

CITY OF BLOOMINGTON



PLAT COMMITTEE

**December 7, 2015 @ 4:30 p.m.
CITY HALL - HOOKER
CONFERENCE ROOM #245**

**CITY OF BLOOMINGTON
PLAT COMMITTEE
December 7, 2015 at 4:30 p.m.**

***Hooker Conference Room #245**

ROLL CALL

MINUTES TO BE APPROVED: November

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION:

DP-29-15

JORDAN VUKAS

419 N Walnut St

Preliminary and final plat to allow a two lot subdivision

Case Manager: James Roach

BLOOMINGTON PLAT COMMITTEE
LOCATION: 419 N. Walnut Street

CASE #: DP-29-15
DATE: December 7, 2015

PETITIONER: Jordan Vukas
 419 N. Walnut Street, Bloomington

CONSULTANT: Bynum Fanyo and Associates
 528 N. Walnut St., Bloomington

REQUEST: The petitioner is requesting preliminary and final plat approval of a two-lot commercial subdivision.

REPORT: This 0.30 acre property in question is located at the southwest corner of N. Walnut Street and W. 9th Street. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO). The property has been developed with two uses within two buildings connected by a common wall. These buildings house the Bloomington Playwrights Project with an entrance on 9th Street and a vacant building on Walnut that most recently housed Jake's nightclub. The owner wishes to upgrade the common wall between the buildings into a fire rated separation wall and subdivide the buildings down the fire wall. No new use is proposed at this time for the Jake's Building.

PLAT ISSUES:

Lot Standards: The CD zoning district does not have a minimum lot size or width. The Downtown Core Overlay (DCO) does not have minimum side or rear setbacks for buildings.

R.O.W. Dedication Waiver: N. Walnut Street is classified as a Primary Arterial and is required to have 50 feet of right-of-way from the centerline, while the existing right-of-way is only 37.5 feet from centerline. W. 9th Street is a neighborhood street and is required to have 25 feet from centerline of right-of-way, while the existing right-of-way is only 20 feet from centerline. The existing buildings are built with a zero setback on the existing right-of-way line. Dedication of additional right-of-way would place 5-12.5 feet of the buildings within the street right-of-way, creating substantial encroachments.

Waiver Findings: 20.09.210 (b)(2) Findings of Fact

(A) The Plan Commission may grant a Subdivision Waiver if, after a public hearing, it makes written findings of fact based upon the evidence presented to it in each specific case, that:

(i) *The granting of the Subdivision Waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and*

Staff Finding: Staff finds no injury. N. Walnut Street is already built and include all typical street featuring including a tree zone and sidewalk. No stretch of N. Walnut Street through downtown has a right-of-way width more than 80 feet.

(ii) *The conditions upon which the request for a Subdivision Waiver is based are unique to the property for which the Subdivision Waiver is sought and are not applicable generally to other property; and*

Staff Finding: Not required for subdivision with no new streets, per BMC 20.09.210(b)(2)(B).

(iii) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out (Financial hardship shall not constitute grounds for a waiver); and*

Staff Finding: Not required for subdivision with no new streets, per BMC 20.09.210(b)(2)(B).

(iv) *The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Growth Policies Plan, or Thoroughfare Plan.*

Staff Finding: While the actual width of necessary right-of-way required by the UDO is contained within the Thoroughfare Plan, staff does not believe that waiving right-of-way dedication in this instance is counter to the provisions of the Thoroughfare Plan. The right-of-way widths in the Thoroughfare Plan are based on ideal development scenarios and undeveloped land. This situation deals with the already built Downtown Core of Bloomington and an already constructed street. Walnut Street maintains 75-80 feet of right-of-way consistently from 10th Street to 3rd Street through the heart of downtown. Future right-of-way to get to 100 feet would necessitate considerable impacts to developed and historic properties.

Sidewalks/Street Trees: Sidewalks are already in place on both streets. Street trees are not feasible on 9th Street due to the limited right-of-way and narrow monolithic curb and sidewalk. One street tree is in place on N. Walnut Street. A second street tree in a 5x5 grate is required.

