

# CITY OF BLOOMINGTON



DECEMBER 15, 2011 @ 5:30

p.m.

COUNCIL CHAMBERS #115

CITY HALL

ROLL CALL

**PETITIONS CONTINUED TO:** February 23, 2012

- V-17-11 **Debby Herbenick**  
528 S. Highland Ave.  
Request: Variance from maximum fence height standards.  
*Case Manager: Jim Roach*
- CU-43-11 **Ann Kreilkamp**  
2601 E. Dekist and 134 N. Overhill Dr.  
Request: Conditional use to allow the garden @ 2601 E. Dekist and a house @ 134 N. Overhill Dr. to be used as a community center.  
*Case Manager: Tom Micuda*

**PETITION WITHDRAWN:**

- CU/V-47-11 **Bloomington Restorations, Inc.**  
2810 E. 10<sup>th</sup> St.  
Request: Conditional use for an historic adaptive reuse to allow an existing home to be moved to this property. Also requested is a variance to allow more than one primary structure within the Residential Estate (RE) zoning district.  
*Case Manager: Patrick Shay*

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**PETITIONS:**

- V-44-11 **Keith and Dixie Hunt**  
2401 S. Rogers St.  
Request: Variance from front yard setback requirements for a building addition.  
*Case Manager: Katie Bannon*
- UV/V-45-11 **Max and Gilda Lauchli**  
535, 545 E. Southern Dr.,  
570, 580, 586 E. Hillside Dr., and  
1506 S. Henderson St.  
Request: Use variance to allow multifamily units on the ground floor of a Commercial Limited (CL) zoning district, and commercial use within a Residential Multifamily (RM) zoning district. Also requested are variances from density, front building setback, front parking setback, maximum impervious surface coverage and landscaping requirements.  
*Case Manager: Patrick Shay*

- V-46-11 **David Haberman and Sandra Ducey**  
1916 Arden Dr.  
Request: Variance from maximum fence height standards.  
*Case Manager: Jim Roach*
- V-48-11 **Thompson Thrift (Cheddars)**  
126 S. Franklin Rd.  
Request: Variance from front yard setback requirements and variance from maximum parking standards.  
*Case Manager: Patrick Shay*
- CU/V-49-11 **Diana Harlow (Dee's Lil Darlin's Daycare)**  
235 E. Rhorer Rd.  
Request: Conditional use approval to allow a pre-school. Also requested are variances from front yard parking setback as well as entrance and drive standards.

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**PETITIONERS:** Keith and Dixie Hunt  
2401 S. Rogers St, Bloomington, IN

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**REQUEST:** The petitioners are requesting a variance from the front yard setback standards to allow for a building addition to an existing single family house.

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**REPORT SUMMARY:** The subject property is located at 2401 S. Rogers Street on the southeast corner of S. Rogers Street and W. Coolidge Drive. It is zoned Residential Single-family (RS) and has been developed with a one-story single family house and a detached garage. The house is situated on a corner lot and has an existing front setback on W. Coolidge Drive of 13', not including the addition. The detached garage has a front setback of approximately 6' from W. Coolidge Drive. All surrounding properties have been developed with single family houses and are zoned residentially.

In RS zoning districts, the Unified Development Ordinance requires a front setback of 15' or the block face average setback of the existing primary structures on the same block face, whichever is more. The intent of the front setback requirement is to ensure compatibility of new development with existing patterns of development. Because 2401 S. Rogers Street is a corner lot, both W. Coolidge Drive and S. Rogers Street are treated as fronts.

The petitioners have built a 16' x 14' (224 square foot) building addition to the east side of the house. The petitioners are requesting a variance from the required 15' front setback from W. Coolidge Drive for the addition, which has a 5' front setback.

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## **CRITERIA AND FINDINGS**

**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 that the reduced front setback will not negatively affect the public health, safety, morals, or general welfare of the community. The existing right-of-way of W. Coolidge Drive is 40 feet. A decreased front setback is unlikely to infringe upon any need for future right-of-way. There is an approximately 11 foot wide unpaved green strip of right-of-way on the south side of W. Coolidge Drive that could accommodate a sidewalk at a later date.

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 known adverse impacts to the use and value of the surrounding area associated with the proposed variance. Staff has not received any calls of opposition from neighbors.

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 no practical difficulties in building a similarly sized addition to the eastern side of the house that would meet the required front setback and all other terms of the Unified Development Ordinance.

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**RECOMMENDATION:** Based upon the written findings above, staff recommends denial of this petition.



my name is Keith Hunt, my wife is Dixie Hunt. We started building a porch on the northeast side of our house, not knowing we needed a permit. We apologize for our ignorance. We were told a sidewalk would be built on the west side of our house and we won't be able to park our cars there anymore.

I didn't want my wife to have to walk so far to get into her car to go to work in wintertime. She will be able to go out our back door and get right into her car. She is 69 and still working. We ask that you please give us a variance? Dixie has trouble with her knees. Thank you for your consideration.

Keith & Dixie Hunt  
10-13-11



V-44-11  
SITE PLAN

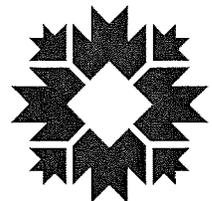
By: bannok  
14 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 30'



8 RAFTER  
2x4

SHINIE  
GRAY

5.0A

2x6  
FIN RAFTER

12" →

2x8  
BAND

SCREEN  
WIRE  
BLACK

4x4

4x4

4x4

4x4

4x4x8

2  
2x4

3-4  
2x12  
STEPS

2x4  
PLATE

2x8  
BAND

4' φ

4' φ

4' φ

4' φ

16'

V-44-11

CROSS SECTION

NORTH AND SOUTH ELEVATION

V-44-11  
EAST ELEVATION



V-44-11  
NORTHWEST ELEVATION





V-44-11  
WEST ELEVATION

V-44-11  
EAST ELEVATION

ADDITION



DETACHED GARAGE



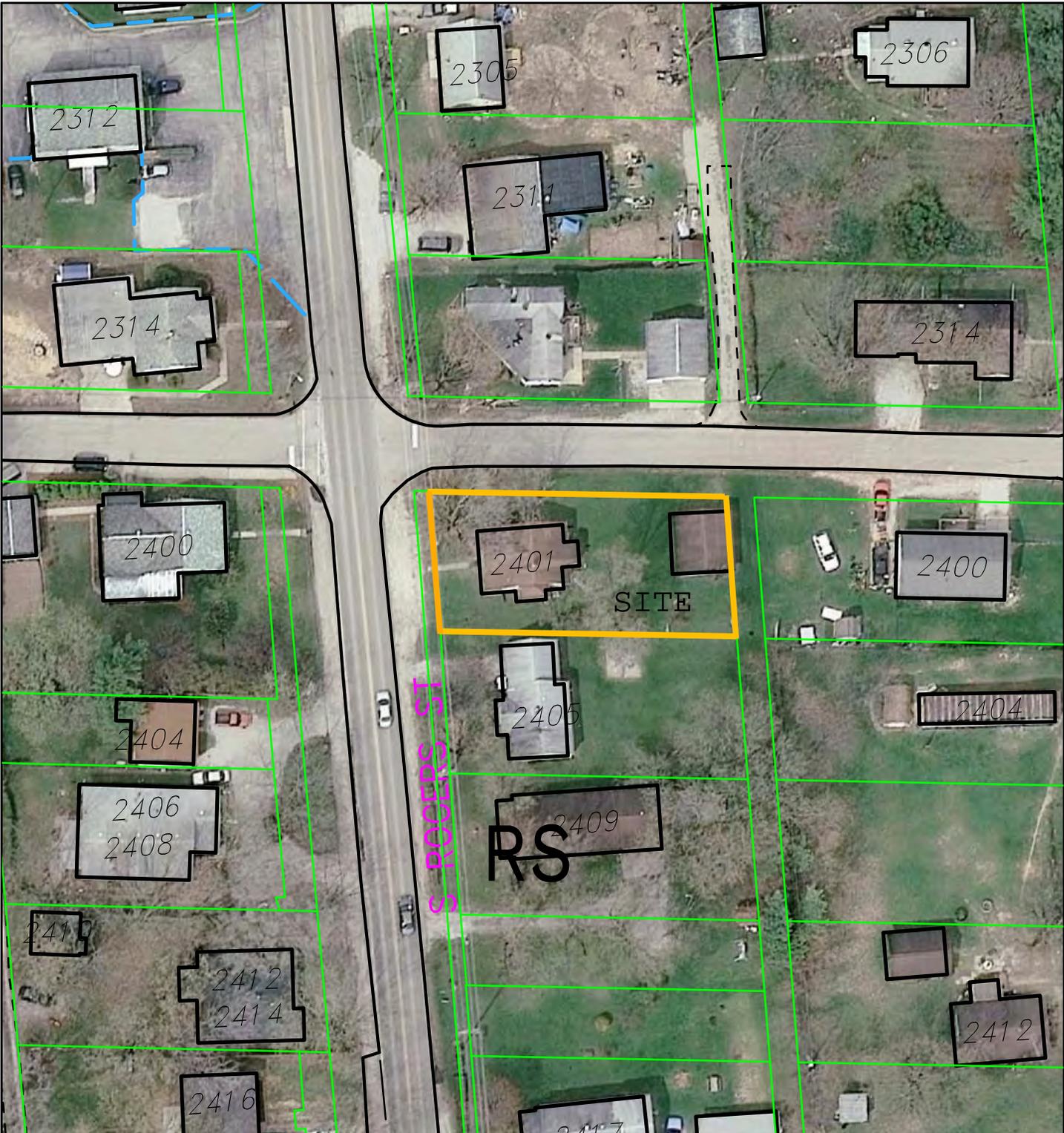
V-44-11

VIEW OF EAST ELEVATION FROM ADJACENT  
PROPERTY



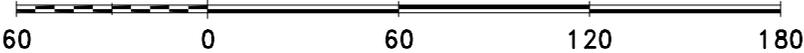
ADDITION

ADJACENT HOUSE



V-44-11 KEITH AND DIXIE HUNT  
 AERIAL PHOTO

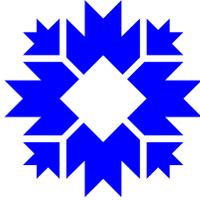
By: bannok  
 9 Nov 11



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 60'

Oct. 24, 2011

To Our Broadview Neighbors,

The City of Bloomington is planning to put sidewalks in front of my house, which will take my front parking away. With the need of easy access to my detached garage we built a screened-in porch. We have the addition close to done with the exception of the screen, outside trim, access door and steps, when we were cited for not having a permit, which we were ignorant of the fact we needed one and building was stopped.

We went to the County and applied for a Building Permit for the Porch. We were told we need a variance from the City of Bloomington. The V-44-11 Variance Meeting scheduled date is 11/17/2011 in the Council Chambers, located in Room #115 of the Showers Center City Hall, 401 N. Morton St. at 5:30 P.M.

We are asking you to support our efforts, to gain easy access to our detached Garage, improve our property, and the quality of our life and happiness.

Please, sign below and attached pages with your support. Thank You

Keith & Dixie Hunt

2401 South Rogers Street

Bloomington, IN. 47403

812 631 1576

Name:

Address:

1. Allen Conley 2431 S. BRYAN ST BLOMINGTON IN 47403
2. Suzanne Bradley 704 W. RALSTON DR. Bloomington, IN 47403
3. JAMES BRADLEY 704 W. RALSTON DR Bloomington IN 47403
4. Ken Scutter 2314 S. Madison Bloomington, IN 47403
5. Anne Roberts 303 W. Coolidge Dr. Bloomington IN 47403
6. RICHARD EVANS 2418 S BROWN AVE. 47403
7. Tanya Hilliatt 2431 S. Bryan St. Blgtn 47403
8. Liz Sluder 2301 S Rogers St. Blgtn 47403

- 9 Liz Sluder 2301 S. Ryans Bloomington IN 47403
- 10 SHAYA STANTZ 2400 S. MADISON ST. BLOOMINGTON IN 47403
- 11 William B. ... 2407 S. Madison
- 12 Rex Montgomery 2420 S. Madison St. Bloomington IN 47403
- 13 Jeff 2428 S. Madison St. Bloomington IN 47405
- 14 STANTON SMITH 403 W. GRAHAM ST. BLOOMINGTON
- 15 Jared LaFever 2504 S. Madison St. Bloomington IN 47401
- 16 Paul Chambers 2504 S. Madison St. Bloomington IN 47401
- 17 LARRY BELCHER 2505 S. MADISON BLOOMINGTON IN 47403
- 18 Mary W. ... 2513 S. Madison St. Blgto. IN. 47403
- 19 Melville R. Waldrip - 2508 S. MADISON ST. BLOOMINGTON IN 47403
- 20 Jim Blatchford 2518 S. Madison St. Bloomington IN 47403
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**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT**

**CASE #: UV/V-45-11  
DATE: December 15, 2011**

**Location: 535 & 545 E. Southern Drive; 570, 580, and 586 E. Hillside Drive; and 1506 S. Henderson Street**

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**PETITIONERS:** Max and Gilda Lauchli  
570 E. Hillside Drive, Bloomington

**COUNSEL:** Bynum Fanyo & Associates, Inc.  
528 N. Walnut Street, Bloomington

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**REQUEST:** The petitioners are requesting use variances to allow commercial use within a Residential Multifamily (RM) zoning district and ground floor residential units within the Commercial Limited (CL) zoning district. Also requested are variances from density, front building setback, front and side yard parking setbacks, maximum impervious surface coverage and landscaping requirements.

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<b>Zoning:</b>	<b>RM and CL</b>
<b>GPP Designation:</b>	<b>Neighborhood activity Center and Urban Residential</b>
<b>Existing Land Use:</b>	<b>Vacant commercial and single family</b>
<b>Proposed Land Use:</b>	<b>Mixed-Use</b>
<b>Surrounding Uses:</b>	<b>North</b> - Mixed-Use (South Dunn Street PUD) <b>South</b> - Office and Residential <b>East</b> - Single Family <b>West</b> - Single Family

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**SUMMARY:** The petitioners have accumulated 6 parcels that include three properties at the southwest corner of E. Hillside Drive and S. Henderson Street and three properties at the northwest corner of E. Southern Drive and S. Henderson Street. The 6 properties are separated by an east/west public alley that divides the parcels fronting on Hillside Dr. from those fronting on Southern Dr. For zoning purposes, these are reviewed as two separate properties. All three of the Hillside lots are zoned Residential Multifamily (RM) and have existing structures on them, two of which are vacant. The eastern two lots on Southern Dr. are zoned Commercial Limited (CL) and the third Southern Dr. lot is zoned RM. There are two existing structures on these three lots, one of which is currently vacant.

The petitioners are proposing to raze the existing structures and develop the lots with three two-story structures. Two of the structures would be solely residential buildings while the proposed structure located adjacent to the Hillside Dr. and Henderson St. intersection would be a mixed-use building with 2072 square feet of commercial space.

The current zoning on the properties would require non-residential use on the entirety of the first floor of the two CL zoned parcels located on Southern Dr. and would not allow any commercial use on any of the RM lots including all the lots that front on Hillside Dr. The petitioners are proposing to essentially flip the commercial portion of

their project to the Hillside Dr. frontage. Staff finds the Hillside frontage to be more desirable for the commercial development and would complement the mixed-use buildings located in the South Dunn Street development to the north. To allow for the commercial to be placed on the RM portion and to not have any commercial on the CL portion of the property, use variances are necessary. Although the most likely use of the commercial space would be a restaurant, staff recommends that all uses permitted within the CL zoning district be permitted for the commercial space.

The petitioners are also requesting a package of variances from the Board of Zoning Appeals to allow their redevelopment project to move forward. The variances include setbacks, density (to allow for a more even distribution of the allowable units across the entire property), impervious surface coverage, and landscaping.

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**SITE PLANNING:**

*Density:* The proposed site plan includes three new structures, all of which are proposed to be two-stories in height. A mixed-use structure at the Hillside Dr. and Henderson St. intersection would have 2072 square feet of commercial space and 9 one-bedroom units. The second building would be located immediately west of the mixed-use building and would house 6 one-bedroom units. The last building would be located on the 3 parcels along Southern Dr. This structure is proposed to have 15 one-bedroom units. The total number of units proposed is 30 one-bedroom units or 7.5 units after Dwelling Unit Equivalents (DUEs) are applied. The current zoning would allow 4.1 units on the CL portion of the property and 3.8 units on the RM portions of the site. The petitioners are seeking variance to allow the units to be more evenly spread over the entire site. They are not proposing more than the total number of units than would be found with a compliant site plan (7.9 units).

*Setbacks:* The petition meets all of the required building setbacks except the front building setback. The petitioners have proposed a front building setback for all three frontages of 15 feet from the existing ROW. The properties in question would have several different setbacks due to the adjacent road classifications, varying rights-of-way, varying centerlines, multiple zoning districts, and existing setbacks of structures on adjacent properties. Staff finds this to be a reasonable setback that will allow a desirable building forward design and will help match the pedestrian streetscape of the north side of Hillside Dr.

