CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

December 18, 2014 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
December 18, 2014 at 5:30 p.m. **Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: 8/28/14
9/25/14

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS CONTINUED TO: February 19, 2015

- V-40-14 **Motels of Bloomington, LLC *(Home 2 Suites by Hilton)***
  1410 N. Walnut St.
  Request: Variance from front, side and rear yard parking setback standards for a new hotel. Also requested are variances from entrance and drive standards as well as maximum height.
  Case Manager: Eric Greulich

- UV-41-14 **GP-GMS Bloomington, LLC**
  111 S. Lincoln St.
  Request: Use variance to allow a surface parking lot in the Commercial Downtown (CD) zoning district.
  Case Manager: Jim Roach

PETITION:

- UV-46-13 **GMS-Pavilion Properties, LLC**
  306 E. Kirkwood Ave.
  Request: Use variance to allow a bank drive-through in the Commercial Downtown (CD) zoning district.
  Case Manager: Jim Roach

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: UV/V-46-13**
STAFF REPORT **DATE: December 18, 2014**
Location: 306 E. Kirkwood Ave.

PETITIONER: **GMS – Pavilion Properties**
112 E. 3rd Street, Bloomington

CONSULTANT: **Studio 3 Design**
8604 Allisonville Road, Indianapolis, IN

REQUEST: The petitioner is requesting a Use Variance to allow a drive-through bank in the CD zoning district and a design standards variance to allow more than 8 back-out parking spaces on an alley.

PROPERTY SUMMARY: The property is located at the southeast corner of E. Kirkwood Ave. and S. Lincoln Street. This 0.40 acre property is zoned Commercial Downtown (CD) and is within the Kirkwood Corridor portion of the University Village Overlay (UVO). The property currently contains the one-story Old National Bank (ONB) drive-through and a surface parking lot. The property is surrounded to the west, south and southeast by other properties owned by the bank. To the north is the Monroe County Public Library and to the east are commercial uses.

The petitioner proposes to construct a 2-story bank building with an enclosed drive-through. Drive-through uses are not permitted in the CD zoning district. The petitioner has designed a building that attempts to limit the impacts of the drive-through by placing it internal to the building, removing a street curb cut onto Kirkwood Ave., filling out the Kirkwood Ave. frontage with active building space, and forcing all exiting drive-through traffic away from Kirkwood Ave. Two other drive-through banks have been approved in the downtown in the past, but this would be the first approval on Kirkwood Ave.

In addition, the petitioner is proposing 10 parking spaces to directly back-out onto the east-west alley immediately south of the property. The UDO only permits 8 spaces to back-out on an alley, and the petitioner has requested a variance.

The Plan Commission voted 8-0 at their December 8, 2014 meeting to forward a positive recommendation to the BZA on this petition. They also conditionally approved the site plan for development of the lot, subject to variance approval.

20.09.130(e) CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS

Findings of Fact: Pursuant to IC 36-7-4-918.5. the Board of Zoning Appeals or the Hearing Officer may grant a variance from the development standards of the Unified Development Ordinance 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.*

STAFF FINDING: Staff finds no injury with this petition. The petitioner will be widening the alley to allow for improved 2-way circulation and access to the parking spaces.

The parking spaces will have adequate sight distances, in part due to the widened alley. Furthermore, there are several locations in the downtown where back-out alley parking is provided in a safe manner. The plan also removes two existing drive cuts and parking areas.

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 from the proposed variance. This redevelopment should only enhance and improve the value of the surrounding area as well as allow for relocation of the bank. The most impacted property to the south is also owned by the bank.

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 the peculiar condition in the existing surface parking lot on the property and the fact that the spaces are not being used to meet a minimum parking requirement. Redevelopment of the property in this manner will allow for the existing surface parking to be removed and a new 2-story building to be built. Peculiar condition is also found because the lot is an appropriate size and shape to adequately handle 10 back-out parking spaces and still meet setbacks and architectural standards. Back-out spaces are more efficient and require less paved area on the site. The Plan Commission had no objection to the site plan and it was unanimously approved. Practical difficulty is found in the need for parking for this use. The additional two spaces will allow for additional customers and employees to park off street in a part of the community where parking is at a premium.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

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

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

Staff Finding: Staff finds no injury with the use variance request for an internal drive-through use. The negative impacts associated with a typical drive-through, such as its

effects on pedestrian walkability and its negative aesthetic appeal, are significantly reduced since the drive-through is placed internal to the structure. Furthermore, there is no increase in the number of drive-cuts and the drive onto Kirkwood Ave. is being remove this reduces the potential for pedestrian and traffic conflicts on this street with high pedestrian counts.