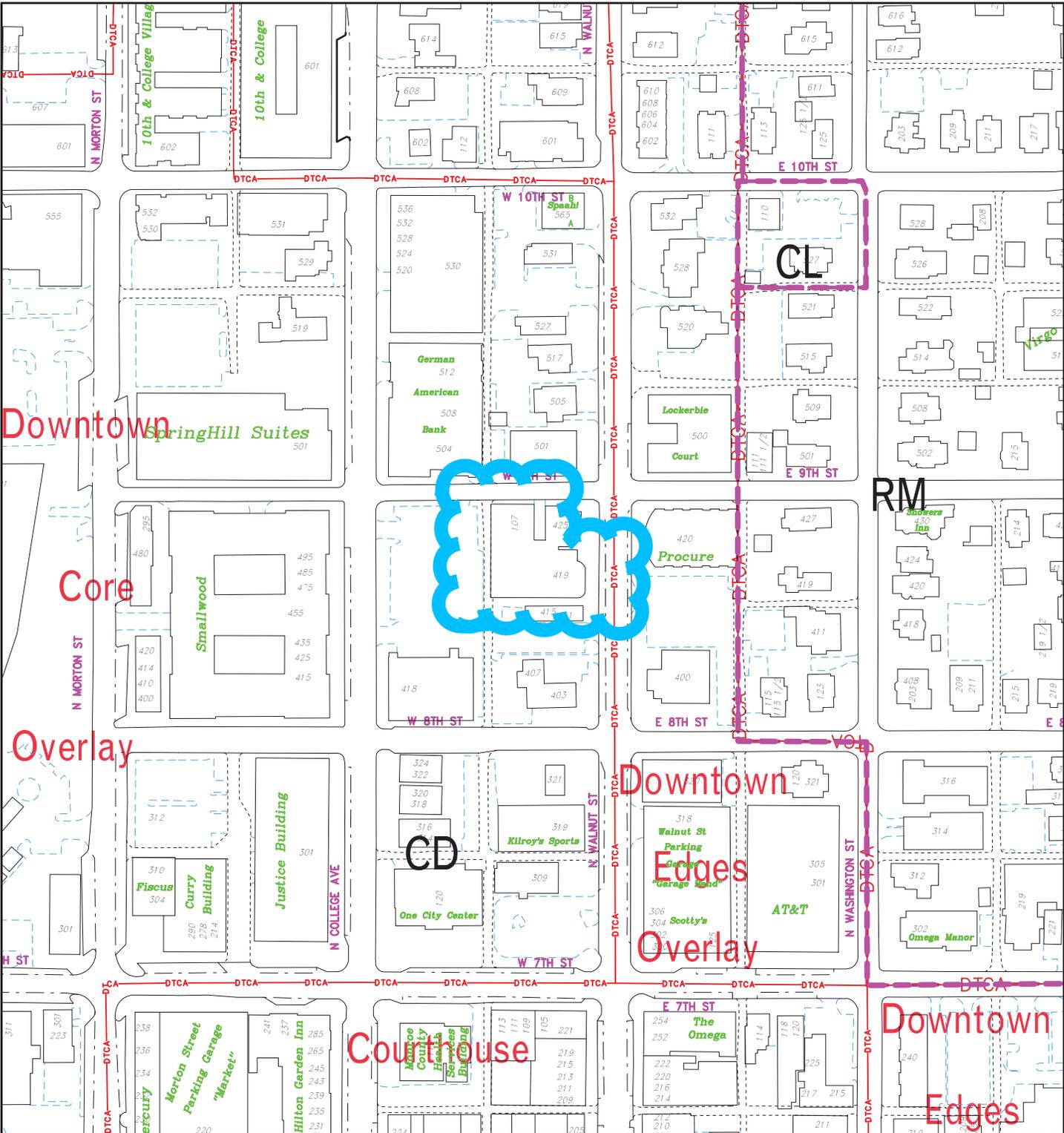
Utilities: Both buildings are currently served by water and sanitary sewer.

Drainage: No construction is proposed, therefore no detention is required.

Encroachments: The Jake's building currently encroaches a few inches into the existing Walnut Street right-of-way. Approval of this plat acknowledges but does not authorize that encroachment. The petitioner is strongly encouraged to petition the Board of Public Works to formally approve this existing encroachment.