*Architecture:* The mixed-use building has been changed to include a flat roof similar to what is found across Hillside Dr. It will have a large amount of storefront glass and a raised entry. The façade of this structure is proposed to be brick. Individual residential entries for the two units fronting on Henderson St. have also been incorporated into the design.

The larger residential building along Southern Dr. would provide pedestrian entry through an open “mouse hole” entryway that would access an internal courtyard. The petitioners have also designed the site to accommodate an outdoor patio area in anticipation of a potential restaurant use. This area would be further detailed with the construction of a trellis system between the two structures on Hillside Dr.

The building architecture for the residential buildings is also two stories in height with a pitched roof allowing for vaulted ceilings in the second floor units. The structures would have several exposed balconies and would be clad with cementitious siding. They would mostly be accessed from an internal courtyard with external entryways. Although staff finds that it would be desirable to have the western building on Hillside Dr. to have a front entry, the architecture is compliant with the UDO.

*Parking:* Parking for this site will be provided off of the unimproved alley that bisects the lots. The petitioners are not proposing to vacate the alley, but will widen and shift access slightly to the south to provide access to parking spaces on both sides of the alley. They are not required to provide any parking with this petition, but have developed a site plan that has 25 spaces located directly off the alley. They are also proposing to add 8 on-street parking spaces to Hillside Dr. similar to those found on the north side of the street, add 4 on-street spaces on Henderson St., add a delivery pull-off along Henderson St. (that would provide 2 additional street spaces part of the time), and formalize 5 on-street parking spaces along Southern Dr. The total number of parking spaces that would be created with this petition is 25 on-site and 19 (2 part-time) on-street for 30 bedrooms and 2072 square feet of commercial space.

No parking variance is required with this petition, but the petitioners are seeking two setback variances for the proposed parking. The UDO requires the proposed parking off the alley to be a minimum of 20 feet behind any wall of the proposed buildings that face a public street. The parking has been located behind the structures, but due to the three street frontages they are very limited on where parking can be placed. Therefore, they have created the most efficient parking area and utilized a covered parking area and a screen wall along Henderson St. to achieve adequate screening of the parking area.

They also are seeking a sideyard parking setback variance with this proposal. The UDO allows a maximum of 8 parking spaces to back-out off an alley without variance. The Southern Dr. properties have a total of 12 parking spaces and the Hillside lots have a total of 13 spaces off of the alley. These are not required spaces and the petitioners have designed the parking in the most efficient manner. It should also be noted that the most affected properties from this variance will be the petitioners' own property. Although it could be used in the future, this is not currently an improved alley and does not currently provide access to any other properties.

*Impervious Surface Coverage (ISC):* The petitioners are seeking a variance from the maximum impervious surface coverage standards of the UDO to allow approximately 74% ISC. The RM lots allow a maximum of 40% ISC and the CL allows 50% ISC. The petitioners have requested that a higher ISC be allowed for this site. This request is mainly due to several factors including; desire to provide a higher parking count than the zero required parking spaces, a desire to construct the buildings with 2-stories more in keeping with the surrounding area, the infill nature of the development, and a more urban design that locates the buildings in closer proximity to the street and places parking to the rear of the structures. In addition, the petitioners are designing

two small bioretention ponds to assist with filtration of stormwater run-off prior to its release into the City's stormwater system.

*Neighborhood Input.* The petitioners have met with members of neighborhood several times to discuss the proposed project. Staff has also discussed this project with several interested parties. Overall, there has been a significant amount of support for redeveloping this site. However, several neighbors have raised concerns with specific aspects of the site plan. These items include density, lack of adequate ISC, landscaping, and parking. For comparison, staff reviewed this petition in terms of ISC, parking, and density in relationship to the South Dunn Street project lots that front on Hillside Dr. the results of that analysis are as follows:

	<b>South Dunn – Hillside Lots</b>	<b>Lauchli Proposal</b>
<b>Acreage</b>	.741	.824
<b>Bedrooms</b>	32	30
<b>Commercial sf</b>	9300	2072
<b>On-site spaces</b>	24	25
<b>On-street spaces</b>	32	17-19 (2 part-time)
<b>Total Parking</b>	56	44 (2 part-time)
<b>DUE Units</b>	16	7.5
<b>Density w/DUE</b>	21.6 un/ac	9.1 un/ac
<b>ISC %</b>	92%	74%

As shown on this chart there are many similarities with this project and the South Dunn Street lots along Hillside Dr. which is generally thought of as very successful. We have heard some complaints that the parking is somewhat underparked. Although the numbers for the two projects are very similar, the three main differences are seen in the density, parking, and ISC. Once DUEs are applied, the density of this project is less than half of the Dunn St. project. The 74% ISC of this project is also well below the 92% of the Dunn St. project. Although these higher ISC percentages are not generally supported, staff finds that in the proper location, they can be appropriate.

Lastly, staff finds the project to be appropriately parked. If both projects utilized one parking space for every residential bedroom, The 12-14 remaining spaces on this project would calculate to 1 space per every 148 or 173 square feet of commercial space depending of the two temporary spaces are utilized in the calculation. This is a higher parking ratio than the maximum 1 space per 200 square feet allowed by the UDO for small restaurants and much higher than the 1 space per 300 square feet allowed for offices and smaller scale retail users. With the Dunn St. project, once 32 spaces would be allocated for the 32 residential bedrooms, there are 24 remaining spaces for 9300 square feet of commercial space or 1 space per 387 square feet. This is less than half the parking ratio being proposed by the petitioners.

	<b>South Dunn – Hillside Lots</b>	<b>Lauchli Proposal</b>
<b>Parking spaces (minus one space per bedroom)</b>	24	12-14 (2 temporary spaces)
<b>Commercial Square footage</b>	9300	2072

<b>Parking ratio</b>	1 space for every 387 sf	1 space for every 148 or 173 sf
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The petitioners are also seeking a landscaping variance for this site. The petitioners have met the minimum requirements of the UDO for landscaping, but the required shrubs are not located within the required 5 feet of the parking area. The plants themselves have been included in the plan. The requirement is to provide adequate screening and softening of parking lots. The back-out nature and the location of the parking between the buildings provide an adequate screen for the parking. It should also be noted that while the petitioners are seeking a variance from the maximum ISC, they have provided enough trees and shrubs to meet the landscaping requirement even if the required ISC had been met.

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**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 this request. The proposal would remove several undesirable structures and would bring additional pedestrian traffic and interest to the area through the redevelopment of a blighted and underutilized site.

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

**Staff Finding:** Staff finds no negative impacts from the proposed mixed-use of the property. Conversely, the existing structures are not of high quality or value and the former commercial structure has generated negative public comments and a stated desire for redevelopment of these sites. This redevelopment project would impact the use and value of the adjacent area in a positive manner by improving a blighted area with a desirable mixed-use development.

- (3) *The need for the use variance arises from some condition peculiar to the subject property itself; and*

**Staff Finding:** Staff finds peculiar condition in the combination of the existing vacant and derelict nature of some of the properties in question and the location of the CL zoning on the lots. This site has long been identified as a prime redevelopment opportunity. Redevelopment of this site would allow the removal of the dilapidated commercial structure and its replacement with a desirable mixed-use building. The corner location at Henderson St. and Hillside Dr. has a Neighborhood Activity Center GPP designation, has a history of commercial use, is located on an arterial roadway, has a full range of public services and is located

at the periphery of a core neighborhood. In many ways it is similar to the Mixed-use portion of the South Dunn Street PUD to the north. Staff finds that placement of the commercial space at the Hillside Dr. corner will allow it to remain more viable than the Southern Dr. corner.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and*

**Staff Finding:** Staff finds hardship in not permitting the commercial and ground floor residential uses to essentially be switched. Staff finds that the commercial is more appropriate and desirable at the intersection of Henderson St. and Hillside Dr. The proposed use variance will have little impact on the overall use of the properties and more on the distribution of those uses. Strict application of the UDO would require commercial at the intersection of Southern Dr. and Henderson St. and would not allow commercial at the intersection of Henderson St. and Hillside Dr.

- (5) *The approval of the use variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.*

**Staff Finding:** The Growth Policies Plan (GPP) designates the eastern portion of this site as a Neighborhood Activity Center (NAC) and the western portion as Urban Residential. The GPP provides significant guidance on these designations. The main points that pertain to this project are as follows:

NAC (Intent)

- is a mixed commercial node that serves as the central focus of each neighborhood.
- must be designed so that it serves the neighborhood adequately without attracting an influx of usage from surrounding areas
- located so that it is easily accessible by pedestrians, minimizing automotive traffic throughout the neighborhood
- will provide small-scale retail and business services within the context of neighborhoods while maintaining compatibility within the existing fabric of development

NAC (Land Use)

- should contain a mix of neighborhood scale retail and office space, as well as services such as day care and higher density housing
- Housing elements are ideally integrated with nonresidential elements such that housing units are situated above commercial and office space
- located ...most probably through the redevelopment of an existing nonresidential use
- The main focus of the NAC should be commercial uses at a scale that serves the immediate neighborhood, including such services as small food stores, video rental, or small cafes. Residential uses should be limited to multifamily development, ideally on floors above street level commercial uses.

#### NAC (Site Design)

- Compatibility with surrounding established neighborhoods is one of the most important factors in the development of a Neighborhood Activity Center
- must relate to surrounding residential neighborhoods and not adversely affect the livability of these neighborhoods through traffic, lighting, noise, litter or other impacts
- The height of new commercial structures in a NAC shall be limited to three stories in order to minimize the impact of such uses on surrounding residents
- Bus stops, bus pull-offs, or shelters shall be incorporated to maximize transit trips to the NAC
- In order to define the center, buildings should be pushed to the front edge of the site
- Any parking that is provided for a NAC should be primarily serving any residential units that are a part of the development rather than used as an attractor for commercial users
- Parking should be located in the side or rear of buildings, and can be made accessible from an improved alley system in order to minimize street cuts in front of buildings
- All parking areas should also be heavily landscaped in order to soften their impact on the neighborhood

#### Urban Residential (Intent)

- This category identifies existing residential areas with densities generally ranging from 2 units per acre to 15 units per acre.
- The fundamental goal for these areas is to encourage the maintenance of residential desirability and stability. Where new infill development is proposed, it should be consistent and compatible with preexisting development

#### Urban Residential (Land Use)

- Single family residential development is the primary land use activity for this category with some additional uses such as places of religious assembly, schools, home occupations, and multifamily housing

#### Urban Residential (Site Design)

- contain a mixture of densities, housing types (single family vs. multifamily)
- Redevelopment or rehabilitation of existing structures or development of single lots or small parcels should respect the unique character and development pattern of the neighborhood. The development should emphasize building and site compatibility with existing densities, intensities, building types, landscaping and other site planning features

Based on the clear compatibility between the proposal and this GPP guidance, staff finds that the petition does not substantially interfere with the GPP. Conversely, it furthers many of the guiding principles of the GPP such as Compact

Urban Form, Conserve Community Character, Leverage Public Capital, and Mitigate Traffic.

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**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 petition. This redevelopment proposal will not create any safety risks and will only improve the surrounding area including but not limited to the reduction of drive cuts associated with this site.

- 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 impacts from any of the proposed variances. The proposed construction will only enhance the surrounding area. It will remove a long vacant commercial building and will create a significant reinvestment to the area.

- 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 (Density):** Staff finds that requiring the total number of permitted units to meet on each individual portion of this property, the CL on the southern lots, the RM on the southern lots, and the RM on the northern lots is unnecessary and will not create a better plan or reduce any developmental impacts. The redevelopment of this site is highly desirable and peculiar condition is found in the aggregation of lots with different zoning districts also bisected by an alley. The density intended by the UDO for the properties as a whole is clearly being met. The variance will only allow a more even distribution of the units across the entire site.

**STAFF FINDING (Building Setbacks):** Staff finds practical difficulty in meeting the UDO front building setbacks. It would not allow for the building to achieve a true building forward design, especially along Hillside Drive. Furthermore, the proposed buildings are located further from the right-of-way lines than existing structures on the property that are being removed along both Henderson St. and Southern Dr. The combination of the existing setbacks, the extremely long

blockfaces of Hillside Dr. and Southern Dr., and the wide range and difficulty in determining the setbacks create a condition unique to this property. The ROW, centerlines, and zoning all vary on these three frontages. Staff finds the proposed setbacks are reasonable and will allow for a desirable redevelopment project to occur.

**STAFF FINDING (Parking Setbacks):** Staff finds practical difficulty in not varying these standards. These are not required parking spaces and the petitioners have designed the parking in the most efficient manner. It should also be noted that the most affected properties from this variance will be the petitioners' own property. Although it could be used in the future, this is not currently an improved alley and does not currently provide access to any other properties. These unique factors have led staff to support this variance.

**STAFF FINDING (Impervious Surface Coverage):** Staff finds hardship in meeting this requirement. If forced to meet this standard (40% for RM and 50% for CL) the project would likely have to be increased to 3-stories in height and significant parking would have to be removed. Staff finds that to be a less desirable plan and less compatible with the surrounding area. Staff finds peculiar condition in the fact that the site includes property that has sat vacant and dilapidated for many years and has become an eyesore. This variance will help to allow for an appropriately scaled redevelopment of this site.

**STAFF FINDING (Landscaping):** As previously stated, the petitioners do not meet the proximity requirements of the UDO that state shrubs required to screen parking are required to be within 5 feet of the parking area. The petitioners exceed the number of shrubs, and the parking is adequately screened from all public views. Staff does find this to create an unnecessary hardship to the petitioners. The use of the bisecting alley toward the rear of all of the structures has created an efficient design that is supported by staff.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission voted 8:0 to forward the use variance request to the BZA with a positive recommendation. They concluded that the proposed use did not substantially interfere with the Growth Policies Plan and furthered many of the guiding principles.

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**CONCLUSION:** Staff finds this proposal to be directly in line with the GPP and is a desirable urban infill project. The proposal serves to fulfill many goals of the GPP, most specifically the development of a Neighborhood Activity Center. Furthermore, the scale and massing of the proposed structures is compatible with the surrounding area and is very similar to the mixed-use portion of the South Dunn Street project to the north.

Although some neighbors and the Environmental Commission have raised concerns with the requested variances from maximum impervious surface coverage and landscaping, staff finds the characteristics and location of the site provide a unique and desirable opportunity for mixed-use with moderate densities. Staff finds that

providing moderate density and small scale, neighborhood service options in close proximity to both existing residential areas and existing public services is a more sustainable use of an urban redevelopment site and should be encouraged. This site, along with the South Dunn Street development, would help provide a well-defined Neighborhood Activity Center with excellent access to schools, bus service, parks, commercial services, sidewalks, and utilities. It would be appropriately located at a key intersection on the edges of an established neighborhood, while hopefully spurring other new redevelopment projects in the area.

In addition, several neighbors have expressed a concern with parking. As described in this report, staff finds the proposal to be adequately parked as not to create an undue burden on the surrounding area.

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**RECOMMENDATION:** Staff recommends approval of UV/V-45-11 with the following conditions:

1. Any parking spaces outside of the existing right-of-way must be placed within a public parking easement or additional right-of-way must be dedicated to place entire parking area within the right-of-way prior to final occupancy.
2. The parking aisle outside of the alley right-of-way must be placed in an ingress/egress easement prior to final occupancy permit issuance.
3. All right-of-way encroachments must receive Board of Public Works approval prior to installation.
4. A grading permit is required prior to any land disturbing activities.
5. The petitioners shall record a zoning commitment which states that the petitioners shall agree to forgo any damages during the acquisition of any needed property for the widening of all associated street frontages that would be incurred due to the approval of this variance. This commitment must be recorded prior to release of any building permits.
6. The property will be limited to uses permitted within the CL zoning district.

# MEMORANDUM

**Date:** November 9, 2011  
**To:** Bloomington Board of Zoning Appeals  
**From:** Bloomington Environmental Commission  
**Through:** Linda Thompson, Senior Environmental Planner  
**Subject:** UV-30-2011 Max & Gilda Lauchli

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This memorandum contains the Environmental Commission's (EC) input and recommendations regarding two development standard variances. The EC is in favor of a Use Variance for this site, and backs the intention of the project completely. After all, urban infill is a green paradigm. However, the EC does not endorse the request for reduced landscaping and pervious surface on the site.

## **ISSUES OF CODE COMPLIANCE:**

### 1.) LANDSCAPE PLAN:

The Petitioner is requesting a variance from the Unified Development Ordinance (UDO) landscape regulations. The EC believes that the footprint of the buildings and parking lots should be reduced if that is what is needed to provide adequate land for greenspace. This site is not confined to already-built urban density, therefore the EC sees no public or environmental reason to allow impervious surface to have priority over landscaped greenspace, thus recommends against it.

The built environment (sometimes referred to as gray infrastructure) impacts health, economy, ecological services, and the overall quality of life. Therefore, too much of it leaves little opportunity for preserving or enhancing any green infrastructure, or permeable, vegetated space that supports functioning ecosystems and associated services (e.g. climate control, animal life, aesthetic enrichment) that impact health, economy, and the overall quality of life.

