

CITY OF BLOOMINGTON



March 9, 2016 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

PETITIONS:

- V-5-16 **Charles Stephenson** (Emerald Services – Warehouses)
630 S. Patterson Dr.
Request: Variance from drive aisle standards. Also requested is a variance from landscape buffer setback standards in order to construct a new warehouse building.
Case Manager: Beth Rosenbarger

- V-6-16 **Triple Double, LLC**
1113 N. Indiana Ave.
Request: Variance from side yard setback standards to allow for a second story addition. Also requested is a variance from parking standards to allow single-family residential parking standards to apply.
Case Manager: Jackie Scanlan

- V-7-16 **Upland Brewing Co., Inc.**
350 W. 11th St.
Request: Variance from maximum sign standards to allow 78 sq. ft. of signage for a new building.
Case Manager: Eric Greulich

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 630 S. Patterson Drive**

**CASE #: V-5-16
DATE: March 9, 2016**

PETITIONER: Charles Stephenson, Emerald Services
4495 W. May Drive, Bloomington

CONSULTANT: Brad Myrick, Bledsoe Riggert Cooper James
1351 W. Tapp Road, Bloomington

REQUEST: The petitioner is requesting a development standards variance from drive aisle standards and a variance from the landscape buffer setback standards.

REPORT: This 1.61 acre property is on the south west side of S. Patterson Street, just south of W. 2nd Street. The property is zoned Commercial Arterial (CA). Surrounding land uses include medical uses to the east; office and commercial to the north; vacant commercial property and a single family dwelling to the west; and vacant Residential Single-Family zoned property to the south.

The petitioner proposes to build a 3,000 square foot mini-warehouse facility. The proposed new building would be placed on an existing concrete pad. With new building construction, full site compliance is required. The site has three existing buildings: one mini-warehouse facility of 4,445 square feet; one building that contains a vehicle detailing business of 2,500 square feet; and one building used to store ambulances of 5,000 square feet.

The existing drive aisle that is east of the mini-warehouse facility does not meet drive aisle standards as it is parallel to the street and within the front parking setback. This drive aisle is existing and cannot be relocated due to the existing location of the mini-warehouse facility and the lack of space on the south side of the property.

The building on the southwest corner of the property is within the required landscape buffer setback. Because the lot to the south is zoned RS, there is a required landscape buffer setback of 15 feet in addition to the 7 foot building setback. Therefore, the building is required to be 22 feet from the property line, and the existing building is approximately 10 feet from the property line. The site to the south is undeveloped at this time.

The site plan meets all other development standards including maximum impervious surface coverage, landscaping, and parking. New landscaping will be added to meet current standards. Some parking is being removed to meet the parking setbacks and impervious surface standards. Bicycle parking is being added to the site.

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. The drive aisle and existing building within the landscape buffer setback have been in their current locations without any known harm for approximately fifteen years.

- 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. One building will be added to the site and all other site improvements will meet code requirements. The drive aisle and existing building within the landscape buffer setback have been on the property for over ten years without negative impacts to 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 existing condition of lot arrangement for the existing drive aisle. Without the drive aisle in its current location, there would be no forward exit for vehicles accessing the storage units in the existing building because the building is close to the south property line; there is no alternative drive aisle option. Additionally, the property between the drive aisle and S. Patterson Dr. is heavily planted with trees, which provides a screen from the drive aisle. Staff finds that this combination of characteristics results in a peculiar condition.

Staff finds peculiar condition in a combination of conditions: the existing nature of the building; the ability to meet the landscaping requirements; and the previous zoning boundary. The building on the southwest corner of the property has existed in that location since approximately 2000. Despite the reduced amount of space, the landscape buffer planting requirements will still be met in order to provide screening between this property and the undeveloped property to the south. Finally, prior to the UDO, the zoning line was approximately 40 feet to the south of its current location, which means the buffer yard was not previously required when the building was constructed. Staff finds that this combination of characteristics results in a peculiar condition.

RECOMMENDATION: Based on the written findings above, staff recommends approval of V-5-16 with the following conditions:

1. A Certificate of Zoning Compliance is required prior to any construction or land disturbance.

February 11, 2016

Beth Rosenbarger, AICP
Zoning & Long Range Planner
City of Bloomington, Planning Department
401 N. Morton St., Suite 130
PO Box 100
Bloomington, IN 47402-0100

Re: Hearing Officer, City of Bloomington
Emerald Services, Inc. - New Mini-Warehouses
Bloomington, IN 47403
Petitioner's Statement

BRCJ Project No. 2972

Dear Beth,

On behalf of Mr. Charles R. Stephenson, the petitioner for the Emerald Services, Inc. Project located at 630 South Patterson Drive, here in Bloomington. On the west side of South Patterson Drive and just south of Second Street forming a triangular shaped parcel consisting of 1.61 acres of which 0.50 acres will be disturbed during the Project.

As a part of the development process we are requesting to be placed on the next available meeting with the Hearing Officer for the following Variance:

1. Drive Aisle Standards
2. Landscape Buffer Setback Standards

Variance Request 1: Drive Aisle Standards

Per our discussions to date, it is clear that the Drive Aisle Standards found in the Unified Development Ordinance for the City of Bloomington are not met since the existing drive which goes around the mini-warehouses runs parallel with South Patterson Drive. Since the drive is existing and is the only route to aid in accessing the mini-warehouses we are requesting this variance. Please also note that the existing drive previously described is also screened by a wooded area to the east between South Patterson Drive and the existing drive.

Variance Request 2: Landscape Buffer Setback Standards

Per our discussions to date, it is clear that the Landscape Buffer Setback Standards found in the Unified Development Ordinance for the City of Bloomington are not met since the existing drive and the existing building west of the mini-warehouse building both infringe on the current setback. Since the drive existing is the only route to aid in accessing the mini-warehouses and the existing building is already in place and operating we are requesting this variance.

Included in this packet:

1. City of Bloomington Application
2. Petitioners Letter.
3. Fee for Hearing Officer \$500.

Emerald Services, Inc. - New Mini-Warehouses
Petitioners Statement
February 11, 2016
Page 2 of 2

4. Drawings (6 - 24" x 36"), two sets of plans
5. As well as color photographs of the site.

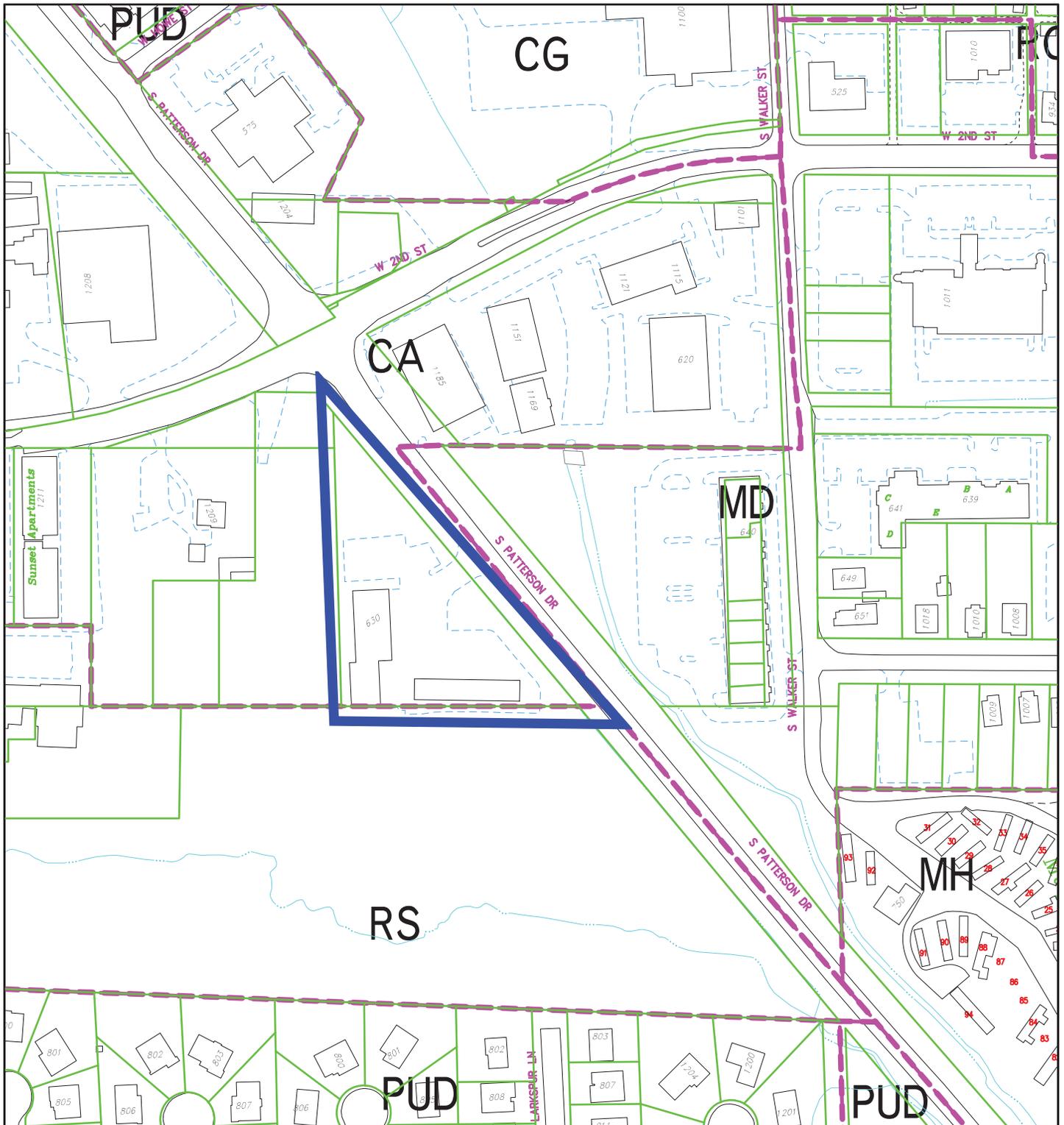
Beth, upon receiving this packet and request, should you have any questions please do not hesitate to call or drop me an email. We will work to resolve questions and comments you have.

