

CITY OF BLOOMINGTON



June 10, 2015 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
June 10, 2015 at 2:00 p.m.

*Kelly Conference Room #155

PETITION:

- V-17-15 **Howard Rents, LLC**
2420 W. 3rd St.
Request: Variances from driveway width and separation requirements in order to
build a furniture store.
Case Manager: Jim Roach

BLOOMINGTON HEARING OFFICER
LOCATION: 2420 W. 3rd St.

CASE #: V-17-15
DATE: June 10,2015

PETITIONER: Howard Rents, LLC
905 Star of Danube Way, Lexington, KY

CONSULTANT: D. Michael Allen
Mallor Grodner LLP
511 Woodscrest, Bloomington

REQUEST: The petitioner is requesting variances from maximum driveway width and minimum driveway separation requirements.

REPORT SUMMARY: This approximately 0.9 acre property is located on the north side of W. 3rd Street between S. Johnson Ave and S. Kimble Drive. It is zoned Commercial Arterial (CA), and has been developed with a one story brick building and several outbuildings. These buildings have been vacant for at least 15 years. Surrounding land uses include residential uses to the north, east, and west and an automobile sales use to the south.

The petitioner is proposing to demolish the existing buildings and build an approximately 8,000 square foot furniture sales and rental store. Sixteen parking spaces are proposed to the rear and side of the building. The property is currently accessed by a shared drive with the property to the west.

The petitioners are requesting two variances related to the size and location of the driveway. The proposed use, a furniture store, often receives shipments via large tractor trailer trucks. Because of the presence of the median in W. 3rd Street, access can only be gained from the east. The petitioner submitted early plans showing access from the existing shared drive. This plan created a driveway much wider than the currently proposed drive. The proposed site plan moves the drive to the east side of the building. With this plan, a more narrow drive is possible, but the drive is still proposed wider than permitted by the UDO because of the wide turning movements and limited access on 3rd Street. The UDO allows for drives as wide as 35 feet, as measured at the ROW line. Proposed is a 44.74 foot wide drive. A variance from maximum driveway width standards is required.

The proposed site plan also does not meet the minimum drive separation requirements. Because of the presence of driveways very near the common property lines on both the properties to the east and west, there is no location on the property for a compliant driveway. Impacts from the reduced driveway separation is mitigated by the fact that these drives all function as right-in/right-out drives due to the presence of the median. A 100 foot minimum drive separation is requires on arterial roads. The petitioner proposes a 99 foot

separation from the drive to the west and a 47 foot separation from the drive to the east. A variance is required from minimum driveway separation requirements.

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. The driveway will function as a right-in/right-out drive due to the landscaped median in 3rd Street.