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

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

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

Staff Finding: Staff finds peculiar condition in that the drive-through use is not a typical drive-through, but instead is internal to the building. Because it is internal, it does not offer the same negative impacts of a drive-through use as would an open lot. Peculiar condition is also found in the long term use of this property as a drive-through bank. The petitioners are reconstructing this use in a much more urban manner.

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

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

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

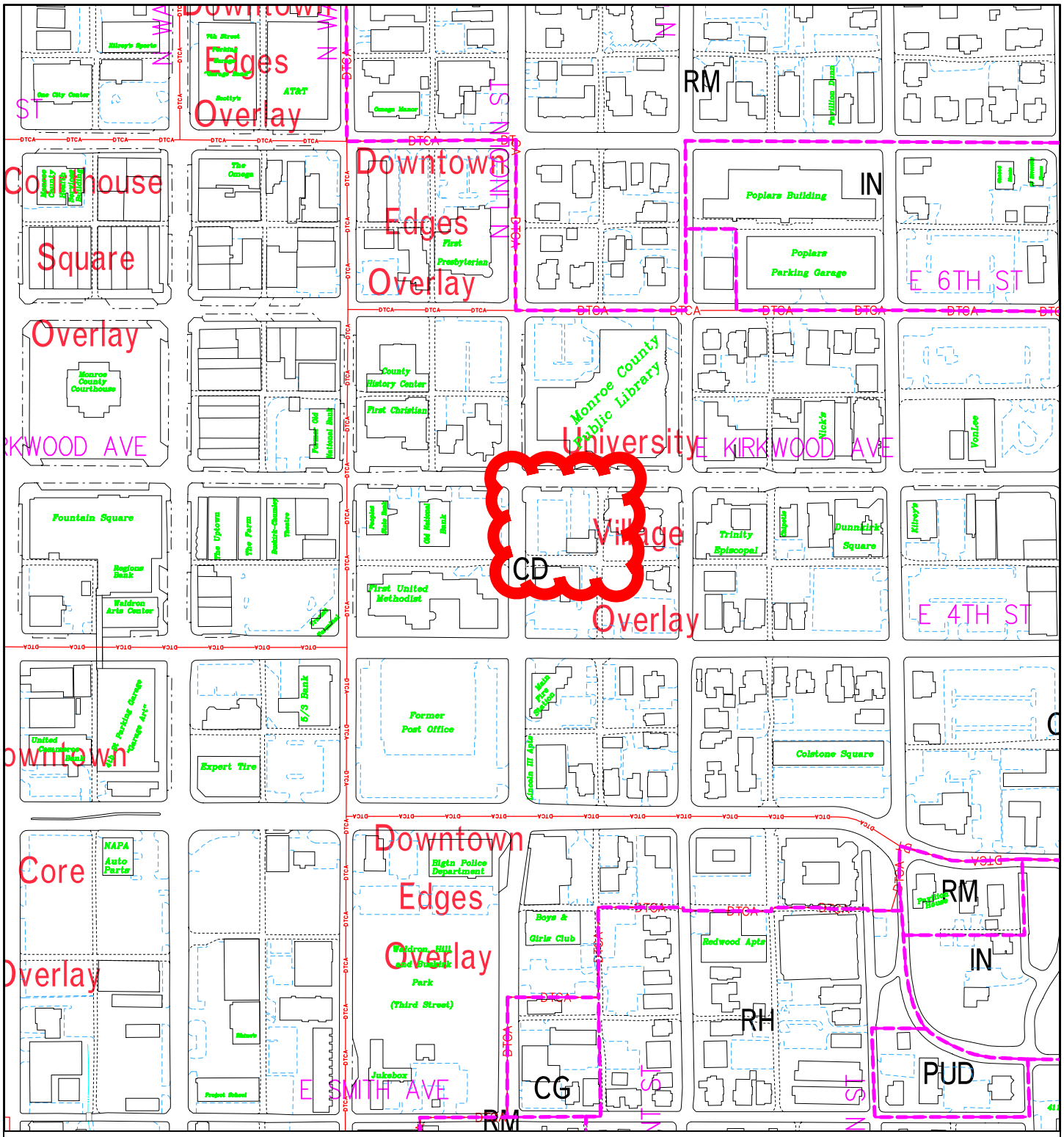
Staff Finding: The Growth Policies Plan states that new drive-through uses should be limited, if not forbidden, within the Downtown area. Staff believes that the intent of this policy is to reduce the dependency on cars in the downtown area and to create a more walkable and pedestrian-friendly downtown environment. The proposed internal drive-through will have limited impact on the walkability of the area. The number of curb cuts will not increase and the curb cut from Kirkwood Ave. will be removed, creating fewer conflicts between cars and pedestrians on their primary street. In addition, the visual impacts of the drive-through will be eliminated by the internal design. Therefore, the negative aesthetic effects of a paved drive through use will not be an issue.

