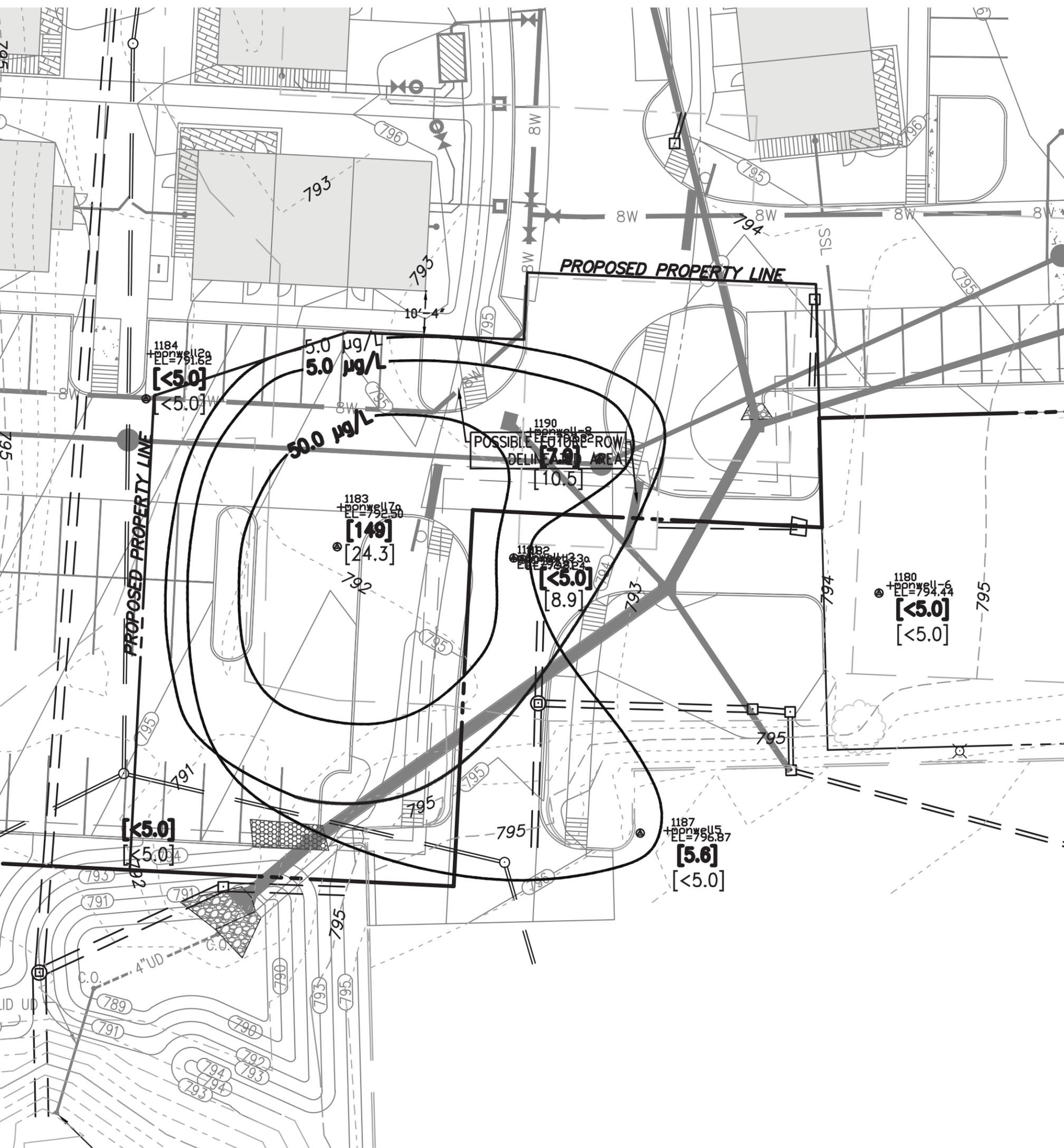
Attachments: site plan, filing fee

File 401216W

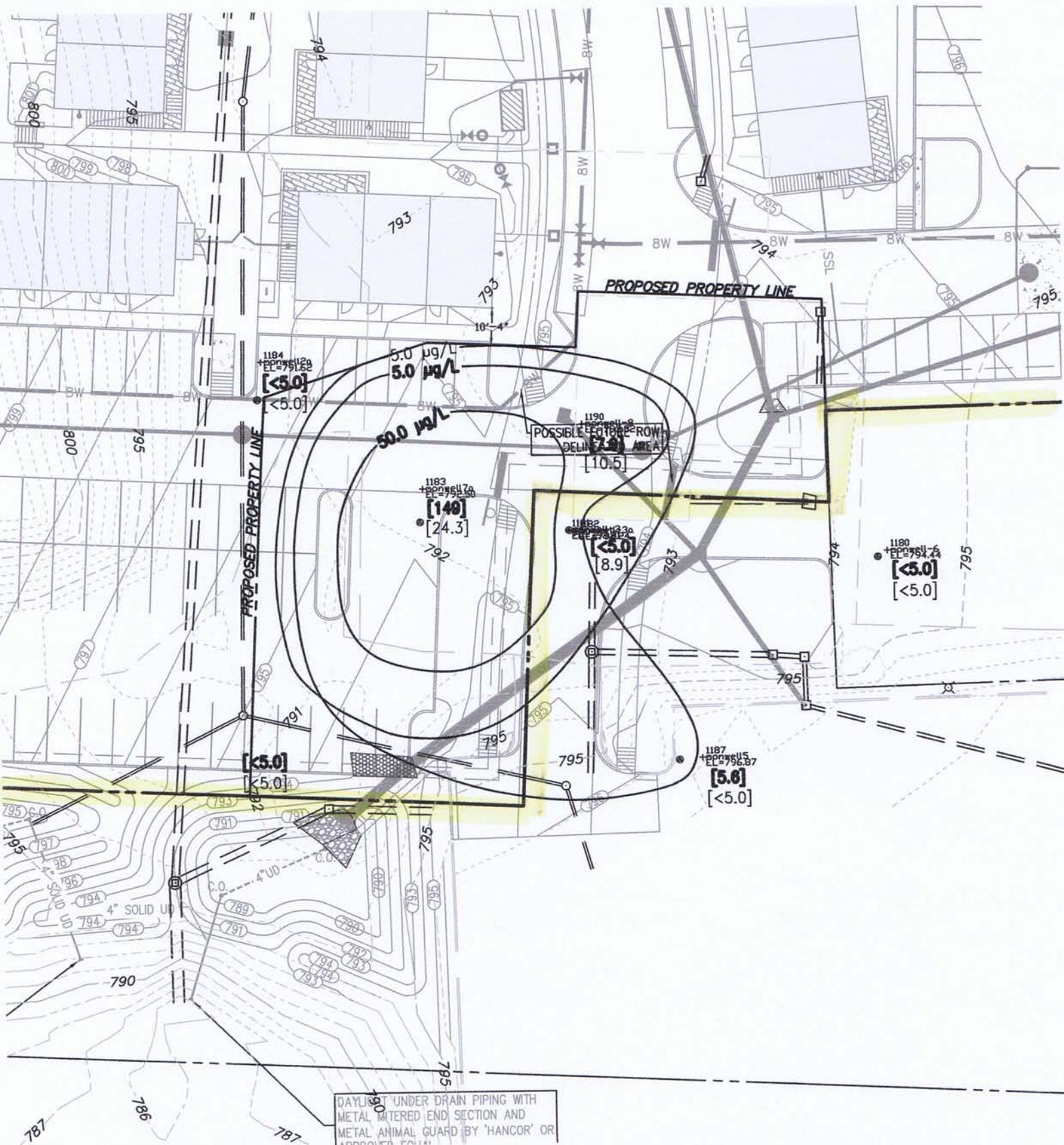
V-11-13 Petitioner's Statement