The EC suggests that the petitioner use a diverse mix of native tree, shrub and prairie species. Besides enhancing our city's sense of place and its native biodiversity, these efforts will attract residents and shoppers, thus helping to stimulate the economic vitality of the area. Native species do not require inputs of chemical fertilizers or pesticides, are water efficient once established, and provide habitat for birds, butterflies and other beneficial insects promoting biodiversity in the city. For suggestions, please see the EC's Natural Landscaping materials at [www.bloomington.in.gov/beqi/greeninfrastructure.htm](http://www.bloomington.in.gov/beqi/greeninfrastructure.htm) under 'Resources' in the left-hand column. For excellent photos of native prairie species, see: [http://www.prairiemoon.com/store/template/product\\_display.php?NID=88&SID=04303bb59359492983a1d255f50dd2d2](http://www.prairiemoon.com/store/template/product_display.php?NID=88&SID=04303bb59359492983a1d255f50dd2d2).

For additional suggestions plus an excellent guide to Midwest sources of native prairie and other species see: <http://www.inpaws.org/landscaping.html>.

### 2.) IMPERVIOUS SURFACE COVERAGE:

The Petitioner is also requesting a variance from the UDO regulations regarding the percent of the site that is allowed to be covered by impervious material. The EC sees no justification for bypassing the UDO limits on

impervious surfaces for this proposal. Maintaining pervious landscaped areas on this site will not result in any practical difficulties in the use of the property, or any practical difficulty that would be peculiar to the property, nor will it result in any practical difficulties by denying the variances.

**ISSUES OF SOUND ENVIRONMENTAL DESIGN:**

1.) GREEN BUILDING:

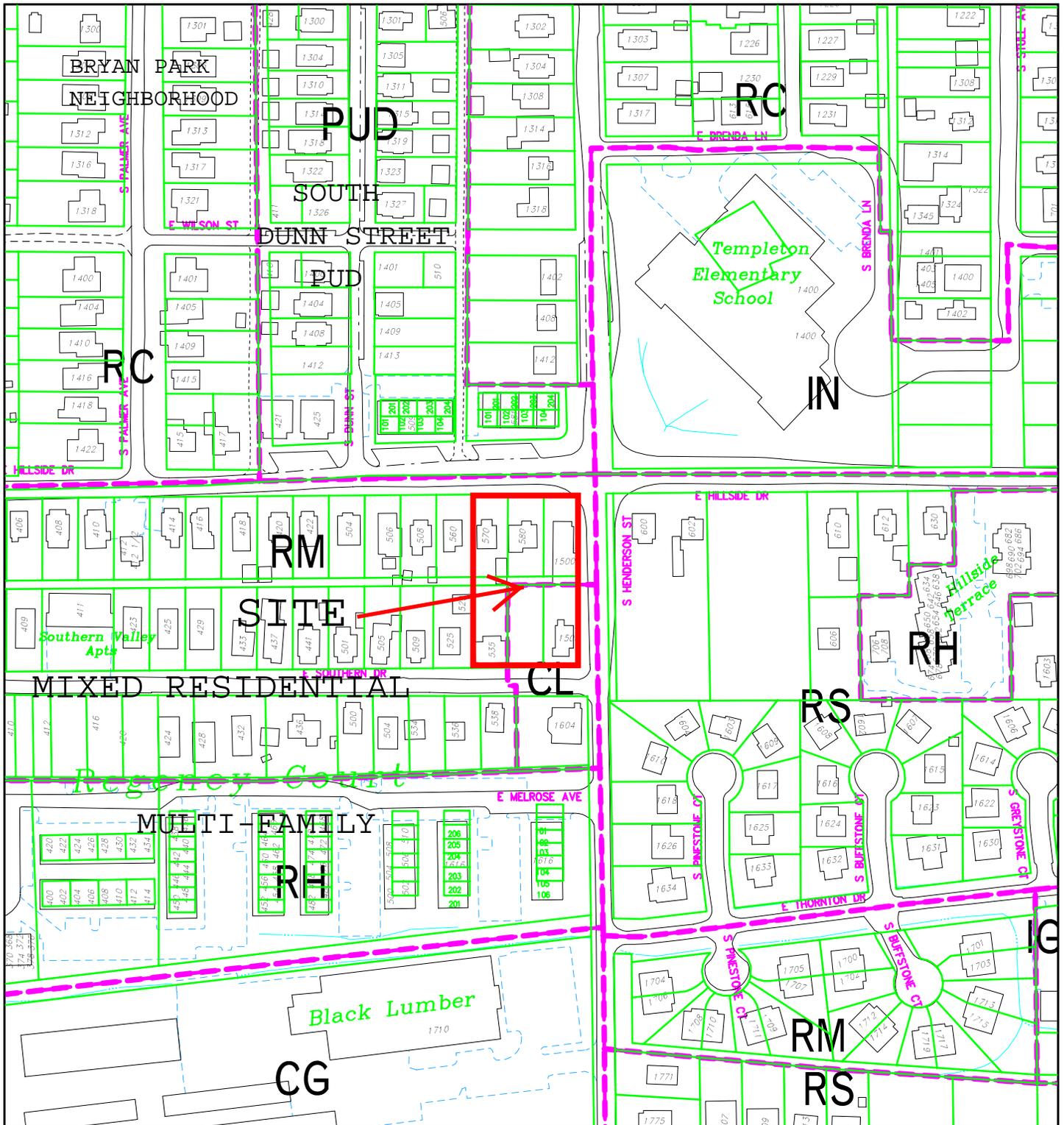
The EC recommends green building features. Green building can provide substantial savings in energy costs to a building over its life cycle and is thus an especially prudent investment in this time of rising energy prices. Green building features are consistent with the spirit of the UDO and supported by Bloomington’s overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors’ Climate Protection Agreement signed by Mayor Krizan, by City Council resolution 06-05 supporting the Kyoto Protocol and reduction of our community’s greenhouse gas emissions, and by City Council resolution 06-07, which recognizes and calls for planning for peak oil.

2.) RECYCLING SPACE:

Space should be provided for recyclable-material collection, which will consequently reduce the development’s carbon footprint and promote healthy indoor and outdoor environments. Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington’s environmental quality and sustainability and it will also increase the attractiveness of the apartments to prospective tenants.

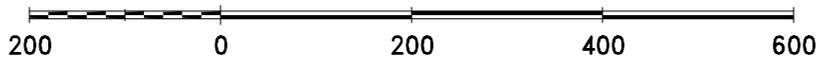
**EC RECOMMENDATIONS:**

- 1.) The EC recommends that a Variance to the UDO landscape regulations be denied.



UV/V-45-11 MAX AND GILDA LAUCHLI  
 LOCATION/ZONING/LAND-USE MAP

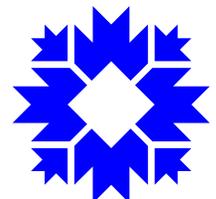
By: shayp  
 3 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 200'



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

City of Bloomington Plan Commission  
401 N. Morton Street  
Bloomington, Indiana 47403

Re: Max and Gilda Lauchli; Hillside at Henderson Mixed Use Development

Dear Plan Commission:

Our client Max and Gilda Lauchli respectfully request site plan approval of 30-one bedroom unit apartments with 2072 square feet of commercial space located on six lots north of Southern Drive, west of Henderson Street and South of Hillside Drive. The commercial space will front on Hillside Drive and Henderson Street in the vicinity of the dilapidated TEVAC building with one bedroom apartment above this space. Additional one bedroom apartments will be located south of the commercial space in the same building as well as a separate building with six-one bedroom units west of the commercial space connected by an exterior seating area and overhead bridge accessing the second floors of both building.

A third building fronting on Southern Drive will consist of 15-one bedroom apartments. The buildings are set forward on the lots with courtyards and parking to the rear of the lots off of an existing unimproved alley.

The property consists of three 117.55 by 50.95 foot lots fronting on Southern Drive and similar sized lots fronting on Hillside Drive. Five of the six lots have homes in various states of repair that will be removed for this infill project. The current zoning of the property consist of two lots on the corner of Southern Drive and Henderson Street zoned CL or light commercial with the remainder of the lots zoned RM medium residential.

A part of our request for site plan approval is five variances. The first variance is a use variance to allow the uses of the CL zoned lots on Southern Drive to be transferred to the two lots north fronting on Hillside Drive. The second variance request is front yard setbacks to allow a building forward design creating space for a rear courtyard and parking behind. The third request is a variance from the impervious surface area, limited to 50% for the CL zoned lots and 40% for the RM zoned lots. The fourth request is a parking variance from the 20-feet behind the face of the building. We are requesting parking to be allowed at the face of the building but screened. The last variance request is to allow more than 8-parking spaces to access directly off of the unimproved alley.

UV/V-45-11

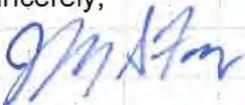
Petitioner's Statement

Existing storm water, sanitary sewer and water currently surround the property. We are connecting the building fronting on Southern Drive to an existing 24-inch water main and the 8-inch sanitary sewer in Southern Drive. The northern two buildings connect to an existing 8-inch sewer in Hillside Drive. The commercial building connects to an existing 8-inch main in Henderson Street and the 6-unit apartment building will connect to the 12-inch main in Hillside Drive. All storm water will be collected in the courtyards and piped to an existing storm inlet on Henderson Street.

The proposed design includes on street parking on both Hillside Drive and Southern Drive. We are proposing 5- parallel parking spaces along Southern Drive and 8-angled parking spaces on Hillside Drive to accommodate the commercial space similar to what was constructed along the north side of Hillside Drive. In addition to the on street parking we have added a pull off lane for truck deliveries to the commercial space in response to the Engineering Departments request.

After you have had a chance to review our request please contact us at any time with questions or comments.

Sincerely,



Jeffrey S. Fanyo, P.E., CFM

Bynum Fanyo and Associates, Inc.  
528 North Walnut Street  
Bloomington, Indiana 47404  
Office 812 332 8030

REVISIONS:

BBB  
BYNUM FAYO & ASSOCIATES, INC.  
ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

(612) 339-2990 (Fax)  
528 North Indiana Street  
Bloomington, Indiana

certified by:

HILLSIDE & HENDERSON APARTMENTS  
Proposed

11th SITE PLAN  
SCALE: 1"=20'  
designed by: JBT  
drawn by: DDB  
checked by: JBT  
sheet no.: 2  
project no.: 401133

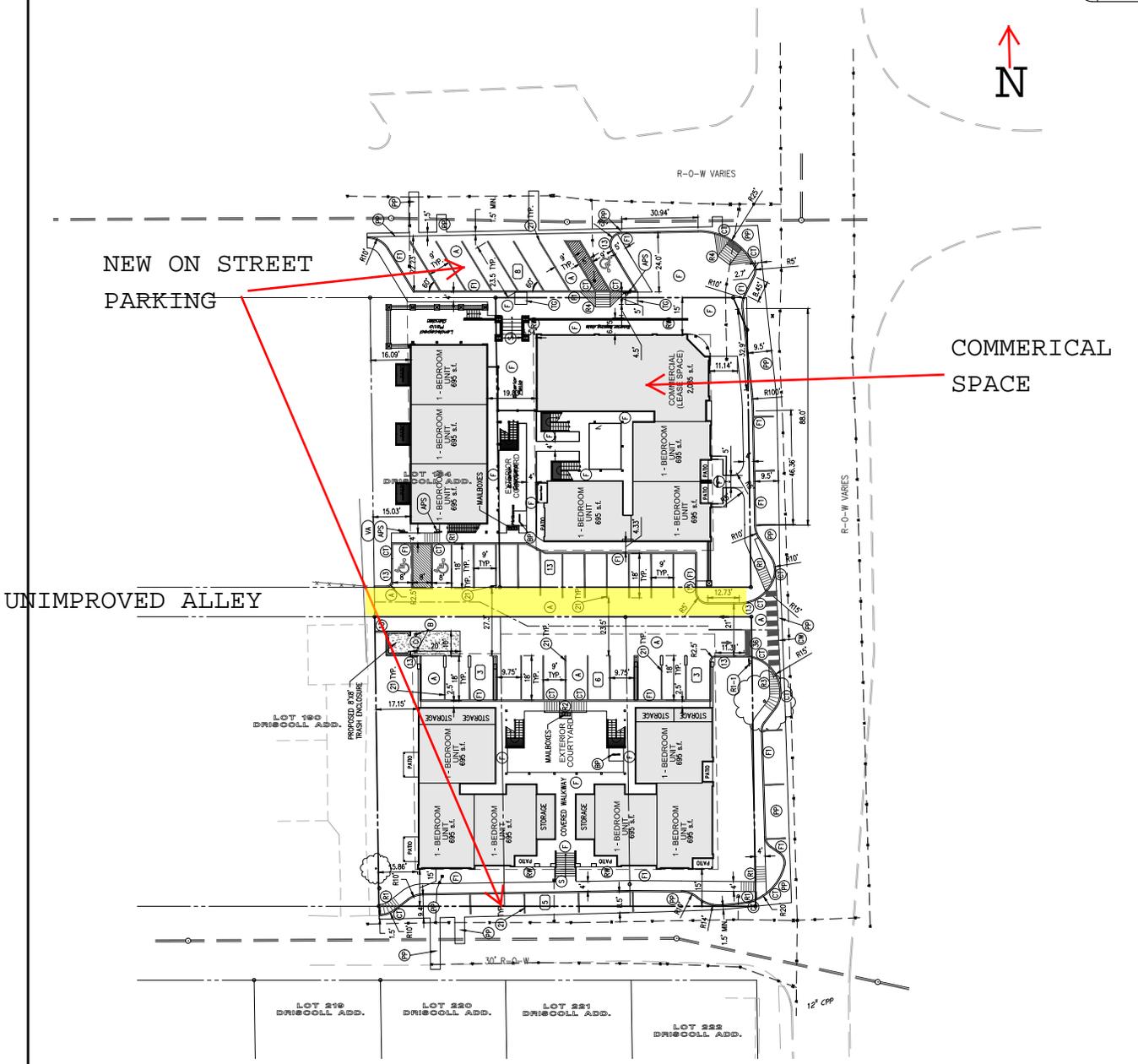
### GENERAL LEGEND

PROPERTY LINE
CONSTRUCTION LIMITS
DEED BOOK AND PAGE
TO BE REMOVED
TO REMAIN UNDISTURBED
SETBACK LINE
X .58'
X .58'
PROPOSED 20"X12" DUMPSTER PAD SURROUNDED BY 6" SOLID WOOD FENCING WITH 1" RAILING
PROPOSED ACCESSIBLE PARKING
SANITARY SEWER EASEMENT
G/E EASEMENT
WATER LINE EASEMENT
ELECTRIC EASEMENT
DRAINAGE EASEMENT
UTILITY EASEMENT
U.E.

### SITE LEGEND

(A)	PROPOSED BRUNINGIS PARKING
(B)	PROPOSED 8" REINFORCED CONCRETE PAVING
(C)	PROPOSED 4" REINFORCED CONCRETE PAVING
(D)	PROPOSED 2" REINFORCED CONCRETE PAVING
(E)	PROPOSED ACCESSIBLE RAMP, TYPE "X"
(F)	PROPOSED ACCESSIBLE RAMP, TYPE "Y"
(G)	PROPOSED ACCESSIBLE RAMP, TYPE "Z"
(H)	PROPOSED PAINTED STEEL BOLARD
(I)	PROPOSED 6" REINFORCED CONCRETE PAVING
(J)	PROPOSED MARKING, PAINTED, SOLID, WHITE, "A"
(K)	PROPOSED STOP BAR MARKING, THERMOPLASTIC, REFER TO DETAIL FOR ACCESSIBLE MARKING AREAS
(L)	PROPOSED MARKING, THERMOPLASTIC, "X" WIDE, "A" SPACING, WHITE, "X" LONG (CROSSWALK PER FOOT STANDARD 8857)
(M)	PROPOSED CONCRETE SIDEWALK
(N)	PROPOSED MONOLITHIC CURB AND SIDEWALK
(O)	PROPOSED CURB TRANSITION, 6" LENGTH FROM 0" TO 6" CURB HEIGHT TO THE RETAINING WALL AND CURB RAILING, REFER TO ARCH PLANS FOR MORE INFO.
(P)	PROPOSED TREE SPECIES, REFER TO ARCHITECTURAL PLANS
(Q)	PROPOSED TREE GRATE, LEAF CASTING, J
(R)	PROPOSED ONE PARKING AREA, ORIGINAL CYCLOSOLS MODEL 270-6 RACK WITH 857X72" CONC. PAD
(S)	PROPOSED NUMBER OF PARKING SPACES PER LOT
(T)	PROPOSED "STOP" SIGN
(U)	PROPOSED VAN ACCESSIBLE PARKING SIGN ACCORDING TO ADA STANDARDS
(V)	PROPOSED ADA ACCESSIBLE PARKING SIGN

NOTE TO CONTRACTOR  
SCALE: 1"=20'  
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL UTILITIES PRIOR TO ANY EXCAVATION. NO PARKING SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CHANGING ELEVATIONS.