Furthermore, it should be noted that usage of a bank drive-through is typically less than that of a less desirable drive-through fast food restaurant. The layout is also different, making this site difficult to be used for a use other than a bank in the future.

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

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

1. All terms and conditions of Plan Commission site plan #SP/UV-34-13 are binding on this petition.
2. The drive-through use shall only be a permitted use for a bank. A Zoning Commitment to this effect must be signed and recorded prior to the release of a building permit.



UV/V-46-13
Location and Zoning Map

By: roachja
1 Jul 13

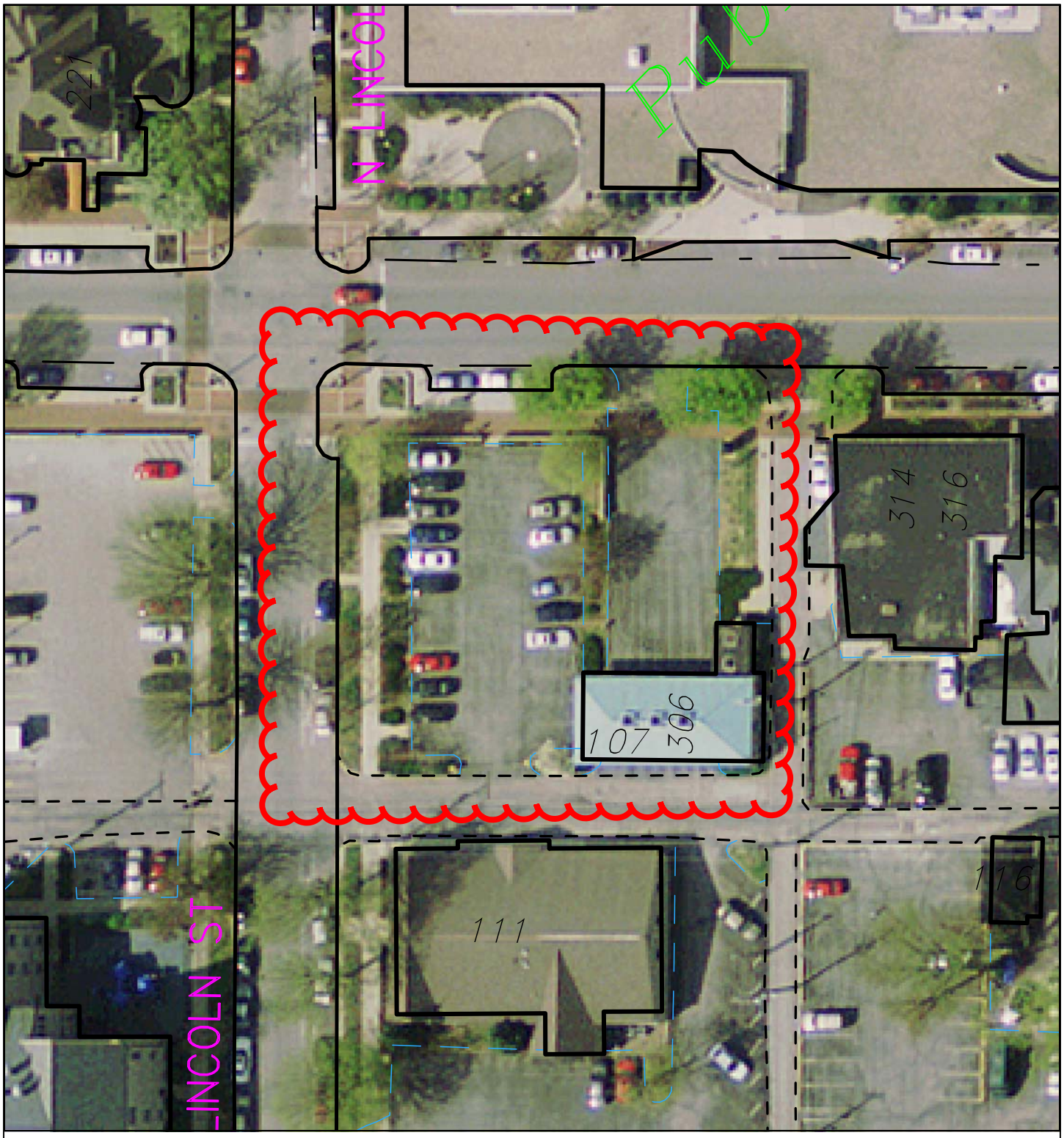
300 0 300 600 900

N

City of Bloomington
Planning

Scale: 1" = 300'

For reference only; map information NOT warranted.



UV/V-46-13
2011 Aerial Photo

By: roachja
13 Sep 13

50 0 50 100 150

N

City of Bloomington
Planning

Scale: 1" = 50'

For reference only; map information NOT warranted.

UV/V46-13
ONB Bank Land Holdings

By: roachja
23 Sep 13

200 0 200 400 600 800

N

City of Bloomington Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.

STUDIO THREE DESIGN

December 11, 2014

City of Bloomington Planning Department
P.O. Box 100
Bloomington, IN 47402

Attn: Mr. Jim Roach

RE: Bloomington Downtown Development
ONB Development – Site C
Bloomington, Indiana

PETITIONERS STATEMENT

Dear Mr. Roach,

Studio 3 Design is pleased to submit the attached development for your consideration. The project scope covers one (1) of the 4 sites currently owned by Old National Bank within the downtown with a proposal for (3) new developments represented on these 4 sites. The project zone incorporated by these sites has been identified on the attached documentation as sites "B, C, D & E". This submittal package will focus on Site C only, but the other sites are mentioned as they are part of the holistic view of the downtown sites that we have been asked to consider.

Site "B" -bordered on the North by Kirkwood Avenue, on the East by Lincoln Street, on the South by a public alley, and on the West by an adjacent land owner.
Site "C" –bordered on the North by Kirkwood Avenue, on West by Lincoln Street, on the South by a public alley, on the east by a public alley.
Site "D" –bordered on the South by 4th street, on the West by Lincoln street, on the North by a public alley and on the east by a public alley.
Site "E" –bordered on the South by 4th street, on the East by Grant Street, On the North by an adjacent property owner and on the West by a public alley.