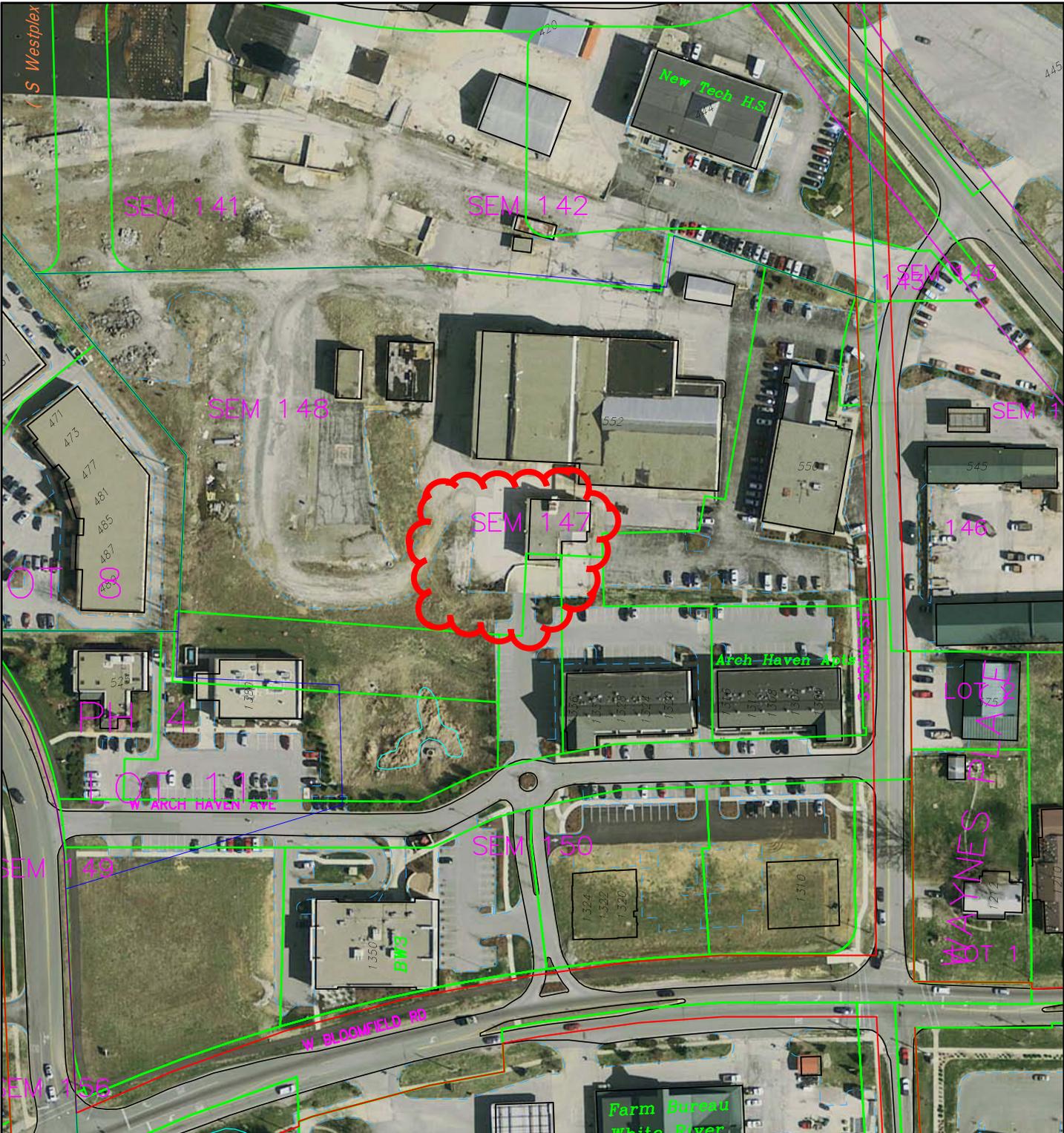
V-11-13
Extent of
Contamination



V-13-11
Contamination in
relationship to
development

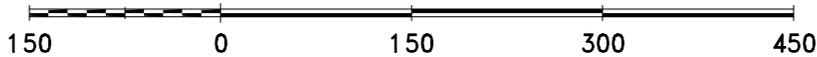


V-13-11
Proposed Property
line

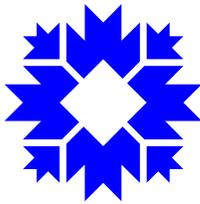


V-11-13
2011 Aerial Photo

By: roachja
14 Mar 13



City of Bloomington
Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.