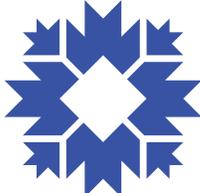
RECOMMENDATION: Based on the written findings above, staff recommends approval of DP-29-15 and requested waiver with the following conditions:

1. Approval of this plat includes a waiver from BMC 20.07.160(d) which requires right-of-way dedication.
2. Firewall must be constructed and inspected prior to signing and recording of the plat.
3. One (1) street tree in a 5x5 tree grate along N. Walnut Street is required to be planted or bonded for prior to signing of the plat.
4. One pedestrian scale, full cut-off, fully shielded street light must be installed prior to signing and recording of the plat. A right-of-way encroachment and hold harmless agreement must be approved and recorded.
5. Street tree and street light must either be installed prior to plat signature or bonded for. If not installed prior to plat signature, the plat must be reviewed by the Board of Public Works.



DP-29-15
Location Map

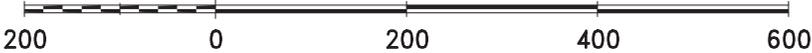
City of Bloomington
Planning & Transportation



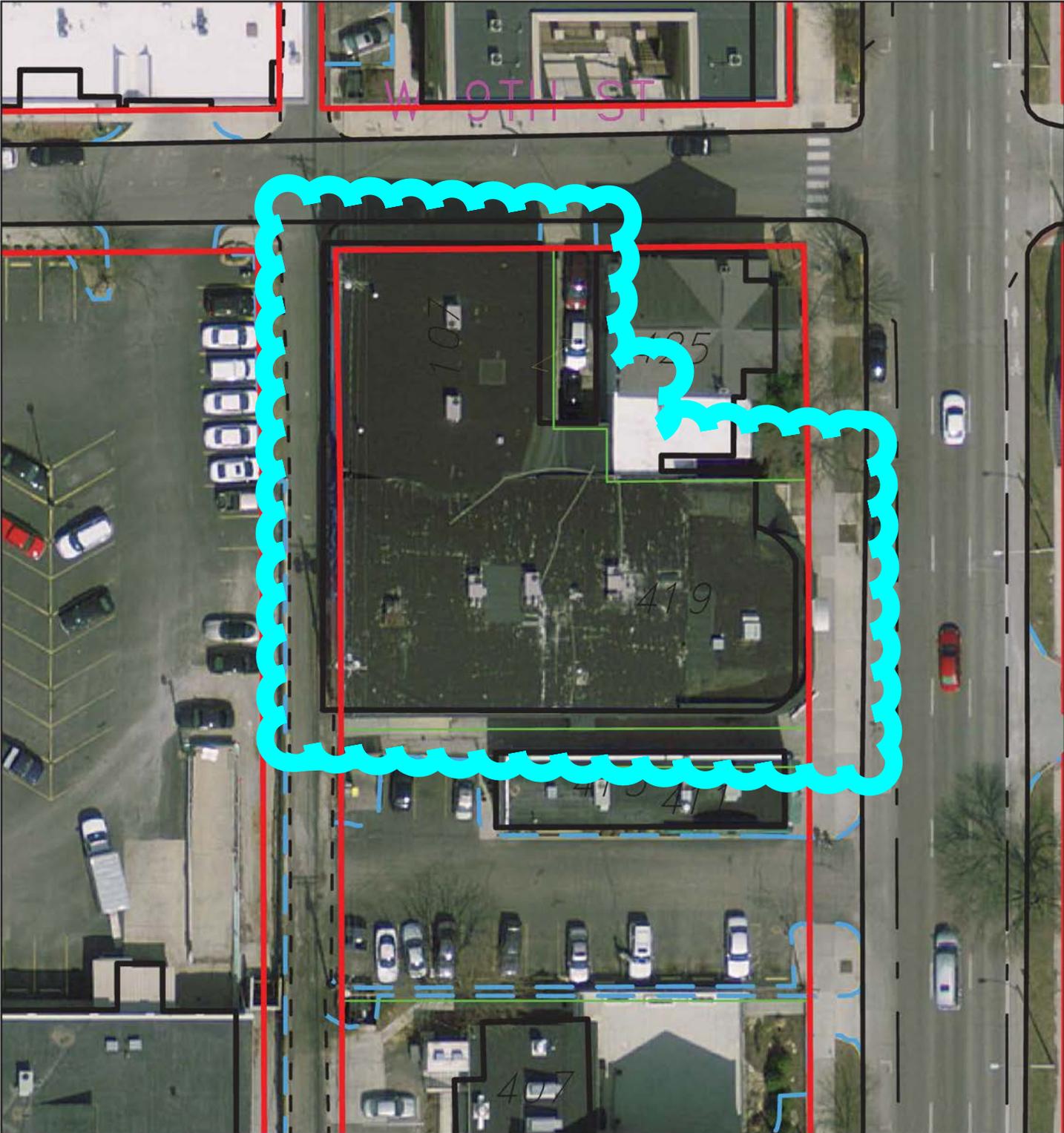
Scale: 1" = 200'