Sincerely,



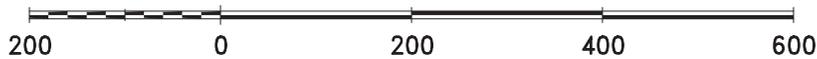
G. Bradley Myrick, BSE
Bledsoe Riggert Cooper James, Inc.

file: Project No. 2972

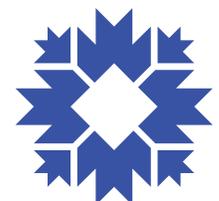


V-5-16 Hearing Officer
 630 S. Patterson Drive
 Location Map

By: rosenbab
 3 Mar 16

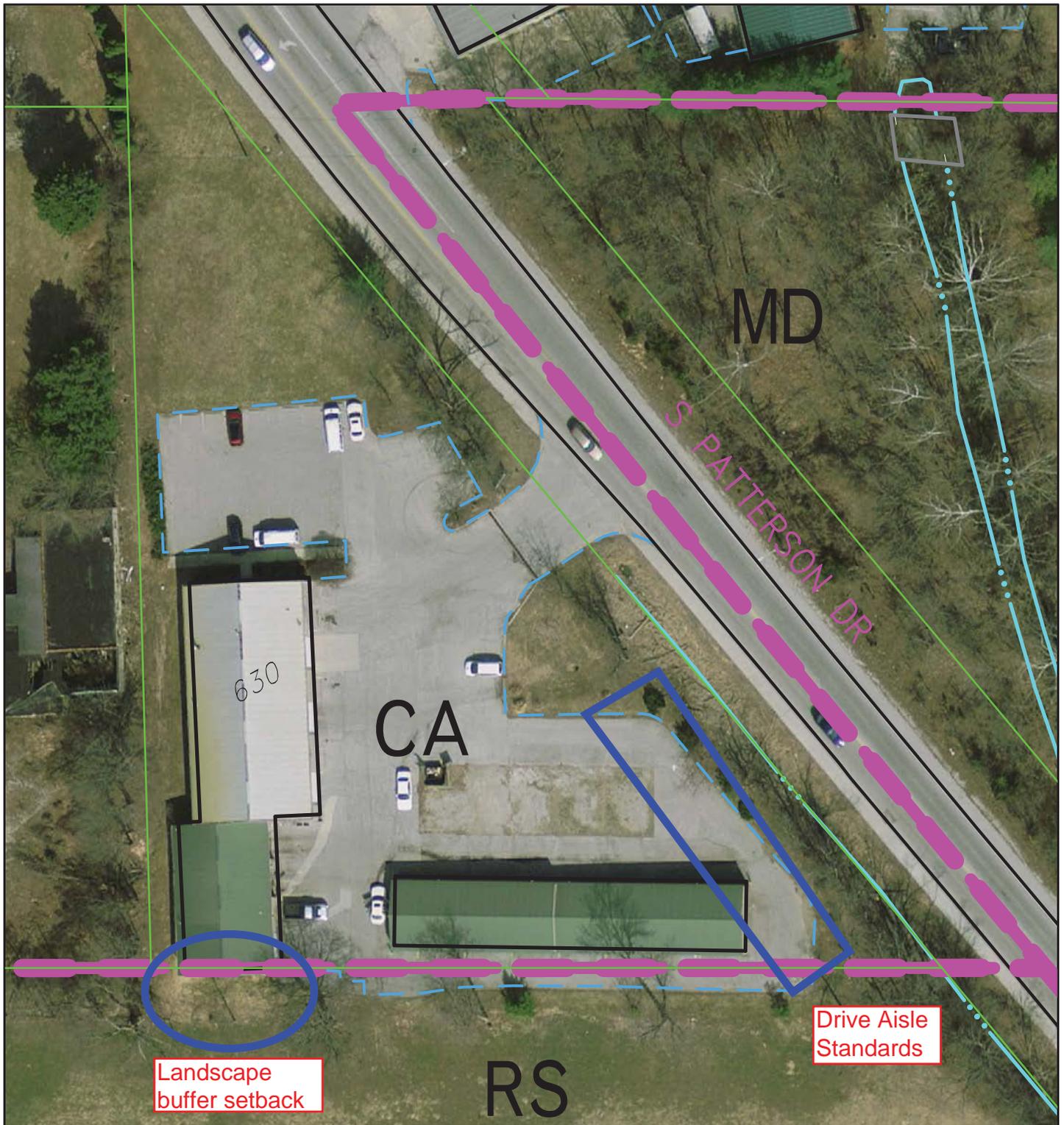


City of Bloomington
 Planning & Transportation



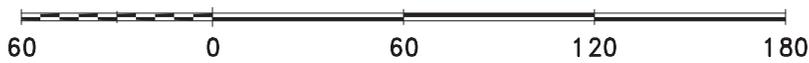
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For reference only; map information NOT warranted.