Submittal Organization:

The proposal for Site C will be for a two story brick and limestone building. The building will house an Old National Bank branch on level 1, as well as an associated drive-thru. Level 2 will be occupied by the Old National Bank Executive Offices. The area at the south side of the site bordering the existing alley will developed as 10 surface parking spaces.

Project Overview:

The project is located in the heart of downtown Bloomington along Kirkwood Avenue, 4th Street and Lincoln Street and 4th street with the four sites positioned as outlined above. The projects will provide a mixed use development that will enhance the urban fabric and add life to the current spotted development along Kirkwood and Lincoln Streets. The development will provide a solid

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streetscape with varied heights, materials, colors and architectural styles to generate an exciting urban feel filled with hotel, retail & restaurant functions along the street levels with office space and hotel rooms occupying the upper levels.

Beyond the obvious physical changes to the area, the development offers a host of innovations and amenities including facilities that are geared toward being "green". Items being considered to help reduce traffic emission include secured covered bike parking on site and city bus stop along Lincoln Street. Each site will provide space for recycling separation with all rooms for trash and recycling located in interior space to encourage use and accessibility along with keeping the alleys clean of debris. To reduce the urban carbon footprint of the facility, the building shells will be well insulated, windows will have low-E glazing with sun screening where determined to be appropriate at commercial locations. Rooftops will be white roofing to reflect sunlight and reduce the "heat island" effect. Internally, energy star appliances, high efficiency furnaces, insulated demise and perimeter walls, energy efficient light fixtures, motion sensor lighting in common areas, abundant natural lighting sources, will be provided. Additionally, interior finish materials will be selected based on their recycled content and or ability to be recycled. Common building materials such as lumber and masonry will come from within 500 miles to reduce transportation and associated emissions and fossil fuel consumption. While the end goal is not to go through the full certification of the buildings under LEED, it is to create a sustainable development that embraces many of the same characteristics.