By: roachja

1 Dec 15

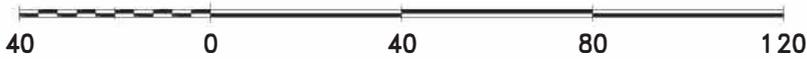


For reference only; map information NOT warranted.

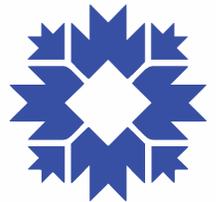


DP-29-15
2014 Aerial Photo

By: roachja
1 Dec 15



City of Bloomington
Planning & Transportation



Scale: 1" = 40'

For reference only; map information NOT warranted.

PETITIONERS' STATEMENT

Jordan Vukas and Ann Vukas, Petitioners, request a 2 lot subdivision of the property located at 419 N. Walnut Street, Bloomington, Indiana, a part of Outlot 35.

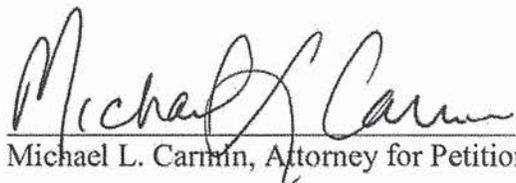
Petitioners have owned the property since 1986. Use of the building on the lot has gone through various changes over nearly thirty (30) years. The building is divided by a block wall. The building requires significant remodeling and other improvements to upgrade the building to make it reasonably useful.

Petitioners have expended extensive efforts attempting to lease the property. Interested parties desire to own the property rather than lease it.

Petitioners propose to subdivide the lot along the common block wall that divides the building on the lot into two distinct portions with separate uses.

Petitioners have conferred with building authorities and the fire department on the feasibility of separating the building along the common block wall.

Petitioners seek a 2 lot subdivision to create distinct lots with a common wall to facilitate remodeling, rehabilitation and future use of the building, including a conveyance of one part of the building following the subdivision.


