

# CITY OF BLOOMINGTON



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

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

\*Kelly Conference Room #155

---

**PETITIONS:**

- V-38-15      **Christine Devitt**  
1116 S. College Mall Rd.  
Request: Variance from maximum parking standards to allow twenty-one parking spaces.  
*Case Manager: Beth Rosenbarger*

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 1116 S. College Mall Road**

**CASE #: V-38-15  
DATE: December 2, 2015**

---

**PETITIONER:** Christine Devitt, Bloomington Business Spaces, LLC  
4986 N. Murfield Dr. Bloomington, IN

---

**REQUEST:** The petitioner is requesting a variance from the maximum number of parking spaces for a medical clinic.

---

**REPORT:** This 0.96 acre property is on the west side of S. College Mall Road, just south of Covenant Drive. The property is zoned Commercial General (CG). Surrounding land uses include multifamily dwellings to the north, single family dwellings to the west, and commercial to the south and east.

The petitioner purchased this property to construct a new building for an existing oral surgery center, currently operating at a different location. With new building construction, full site compliance is required. For a medical clinic use, the maximum parking standard is one parking space per 300 square feet of gross floor area. In this case, the proposed building is approximately 4,452 square feet, which results in a maximum of 14 parking spaces per the UDO. The petitioner is proposing 21 parking spaces and has requested a variance from the maximum parking standards.

The petitioner provided a parking study to illustrate how many cars are parked at their current location at various times over a two-week period. The surgery center sees an average of 43 patients per day and has 9 full time employees. Additionally, the business plan includes adding 3 employees within the next year. According to the parking study submitted, with the exception of one Wednesday when the doctor is out of the office, there were multiple hours each day where the number of cars parked exceeded 14 with peaks as high as 19 vehicles.

At the existing location, the business is within a multitenant center with a shared parking lot. The new location will be an individual tenant building. The only parking available will be the parking provided on site. There is no on-street parking along S. College Mall Road currently. All other elements of the site plan are in compliance. There is floodplain on the property as well as a 25-foot riparian buffer. The site plan meets impervious surface standards. The building will provide a pedestrian entrance along College Mall Road. Sidewalks are already in place.

Based on the parking study provided by the petitioner and the lack of parking alternatives, including street parking, staff finds this to be an adequate amount of parking for this use. Additionally, a high percentage of patients are sedated during office visits and require a friend or family member to drive them. These patients are unable to walk, bike, or navigate public transit in that state. Finally, the numbers provided by the petitioner represent their existing conditions working in Bloomington, not merely a speculation about how many employees and patients will visit the surgery center.

---

## 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:** Staff finds no injury with this request to provide 21 on-site parking spaces.

- 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 with this request. The proposed changes will not negatively impact the use and value of the adjoining properties. This building has been vacant for some time and the proposed use is a permitted use within this district. All other development standards will be met.

- 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 combination of the medical clinic use, the number of patients daily, the state of sedated patients, and the lack of on-street parking. The petitioner has demonstrated a practical difficulty for more parking spaces than permitted with a parking study. In some cases, this need can be met by surrounding parking and available on street parking, but not in this case. Additionally, the status of sedated patients makes other forms of transportation unpractical. Staff finds the proposal to be a reasonable request that can fit on the property and still meet all other development standards.

---

**RECOMMENDATION:** Based on the written findings above, staff recommends approval of V-38-15 with the following condition:

1. A Certificate of Zoning Compliance is required prior to any construction or land disturbance.
2. Any change of use as defined by the UDO may require compliance with the parking standards.

November 16, 2015

City of Bloomington Planning Department  
401 N. Morton Street  
Bloomington, IN 47404

Re: 1116 S. College Mall Road  
Parking Space Variance

Dear Hearing Officer,

We respectfully request consideration in variance of maximum parking spaces for our project at 1116 S. College Mall Road. Our proposed project includes demolition of the existing structures and construction of a 4,452 SF medical office building exclusively built for Dr. Timothy Devitt of Bloomington Oral Surgery, LLC for the use of oral and maxillofacial surgery services. Bloomington Oral Surgery, LLC is an existing business pursuing a new building to more efficiently accommodate their patients and better serve our community. Bloomington Oral Surgery, LLC currently practices at 857 S. Auto Mall Road, suite 3 and has since 1977 which is 1,692 SF. The proposed new 4,452 SF office building is a substantial increase in size above the current office and will accommodate Dr. Devitt's business plan to add an additional one surgeon and two staff the next year.