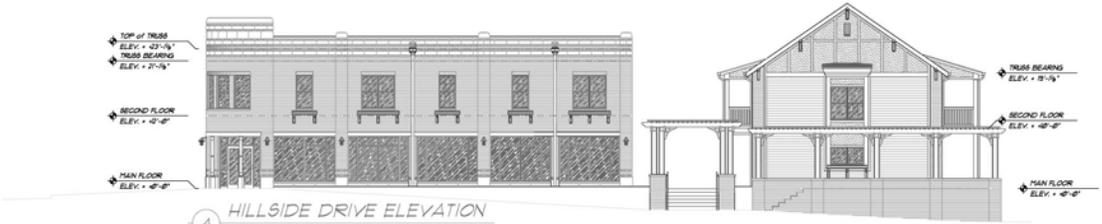




**C** SOUTHERN DRIVE ELEVATION  
SCALE: 1" = 10'-0"



**B** HENDERSON STREET ELEVATION  
SCALE: 1" = 10'-0"



**A** HILLSIDE DRIVE ELEVATION  
SCALE: 1" = 10'-0"

Revisions:

Drawn by: dglb

PROJECT NO. 2017-0001  
11000 N. HILLSIDE DRIVE  
BLOOMINGTON, INDIANA



528 North Walnut Street  
Bloomington, Indiana

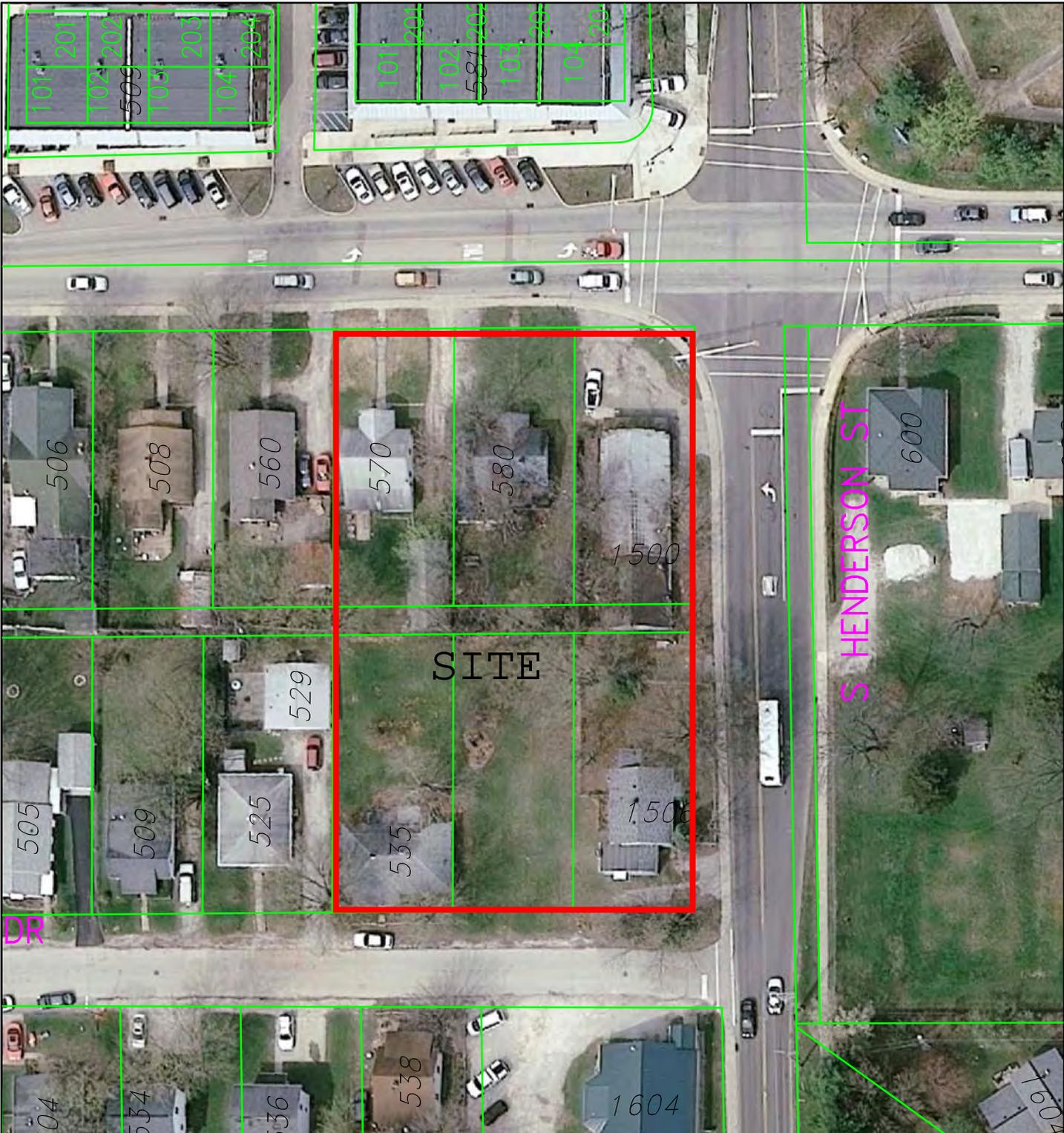
Certified by:

HILLSIDE & HENDERSON APARTMENTS

11000 N. HILLSIDE DRIVE & N. HENDERSON ST  
BLOOMINGTON, INDIANA

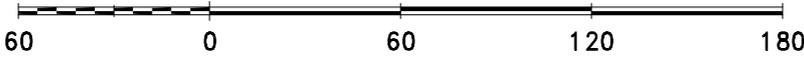
Title: SCHEMATIC BUILDING ELEVATIONS

UV/V-45-11  
Elevations



UV/V-45-11 MAX AND GILDA LAUCHLI  
 AERIAL PHOTO

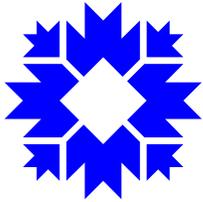
By: shayp  
 3 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 60'



Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Development on SW corner of Grimes and Henderson

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Antonia Matthew &lt;antonia.matthew@gmail.com&gt;

Wed, Nov 16, 2011 at 6:29 PM

To: shayp@bloomington.in.gov

Dear Mr Shay,

I live in the Bryan Park neighborhood. I am not able to come to the meeting where the above development is going to be discussed. But I do have concerns about the density and the lack of permeable surfaces. I think that we'll lose too much green space. In addition, the people on S.Dunn are already concerned about people parking on the streets there and this development as planned will increase the number of people looking for parking. I do think that the corner needs to be developed but the plan as it stands does not measure up to the great job that Matt Press has done on the other side of Hillside.

Sincerely,

Tonia Matthew

Letters of  
Opposition

35



Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## BZA agenda 12/15/11

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Anne Hedin &lt;ahedin@hedincommunications.com&gt;

Thu, Dec 8, 2011 at 10:38 PM

To: Shayp@bloomington.in.gov

Cc: Jan Sorby &lt;jan@sorbydesignstudio.com&gt;, "Lawrence, Jon Thomas" &lt;jolawren@indiana.edu&gt;

Dear Patrick Shay,

I will be unable to attend the BZA meeting on 12/15 re the Lauchli proposal for a development on the south corner of Hillside and Henderson, but I wanted to have my viewpoint represented. So I am writing this letter which I ask to have included in the briefing packet and read at that meeting.

I oppose the proposal as it stood at the end of the November Plan Commission meeting. I say this somewhat reluctantly because I would like to see that corner cleared of the Tevac building and its graffiti. However, I agree with the Environmental Commission's assessment. An unacceptable percentage of the proposed area of the Lauchli project is either paved over or covered with buildings. If this project is allowed to go forward, I believe that we are on the way to the concrete jungle scenario.

I fully agree with the Plan Commission's decision on the use variance, switching the commercial designation to the corner of Hillside. However, I strongly disagree with the comparison of this project to Matt Press's mixed-use build-out on Hillside on the grounds that the Lauchli's frontage on Hillside will occupy approximately the same square footage. All of the Dunn Street PUD, with my neighbors' lovely gardens and Matt's pocket park, provides plenty of open and green space to compensate for the massing of buildings at the corner. Comparing these two projects is like comparing an apple and a slice of an apple (very small slice). It is an invalid comparison, but if the BZA accepts it, the Lauchli project will then serve as a precedent—a dangerous one—for the remaining lots going west and east on Hillside. If lots facing on Hillside or on Southern can be built up to 75% density with multi-family housing, that is going to incentivize buyers/developers to maximize the return on their investment. I saw this happen over and over again during the quarter century that I lived in Chicago. The effects on parking and livability are most unfortunate.

We have the City code for a reason. All I am asking for is that it be enforced. I like the Lauchlis and I sympathize with their frustration at seeing their plans delayed. They have been granted important variances already to accommodate their desire to build on the lots they purchased. I expect that the delay is wearing on their nerves and potentially costing them money. I just don't think that additional density variances are warranted.

Thank you, Patrick, for including this letter in your briefing packet.

Best regards,

36



Patrick Shay <shayp@bloomington.in.gov>

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## Lauchli Development at Hillside and Henderson

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Matt Press <mattpress@comcast.net>

Fri, Dec 9, 2011 at 10:26 AM

To: Shayp@bloomington.in.gov

Hello, Pat!

If possible, please include my following comments in the packet for the upcoming BZA meeting.

Thanks.

Dear Board members,

I am the owner of the mixed-used commercial area (the Hillside Shops) immediately to the north of the proposed development for Hillside and Henderson. While I am generally in support of the redevelopment of the site, I am very concerned about the lack of public parking as presented in the proposal. If the proposed commercial area is at all successful, the extremely limited amount of parking proposed would quickly overflow and the natural inclination for visitors would be to park immediately to the north, in the public parking along the front of the existing Hillside Shops commercial area. This, in turn, would put additional parking stress on an already tight parking situation.

I am very concerned that additional parking stresses on the north side of Hillside would make my commercial area less viable and force some of my tenants to look elsewhere for commercial rental space. I urge you to look carefully at this issue.

Respectfully,

Matt Press  
Neighborhood Solutions, LLC  
601 W. Dodds St.  
Bloomington, IN 47403  
812-331-3228

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Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Lauchli project at Henderson and Hillside

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Berndtson, Amy &lt;aberndts@indiana.edu&gt;

Fri, Dec 9, 2011 at 11:46 AM

To: Shayp@bloomington.in.gov

Dear Pat Shay,

Below is a letter I wrote to Isabelle Peidmont concerning the Lauchi project at Henderson and Hillside. Jan Sorby asked that I forward it to you. Please let me know if you need additional information.

Hi Isabelle,

I'm a resident of the South Dunn Street development. Unfortunately my work schedule has not enabled me to attend recent meetings about the new Lauchli project. Below are my comments on this development:

1. I'm very much in favor of plans to develop this property - it has been an eyesore for decades.
2. Green space and thoughtful design is important. While we are all eager to improve the looks of this corner, we should not settle for a development that does not reflect "New Urbanism" design or concepts. I believe that a major reason why the South Dunn Street project has been successful in this down-turn economy is that the development looks fantastic and is well built overall. There are many ugly half-filled new commercial developments all over town (e.g. Renwick Shopping Center). So, economically, it is important to take the time to make sure the new development fits into the "vibe" of our neighborhood. If we act in haste, we may be stuck with another half-filled ugly commercial development.
2. The estimated number of employee parking spaces must be added into any calculation of proposed parking needs for the development. Currently workers at Mira and Feast park on our street - which is fine - but I don't think the street can absorb additional employee parking needs.
3. I'm a bit concerned about the Hillside Street parking - this is on the same side of the street as stop traffic for the stop light. Pulling in and out of spaces may be difficult. However, I'm not a traffic specialist - so perhaps this is not a critical issue.

Thanks and we appreciate all the work you do on behalf of our neighborhood.

Amy Berndtson  
1304 S. Dunn  
Bloomington, IN  
(812) 339-8722

To: BZA Commissioners  
12-9-20011

Dear Commissioners:

The proposed development is asking for variances from almost every building standard listed in the UDO. This list includes: density, setbacks, coverage of greenspace and landscaping. The petitioners have failed to present Findings of Fact to support granting variances. The Environmental Council has requested that the variance of greenspace and landscaping be denied. There is no compelling reason to grant these variances. On the contrary, granting these variances will cause harm to the neighborhood as a whole and cause irreversible harm to the historic corridor if built. From the GPP:

- “In order to preserve Bloomington’s rich and diverse environment, a “no-net-loss” policy for community wide tree crown coverage must be implemented.”
- “It is essential that more conservation oriented design standards be incorporated into the policies that govern development proposals, so that the majority of new developments will contain a substantial percentage of protected open space.”

There is nothing “peculiar” to this property that precludes the petitioner from building to code.

**Finding of Fact #3: The need for the variance arises from some condition peculiar to the property involved.**

There is no sink hole or stream. The Plan staffs’ packet to Plan Commission cited “ugliness” as the peculiar characteristic of this property in there Finding of Fact. If granted a variance on this reason, this indeed sets a dangerous precedence. Do we really want people to neglect their property in order to gain valuable variances? Is this not what we so often scorn?

All three of the properties on Hillside that will be demolished were recently listed on the Bryan Park Neighborhood Association Historical Survey as “contributing”. Last year the Association began the process to become a Conservation District. Although the Association did not request the south side of Hillside to be included, the surveyor felt the total corridor was of such historic importance that both the south and north side of Hillside should be included and protected. The Association eagerly agreed and has included it within the boundaries.

Plan staff and petitioner feel “by right” they can build 32 apartments. But this comes at a cost of the “by-right” obligation to provide greenspace and setbacks appropriate to zoning. The UDO states:

- *RM Maximum Density: Should not exceed 7 units per acre over the entire development*
- Planners computed the numbers for us and the redistribution results in 9 units per acre.

We understand that the greenspace requirement functions as a “check and balance” to ensure healthy development. The proposed development has less greenspace than any other zoning category in the City, other than the downtown overlay. 75% impervious surface is simply too much. The size of the land in concert with zoning guidelines should determine how much density can be built on the site. The petitioners have said they cannot afford to build fewer apartments. Furthermore, Finding of Fact states that “self imposed” hardship is not a viable reason for a variance.

**Finding of Fact #4: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.**

Our surrounding neighborhood is characterized by higher-density single family residential use. The architecture reflects a classic urban form of cottages and bungalows with small street setback, front porches, and detached garages. The GPP states:

- *New development that alters the architectural character of these neighborhoods should be avoided.*
- *Redevelopment and rehabilitation of existing structures should respect the unique character and development pattern of the Core Residential areas.*
- *Much of what makes Bloomington special is its shared “sense of place”. While this sense cannot always be defined to the satisfaction of all interests, it is irrevocably connected to Bloomington’s town core and the harmony of its architecture, its neighborhoods and their respective contexts.*

Zoning is in place to protect the city and provide guidance for contextual, sensitive development. If these variances are granted it may incentivize more requests for the same kinds of variances on this corridor going westward. This area is extremely compact, with lots smaller than the minimum size for a single-family residence. This area should serve as the pattern for compact urban form sought by Bloomington and not be converted in to a strip of apartment complexes. One of the primary goals of the GPP:

- *Compact form is not to be achieved at the expense of greenspace, environmental protection, and other policies.*

Smart growth embraces not only “mixed use development” but also a range of housing choices. The small houses in this area represent not only our historic identity but offer affordable housing choices which are desperately needed in Bloomington. Protecting a unique sense of community and place is at the heart of the GPP and if the requested variances are granted this development is at odds with the GPP:

- *Much of what makes Bloomington special is its shared “sense of place”. While this sense cannot always be defined to the satisfaction of all interests, it is irrevocably connected to Bloomington’s town core and the harmony of its architecture, its neighborhoods and their respective contexts.”*

The vision of the master plan is to protect our neighborhood character, that element that makes Bloomington different than other places. The Plan staff calls this project a “true built forward” project. The mouse hole entrance on Southern Drive, the catwalks connecting the commercial building to residential on Hillside, building orientation to a courtyard rather than a front facing building, lack of wall articulation and wall penetration on street-sides are simply the opposite of building forward and to the patterns found in the neighborhood. To fit with the architectural character of our neighborhood the buildings must face the street. From the GPP:

- *The challenge is to ensure that as growth occurs, community character is not lost.*
- *In addition, community character has to do with the look and feel of Bloomington...*
- *Conserve Bloomington’s unique community character through neighborhood protection, downtown investment and revitalization, and context-sensitive infill development.*
- *Central to the community character of Bloomington are its neighborhoods. These neighborhoods must be protected and invigorated. They contain a diversity of housing stock reflective of different periods of development, and which demonstrate a relatively compact pedestrian scale context.*

- *New development that alters the architectural character of these neighborhoods should be avoided. Additionally, the City shall promote structural maintenance and reinvestment of both owner and rental units and promote affordable housing. This includes the renovation of blighted, incompatible or functionally obsolete structures, in a manner that is sensitive to the existing residential context.*

This development as designed with additional density, lack of greenspace and setback variances that will cause damage to the property adjacent to this project.