Michael L. Carrin, Attorney for Petitioners

393533 / 23097-3



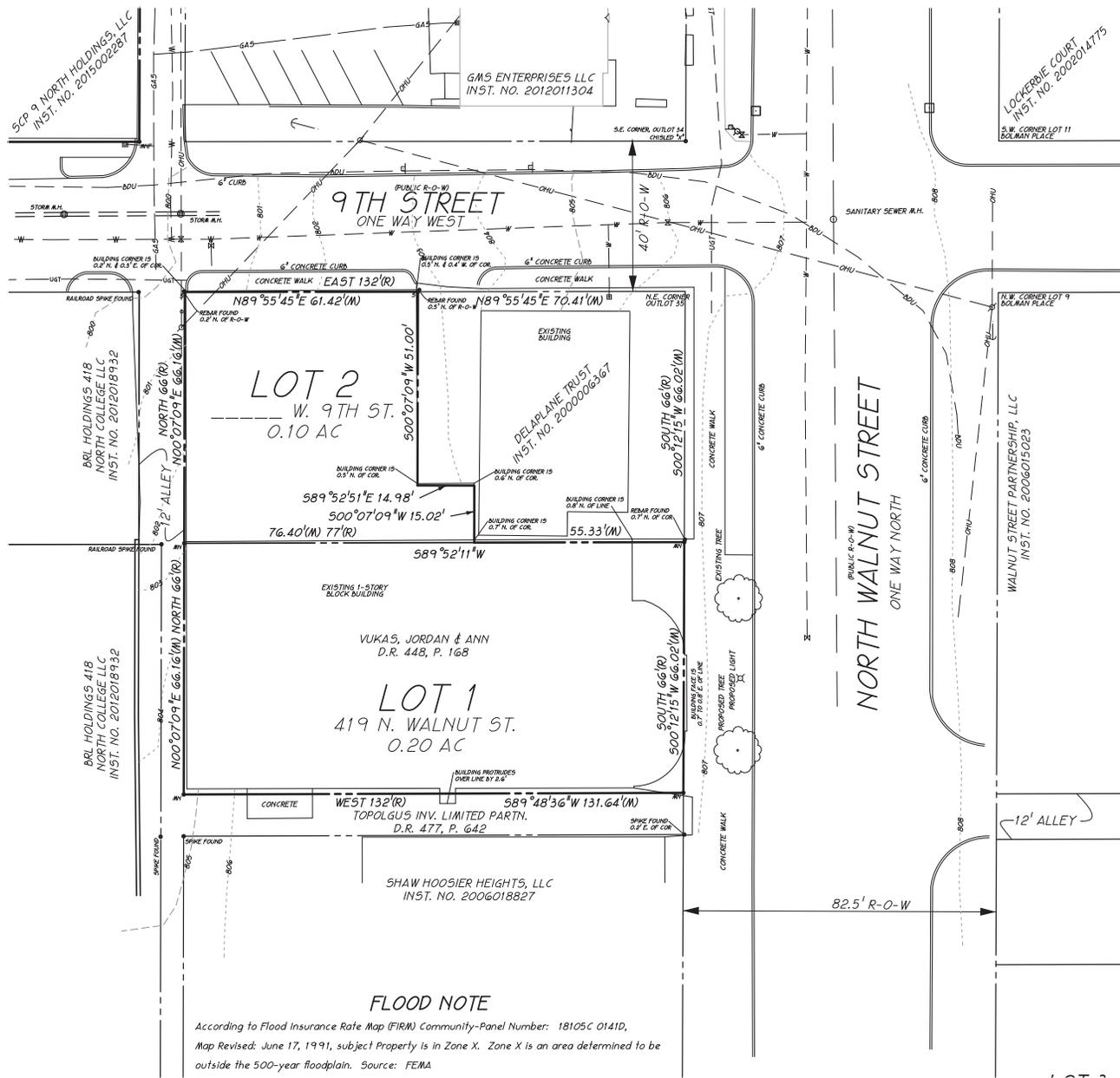
NORTH



Scale 1" = 20 ft

LEGEND

PROPERTY LINE	---
EASEMENT LINE	- - - -
FENCE	X - X
OVERHEAD UTILITIES	OHU
OVERHEAD ELECTRIC LINE	E
UNDERGROUND ELECTRIC LINE	UE
UNDERGROUND GAS LINE	GAS
UNDERGROUND TELEPHONE LINE	UGT
WATER LINE	W
TELECOMMUNICATIONS LINE	TDU
SANITARY/STORM LINE	---
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" REBAR WITH CAP SET	5o
MAG NAIL FOUND	MNF o
MAG NAIL SET	MN o
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
UTILITY POLE	□
FIRE HYDRANT	□
ELECTRIC METER	□
WATER METER	□
TELEPHONE RISER	□
ELECTRIC TRANSFORMER	□
STORM BASIN	□
WATER VALVE	□
SIGN	□
AREA LIGHT	□
SANITARY SEWER CLEAN OUT	□
CABLE T.V. BOX	□
GAS METER	□
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I. & E.
DRAINAGE AND UTILITY EASEMENT	D. & E.
UTILITY POLE ANCHOR	□
ANTENNA	□
MAIL BOX	□
AIR CONDITIONING PAD	AC □
GENERATOR	GEN
L.P. GAS TANK	GAS
HADICAP PARKING SPACE	□
CONCRETE	C