We request a variance to increase the number of maximum parking spaces from 14 spaces (1 space per 300 SF for a 4,452 SF building), to 21 spaces. Bloomington Oral Surgery, LLC cares for an average of 43 patients per day on a regular business day, and will care for approximately 7,300 patients in 2015. A parking study of Bloomington Oral Surgery taken from October 27, 2015 through November 6, 2015 demonstrated exceeding 14 vehicles at the practice everyday data was collected (see attached [parking study](#)). The surgeon, Dr. Devitt, sees patients at a different office on Wednesday afternoons, which is reflected in significantly fewer vehicles on Wednesday afternoons.

The nature of the business requires sedated patients to be dismissed by vehicle transportation with a dedicated driver due to their incapacity to walk or navigate public transportation safely. Approximately 45% of the patient appointments are sedation cases. There is no on-street parking in this area on S. College Mall Road to assist in expanding parking options for patients. In the event parking is full, we don't want patients to be forced to find vacant parking at nearby businesses across the street (Kroger, Hobby Lobby, etc.), requiring them to dangerously cross four lanes of traffic without crosswalk assistance.

The site plan developed by Bynum Fanyo & Associates, Inc. includes the proposed 4,452 SF building and 21 parking spaces, following ordinances of parking setbacks creating an aesthetically pleasing property. We feel this will be a favorable improvement to the business neighbors of S. College Mall Road.

V-38-15  
Petitioner's Statement

It was with much research and consideration Bloomington Oral Surgery determined 4,452 SF to be their optimal office size. Bynum Fanyo & Associates, Inc. created a previous site plan for this location depicting a 6,000 SF building in order to net the needed amount of parking spaces. We ultimately deemed a 6,000 SF building a wasteful use of resources to simply increase parking. For this reason, we are applying for a variance to increase the parking for a 4,452 SF building from 14 to 21 spaces.

Sincerely,



Christine Devitt  
Bloomington Business Spaces, LLC

V-38-15  
Petitioner's  
Statement

Bloomington Oral Surgery Parking Study 10/27/15 through 11/6/15										
	Tues10/27/2015	Wed10/28/2015	Thurs10/29/2015	Fri 10/30	Mon11/2/2015	Tues11/3/2015	Wed11/4/2015	Thurs11/5/2015	Fri11/6/2015	
8am	10	10	15	Data not reported	16	18	9	12	12	
9am	12	12	15	Data not reported	12	17	16	12	14	
10am	10	14	13	Data not reported	12	15	14	12	12	
11am	9	13	19	Data not reported	15	12	15	18	17	
12noon	10	4	12	Data not reported	11	12	4	17	14	
1pm	16	2	17	Data not reported	14	14	1	15	15	
2pm	15	1	16	Data not reported	14	17	1	17	5	
3pm	16	1	17	Data not reported	12	13	1	12	2	
4pm	13	1	19	Data not reported	15	14	1		1	
5pm	7			Data not reported						
Hours that exceed 14 cars	3		7		3	4	2	4	2	

V-38-15  
Parking Study

## Bloomington Oral Surgery, current stats Oct. 2015

Average Patient time at office 45minutes – 1 hour, patients to arrive 15 minutes early

Average 40 patients scheduled per day- emergency patients add 2-8 per day

2014- 6950 patients seen

2015- to date 5768 patients seen; 608 patients per month; on track to see 7300 patients in 2015

45% of patients are cared for under IV sedation- requires car transportation, patient by law cannot leave building until surgeon deems safe

50% of all patients seen are only seen one time (one appointment only)