- 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.*

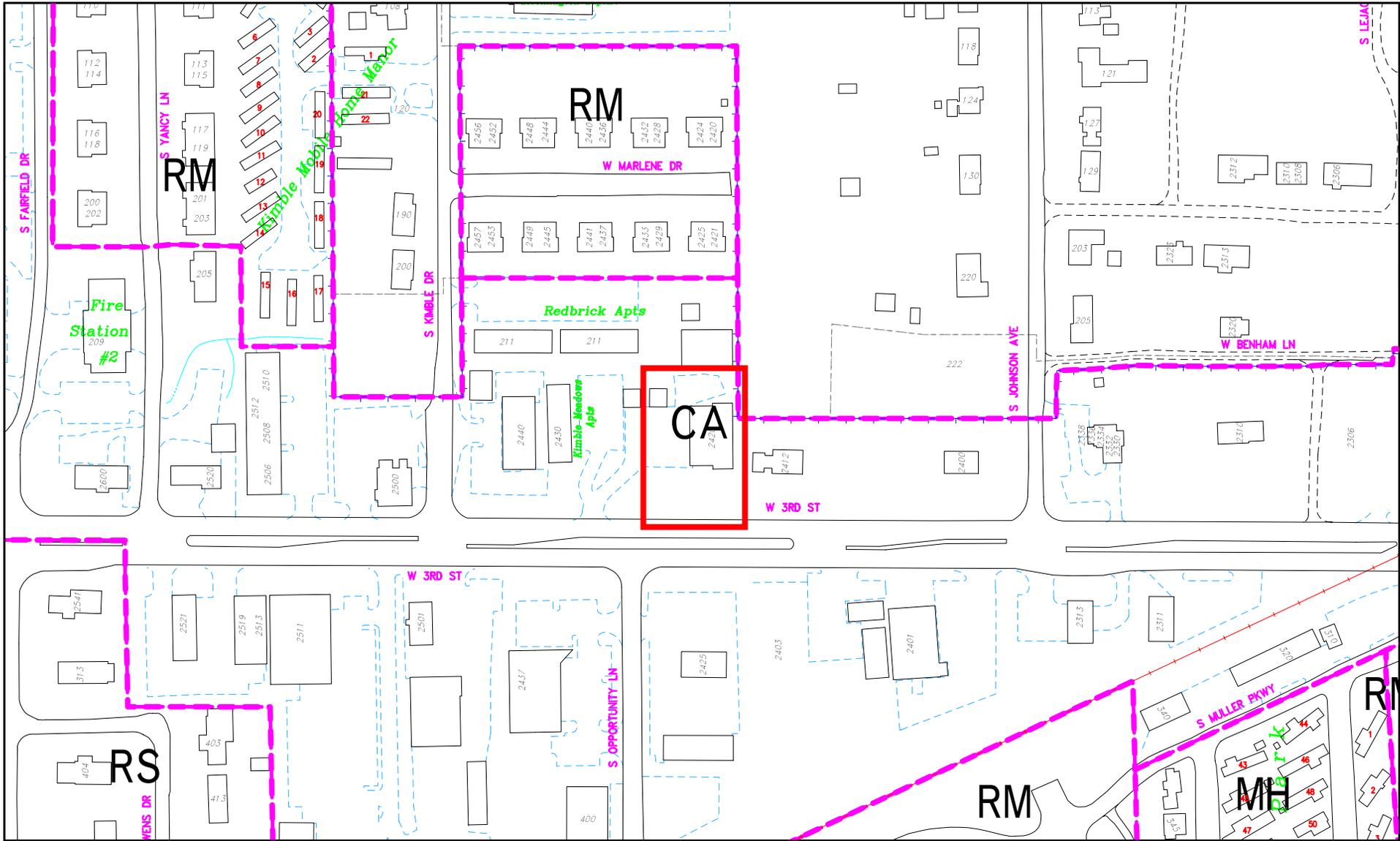
STAFF FINDING: Staff finds no negative effects from this proposal on the areas adjacent to the property. Properties to the east and west are both also zoned CA and could be developed with similar uses in the future. Redevelopment of this vacant and deteriorating property will likely increase the value of 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 width of the property, location of the drives on the adjacent properties, and the presence of the median on W. 3rd Street. Staff finds practical difficulty in that fact that there is not a location on the property for a complying driveway. The drives on the two adjacent properties are less than 200 feet apart, without a variance a driveway could not be built that is separated from both existing drives by at least 100 feet. Staff finds practical difficulty in the fact that without a variance from driveway width standards the property could not be served with delivery vehicles because of the needed turning movements. In addition, the property is not served by an alley, and there is no street parking - two other options for delivery locations.

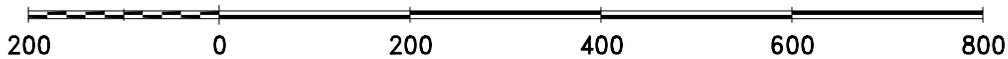
RECOMMENDATION: Based upon the written findings above, staff recommends approval of the variance request with the following conditions:

1. A grading permit is required prior to any construction or land disturbing activities.
2. A right of way excavation permit is required prior to any work in the right-of-way.
3. Compliant lighting and landscaping plans must be submitted for approval prior to issuance of a grading permit.
4. The sidewalk along 3rd Street must be designed to go through the drive, with the drive ramping up to meet the sidewalk.