V-5-16 Hearing Officer
 630 S. Patterson Drive
 2014 Aerial Photography

By: rosenbab
 3 Mar 16

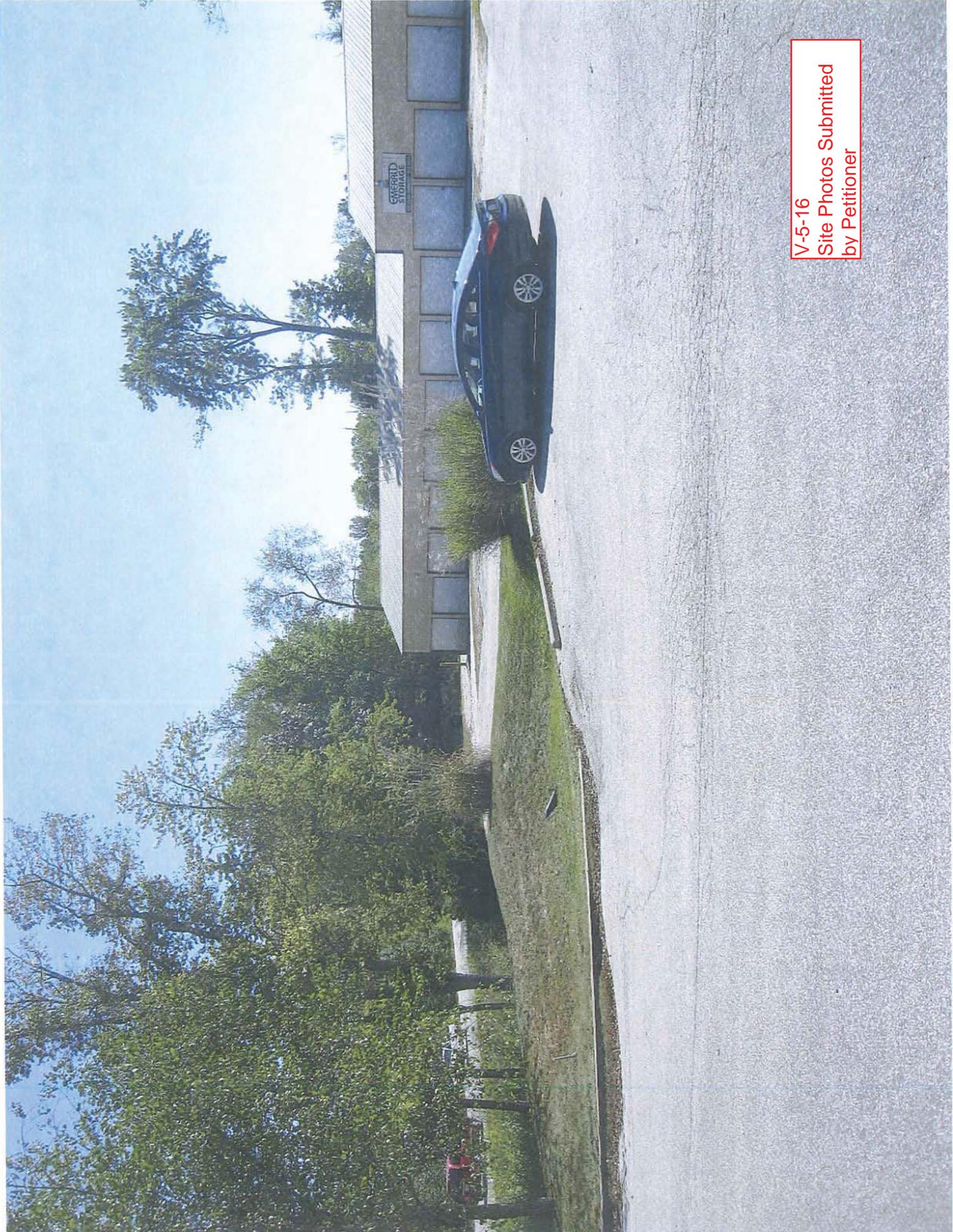


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



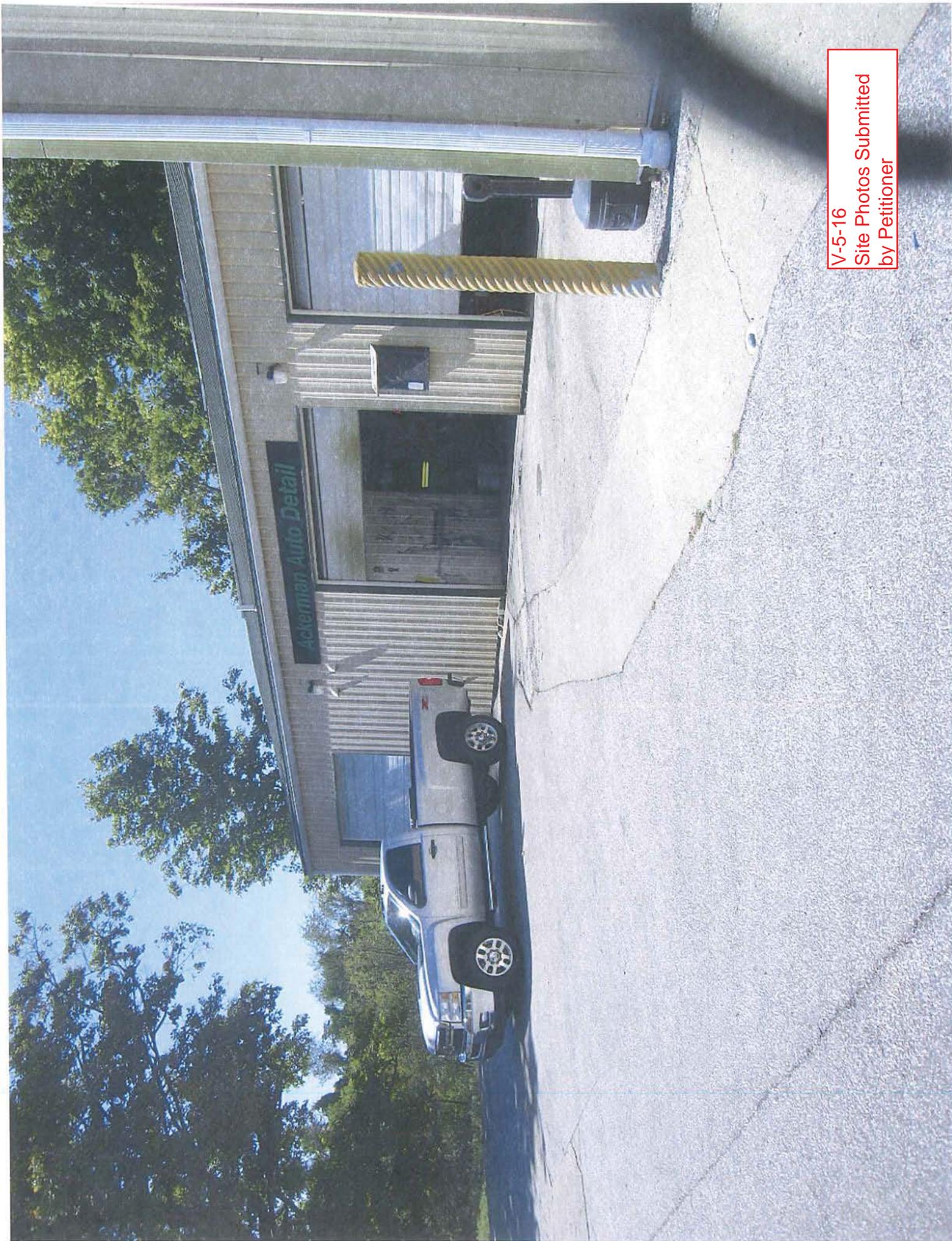
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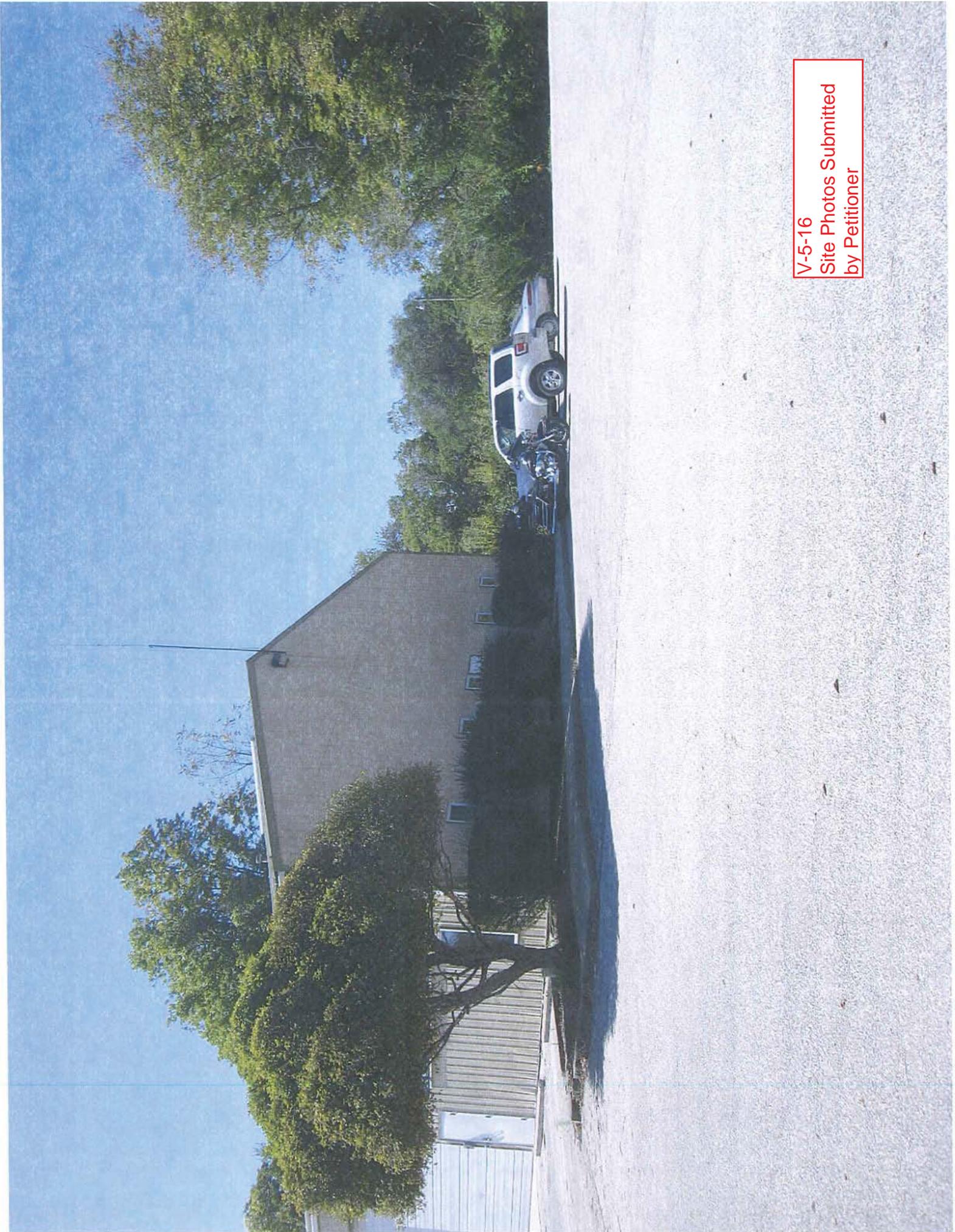
V-5-16
Site Photos Submitted
by Petitioner