FLOOD NOTE
 According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141D,
 Map Revised: June 17, 1991, subject Property is in Zone X. Zone X is an area determined to be
 outside the 500-year floodplain. Source: FEMA

ZONING
 The Property is subject to the Bloomington Unified Development Ordinance, Bloomington,
 Indiana, having an Effective Date of February 12, 2007. Planning Department - 401 N. Morton
 St., Suite 160 - P.O. Box 100, Bloomington, Indiana 47402. Phone: 812-349-3423; Fax: 812-
 349-3535, Email: planning@bloomington.in.gov

OWNER/SUBDIVIDER/DEVELOPER
 NAME: JORDAN VUKAS
 ADDRESS: 419 N. WALNUT STREET
 BLOOMINGTON, IN 47404

DESIGN PROFESSIONALS
 NAME: BYNUM FANYO & ASSOCIATES, INC.
 ADDRESS: 528 NORTH WALNUT STREET
 BLOOMINGTON, INDIANA 47404
 TELEPHONE: 812-332-8030

**419 N. WALNUT STREET
 PRELIMINARY PLAT
 SHEET 1 OF 2
 JOB NO. 5015293**

I affirm under penalties of perjury, that I have taken reasonable care to
 redact each social security number in this document, unless required by law.
 Douglas R. Curry

The subject properties and all of the adjacent properties are zoned Downtown Commercial (CD), with
 a Downtown Core Overlay (DCO).