The other 50% are seen multiple times (2-5) over a period of 3-16 weeks

Scheduled 3 weeks out currently

Holiday time can already be booked

Patients seen five days/ week 7am- 5pm

Emergency patents seen on weekends 1-4

Hospital sends emergency patients

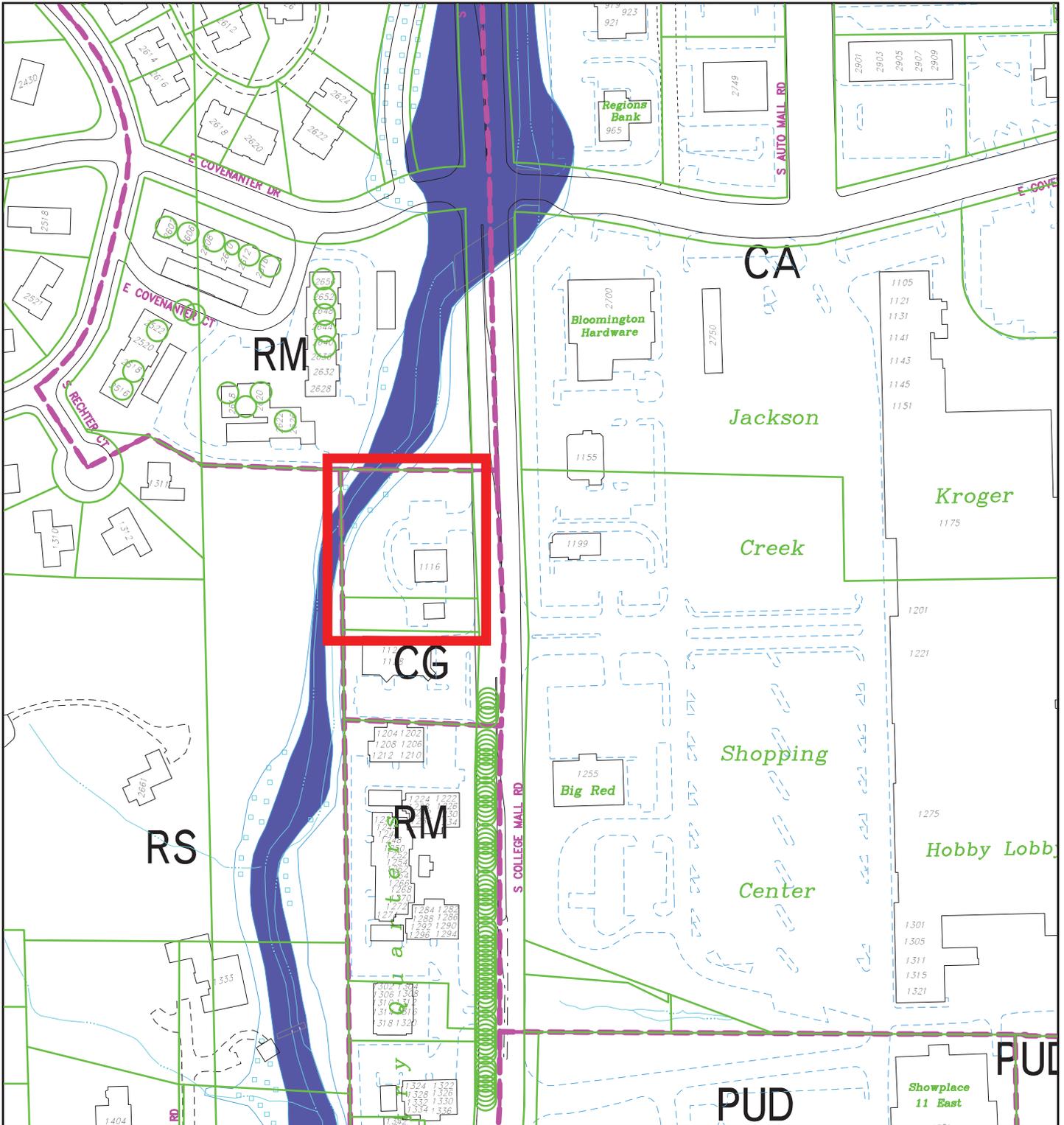
9 full time employees

Plans to add another surgeon in the next 2 years

Currently work in 1600 sq, 5 treatment rooms, only 3 rooms can be used for procedures, 1 room nearly unusable (857 S. Auto Mall Road, suite C)

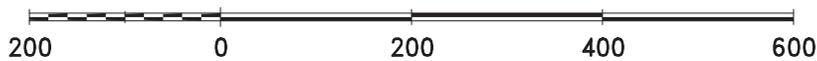
New office building to accommodate 6 treatment rooms, all equipped for procedures (1116 S. College Mall Road)

V-38-15  
Info about business



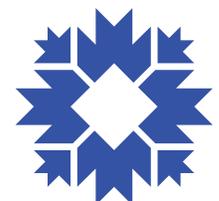
V-38-15 Hearing Officer  
 1116 S. Colleg Mall Road