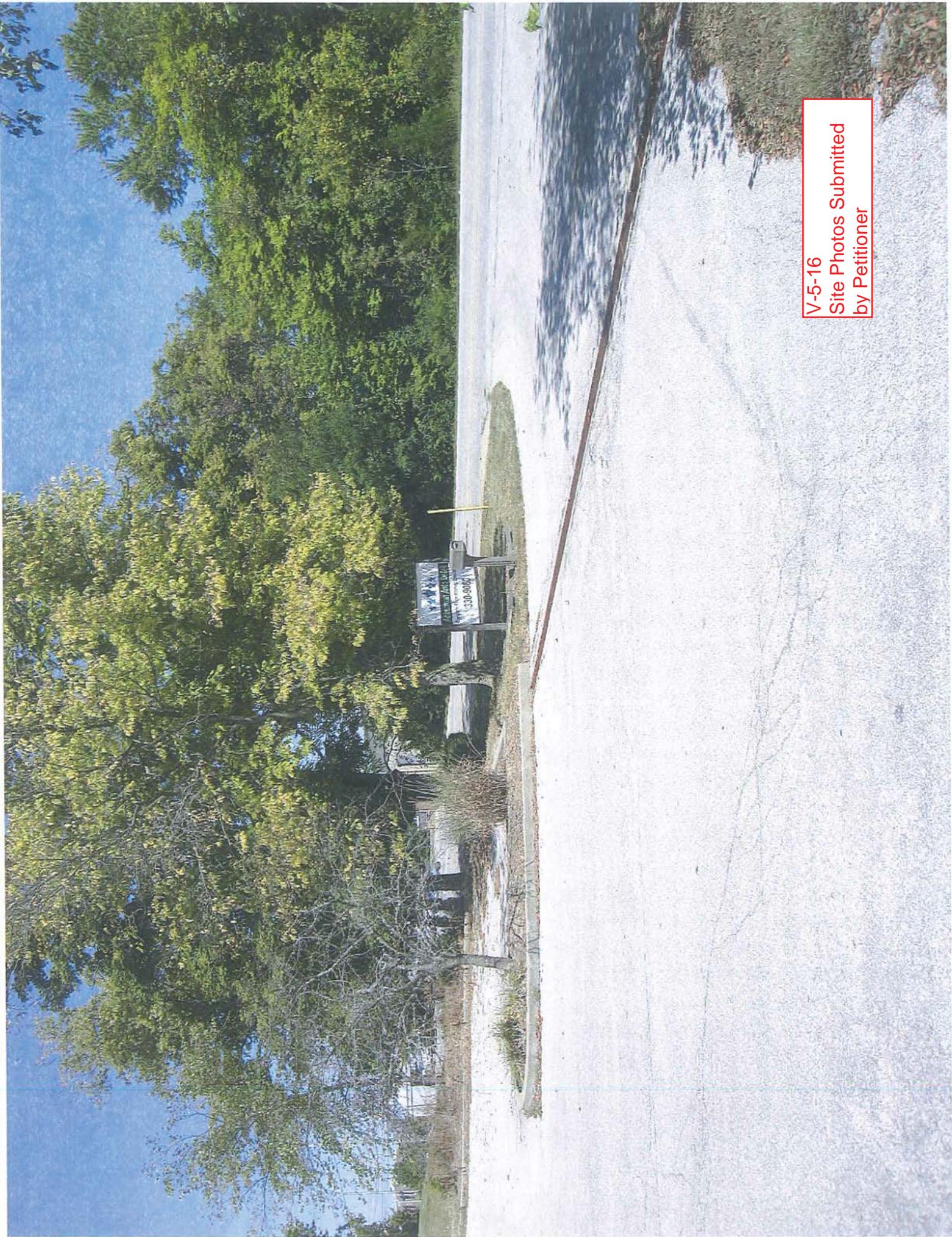
V-5-16
Site Photos Submitted
by Petitioner



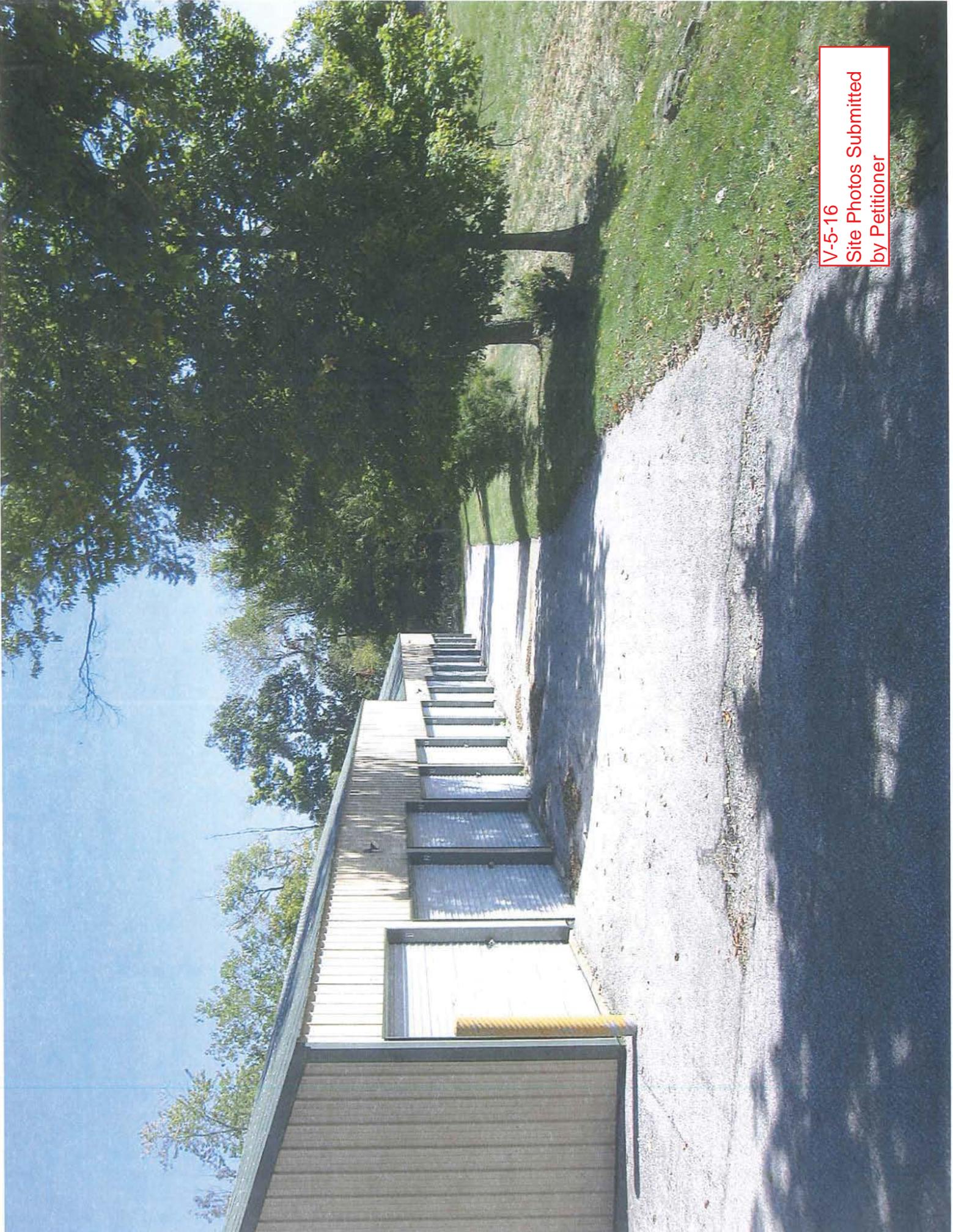
V-5-16
Site Photos Submitted
by Petitioner