The development will also improve city utilities in the area and clean up utility poles and other obstructions in the currently hard to navigate alleys to create safer, functional travel lanes. The final impacts and routing of utility lines are subject to the plans Duke Energy is developing for the overall area to address not only our sites but the impacts of the City's expanded culvert system through the area.

Variances:
We have identified (2) Variances that will need to be approved by the BZA, and are requesting support from both planning staff and the planning commission.

1. A variance is required to provide a drive-thru in the downtown area. We are replacing an existing drive-thru on site that is currently out in the open with one that will be fully enclosed under roof and screened from public view. In addition to this, the development will be removing the (2) curb cuts along Kirkwood Ave to make the street more pedestrian friendly. All drive-thru traffic will be routed south in the alley to eliminate any incoming vehicular traffic onto Kirkwood from the bank.

2. A variance is required to have more than (8) parking spaces backing into a single alley. The proposal has (10) parking spaces backing in to the alley at the south side of the property. We have widened this alley to a total of 24'-0", and feel that this increase should mitigate any concern over (2) additional cars backing out.

Respectfully submitted,

STUDIO 3 DESIGN, INC

Timothy W. Cover

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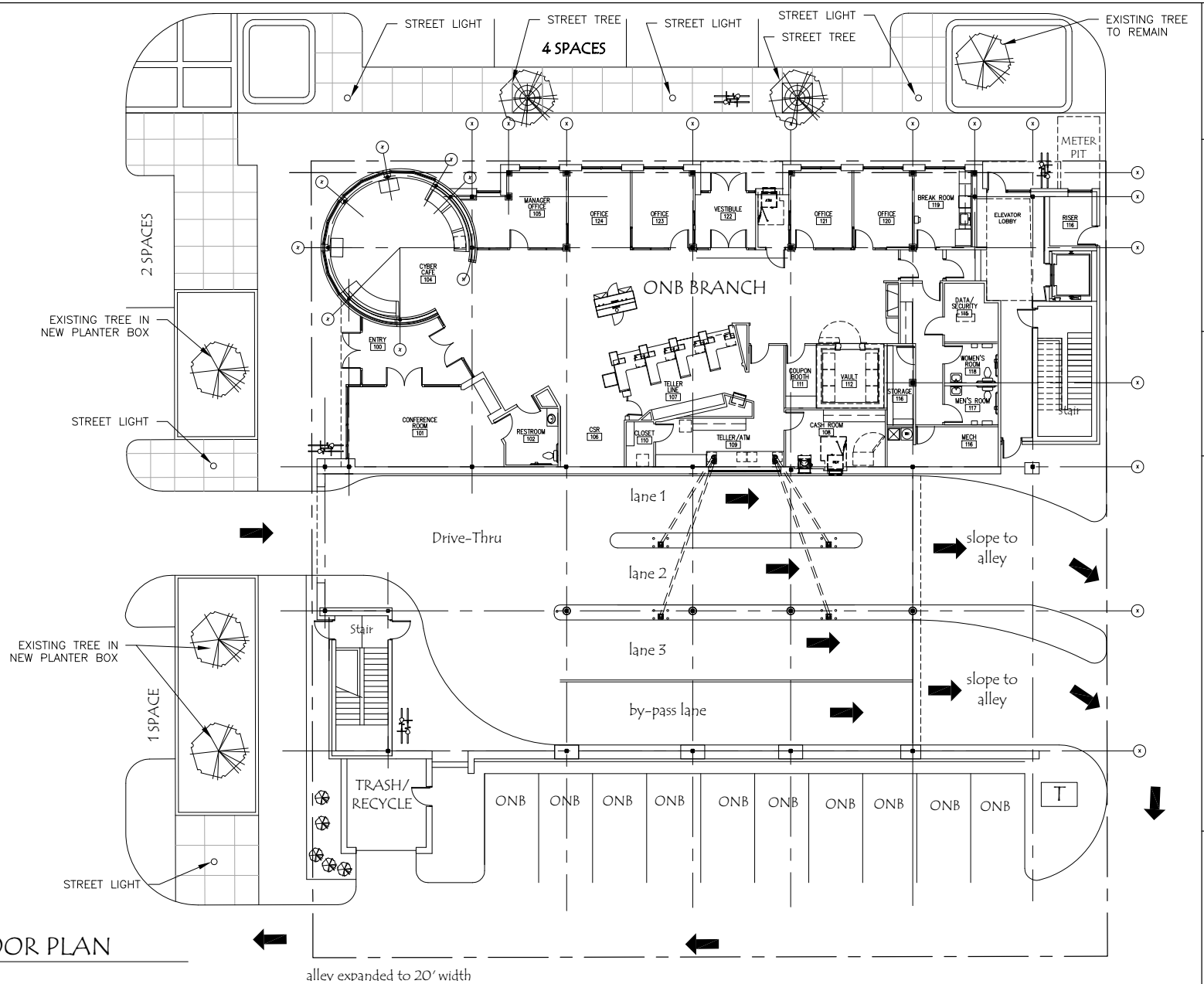