**Finding of Fact #1: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

**Finding of Fact #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.**

Finding of Facts #1 and #2 have not been proven by City Planners or the petitioners. With the success of the restaurant Feast, neighbors have seen a huge intrusion of traffic on South Dunn Street, speeding autos down the uncontrolled alleys, and a serious lack of parking. As an attachment you will find parking instructions that Feast is handing out to their customers. A neighbor was hit in the alley and there have been countless near collisions. Recently, a person put out traffic cones in the alley to reserve a parking space. While we believe that public streets should be for all, we think new development that causes harm should not be encouraged by granting variances that do not follow zoning codes. If built, the project will generate harmful and dangerous traffic patterns along Dunn Street and its uncontrolled alleys. Between Henderson and Walnut there is only one street that allows traffic to go south, Grant Street. The blocks between Henderson and Grant, and the block between Grant and Walnut are each in fact 3 city blocks long.

Southern Drive has suffered over the years by inappropriate development and now suffers from parking problems which will be exacerbated by the proposed development if variances are granted. All of the houses across from the proposed development are owner occupied. If these single-family homes are sandwiched between higher density developments that are not built to zoning standard, their properties will be without a doubt harmed. Attached is a photo from Southern Drive taken at 3:30 in the afternoon. You can see parents walking children home from Templeton. There are 15 autos in just this one photo. A wide angle lens was needed to capture the reality of the additional autos that I could not capture.

All who live by this ugly area desire nothing more than to see a thriving lively project at this site. But "ugliness" is not a reason to grant a variance nor is self imposed economic hardship a reason to throw out zoning requirements which are designed to protect all of Bloomington.

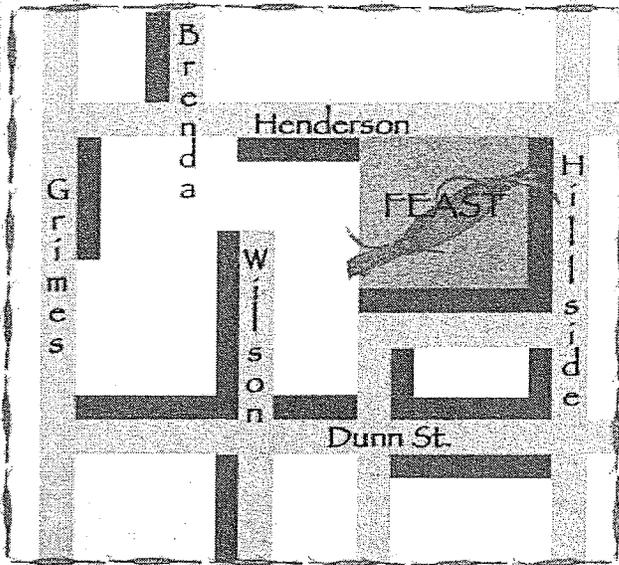
Jan Sorby and Jon Lawrence  
525 E. Grimes Lane  
Bloomington, IN 47401

# Hungry for Answers



Dear Feast,  
I love dining in your cafe, but where can I park?

Parking is available all around the cafe and the surrounding streets. Here's a map highlighting the closest spots in blue.

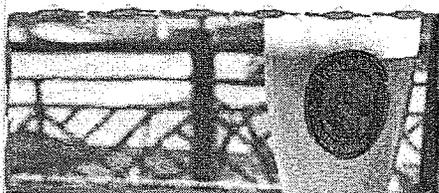


Dear  
Your BLT is the best sandwich  
in, sometimes there is a  
in and no one is

Feast has a host during the  
busiest hours to ensure that  
patrons are taken care of  
and are seated as quickly  
as possible. We always have  
a host on the weekends, the  
weekday lunch rush, and  
Friday evening. The host  
may be sitting other patrons  
one is currently at the host  
"Seat Yourself" sign hangs  
the time and you are welcome  
like.

Dear  
Can I get something to

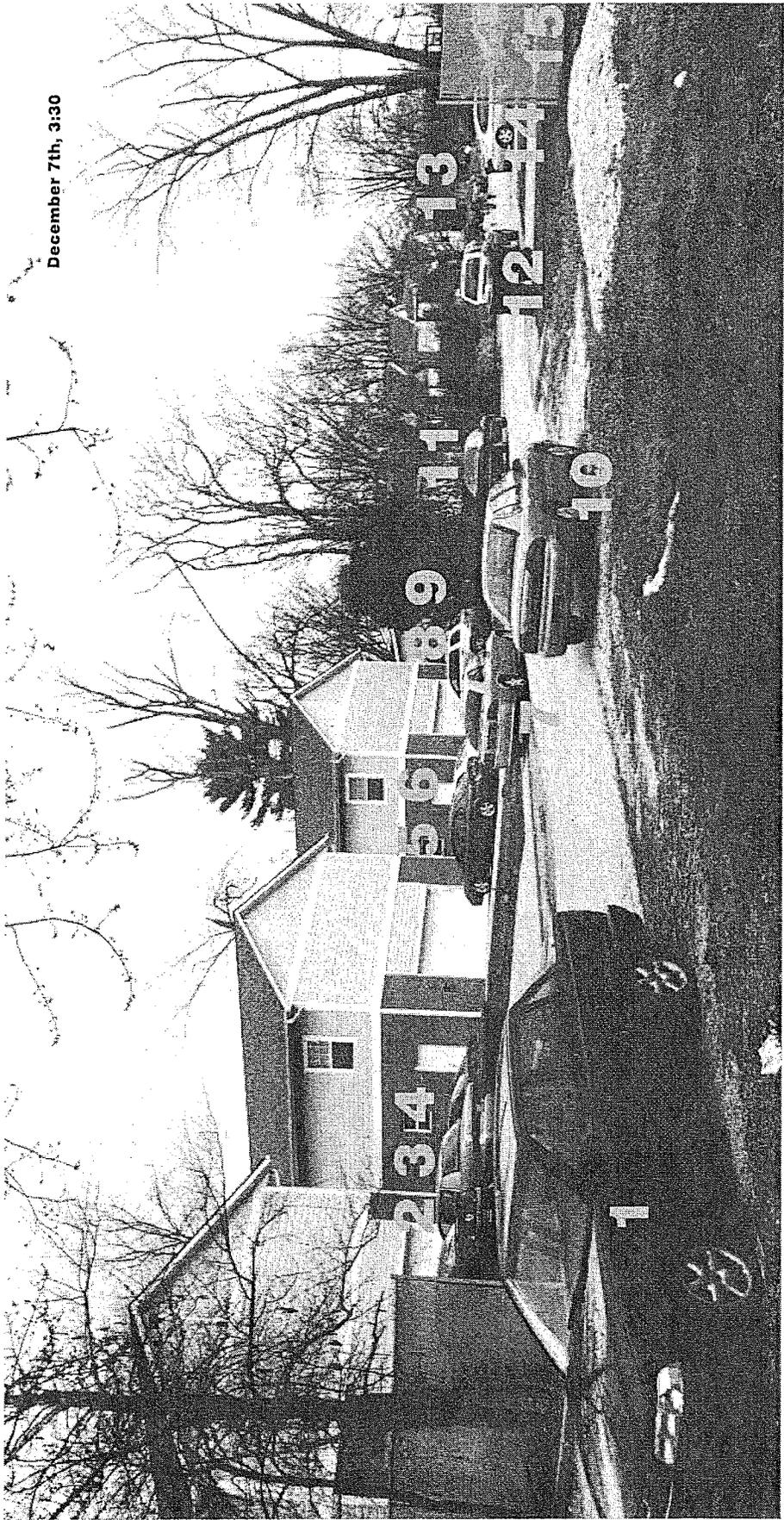
We have full table service  
like to sit outside, please  
friendly waitresses.



## Food in Focus: Butternut Pappardelle

Step aside salads, move over sandwiches,

December 7th, 3:30





Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Henderson/Hillside proposed development on 12-15-11 BZA agenda

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Janet Ellis &lt;ellis.jan@gmail.com&gt;

Fri, Dec 9, 2011 at 3:44 PM

To: Shayp@bloomington.in.gov

To the Board of Zoning Appeals:

We live one block north of the intersection of Henderson and Hillside. We are in favor of a mix of commercial and residential development for the southwest corner of that intersection but disagree with what is presently proposed. The proposed development includes a dense cluster of 30 apartments that face inward, away from the street. This is wrong for the neighborhood, for several reasons. First, the density and inward-facing orientation of the apartments don't fit with the character of the street-facing single-family homes immediately to the west of the proposed development or with those of the Bryan Park neighborhood to the north. Second, there is simply not enough parking in the proposed plan to accommodate the residents of 30 apartments and customers of the commercial project. We have lived at our corner of Wilson and Dunn for 4 years and know that the customers and employees of Feast and Mira use most of the spaces around our house from 10 am to 6 pm Monday through Saturday. Adding a dense development of apartments and commercial space across Hillside will only intensify what is already a parking nightmare for us.

Please reject the proposed development for Henderson and Hillside. Thank you.

Greg and Janet Ellis  
1327 S. Dunn St.  
Bloomington, IN 47401  
[\(317\)331-5987](tel:(317)331-5987)  
[ellis.jan@gmail.com](mailto:ellis.jan@gmail.com)

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Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Hillside and Henderson

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Lexmond, Angela Jacoba &lt;alexmond@indiana.edu&gt;

Fri, Dec 9, 2011 at 3:44 PM

To: "Shayp@bloomington.in.gov" &lt;Shayp@bloomington.in.gov&gt;

To Whom it May Concern,

I'm writing to express my concerns about the proposed development at Hillside and Henderson. I am the homeowner at 1302 S. Henderson St. I believe the proposal is simply too dense. It will bring parking problems, and it seems to have awkward access points for going in and out of the development by car. This could lead to safety issues. While I look forward to changes on that corner, I'd like the changes to reflect the city's growth plan and be very thoughtfully considered.

Sincerely,

Angela Lexmond

*Angela Lexmond, PhD*

Center on Education and Lifelong Learning  
Indiana Institute on Disability and Community  
Indiana University  
2853 E. 10th Street Bldg G

Bloomington, IN 47408  
812.855.6508 (CELL office)

812.855.3290 (personal office)

Fax: 812.855.9630

[www.iidc.indiana.edu/cell](http://www.iidc.indiana.edu/cell)

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Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## UVN-45-11

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Winona Garmhausen &lt;Garmhausen@comcast.net&gt;

Mon, Nov 14, 2011 at 1:50 PM

To: shayp@bloomington.in.gov

Cc: info@dwelling.com

To whom it may concern.

I wish to support the development at the corners of Henderson and Hillside proposed by Max and Gilda Lauchi. I am a second year resident of Hillside Terrace residing at apartment #698. This has been my first apartment living experience, having owned my own homes previously. As a retiree I wished to downsize and Hillside provided all my housing requirements.

I have been extremely pleased with my accommodations. My apartment is solidly built and beautifully landscaped and maintained. I continue to be surprised at how quiet our environment is and I attribute that to the Lauchi's management and supervision. I am quite confident that the proposed apartments under the Lauchi's watchful eyes will have similar attributes.

I cannot speak from experience concerning the commercial space proposed as Hillside Terrace does not have that commercial space but I can speak from experience of how pleasant it is to enjoy a lunch or snack at Feast which is across the street from the proposed edifice. Perhaps, a little grocery like the family groceries that Bryan Park used to have would be a nice addition and would carry on a Bryan Park historical tradition.

Thank you for your time and consideration.

Sincerely,

Winona Garmhausen

698 E. Hillside Dr.

Bloomington, IN 47401

812-335-8639

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Letters of Support



Patrick Shay <shayp@bloomington.in.gov>

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## RE: UV/V-45-11 Petition for Max and Gilda Lauchli

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Jason Pratt <jadpratt@gmail.com>

Mon, Nov 14, 2011 at 3:16 PM

To: shayp@bloomington.in.gov

Dear Pat,

I support this development and believe that more apartments/businesses on the corner of E. Hillside Dr. and S. Henderson would be a great addition to the area. My wife and I live at Hilltop Terrace and would love to have more restaurant options close-by.

Thanks,

Jason Pratt

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Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Lauchli's project

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Clara Perry &lt;cperry@homefinder.org&gt;

Tue, Dec 6, 2011 at 10:17 AM

To: shayp@bloomington.in.gov

Dear Mr. Shay,

I just wanted to put a good word for the project my friends and neighbors Max and Gilda Lauchli are proposing for the corner of E. Hillside Drive and S. Henderson.

I have seen the plans and it looks terrific! They have other properties in Bloomington which are excellent and beautifully maintained. It will be wonderful if they can develop this important corner of the city which has been an eyesore for many years. I was delighted to know they were the ones planning to develop it and make it into a beautiful place that the city can be proud off, they know how to do it!

With very best wishes,

Clara

Clara Perry  
Life Member Presidents Club  
F.C.Tucker/Bloomington, REALTORS  
Off: 812-330-7544  
Cell: 812-320-2828  
Fax: 812-333-7740  
cperry@homefinder.org  
www.tuckerbloomington.com/claraperry



Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Lauchli Apartment Project

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Mark Perry &lt;tutunui@gmail.com&gt;

Tue, Dec 6, 2011 at 11:35 AM

To: shayp@bloomington.in.gov

Dear Mr. Shay,

I would like to put in a word about the Lauchli's planned development at the corner of Henderson and Hillside. The Lauchli's apartment sites have always impressed me by the care they have taken to bring a real enhancement to a neighborhood. If you have a chance, I would urge you to take a look at the last project they did, the Hillside Terrace Apartments, right off of Hillside (very close to their projected new development): I think you will be impressed by the esthetic appeal as well as by the architectural design of these apartments that allow residents a maximum of privacy and comfort. Moreover, the grounds are immaculately and beautifully maintained. I know that the Lauchlis will transform the area on Henderson that is presently a real eyesore into an asset Bloomington can be proud of. The Lauchlis are the kind of citizens that give a community a good name; you can be sure that they will invest enormous thought and care into the project. I've seen countless landlords that just want "to pack it in" at the cheapest cost, and who don't care enough about the curb appeal and consider renters as commodities. Not so with the Lauchlis: they see renters as fellow neighbors deserving of being treated as we ourselves would wish to be treated. I know that their project will add to Bloomington's residential and commercial appeal, and moreover it will help all the neighboring rentals and businesses in the area in a kind of mutually reinforcing virtuous circle because it will make the area a social magnet that people will enjoy being part of. I would be happy to answer any questions you might have and can be reached at 339-4880.

With my sincere regards,  
Mark Perry

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Patrick Shay <shayp@bloomington.in.gov>

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## E. Hillside Drive and S. Henderson development

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Robert Reynolds <rreynol@indiana.edu>

Mon, Dec 5, 2011 at 10:45 PM

To: shayp@bloomington.in.gov

Dear Mr. Shay,

I am aware of the planned development on the corner of E. Hillside Drive and S. Henderson. I have driven by that corner for many years and to say it is an eyesore is an understatement. I always wondered why such an embarrassment for the city was allowed to linger. I understand that Max and Gilda Lauchli have plans to develop it into housing in the same consistent and tasteful style that they have already demonstrated.

Along with many others that I have spoken to, I am strongly in favor of the city not only endorsing their plan but doing whatever they can to ensure its success. Particularly in these difficult economic times.

Sincerely,

Robert Reynolds

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Patrick Shay <shayp@bloomington.in.gov>

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## Lauchli development on the corner of E Hillside and S Henderson

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Clinton Minnaar <c.minnaar@hotmail.com>

Wed, Dec 7, 2011 at 9:10 AM

To: shayp@bloomington.in.gov

Dear Mr. Shay

Every day I drive pass the dilapidated buildings on the corner of E Hillside and S Henderson; these are an eyesore and an embarrassment unbecoming of the beautiful city of Bloomington. I have heard that the Lauchlis plan to develop the area into an apartment complex; if they are able to maintain the high standards that they do at Hilltop Meadows (on E Hillside), which I am sure they will, I sincerely hope that the city of Bloomington will give them every encouragement to proceed with their development. It will be a long overdue, but very welcome, improvement to the area, which will without doubt benefit the adjacent residents in particular and the city of Bloomington in general.

Sincerely

Clinton Minnaar

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Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## proposed project on the corner of Hillside and Henderson

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Joseph Fitzgerald &lt;jfitzgerald@deerparkmgmt.com&gt;

Tue, Dec 6, 2011 at 6:37 PM

To: shayp@bloomington.in.gov

Dear Patrick,

It has been a few years since we have been in contact, I hope all is well. I just wanted to send a quick note regarding the proposed re-development of the corner of Hillside and Henderson. As you know, I own property in the area (The Boulders, and our management offices at the old Sarkes Tarzian house), so I keenly interested in property values of the general area. I am also a life-long resident of Bloomington, and drive and or walk down Hillside nearly every day of my life.

I have been pleased in a general way by what has happened recently on Hillside, and am a consistent patron of the restaurant Feast, among other commercial business in that area. I have reviewed the proposal for the rather blighted corner in question, and I personally believe that it will be a definite improvement to the area. I am also familiar with the petitioners other properties, and I have found them all to be of high quality. So, for what it is worth, the opinion of one local citizen, and neighborhood landowner, is that this project deserves Planning support.