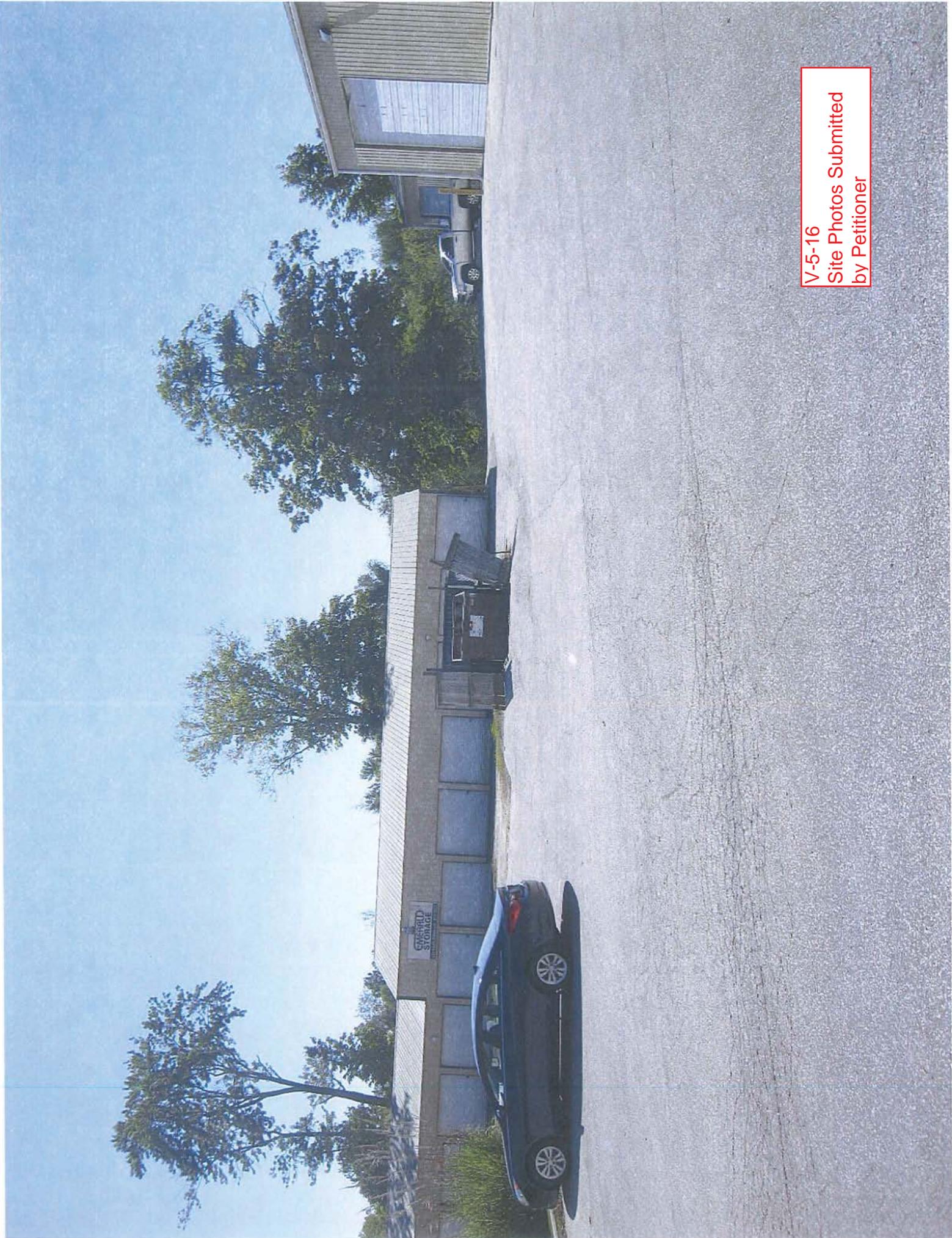
V-5-16
Site Photos Submitted
by Petitioner



V-5-16
Site Photos Submitted
by Petitioner



V-5-16
Site Photos Submitted
by Petitioner



V-5-16
Site Photos Submitted
by Petitioner



V-5-16
Site Photos Submitted
by Petitioner

PETITIONER: Triple Double, LLC
555 N Morton Street, Bloomington

REQUEST: The petitioners are requesting a side yard building setback variance to allow a second story addition to a single family house and a parking standards variance.

REPORT: The petitioners own a single-family detached dwelling at the southwest corner of Indiana Avenue and 15th Street. The site is zoned Residential High-Density Multifamily (RH). The petitioner is seeking to construct a second story addition above the existing first floor, in order to create three additional bedrooms and two additional bathrooms.

The existing home, built in the 1920s, is approximately 7 feet from the southern property line. Because the addition is using the same footprint, the proposed structure will have the same setback. The UDO requires any addition to meet the 15 foot RH side yard setback requirement. In order to meet the requirement, the petitioner would either have to demolish the existing structure and rebuild 15 feet from the property line, or build the second story 8 feet further in from the existing exterior wall of the first floor. The parcel is 50 feet wide. In order to meet both front and side yard setback requirements for the RH district, any new construction could be a maximum of 20 feet wide. The entire width of the existing house is 26 feet. While the zoning is designed for high-density residential development, the petition site and other adjoining property along North Indiana have developed as single-family lots over time, with many homes pre-dating zoning regulations. The petitioners are requesting a variance to utilize the existing 7 foot setback.

The property currently contains no on-site parking. The minimum parking setback in RH is 20 feet behind the front building wall of the primary structure. That standard is designed for high-density, multifamily development. The petition site contains a single family house on roughly .13 acres. Because the property was platted and developed as a single-family lot, the petitioners are requesting to develop on-site parking to single-family dwelling standards. Other properties in the immediate area have on-site parking that meets RH standards. However, the petition site is uniquely restricted because it is a corner lot and because the house is set back from the north and east property lines. In addition to 20 feet behind the front wall, the RH zone requires a 10 foot side yard setback for parking. In combination, this leaves no room for parking on this site. The lot has developed as a single-family house and approval of the variance would allow that to extend to the parking design. Approval of the variance would allow for a driveway from 15th Street that is 2 cars wide and 2 cars deep, as shown in the petitioners' site plan. If approved, the site would still meet impervious surface requirements.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Side Yard Setback

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. The proposal will utilize existing setbacks. The property will remain as a single family house and impervious surface requirements will continue to be met.

- 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. The setback encroachment will not increase, and density will not increase. The property will remain as one detached single-family dwelling.

- 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 not allowing the proposed addition. Peculiar condition is found in a combination of factors: the substandard size of the lot, the historic development patterns, the corner location, and placement of existing structure on the lot. The lot is roughly 26 percent of the minimum lot size for the RH district. This property is zoned for high-density multifamily, but has developed as a single-family lot with one detached dwelling unit, and will continue to be used in that way. The location of the house on the lot is oriented toward the southeast corner of the lot. The existing development does not meet setback standards, and the proposal will not increase the encroachment.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Parking Standards

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:

- 4) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

STAFF FINDING: Staff finds no injury. Approval will allow for on-site parking, as many single-family houses are afforded.

5) *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. The property to the west is developed as multifamily with a driveway cut on 15th Street. Approval will allow development of on-site parking congruous with the single-family use of the lot.

6) *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 not allowing the proposed addition. Peculiar condition is found in a combination of factors: the substandard size of the lot, the historic development patterns, and the location of the house on the lot. The lot is smaller than minimum lot size requirements. The small lot size, in combination with the location of the house, allows for no room on the lot for parking that meeting RH standards.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-6-16 with the following conditions:

1. The petitioner must obtain a building permit prior to construction.
2. The petitioner must obtain a permit to work in the right-of-way before construction of the driveway begins.

TRIPLE DOUBLE LLC

555 N Morton St
Bloomington, IN 47404
765-346-2620

February 22, 2016

City of Bloomington
Planning and Transportation Department

RE: 1113 N Indiana

We are requesting a variance for the following items:

- Setback requirement on the south side of the property
- Driveway and parking restrictions

The existing house is located 7 feet from the south property line. As we are improving the site considerably, we are asking that this requirement be waived, given that the cost of moving the entire house and foundation 8 feet would be cost prohibitive to the entire project.

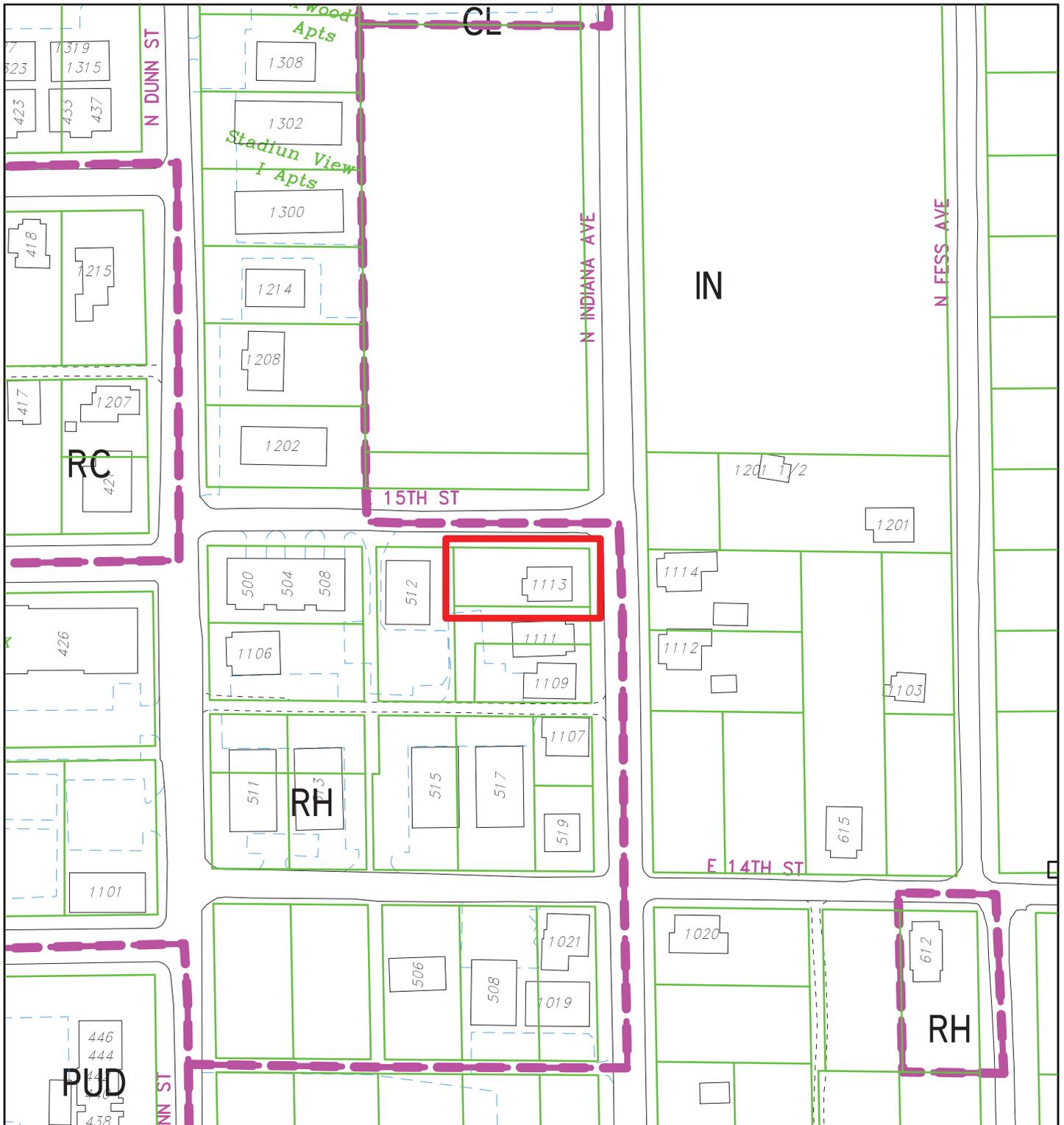
There is currently no off street parking for this location, other than the gravel at the side of the road. We propose to add a driveway at the back of the property, allowing tenants to park off the street.