**DP-29-15
 Preliminary Plat**

419 N. WALNUT STREET 2-LOT SUBDIVISION

PART OF OUTLOT 35, CITY OF BLOOMINGTON
SECTION 33, T 9 N, R 1 W



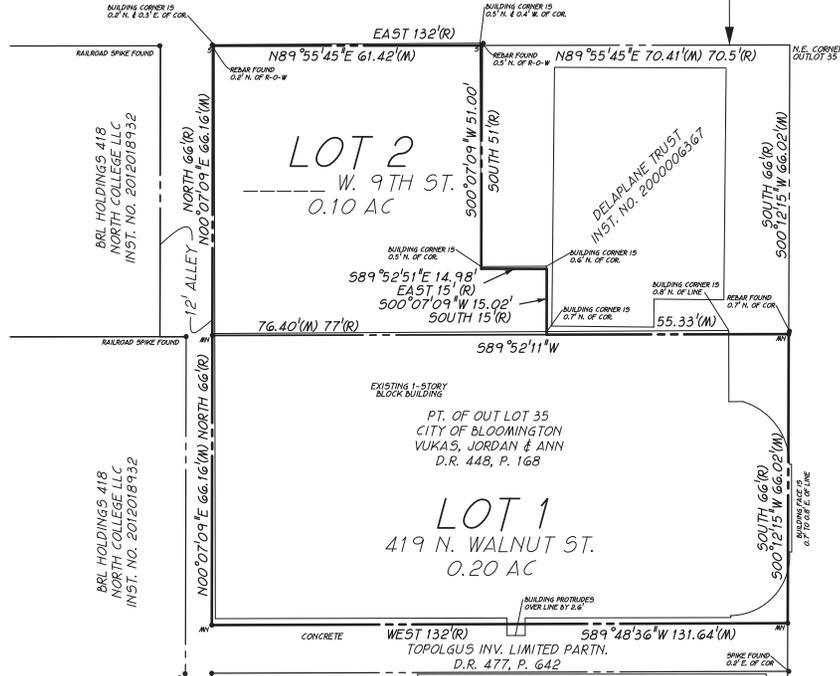
Scale 1" = 20 ft

SCP 9 NORTH HOLDINGS, LLC
INST. NO. 2015002287

GMS ENTERPRISES LLC
INST. NO. 2012011304

LOCKERBIE COURT
INST. NO. 2002014775

9TH STREET
ONE WAY WEST



LEGEND

PROPERTY LINE	---
EASEMENT LINE	- - - -
FENCE	-X-X-
OVERHEAD UTILITIES	--- OHU ---
OVERHEAD ELECTRIC LINE	--- E ---
UNDERGROUND ELECTRIC LINE	--- UGE ---
UNDERGROUND GAS LINE	--- GAS ---
UNDERGROUND TELEPHONE LINE	--- UGT ---
WATER LINE	--- W ---
TELECOMMUNICATIONS LINE	--- TDU ---
SANITARY/STORM LINE	===
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" REBAR WITH CAP SET	⊙
MAG NAIL FOUND	ANF ○
MAG NAIL SET	AN ○
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
UTILITY POLE	⊙
FIRE HYDRANT	⊙
ELECTRIC METER	⊙
WATER METER	⊙
TELEPHONE RISER	⊙
ELECTRIC TRANSFORMER	⊙
STORM BASIN	⊙
WATER VALVE	⊙
SIGN	⊙
AREA LIGHT	⊙
SANITARY SEWER CLEAN OUT	⊙
CABLE T.V. BOX	⊙
GAS METER	⊙
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I. & E.
DRAINAGE AND UTILITY EASEMENT	D. & E.
UTILITY POLE ANCHOR	⊙
ANTENNA	⊙
MAIL BOX	⊙
AIR CONDITIONING PAD	⊙
GENERATOR	⊙
L.P. GAS TANK	⊙
HANDICAP PARKING SPACE	⊙
CONCRETE	C

SETBACK TABLE (CD ZONING - DCO OVERLAY)		
FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
MAXIMUM BUILDING 0' FROM RIGHT-OF-WAY PARKING 20' BEHIND PRIMARY STRUCTURES FROM WALL BUILDING HEIGHT: MINIMUM 35', MAXIMUM 50'	0' FOR BUILDING 5' FOR PARKING	0' FOR BUILDING 5' FOR PARKING

ZONING

The Property is subject to the Bloomington Unified Development Ordinance, Bloomington, Indiana, having an Effective Date of February 12, 2007. Planning Department - 401 N. Morton St., Suite 160 - P.O. Box 100, Bloomington, Indiana 47402. Phone: 812-349-3423; Fax: 812-349-3535, Email: planning@bloomington.in.gov

OWNER/SUBDIVIDER/DEVELOPER

NAME: JORDAN VUKAS
ADDRESS: 419 N. WALNUT STREET
BLOOMINGTON, IN 47404

DESIGN PROFESSIONALS

NAME: BYNUM FANYO & ASSOCIATES, INC.
ADDRESS: 528 NORTH WALNUT STREET
BLOOMINGTON, INDIANA 47404
TELEPHONE: 812-332-8030

**419 N. WALNUT STREET
FINAL PLAT
SHEET 1 OF 2
JOB NO. 5015093**

FLOOD NOTE
According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141D,
Map Revised: June 17, 1991, subject Property is in Zone X. Zone X is an area determined to be
outside the 500-year floodplain. Source: FEMA

ZONING

The subject properties and all of the adjacent properties are zoned Downtown Commercial (CD), with a Downtown Core Overlay (DCO).

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.
Douglas R. Curry

**DP-29-15
Final Plat**

SOURCE OF TITLE: Deed Record 448, page 168

OWNERS: Jordan & Ann Vukas

ZONING: CD - DOWNTOWN COMMERCIAL w/ DOWNTOWN CORE OVERLAY

419 N. WALNUT STREET 2-LOT SUBDIVISION PART OF OUTLOT 35, CITY OF BLOOMINGTON SECTION 33, T 9 N, R 1 W

CERTIFICATE OF APPROVAL OF COMMISSION AND BOARD OF PUBLIC WORKS

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platted real estate and their successors in title to remonstrate against any pending or future annexation by the City of Bloomington, Indiana, of such platted real estate.

Jordan & Ann Vukas, the owners of the real estate shown and described herein, does hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as 419 N. WALNUT ST., an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

Front and side yard building setback lines are established as shown on the plat, between which lines and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

This subdivision shall be subject to the Declaration Of Covenants, Conditions, and Restrictions as set forth in Instrument Number _____ in the Office of the Recorder of Monroe County, Indiana.

LEGAL DESCRIPTION

A part of Out Lot Number 35 in the City of Bloomington, Indiana, bounded and described as follows:

Beginning 66 feet South of the Northeast corner of said Lot Number 35; Thence South 66 feet; Thence West 132 feet; Thence North 66 feet; Thence East 132 feet to the place of beginning.