I hope you have a good holiday, best

Joseph

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Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## Henderson & Hillside

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Terry Stultz &lt;tmstultz@hotmail.com&gt;

Fri, Dec 9, 2011 at 9:44 AM

To: shayp@bloomington.in.gov

Patrick,

Im emailing you concerning the project for Max and Gilda Lauchli on Hillside. Ive worked with the Lauchli's on several of their projects over the years. They are focused on every detail of each development and do a fantastic job of making each one blend with the community. The project they would like to do at Henderson and Hillside is no exception.

I know they have done everything asked of them by the city and also changed look of their building per request of neighborhood associations. They have gone above and beyond to insure this project will fit well with the neighborhood and rid us of an absolute eyesore at that corner.

The Dunn St. development across the street was a great success, the Lauchli's will only enhance this area. They have a quarter of commercial space of what Dunn St. has and more parking. And now some people are asking them to omit commercial space and let Dunn St. have those extra parking places? Really!? That shouldve been addressed by them while they were planning that development, not after the fact by trying to change someone elses.

This project has been approved at every phase and hopefully will be again with the BZA. Not only residents of Bryan Park neighborhood approve, but also Pinestone residents down the street overwhelmingly approve. But have never been contacted by anyone for their opinion. In closing, no one will be disappointed when this project is completed. And the neighborhood will have a new exciting look.

Thank you for your time,

**Terry Stultz***Contractor Services***Black Lumber Co.****Bloomington, IN 47401****812-332-0700****812-327-0127**



Patrick Shay &lt;shayp@bloomington.in.gov&gt;

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## UV/V-45-11 for Max and Gilda Lauchli

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Joshua Wheatley &lt;jokowhea@umail.iu.edu&gt;

Fri, Dec 9, 2011 at 2:31 PM

To: shayp@bloomington.in.gov

Cc: Erica Wheatley &lt;wheatley.eric@gmail.com&gt;

Dear Pat,

We are writing in support of "UV/V-45-11 for Max and Gilda Lauchli" because, as a resident in the Bryan Park area, we've seen the good that the Lauchlis have done in developing the neighborhood. As lessees with them over the past several months, we can say that the living quality and maintenance/service at the Lauchlis' properties are outstanding—we have both been renting for many years, and they are by far the best landlords that we've had.

We're also excited by their development plan that calls for mixed-use commercial/residential buildings on the corner of Hillside and Henderson. Similar to many other Bryan Park area residents who try to conserve our automobile use, we are excited at the prospect of being able to walk to more restaurants/shops. The development will further improve the quality of life for everybody in the neighborhood.

Best,

Josh and Erica Wheatley



Patrick Shay <shayp@bloomington.in.gov>

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## E: Lauchli project at Henderson and Hillside

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Michael Fitzgerald <mfitzgerald@deerparkmgmt.com>  
To: shayp@bloomington.in.gov, micudat@bloomington.in.gov

Thu, Dec 8, 2011 at 12:43 PM

Gentlemen,

The email I sent to you earlier bounced back to me. It may be that the old email address I have for Tom is out of date. I have trying to resend it. Please confirm receipt.

Many thanks,

Michael

Michael Fitzgerald

1501 E. Hillside Drive

Bloomington, IN 47401

USA

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**From:** Michael Fitzgerald  
**Sent:** Wednesday, December 07, 2011 10:34 AM  
**To:** 'shayp@bloomington.in.gov'; 'micudat@city.bloomington.in.us'  
**Subject:** Lauchli project at Henderson and Hillside.

Tom,

I have closely followed the Lauchli project at Henderson and Hillside because of its close proximity to our family's properties on Hillside: The Boulders and Deer Park Manor. Max Lauchli even called me and took the time to show me his plans.

I am delighted with his proposal. That corner has been a blight on the neighborhood for years. This project will greatly enhance the character of the neighborhood because the architecture and landscaping create an interesting variety from the project across the street. It is also just the right amount of commercial space—not so much that it will have to sit empty for many years looking for tenants.

I am strongly in support of the project. This is a well done collaboration with a developer and the City. Congratulations.

Let me know if you have any questions.

Best,

Michael

Michael Fitzgerald

1501 E. Hillside Drive

Bloomington, IN 47401

USA

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**PETITIONER: David Haberman & Sandra Ducey**  
**1916 Arden Dr., Bloomington**

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**REQUEST:** The petitioners are requesting a variance to allow fencing in excess of the Unified Development Ordinance’s maximum height requirements.

	Fence Height
Proposed:	5-8 feet
Permitted:	4 feet

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**REPORT SUMMARY:** The petitioners own a single family home at the southwest corner of Arden Drive and Windsor Drive. The property is zoned Residential Single-family. Both the house and the driveway face Arden Drive. The property is surrounded by owner-occupied single family homes.

The petitioners are interested in the field of permaculture, which is an approach to designing living environments and agricultural systems based on relationships found in nature. More specifically, the petitioners wish to establish a front yard garden space featuring perennial fruit and nut trees, flowering plants, and annual vegetable crops.

One improvement has already been made to the property. This is a stone retaining wall along the front yard border designed to create a flat surface for future plantings. The petitioners now wish to place fencing on top of this wall to protect a future forest garden from deer that currently use this yard space as they migrate through the neighborhood. The petitioners assert, and staff concurs, that a 4 foot high front yard fence complying with code won’t prevent deer from traversing through the proposed forest garden.

The UDO prohibits fences above 4 feet in height between the street and the “front building wall.” The “front building wall” is defined as “the building elevation which fronts on a public street.” Corner lots have two front building walls. The area between the house and the street can only be bordered with a 4 foot tall fence.

The petitioners contend that fencing taller than 4 feet is necessary because of the combination of their permaculture activities and the corresponding need to protect the property against deer. To that end, the petitioner proposes to install approximately 200 feet of fencing to protect the front yard space of this 2/3 of an acre property. 110 feet of the fencing is proposed to be a black, aluminum, wrought-iron style fence. This fence would be 5 feet in height because the stone wall is only 3 feet tall in some places. This would create a combined 8-foot tall barrier which is considered sufficient for deer protection. This fencing would run parallel to both Arden Drive and Windsor Drive.

Additionally, between the street and the house along the southern border of the front yard the petitioners propose to install an 8 foot tall woven fire fence. In this case, the fence would be constructed at grade, be perpendicular to Windsor Drive, and be 50 feet in length.

Finally, the petitioners are proposing to construct a 6-foot tall bamboo style fence that would run west of the wrought iron fence, be placed parallel to Arden Drive, and encompass 40 feet in length. It would also be situated to buffer a front patio area. The reason that this section of fence is proposed to be in a solid bamboo style is to provide privacy for the patio area.

In this request, the petitioners are requesting Board of Zoning Appeals support based on the following arguments:

1. That their project is a demonstration project for urban agriculture in the Arden Drive neighborhood. In other words, the agriculture element of the request makes it unique compared to typical privacy arguments that justify taller fences.
2. That the migration of deer through this front yard creates an impossible situation to realize the owner's vision of establishing a thriving forest garden,
3. A 4-foot tall front yard barrier is insufficient to prevent deer encroachment. Additionally, the petitioners are aware that both the Planning Department and the City's Deer Task Force are likely to recommend taller front yard fence heights to protect front yard gardens against deer encroachment.

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## CRITERIA AND FINDINGS

### **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 use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

**Staff's Finding:** No adverse impact to adjacent properties is anticipated for the three different fencing proposals. Both the 8-foot woven wire fence and the 5-foot wrought iron fence will allow visibility into the property. When the BZA has reviewed previous fence height variance cases, ensuring such visibility has been considered an important factor to allow 6-foot tall fence structures. The woven wire fence is short in length, will be perpendicular to the street, and blend into a heavily treed area along the side of the house. The 5-foot tall wrought iron fence is an attractive design choice. Normally, staff might find adverse impacts associated with the 6-foot tall, solid bamboo fence because it restricts visibility into the property. However, the owners have submitted a petition of support from 25 nearby residents.

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

**Staff's Finding:** Staff finds no injury to the general welfare. Since no electrification or barbed wire is proposed, the chosen fence styles will not endanger public health. In terms of safety, taller, solid fences in front yards are considered undesirable because they can create barriers that make it uncomfortable for pedestrians. Since there is no sidewalk on either Arden Dr. or Windsor Dr., and no sidewalks are planned in the near future, this safety issue does not apply.

- 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 variance will relieve practical difficulties.*

**Staff's Finding:** Staff finds some peculiar condition, but not to justify the entire proposal. The property is peculiar in the sense that it will be used for a front yard forest garden. That property condition distinguishes it from other fence cases the BZA has reviewed to date which have been based on privacy concerns. In this case, the proposal to establish a front yard forest garden coupled with a deer encroachment problem creates a peculiar condition that negatively impacts a reasonable request to buffer the property. Since front yard gardens are permitted by code and desired by the City, the proposed use and code required fence height restriction are clearly not compatible. This creates the required practical difficulty.

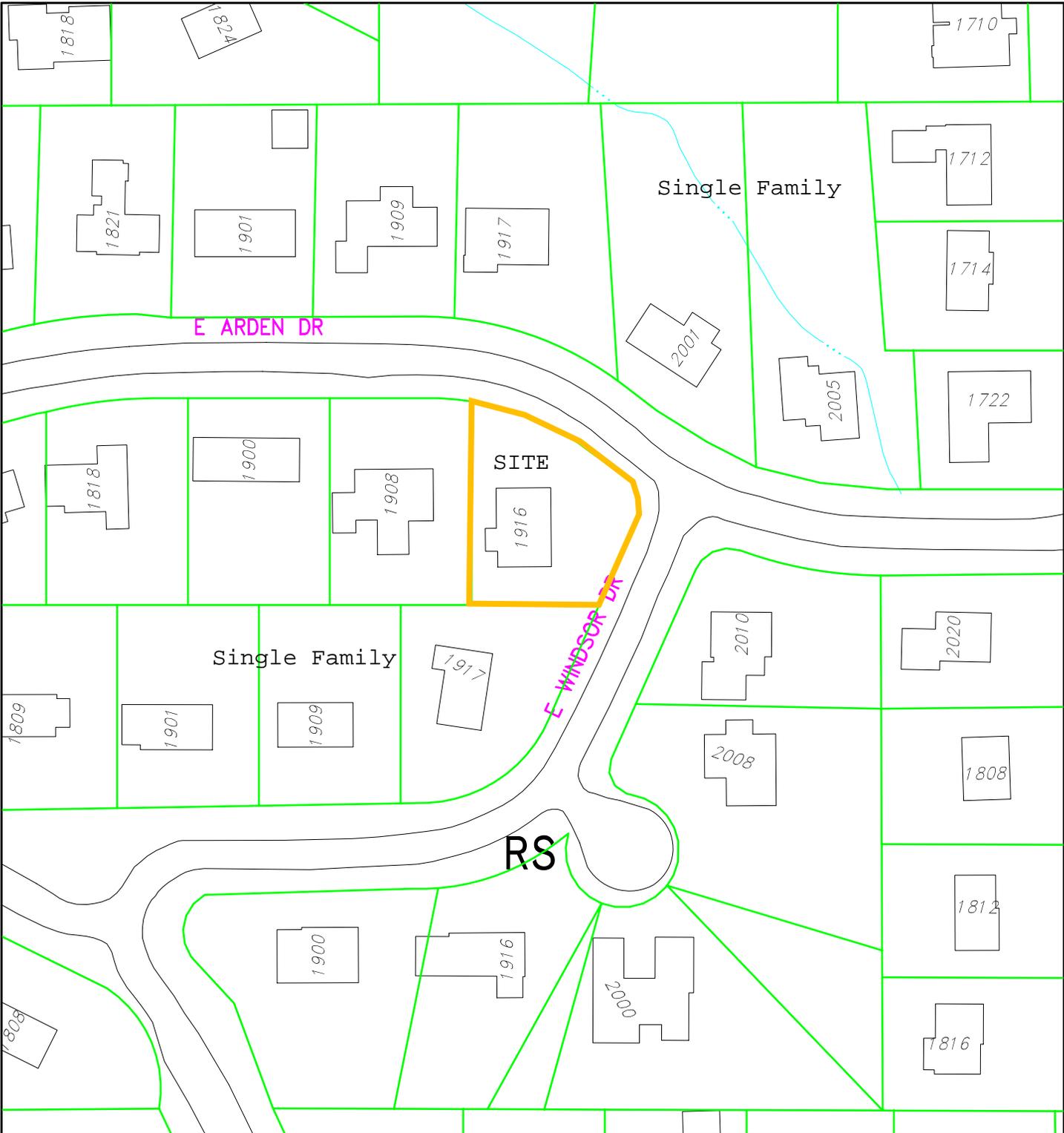
However, staff would note that practical difficulty does not extend to the entirety of the fence proposal. The 8-foot woven wire fence can be supported because it is the exact height needed to protect the property against deer yet located in a position where it is not positioned parallel to the street and tucked into a row of trees. The 5-foot tall wrought iron fence is also located along a portion of a 3 foot high retaining wall which creates the ideal barrier necessary to protect the proposed front yard garden against deer. If the wall was four feet in height, a 4-foot tall fence could be placed that would completely comply with code. As a result, there is no appreciable difference in those two fencing scenarios.

Staff cannot find practical difficulty in the proposed 6-foot tall bamboo style fence. Solid fences above the 4-foot height limit have not been traditionally approved by the Board of Zoning Appeals. In such cases, the Board has directed petitioners to use an open lattice of two feet above the 4-foot height limit. Staff recommends the same decision in this case, and the petitioners understand that such a lattice arrangement may be required.

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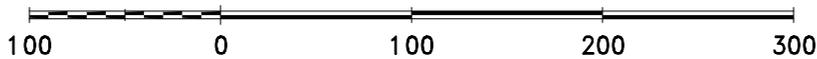
**RECOMMENDATION:** Based on the written findings, staff recommends approval of the variance with the following condition:

1. That the proposed 6-foot tall solid bamboo fence be replaced with a 4-foot tall fence containing a 2-foot high lattice pattern.

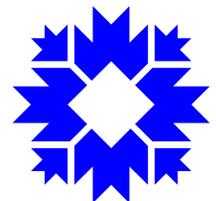


V-46-11, HABERMAN & DUCEY  
 1916 E. ARDEN DR.  
 SURROUNDING LAND USE AND ZONING

By: bannok  
 10 Nov 11



City of Bloomington  
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

October 15, 2011

Development Review Committee  
Planning Department  
City of Bloomington

Dear Committee Members:

We are applying for a variance to the City's rule that fences in front yards must be limited to a height of 4 feet. The address of our home property is 1916 Arden Drive, a residential site that consists of roughly 2/3rds of an acre located in the Arden Place Neighborhood at the intersection of Arden Drive and Windsor Drive (see attached plat map).

When we bought the property our front yard was covered with 23 lush spruce trees. All of these trees died over the past several years, as is the case with other spruce trees in Bloomington. After talking with Bloomington Urban Forester Lee Huss, we cut down the dead trees and began converting our yard into a forest garden, a Permaculture strategy for growing perennial fruit and nut trees along with flowering plants and annual vegetable crops. Since our yard was quite sloped, we built a limestone retaining wall to allow for more level growing surfaces. We now plan to add a fence on top of this wall to protect our developing forest garden from deer. We see deer in our yard most every day. Although we enjoy our routine interactions with the deer, we need to keep them out of the garden if we are going to have any chance of growing healthy plants. Thus the need for an effective fence, and a 4 foot fence will not be high enough to keep the deer out.

The City of Bloomington has been encouraging the development of more urban farming in a variety of ways (e.g., see the section on "Food" in the *Report of the Bloomington Peak Oil Task Force*), and we are hoping that this project will be regarded in this light. If we are to grow more food within Bloomington, fence heights will have to be raised in order to protect gardens from deer. Even if the present deer population within the city were to be reduced, deer would still be a threat, as we have seen deer in our yard since we first moved into our home over seventeen years ago. It is our understanding that the current Deer Task Force is preparing to make a recommendation to the Planning Department to raise the allowed height of fencing in front yards to 8 feet. We plan to install no fence higher than 8 feet, and most of fencing that that we propose would only be 5 feet high.

In total, we are proposing to install approximately 200 feet of fencing to protect our front yard property from deer. 110 feet of this would be black aluminum (wrought iron style – see attached photo) open fencing that would be 5 feet high, 50 feet would be an 8 foot high woven wire fence stretched along a side tree line, and 40 feet would consist of a 6 foot high bamboo fence (see attached photo) wrapped around a patio area. The attached color map of our property indicates the location of this fencing.