Neither of the requested variances would pose a threat to the public health, safety, morals, or general welfare of the community. The entire project will not only not adversely affect the adjacent properties, it will add value to said properties. Using the UDO applications would necessitate moving the foundation of the house at least 8 feet, which may mean cancelling the project. While it is possible to add a second story to the house that would follow the 15 foot setback, this would not be aesthetically pleasing, and would decrease not only the value of this property, but surrounding properties as well. It is our belief that this project is a positive one for not only the area in general, but specifically the other homeowners in the area due to the increase in property values. Adherence to the Ordinance would also result in more on-street parking in the area.

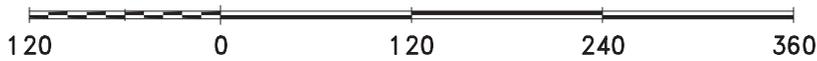
We respectfully request variances for the above listed items.

Sincerely,

Paul D Prather II
Authorized Representative, Triple Double LLC



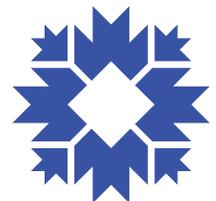
By: scanlanj
2 Mar 16



For reference only; map information NOT warranted.



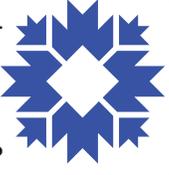
City of Bloomington
Planning & Transportation



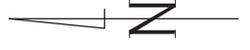
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City of Bloomington
Planning & Transportation

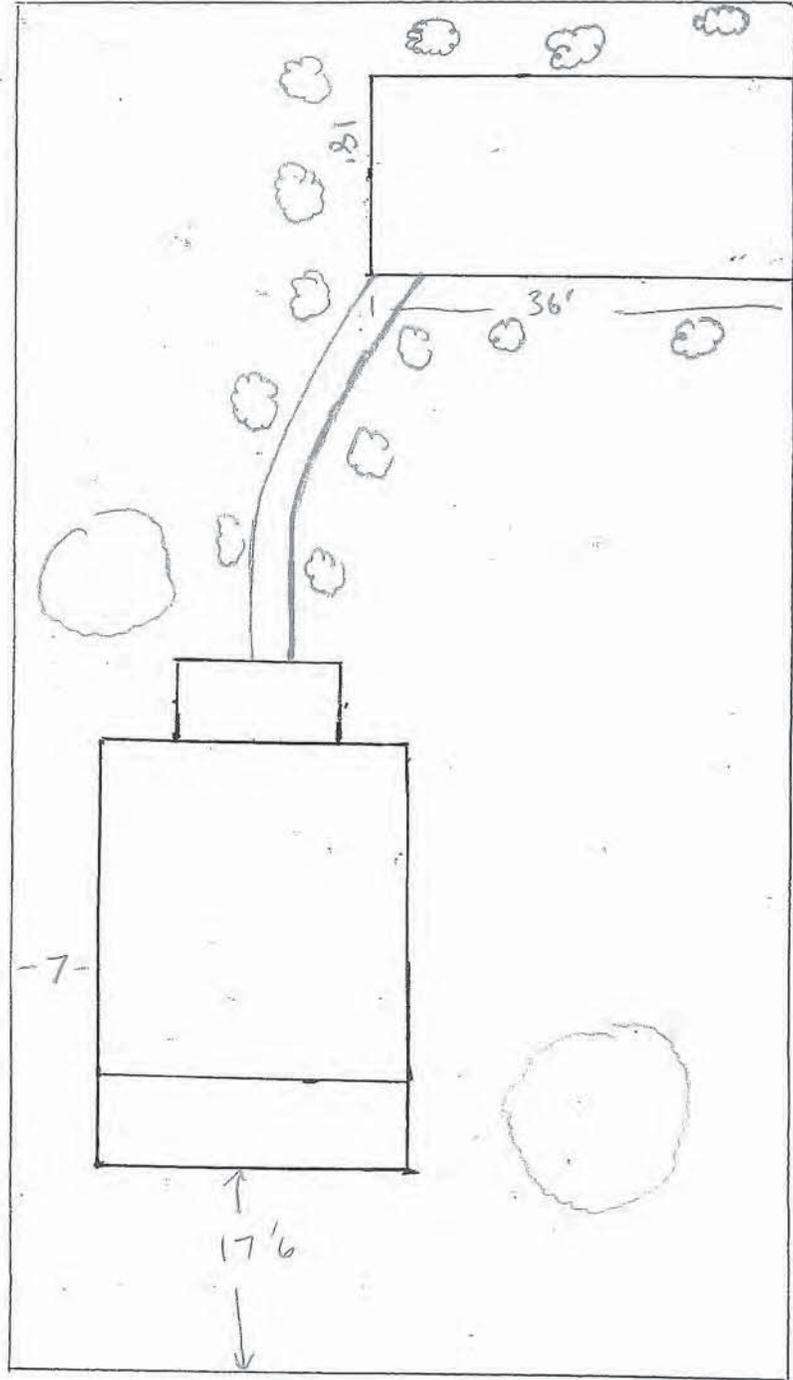


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By: scanlanj
2 Mar 16

For reference only; map information NOT warranted.

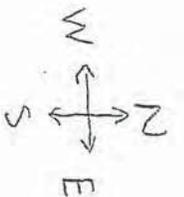


116'

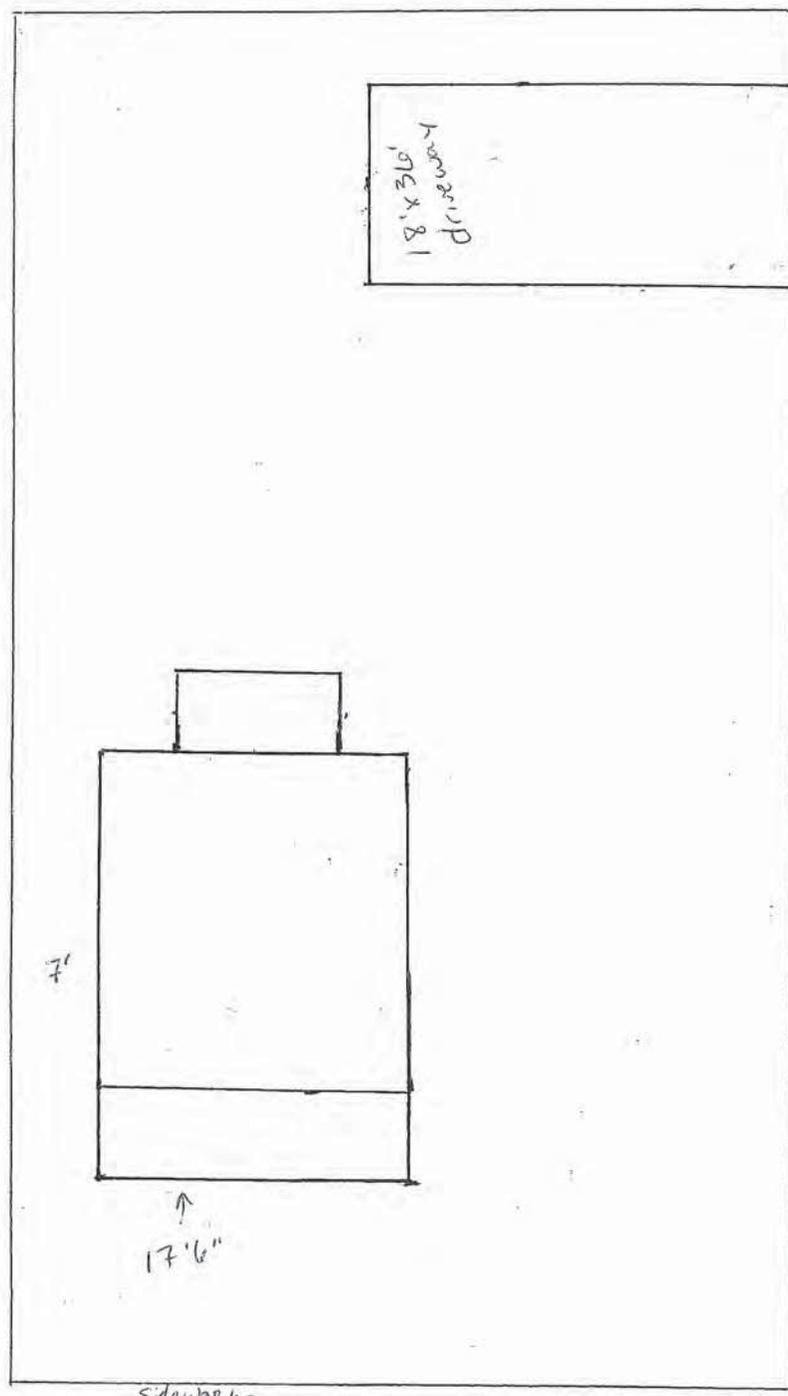
15th St

66'