V-17-15
Location and Zoning Map

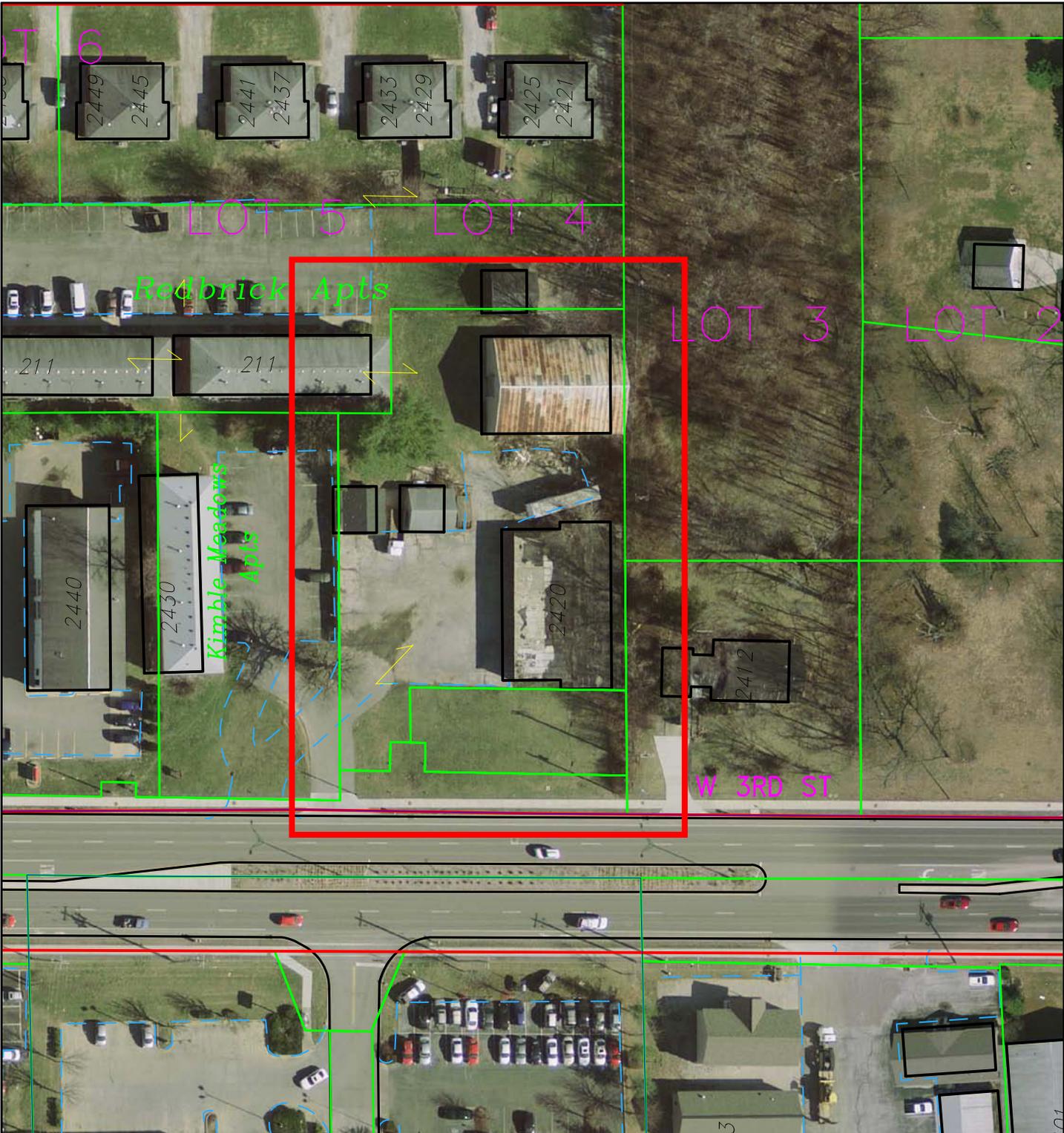
By: roachja
4 Jun 15



For reference only; map information NOT warranted.