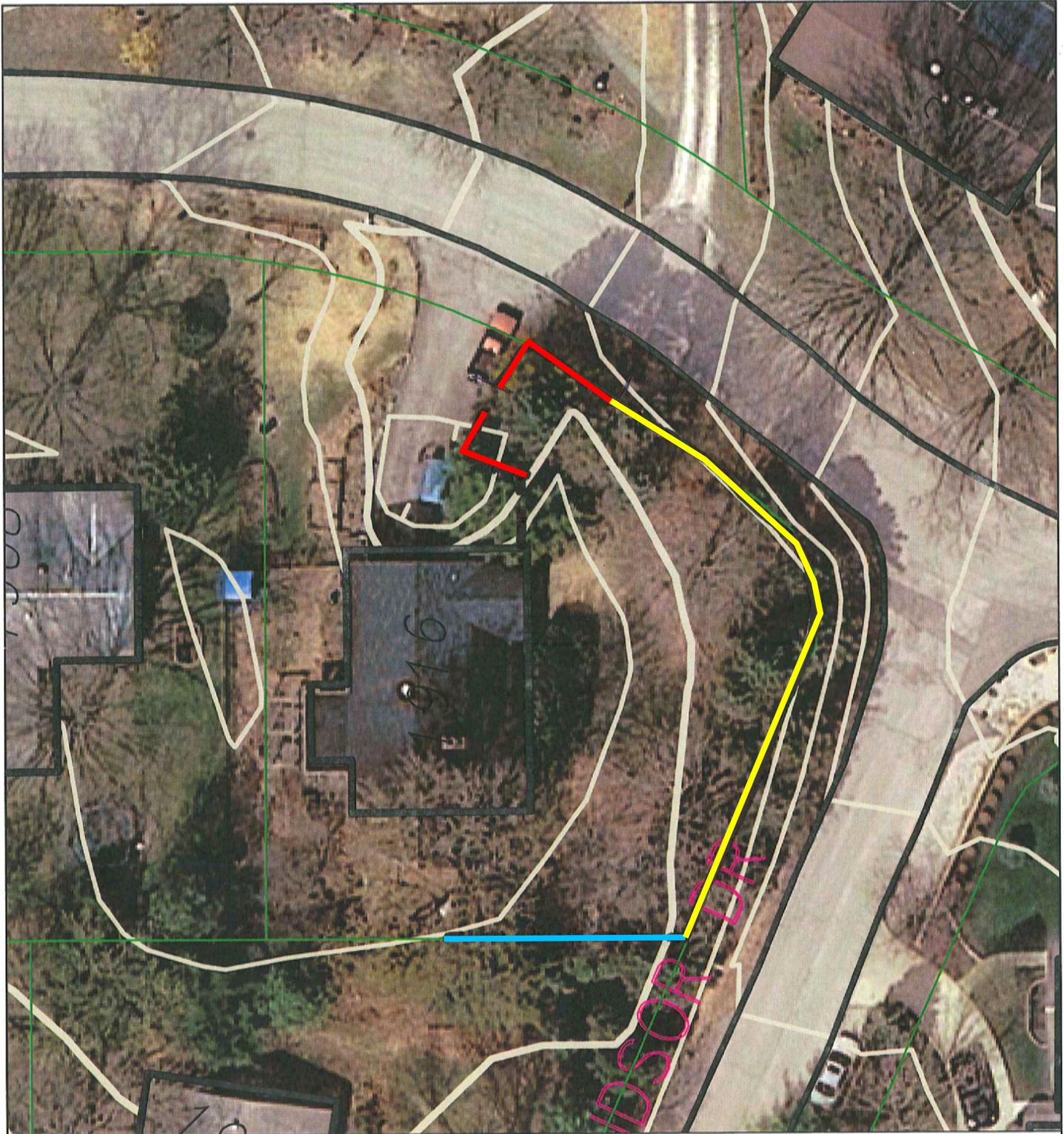
As proud residents of the Arden Place Neighborhood, we are very concerned to maintain a front yard appearance that is both attractive to our neighbors and serves as a demonstration site for urban agriculture within such residential areas. Our neighbors who walk by our property these days unanimously and enthusiastically express their delight with the development of our project, and we plan to do everything we can to continue this positive interaction. With this in mind, we have selected a fence that we think will make our property even more attractive and only increase the value of real estate in our neighborhood.

After considering these issues, we very much hope that your committee will see fit to recommend a variance that will allow us to install the fence we have planned so that we can proceed to plant our forest garden. Many thanks for your time and consideration.

Sincerely,

Handwritten signatures of David Haberman and Sandy Ducey in cursive script.

David Haberman and Sandy Ducey  
1916 Arden Drive  
Bloomington, IN 47401



aluminum - 5' —  
 waver wire - 8' —  
 bamboo - 6' —

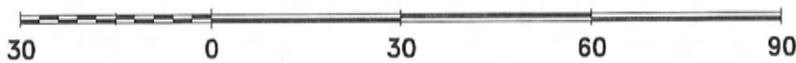


City of Bloomington  
Planning



Scale: 1" = 30'

By: micudat  
6 Oct 11



For reference only; map information NOT warranted.

Fencing Home

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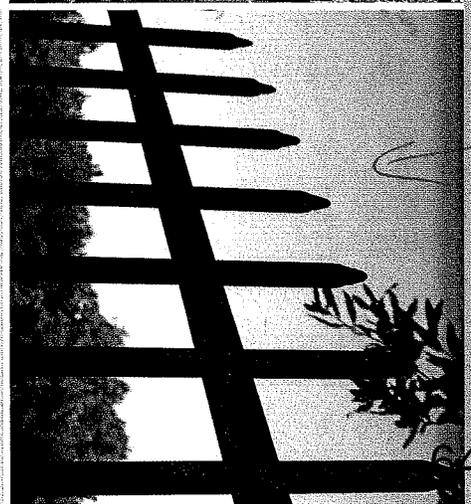
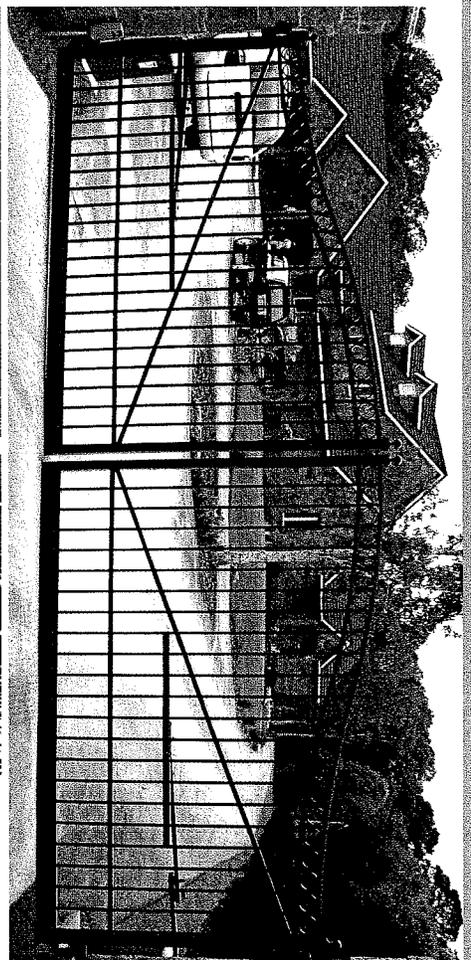
Calistandard Natural Bamboo Fence

Not yet rated

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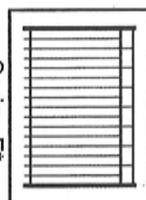
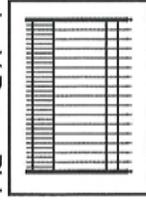
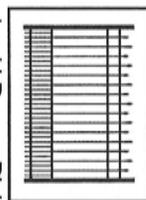
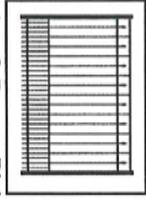
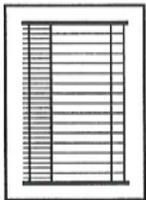
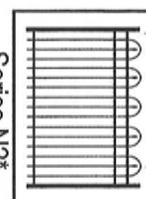
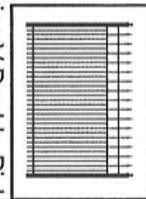
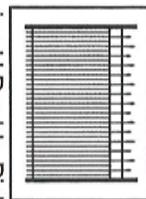
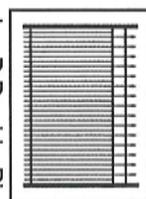
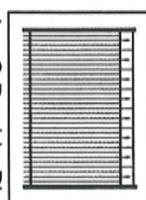
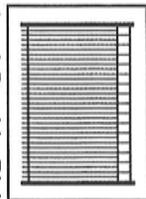
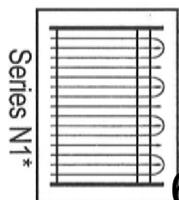
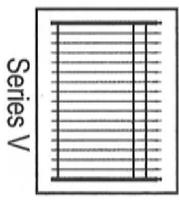
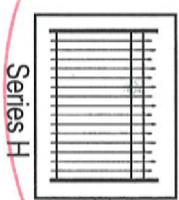
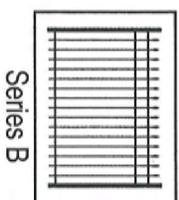
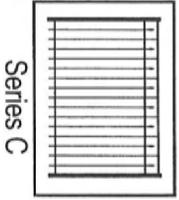
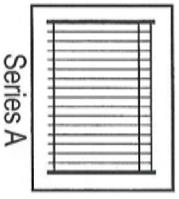
*The Superior Alternative*



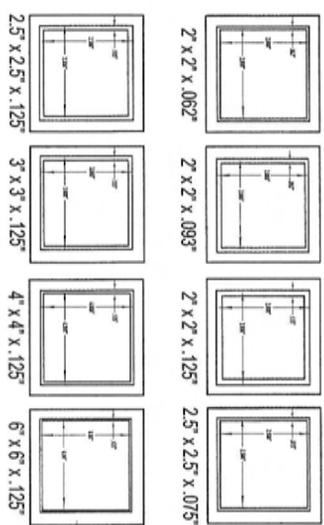
# ALUMINUM FENCE SUPPLY

The Superior Alternative

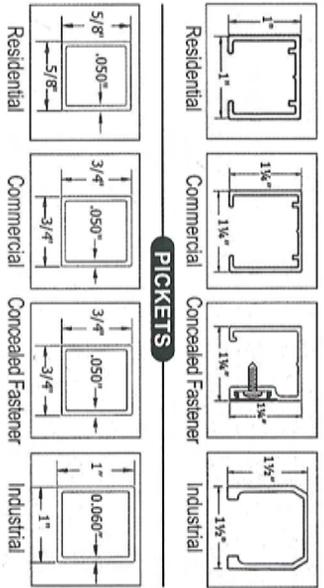
## STYLES



## POSTS

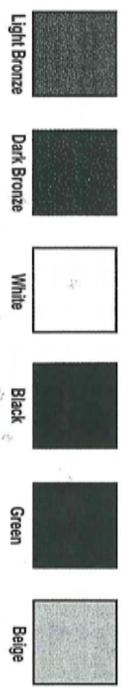


## GRADES



## CHANNELS

## COLORS



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 "The Superior Alternative"

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## ADORNMENTS



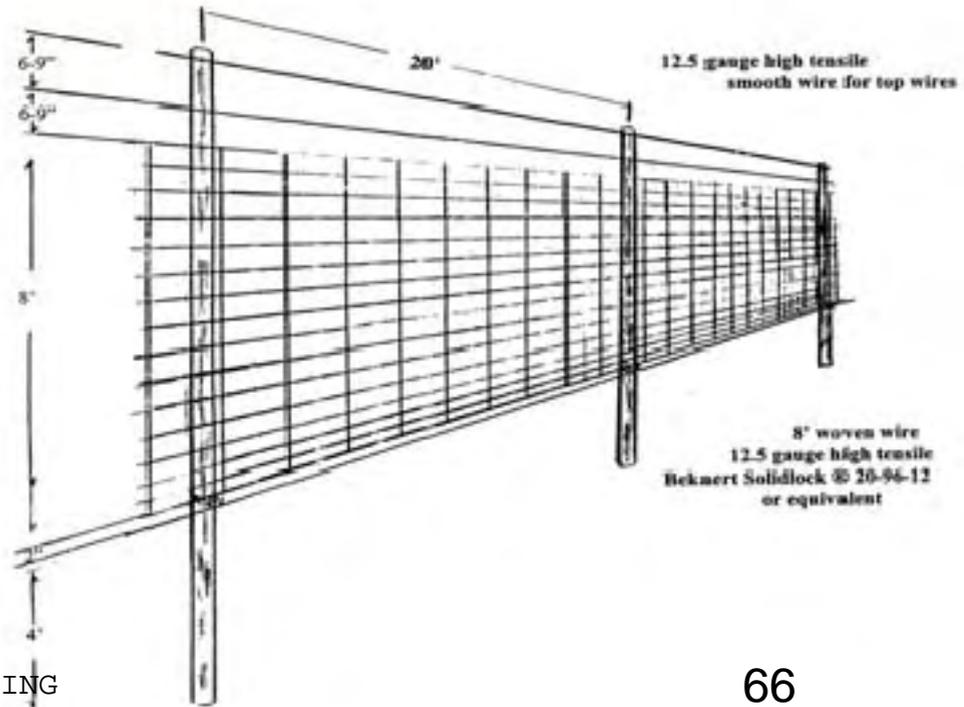
*This is the style we use plans to install.*

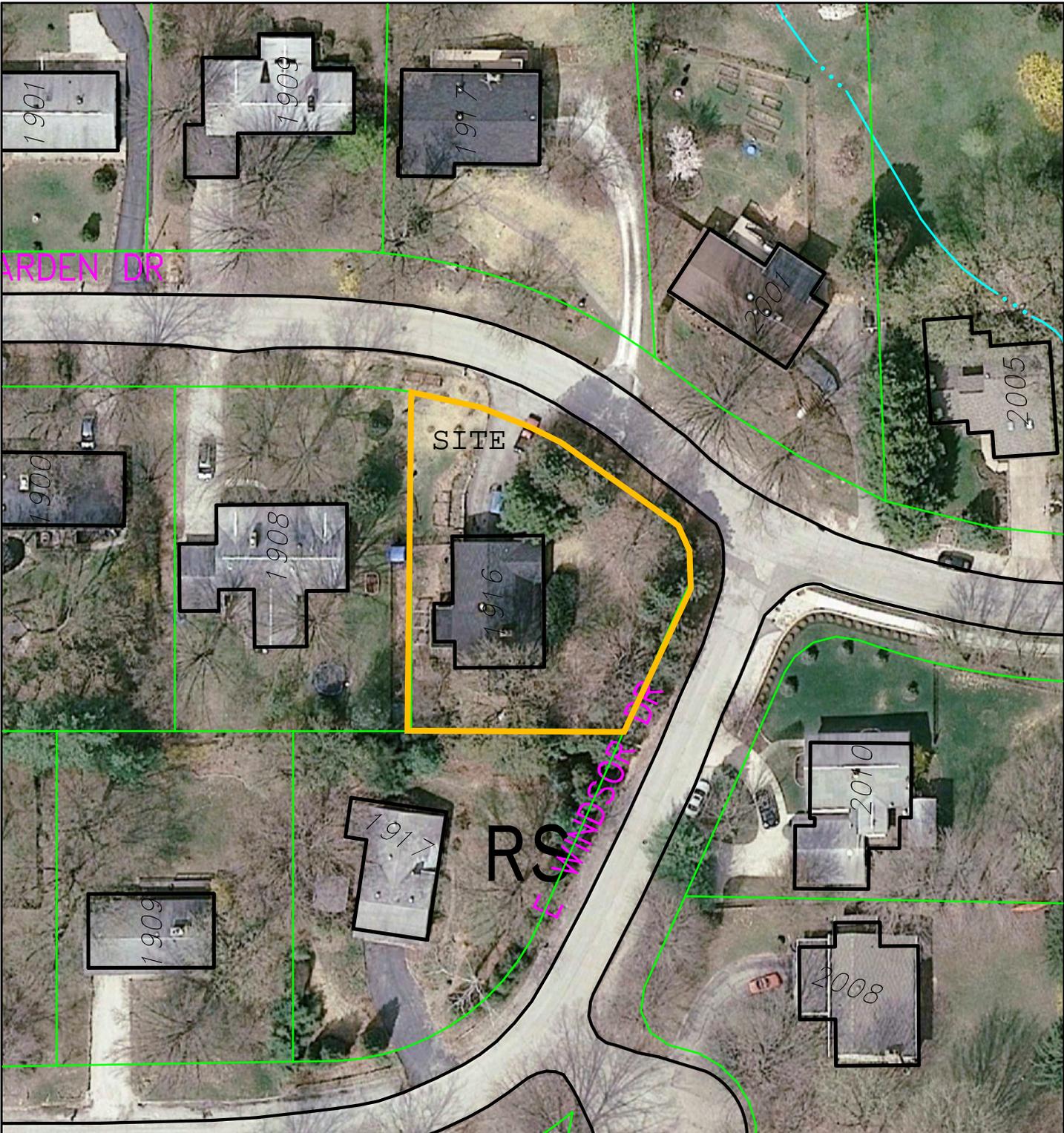


**Figure 3.** High Tensile wire, strung 3' above ground and stretched from corner to corner, aids in post layout and alignment.

**Figure 4. Line Post Detail**

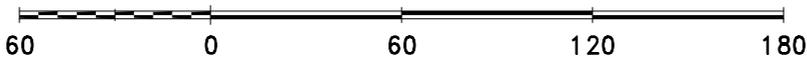
Pressure treated line posts (4" x 14') are set a minimum of 4' deep, 20' on center, and plumb to the outside (wire side) of the fence.