N Indiana Ave



1/16
Scale



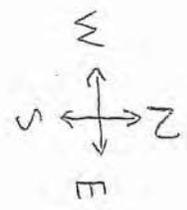
116'

15th St

Sidewalk

66'

N Indiana Ave



1/16
scale



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DRAWN BY:
FRED GRABER

11/11/15

REVISED
010100

PRELIMINARY PLAN

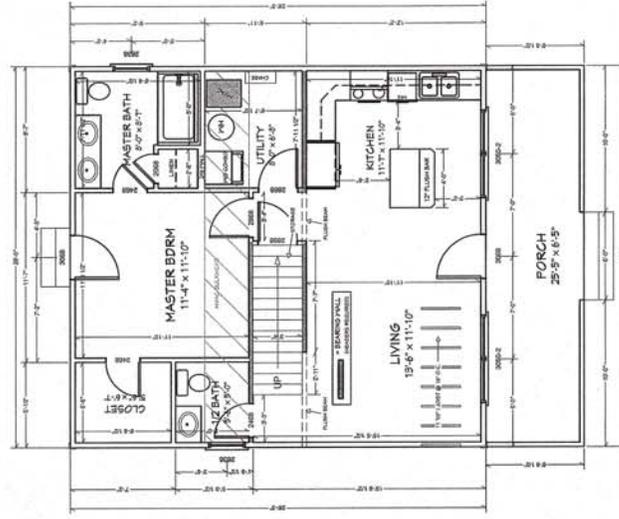
NEW HOME PLANS FOR:
AMI Contractors LLC - 1113 N. Indiana project

PAGE

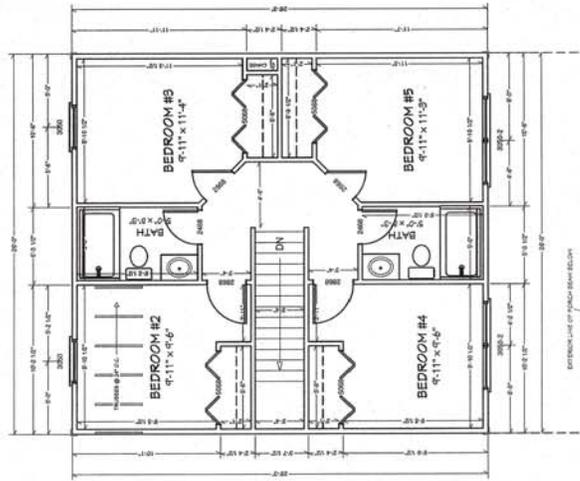
2 OF

2

NOTE: ALL EXTERIOR WALLS ARE SHOWN AS 4" UNLESS NOTED OTHERWISE
ALL INTERIOR WALLS ARE SHOWN AS 3 1/2" UNLESS NOTED OTHERWISE
12" OVERHANGS ON GABLES
16" OVERHANGS ON EAVES
ALL ANGLED WALLS ARE 45% UNLESS NOTED OTHERWISE.



MAIN FLOOR PLAN LIVING AREA 734 sq ft SCALE: 1/4" = 1'



2nd FLOOR PLAN LIVING AREA 603 sq ft SCALE: 1/4" = 1'

THESE PLANS REPRESENT AN ESTIMATE OF THE PROPOSED CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT SHALL NOT BE HELD LIABLE FOR ERRORS OR OMISSIONS IN THESE PLANS. THE ARCHITECT SHALL NOT BE HELD LIABLE FOR ERRORS OR OMISSIONS IN THESE PLANS. THE ARCHITECT SHALL NOT BE HELD LIABLE FOR ERRORS OR OMISSIONS IN THESE PLANS. THE ARCHITECT SHALL NOT BE HELD LIABLE FOR ERRORS OR OMISSIONS IN THESE PLANS.

PETITIONER: Upland Brewing
350 W. 11th Street, Bloomington, IN

REQUEST: The petitioner is requesting a variance from maximum sign allotment standards.

STAFF REPORT: This 2 acre property is located at 350 W. 11th Street. The property is zoned Commercial Downtown (CD) and is within the Showers Technology Park Overlay (STPO) district. Adjacent land uses include an office and multifamily residences to the west, multifamily residences and future commercial space to the east, and the City's 12-acre Trades District to the south.

The site has been developed with several buildings; a 9,400 sq. ft. brewpub, a 1,400 sq. ft. banquet facility, and a 2,136 sq. ft. storage building (former 11th Street Tavern). The petitioner recently received site plan approval (SP-19-15) from the Plan Commission to allow for the removal of a former office building on a recently acquired adjacent parcel to allow the construction of a new parking area and a 6,000 sq. ft. building that will be used exclusively for brewing and storage. The petitioner would like to install wall signage on the new building. Within the Downtown zoning district, the Unified Development Ordinance restricts a single use or tenant to no more than 100 sq. ft. of wall signage. Since the existing restaurant currently has 100 sq. ft. of wall signage, the new building would therefore not be allowed any signage.

The petitioner is requesting a variance to allow the new building to have 78 sq. ft. of wall signage. The amount of signage requested for this building equals the amount of wall signage that would be allowed for a typical commercial building not located in the Downtown zoning district.

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. The amount of signage proposed with this petition would be equal to the amount of signage allowed for a commercial building and will be appropriate to the size of the building.

- 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.*

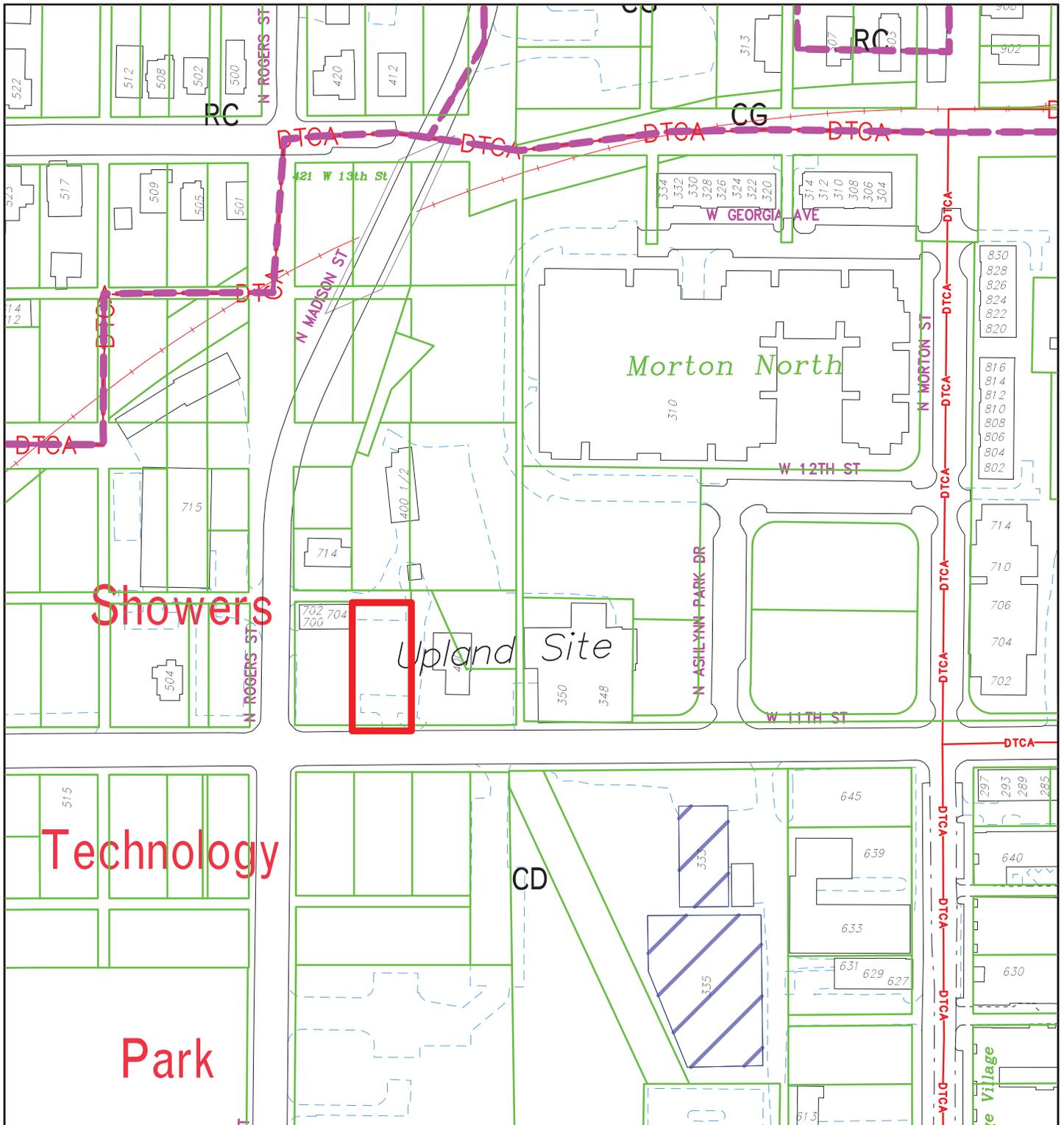
STAFF FINDING: Staff finds no adverse impacts to the use or value of the areas adjacent to this property since the amount of signage proposed with this petition will be the same amount that would be allowed for a stand-alone building and will be in scale with surrounding buildings.