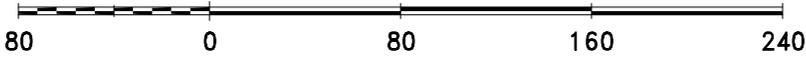
City of Bloomington
Planning & Transportation

Scale: 1" = 200'

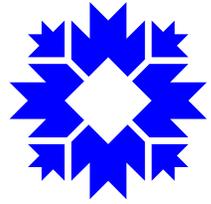


V-17-15
2014 Aerial Photo

By: roachja
4 Jun 15



City of Bloomington
Planning & Transportation



Scale: 1" = 80'

For reference only; map information NOT warranted.

Petitioner's Statement

Petitioner, Howard Rents, LLC, owns and operates Aaron's Sales & Lease stores. After conducting market and site research in the Bloomington, Indiana area, Howard Rents determined new construction of an approximately 8,000 sq. ft. Aaron's store on Bloomington's west side would be appropriate.

Howard Rents is in negotiations with Tony and Troy Gilliland to purchase their property located at 2420 West Third Street, Bloomington, Indiana (the "Property") for the construction of a new Aaron's store. At that location, West Third Street is divided by a concrete median into east and west lanes of travel with two lanes in each direction. The Property currently contains several existing structures that have been unoccupied and unused for several years. The current use of the Property is not its best use and the construction of an Aaron's store would significantly improve the use of the Property.

The Property consists of two adjoining parcels with frontage to West Third Street. The aforementioned concrete median runs the entire length of the Property's frontage with West Third Street. Therefore, the Property can only be accessed from westbound West Third Street. Currently, the Property is accessed by a shared drive to the west. There is no other access to the Property from any other direction. The shared drive also provides access to an apartment building located on the parcel directly to the west of the Property. A house is located on the parcel directly to the east of the Property and it is accessed from West Third Street through its own drive.

The location of the Property within Bloomington is ideal for an Aaron's store. It is on West Third Street near the intersection with State Road 37. Using the Property as the center, market research for Howard Rents has indicated a high number of potential customers within an acceptable radius. It is anticipated that an Aaron's store at this location will be very successful.

While the overall location is ideal, there have been some design difficulties to get the proposed store design to work on the Property. Howard Rents has been working with its engineers and representatives from the City of Bloomington Planning Department to come up with a design and layout for the site that is both compliant with the City of Bloomington's Unified Development Ordinance ("UDO") and is feasible to construct and operate. The main difficulty has been with the design of a driveway that is sufficient to provide two-way access to the site for customer and employee vehicles as well as for tractor-trailer delivery vehicles while still achieving compliance with other requirements of the UDO.

After much work with Planning and the engineers to determine the optimal site design and to obtain as much compliance with the UDO's requirements as possible, a final layout has been reached. The final layout is now compliant with the UDO in all respects aside from two: (1) driveway distance and (2) driveway width.

At the location of the Property, West Third Street is an arterial street. The use of the Property will be nonresidential. The UDO requires 100 feet of separation between entrances/drives at that location (UDO 20.05.035 ED-01 (b)(5)). Additionally, the UDO requires the width of entrances/drives at that location and for the intended use not to exceed 34 feet for two-way traffic (UDO 20.05.035 ED-01 (e)(1)).