Also a part of Out Lot Number 35 in the City of Bloomington, Indiana, bounded and described as follows:

Beginning at a point 70.5 feet West of the Northeast corner of said Lot Number 35; Thence South 51.0 feet; Thence East 15 feet; Thence South 15 feet; Thence West 77 feet, more or less to an alley; Thence North on and along the East side of said alley 66 feet to a point on the North line of said Lot Number 35; Thence East 62 feet, more or less, to the place of beginning.

Under the authority of Chapter 174 - Acts of 1947- enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington, as follows:

Approved by the City Plan Commission at a meeting held _____, 20__.

(Tom Micuda)

(Jack Baker) President Bloomington Plan Commission

Approved by the Board of Public Works at a meeting held _____, 20__.

(Chairperson)

(Member)

(Member)

Signed and Sealed _____, 20__.

Signature

Signature

Name Printed

Name Printed

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20__.

County of Residence

Commission Expiration

Notary Public, Written

Notary Public, Printed

CERTIFICATE OF SURVEYOR

I, Douglas R. Curry, hereby certify that I am a professional Land Surveyor licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on October 30, 2015; that all the monuments shown thereon actually exist; and that their location, size, type, and material are accurately shown.

Douglas R. Curry
Douglas R. Curry Indiana L&S No. 890006
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404
(812) 332-8030



**DP-29-15
Final Plat**

**419 N. WALNUT STREET
FINAL PLAT
SHEET 2 OF 2
JOB NO. 5015093**

MONROE COUNTY BUILDING DEPARTMENT
501 N. MORTON STREET
BLOOMINGTON, INDIANA 47404
TELEPHONE: (812)349-2580 FAX: (812)349-2967

October 29, 2015

Jordan Vukas, Realtor
F.C. Tucker Company, Inc.
1119 Keystone Way
Carmel, IN 46032

Project: Jack's / Bloomington Playwright's Project
419 N. Walnut St. & 107 W. 9th St
Bloomington, IN 47404

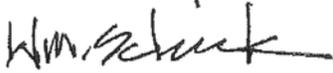
Mr. Vukas,

It is my understanding that the existing buildings housing Jake's at 419 N. Walnut St. and the Bloomington Playwright's Project at 107 W. 9th St. are both on the same parcel of property, and it is your desire to separate the property into two parcels with a property line along the centerline of the common wall separating the two buildings.

The Indiana Administrative Code, Title 675, Article 13, the 2014 Indiana Building Code, Section 706.1 permits each portion of a building separated by one or more firewalls to be considered separate buildings. Section 706.1.1, states: Party walls as any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall. Party walls shall be constructed without openings and shall create separate buildings. Section 706.4 states the fire wall shall have a fire-resistance rating of not less than 2-hours. Section 706.5.1 states the exterior walls on both sides of the fire wall shall have a 1-hour fire-resistance rating with ¾-hour protection of openings for 4' on each side of the intersection of the fire wall to the exterior wall. Section 706.6 allows the fire walls in Type III, IV and V construction to terminate at the underside of combustible roof sheathing or decks, provided there are no openings in the roof within 4' of the fire wall, and the roof system is protected with 5/8" Type X gypsum board on the underside of the roof deck for a distance of 4' on both sides of the fire wall.

The existing 8" or more concrete masonry unit wall with drywall on each side more than meets the requirement for a 2-hour fire-resistive wall. The glass block openings are to be covered with two layers of 5/8" Type X gypsum wallboard with staggered joints, including at the inside where the glass block is exposed to the exterior. On the Jake's side the underside of the roof is to be protected with 5/8" Type X gypsum board out 4' from the firewall and repair this roof protection on the Bloomington Playwright's Project side. All penetrations into the fire wall are to be fire stopped.

An Alteration and Repair Permit from the Monroe County Building Department shall be required for the proposed work to upgrade the common wall into the required fire wall so that a property line may be recorded between the two buildings. The Building Department and Fire Department is to perform a final inspection of the work.



William Schick, CBO, Plans Examiner