- 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 that this property is almost 2 acres in size and is larger than most downtown properties. In addition, this site has been developed with several different buildings with their own signage, rather than with just one building on the entire lot as is more typical of developments in the Downtown. Practical difficulty is found in that the limitation on the amount of overall signage was envisioned for single buildings rather than a situation where you have multiple buildings on one site. This 2 acre property is much larger than a typical downtown property and has been developed with multiple buildings that would make it difficult to place signage on the individual buildings and not exceed the 100 sq. ft. limitation.

RECOMMENDATION: Based on the written findings of this report, staff recommends approval of V-07-16 with the following condition:

1. A sign permit is required prior to the installation of any signage.



V-07-16 Upland Brewing Company

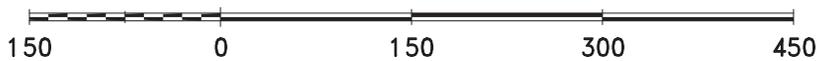
350 W 11th Street

Hearing Officer

Site Location, Zoning, Land Use, Parcels

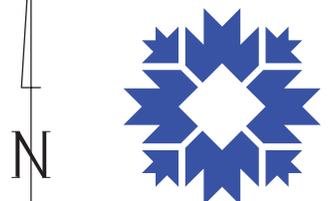
By: greulice

3 Mar 16

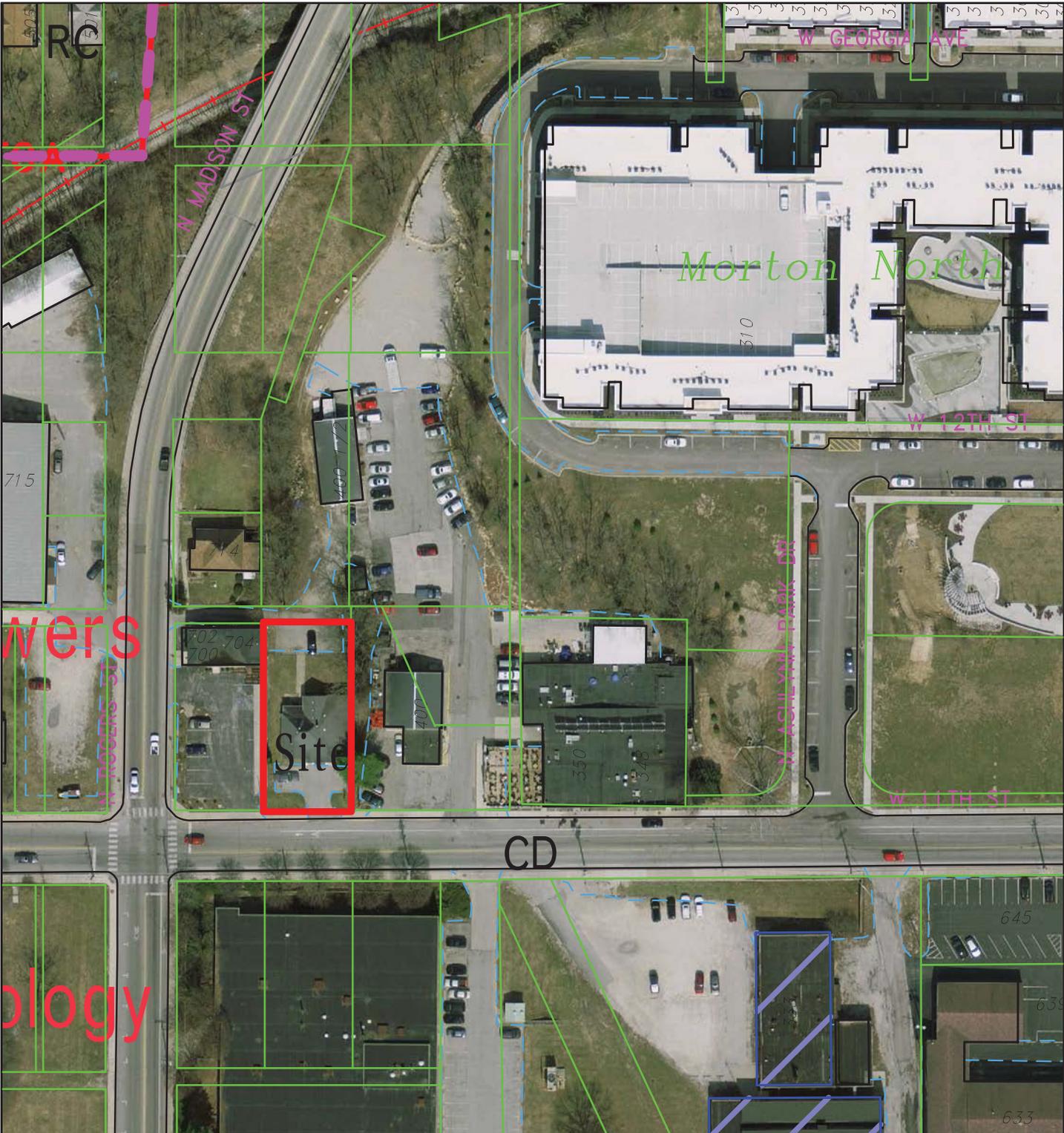


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



V-07-16 Upland Brewing

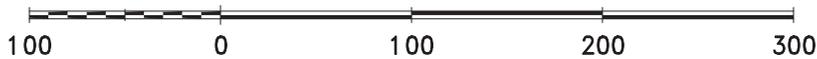
350 W 11th Street

Hearing Officer

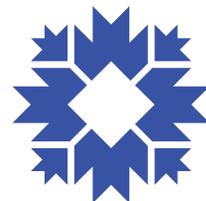
2014 Aerial Photograph

By: greulice

3 Mar 16



City of Bloomington
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.



Petitioner's Statement

Sour House Brewery

Petition for Development Standards Variance: variance from maximum signage standards to allow the site to have more than the 100 square foot sign allowance. We propose to install 78 square feet of wall signage, which equals the same amount of signage that a stand-alone freestanding building would be allowed on its own.

Upland Brewing Company is constructing a stand-alone brewery at 416 East 11th Street, which will serve primarily as a fermentation cellar and packaging facility for our sour ales, which are nationally recognized. This building will also contain a unique showroom-style tasting room, which will be a focal point for brewery tourism. The operation's identity/brand/strategy is unique from our downtown Brewpub and west-side production brewery, so it is critical that we be able to deploy unique signage both to draw attention to the facility and to differentiate its role within the Upland family.

In collaboration with the Planning Department/Commission, we are investing heavily in the building architecture and site conditions. We do not believe the requested variance in any way could be injurious to the public health, safety, morals, and general welfare of the community. To the contrary, we believe our building's design (including the development standards variance) materially improves the value of adjacent property and the 11th Street corridor. This facility also complements the on-going efforts to develop the Certified Tech Park for employment, consistent with the "Trades District" theme.

Strict application of the terms of the Unified Development Ordinance will limit our ability to promote the facility as its own destination location for out-of-town tourists. We are collaborating directly with Monroe County Convention and Visitors Bureau to highlight this facility and unique brewery tourism experiences there. The building is separated by over 100 feet from other Upland buildings, and also by a large drive/entrance.

A variance will relieve the practical difficulties and enable us to maximize the benefit to the CTP area and overall community.



Square Logos - 4' x 4' x 2 = 32 Square Feet
"SOUR HOUSE" Lettering 18" x 183.5" x 2 = 45.86 Square Feet
TOTAL SQUARE FOOTAGE 77.86