1 / A1 LEVEL 1 FLOOR PLAN
1/16"= 1'-0"

SHEET NUMBER
A1

SHEET DESCRIPTION
SITE C
LEVEL 1
FLOOR PLAN

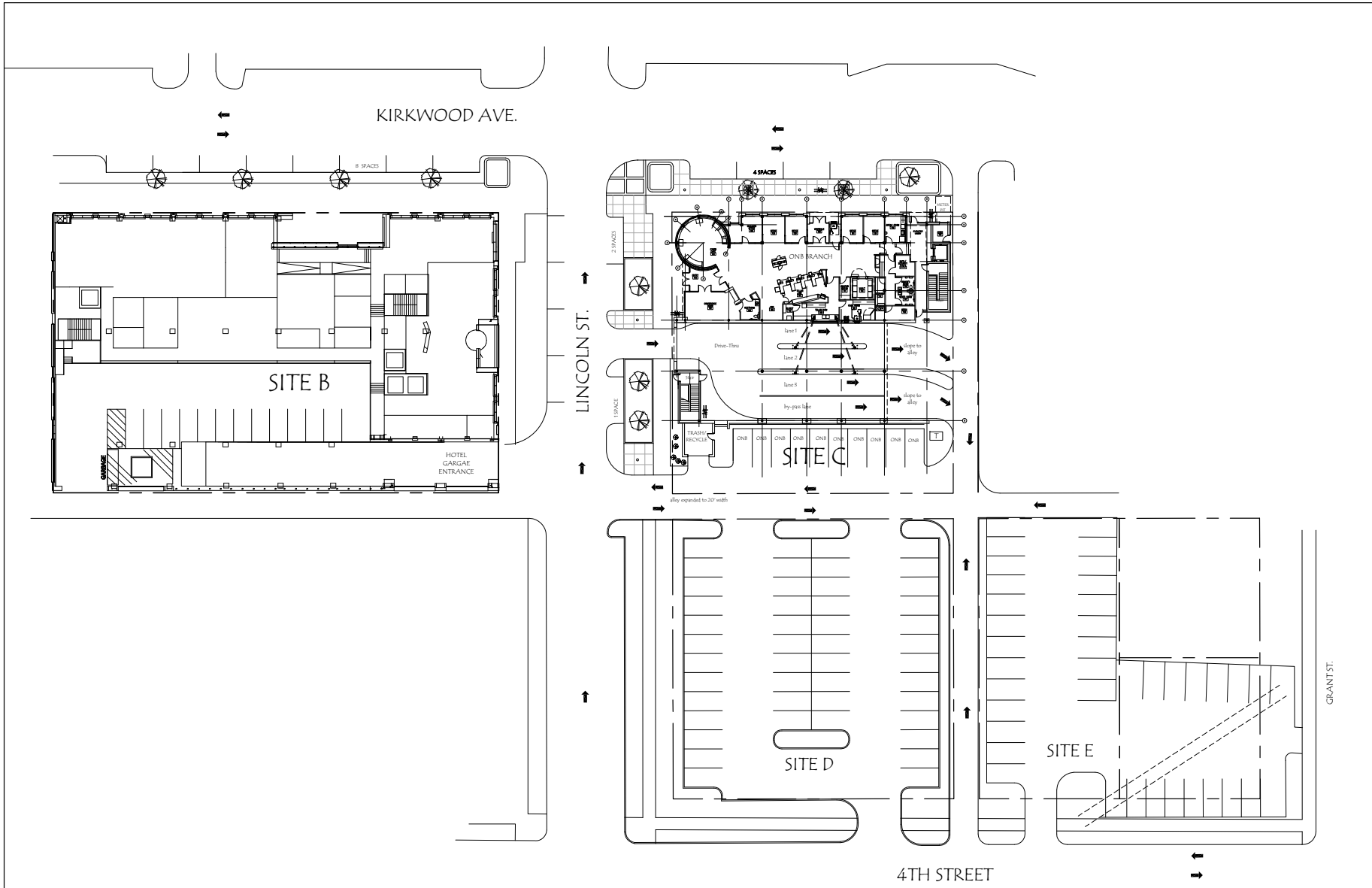
PROJECT NO.
13018.04

DATE
11-24-14

GMS-PAVILION PROPERTIES, LLC
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
Bloomington, Indiana

STUDIO THREE DESIGN
architecture • interior design
www.studiothreedesign.com
317 595.1000 main 317 572.1328 fax
8904 Allisonville Road, Suite 250 Indianapolis, IN 46250

UV/V-46-13
Site Plan/First Floor



1 / A0 OVERALL SITE PLAN
N.T.S.

SHEET NUMBER
A0

SHEET DESCRIPTION
OVERALL SITE PLAN

PROJECT NO.
13018.04

DATE
11-24-14

GMS-PAVILION PROPERTIES, LLC
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
Bloomington, Indiana

STUDIO THREE DESIGN
architecture ▪ interior design
www.studiodesign.net
317 598.1000 main 317 572.1238 fax
8604 Allisonville Road, Suite 330 Indianapolis, IN 46250

UV/V-46-13
Overall Site Plan

NORTH

1 / A7 RENDERED SITE PLAN

STUDIO	GMS-PAVILION PROPERTIES, LLC. GERSHMAN PARTNERS ONB "SITE C" DEVELOPMENT BLOOMINGTON, INDIANA	PROJECT NO. 13018.04 DATE 11/24/2014	SHEET DESCRIPTION Rendered Site Plan	SHEET NUMBER A7

UV/V-46-13
Site Plan for C and D

1 / A8 VIEW FROM NORTH WEST 1

SHEET NUMBER
A8

SHEET DESCRIPTION
VIEW FROM NORTH WEST 1

PROJECT NO.
13018.04