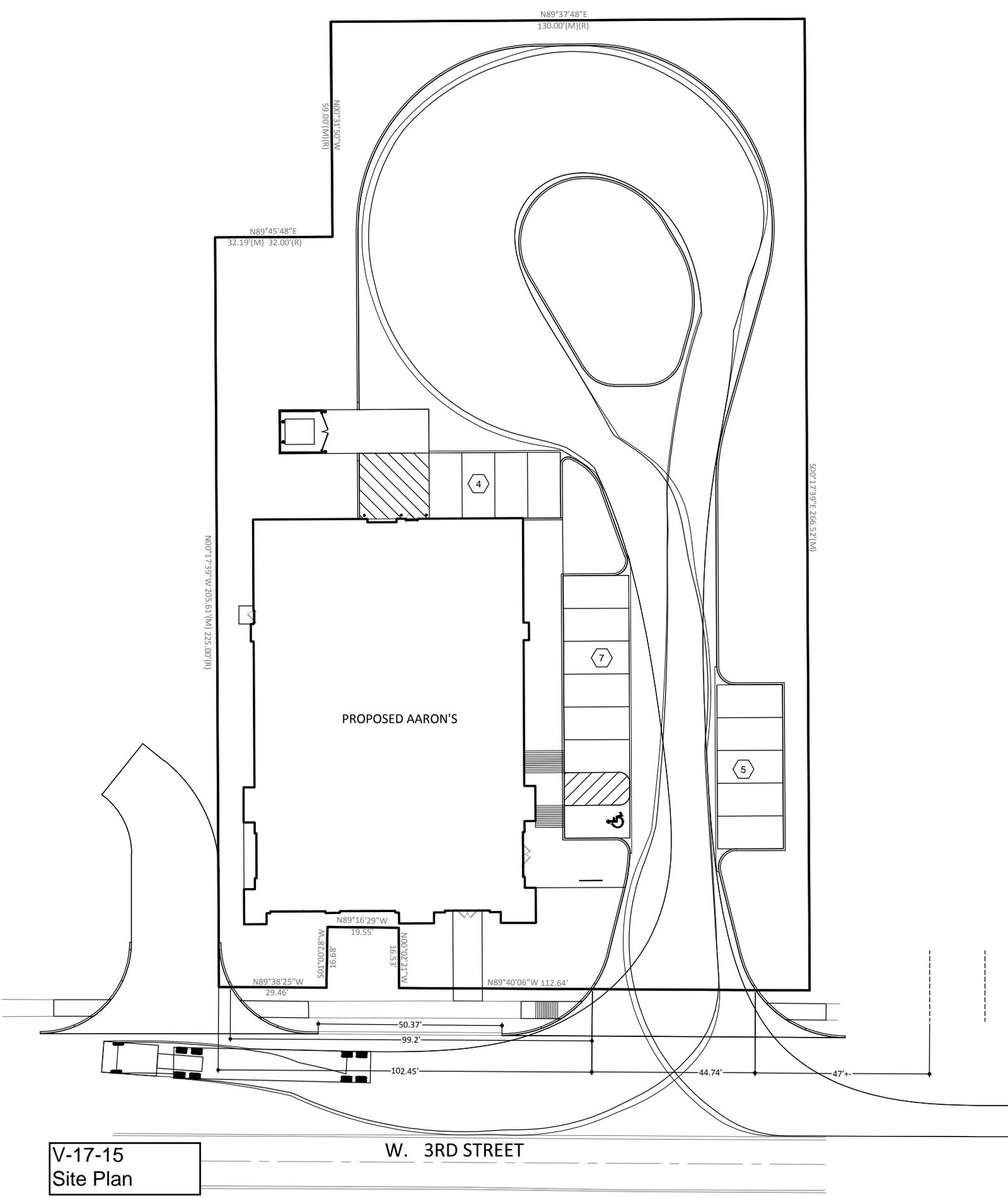
As designed, the current shared drive used to access the Property would be modified to solely provide access to the parcel to the west of the Property. A new drive would be constructed to provide two-way access to the Property. This new drive would be located

approximately 99.2 feet from the formerly shared drive to the west. The new drive would be located approximately 47 feet from the current drive to the east. To accommodate tractor-trailer traffic entering and exiting the Property, and due to the location of the concrete median dividing West Third Street, the width of the new drive must be 44.74 feet.

Petitioner is requesting three variances:

- (1) A variance in the driveway distance requirement to permit the distance between the driveway to the west and the new driveway to be less than 100 feet at 99.256 feet;
- (2) A variance in the driveway distance requirement to permit the distance between the driveway to the east and the new driveway to be less than 100 feet at 44.74 feet; and
- (3) A variance in the driveway width requirement to permit the width of the new driveway to be 44.74 feet.

Howard Rents has worked with its engineers and Planning to develop the best site development plan which is feasible to construct and operate. In doing so, it has made a number of design decisions and changes to most closely comply with the various requirements of the UDO. After many different attempts, Howard Rents has determined it is not feasible to construct or operate the proposed Aaron's store without obtaining the aforementioned variances. Other changes to the design that would make the driveway compliant with the UDO would either result in noncompliance with other UDO requirements or would result in a design that is not feasible to construct or operate.



V-17-15
Site Plan

W. 3RD STREET