By: rosenbab  
 24 Nov 15

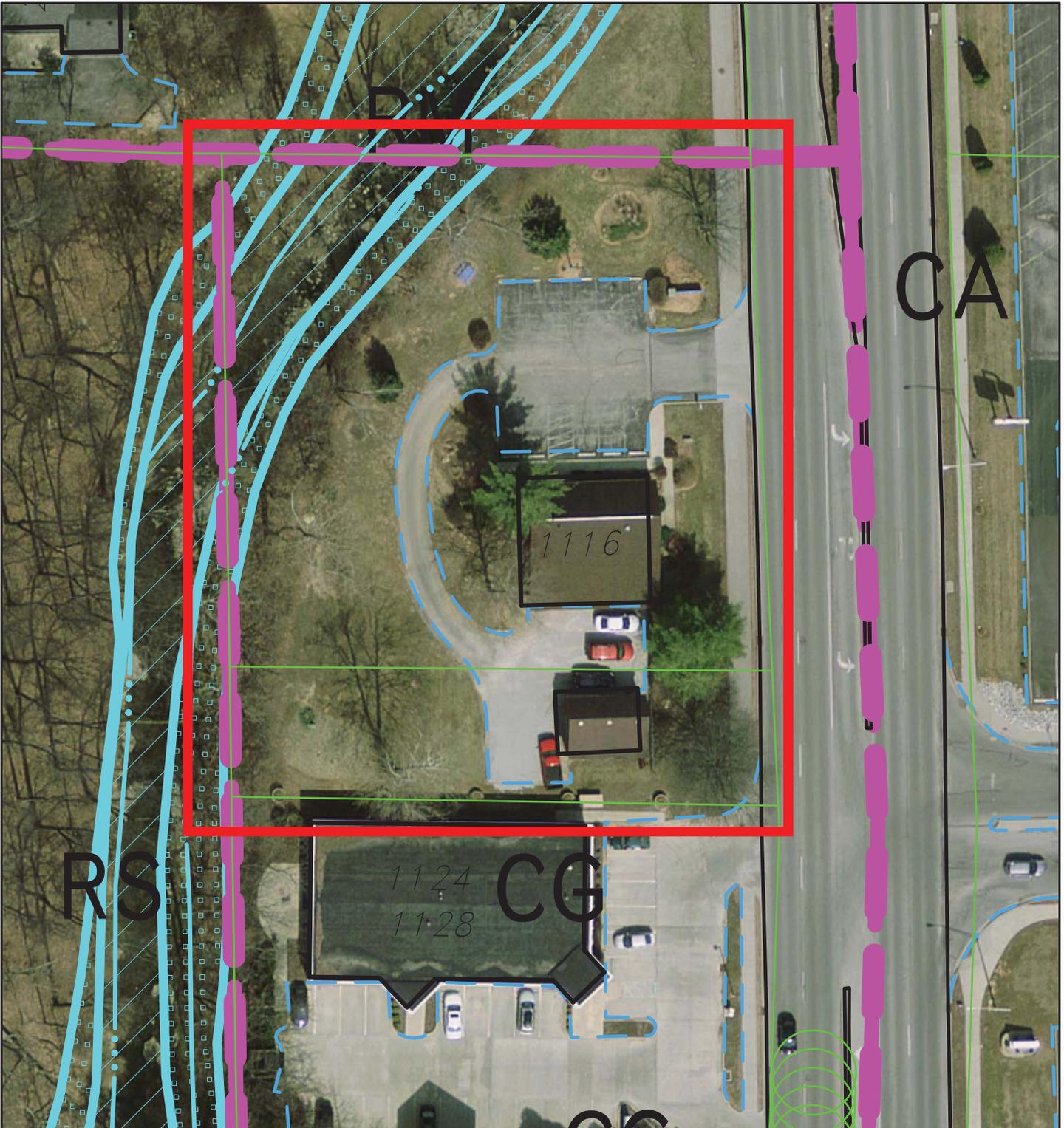


For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation

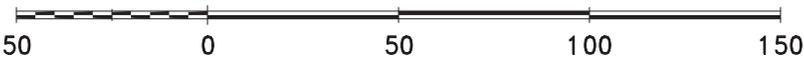


Scale: 1" = 200'



V-38-15 Hearing Officer  
 1116 S. College Mall Road

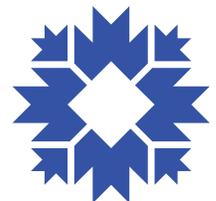
By: rosenbab  
 24 Nov 15



For reference only; map information NOT warranted.



City of Bloomington  
 Planning & Transportation



Scale: 1" = 50'





V-38-15  
Site Image