DATE
11/24/2014

GMS-PAVILION PROPERTIES, LLC.
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
BLOOMINGTON, INDIANA

STUDIO THREE DESIGN

UV/V-46-13
Model Images

1 A13 VIEW FROM SOUTH WEST

SHEET NUMBER
A13

SHEET DESCRIPTION
VIEW FROM SOUTH WEST

PROJECT NO.
13018.04

DATE
11/24/2014

GMS-PAVILION PROPERTIES, LLC.
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
BLOOMINGTON, INDIANA

STUDIO THREE DESIGN

UV/V-46-13
Model Images

1 A14 VIEW FROM SOUTH EAST

SHEET NUMBER
A14

SHEET DESCRIPTION
VIEW FROM SOUTH EAST

PROJECT NO.
13018.04

DATE
11/24/2014

GMS-PAVILION PROPERTIES, LLC.
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
BLOOMINGTON, INDIANA

STUDIO THREE DESIGN

UV/V-46-13
Model Images

1
A15
OVERALL AERIAL OF SITE

SHEET NUMBER
A15

SHEET DESCRIPTION
OVERALL AERIAL OF SITE

PROJECT NO.
13018.04

DATE
11/24/2014

GMS-PAVILION PROPERTIES, LLC.
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
BLOOMINGTON, INDIANA

STUDIO THREE DESIGN

UV/V-46-13
Model Images

1 A16 AERIAL

SHEET NUMBER	A16
SHEET DESCRIPTION	AERIAL
PROJECT NO.	13018.04
DATE	11/24/2014

GMS-PAVILION PROPERTIES, LLC.
GERSHMAN PARTNERS
ONB "SITE C" DEVELOPMENT
BLOOMINGTON, INDIANA

STUDIO THREE DESIGN

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Model Images