V-46-11  
2010 AERIAL PHOTO

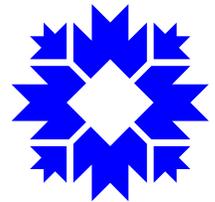
By: bannok  
10 Nov 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 60'

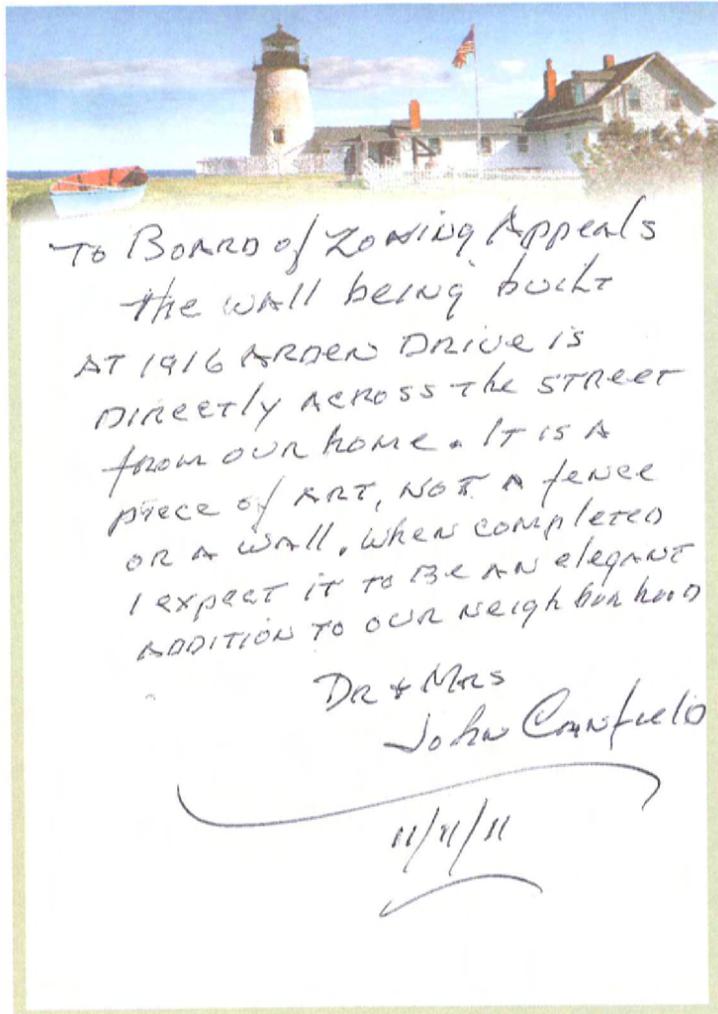
## PETITION OF SUPPORT

We, the undersigned members of the Arden Place Neighborhood Association support David Haberman and Sandra Ducey's request for a variance from the maximum fence height for their front yard (1916 Arden Drive). We understand that they plan to plant a forest garden in their front yard, and that the maximum height of 4 feet is not sufficient to keep deer out of the garden. (October 2011)

<u>Name</u>	<u>Address</u>
1) <u>Richard Linnemann</u>	<u>1900 E Arden Dr.</u>
2) <u>Robert E Flynn</u>	<u>1917 E Arden Dr</u>
3) <u>Jaura Mozimmer</u>	<u>1800 E Windsor Dr</u>
4) <u>Carol Ebeling</u>	<u>1724 E. Windsor Dr.</u>
5) <u>BJ Innis</u>	<u>1901 E. WINDSOR DR.</u>
6) <u>Anne Owens</u>	<u>1902 S. Wilton Dr.</u>
7) <u>Dell W</u>	<u>1716 G Windsor Dr.</u>
8) <u>Elizabeth DeVoe DeVoe</u>	<u>1805 S. Wilton Dr</u>
9) <u>Alspeter Thibos</u>	<u>1809 W. Drive Bloomington</u>
10) <u>Wong Venz</u>	<u>2001 E ARDEN</u>
11) <u>Donald K. Bay</u>	<u>1700 E Arden Dr</u>
12) <u>Allan Edwards</u>	<u>1714 S Wilton Dr</u>
13) <u>Christine Linnemann</u>	<u>1900 E. Arden Dr.</u>
14) <u>Ryan Hoyer</u>	<u>1911 E Wilton Ct.</u>
15) <u>Terry E. Carpenter</u>	<u>1901 E. Arden Dr.</u>
16) <u>Ruth M. Carpenter</u>	<u>1901 Arden Dr.</u>
17) <u>Juni Smith</u>	<u>1908 Arden Dr.</u>
18) <u>John Smith</u>	<u>1908 E Arden Dr</u>
19) <u>Katherine J. Berry</u>	<u>1700 E. Arden Dr</u>
20) <u>Bob Dwyer</u>	<u>2020 E. Arden Dr.</u>

We, the undersigned members of the Arden Place Neighborhood Association support David Haberman and Sandra Ducey's request for a variance from the maximum fence height for their front yard (1916 Arden Drive). We understand that they plan to plant a forest garden in their front yard, and that the maximum height of 4 feet is not sufficient to keep deer out of the garden. (October 2011)

<u>Name</u>	<u>Address</u>
1) <u>Ben Ball</u>	<u>1917 E Windsor Dr.</u>
2) <u>[Signature]</u>	<u>2008 E Windsor Dr.</u>
3) <u>William S. [Signature]</u>	<u>2000 E. Windsor Dr.</u>
4) <u>John Campbell</u>	<u>2010 E Arden Dr.</u>
5) <u>Phyllis R. Simmons</u>	<u>1909 E. Windsor Dr.</u>
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____
10) _____	_____
11) _____	_____
12) _____	_____
13) _____	_____
14) _____	_____
15) _____	_____
16) _____	_____
17) _____	_____
18) _____	_____
19) _____	_____
20) _____	_____



To Board of Zoning Appeals  
the wall being built  
at 1916 Garden Drive is  
directly across the street  
from our home. It is a  
piece of art, not a fence  
or a wall. When completed  
I expect it to be an elegant  
addition to our neighborhood

Dr & Mrs  
John Conuelo

11/11/11

Y095445

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**PETITIONER:** Thomson Thrift (Cheddars Restaurant)  
126 S. Franklin Rd., Bloomington

**CONSULTANT:** Smith Neubecker & Associates, Inc.  
453 S. Clarizz Blvd, Bloomington

---

**REQUEST:** The petitioner is requesting variances from the maximum number of parking spaces and from parking setback requirements.

---

**SITE DESCRIPTION:** This property is located at 126 S. Franklin and is zoned Commercial Arterial (CA). The petition site involves three properties; the Scottish Inn Suites property, a property to the south with a surface parking lot, and a portion of the detention pond lot to the north. Surrounding land uses are all commercial and include a detention pond lot to the north along with several restaurants further north, several hotels to the east, and a McDonalds and surface parking lot to the south.

The petitioner is proposing to remove the existing hotel to construct a Cheddars Restaurant. The UDO allows for a maximum of one parking space per 100 sq. ft. of gross floor area for a restaurant over 5,000 sq. ft. Based on the size of the restaurant (8,600 sq. ft.) the property would be allowed a maximum of 86 parking spaces. The petitioner is requesting a variance from the maximum number of parking spaces to allow for 214 parking spaces.

In addition to the parking number variance, the petitioner is also requesting a variance from the front parking setback requirements to allow parking between the building and State Road 37 to the west. For through lots that contain two street frontages the UDO states that the required front parking setback shall be applied to the street with the highest Thoroughfare Plan designation. In this case State Road 37 has a higher classification (freeway/expressway) than Franklin Rd (local street). The UDO would require that the building be placed closer to SR37 with parking facing Franklin. Since all vehicular and pedestrian access will be from Franklin Rd., Staff finds it more appropriate to have the front of the building oriented toward Franklin Rd. with parking in the rear along SR 37.

---

**SITE PLAN ISSUES:**

**Architecture/Design:** The petitioner has submitted elevations for all four sides of the building and these have been included in the packet. The submitted west elevation is missing some required architectural features that would be needed to meet the Architectural Standards section of the UDO. These would need to be added prior to issuance of a building permit if the variances are approved.

**Access:** The property would be accessed by two drivecuts along Franklin Rd. An existing drivecut will be utilized on the south end of the property in the same

approximate location to access the new parking area. There is one drivecut currently for Scottish Inn that will be moved north for the second access point. The locations of both drivecuts meet all UDO standards.

**Landscaping:** With the new construction of the building and parking area, the property would be required to meet all landscaping requirements. The petitioner has submitted a landscape plan that meets UDO requirements. The petitioner is proposing to utilize permeable pavers for 102 parking spaces and will also be installing paver blocks through some of the aisles and around the building to improve stormwater quality and meet impervious surface coverage requirements.

**Parking:** The UDO allows for a maximum of one parking space per 100 sq. ft. of gross floor area for a restaurant over 5,000 sq. ft. Based on the size of the restaurant (8,600 sq. ft.) the property would be allowed a maximum of 86 parking spaces. The petitioner is requesting a variance from the maximum number of parking spaces to allow for 214 parking spaces.

In order to justify such a large deviation from code, the petitioner has performed parking studies at some of the Cheddars restaurants in the region to provide parking usage data. These studies have been included in the packet. At two of the locations, the petitioner counted the number of cars in the lot, and any adjacent lots that were being used, every 15 minutes to determine a peak usage time and corresponding number of vehicles. Both sites contained restaurants that are approximately the same size as the prospective new store being proposed. The locations of the study sites were all in multi-tenant centers where there was opportunity for shared parking or spillover parking. At the third location, counts were taken at only one time, 7:00 PM.

In addition to the parking data submitted by the petitioner, Staff also conducted a similar parking usage study of local sit-down restaurants. This data was compiled on a Saturday evening, as well as on Saturday and Sunday afternoons at the restaurants in the vicinity of the proposed new Cheddars. Specifically, Staff observed parking at the O’Charley’s, Olive Garden, Cracker Barrel, and Texas Roadhouse. During the study, Staff found that the Cracker Barrel was filled for lunch time business. Texas Roadhouse was the only restaurant found to reach maximum capacity in the parking lot in the evening. This occurred around 7:30 PM and maximum capacity in the parking area was sustained for an approximately 15-minute period, before more spaces opened up and parking demand continued to decline. No spillover parking into adjacent lots was noted. Olive Garden was second in terms of maximum number of spaces used and achieved approximately 87% capacity at the maximum time again around 7:00-7:30. Each of the restaurants that were observed in this study was approved by the Plan Commission with a parking ratio of approximately 1 space per 55 sq. ft. of restaurant space. The exact parking ratios are listed below:

	Cracker Barrel	O’Charley’s	Olive Garden	Texas Roadhouse
Parking ratio	1 @60	1 @55	1 @54	1 @50

Both the petitioner’s study and Staff’s observations seem to indicate that although there is a peak period of maximum need for parking, that peak is not sustained for a prolonged period. In addition, the maximum need is typically found only on weekends

and not during the weekday evenings.

Staff believes that due to the short length of the peak usage time, that it is more consistent with City policy for this variance to be based on the 85% need and not the maximum need. It is well understood in the planning profession that planning for peak parking usage leads to substantial amount of excessive surface parking and resultant negative environmental impacts, which is why the City switched to a maximum parking standard in 2007. In addition, Staff has observed that the demonstrated need of the sit-down restaurants in this immediate area has been served by the 1 space per 50 sq. ft. standard and does not feel that a further reduction from this standard is needed.

**Pedestrian Facilities:** There is a sidewalk along the detention pond lot, but not a sidewalk in place along the remaining Franklin Rd. frontage. As a result a complete sidewalk system would be required along the entire frontage. The required sidewalk has been shown on the proposed site plan.

**Signage:** There is an existing pole sign along State Road 37 that the petitioner could reface or replace with a new ground sign. No increase in the sign area or size would be allowed. A sign permit is required prior to any change in signage or new signage that is added.

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## 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:**

**PARKING NUMBER:** The granting of the variance from the standards will not be injurious to the public health, safety, or morals. Staff does find that the approval would be injurious to the general welfare of the community as this would deviate further from the policies and goals of the UDO to limit excess parking. The community has adopted a maximum parking standard to specifically provide parking based on the average daily use, not the maximum peak demand. Approval of this variance would greatly undermine the purpose behind the maximum parking standard.

**PARKING SETBACK:** The granting of the variance from the parking setback standard will not be injurious to the public health, safety, morals, and general welfare. Creating a building forward design more oriented toward Franklin Dr. will better achieve the community goals for development.

- 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 use and value of the areas adjacent to the property. Staff does find a positive impact on the use and value of the adjacent areas due to the redevelopment of this property.

- 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.*

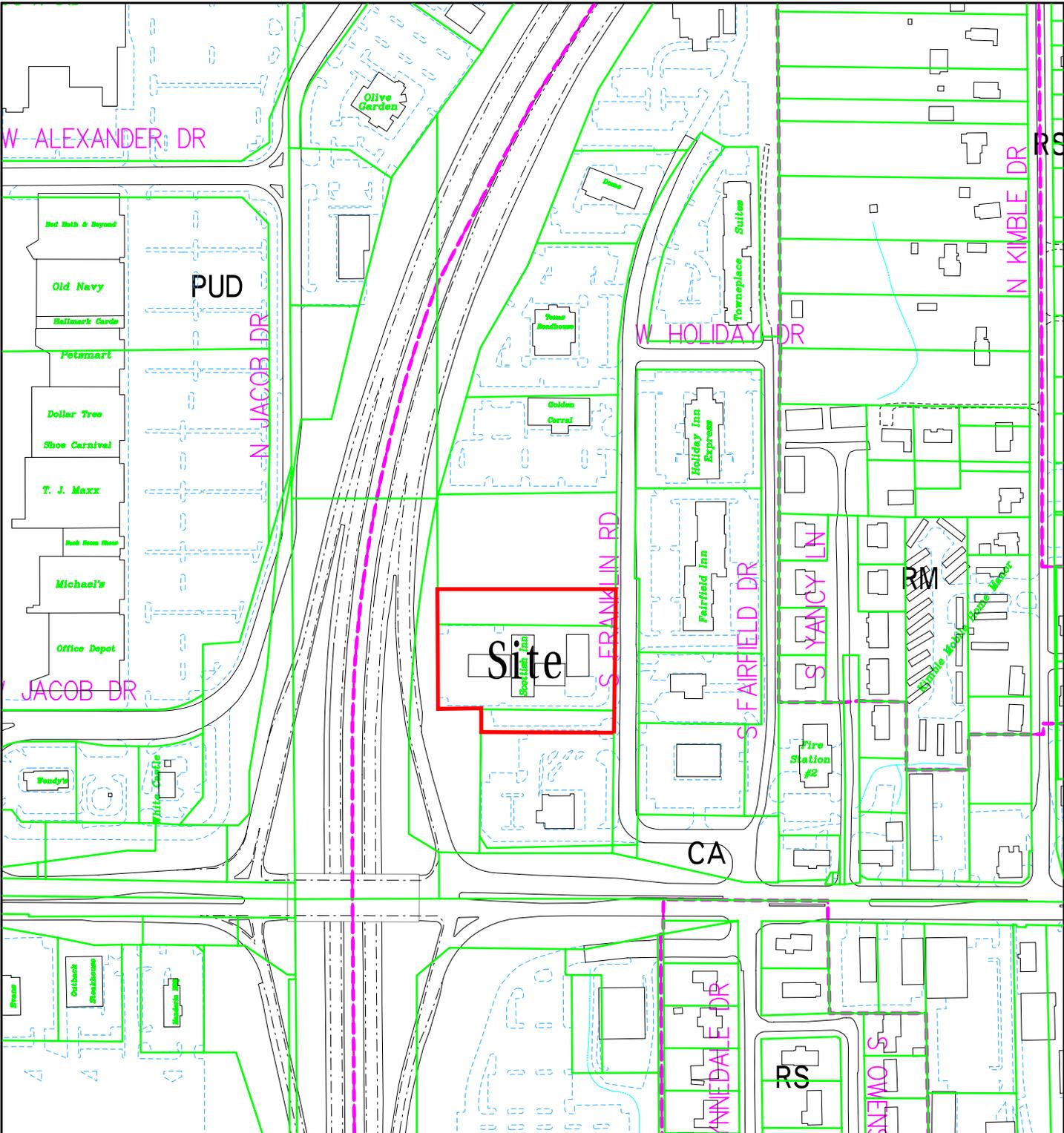
**STAFF FINDING:**

**PARKING NUMBER:** Staff finds that the strict application of the UDO will result in practical difficulty in that the number of spaces allowed by code does not match the demonstrated needs of this type of large, sit-down restaurant. A parking study was conducted by the petitioner and staff which found that large, sit-down restaurants do have a parking need greater than the 1 space per 100 sq. ft. that the UDO would allow. However, Staff does not find that this practical difficulty is peculiar to the property in question. The parcel has no unusual size, shape, or topographic constraints that related in any way to the variance. Rather, the variance is being requested to fulfill a seating need that is not consistent with other sit-down restaurants and not consistent with City parking policy.

**PARKING SETBACK:** Staff does find the strict application of the UDO will result in practical difficulty in the use of the property in that the UDO would require the building to be oriented toward SR37, even though no access would be coming from that road and all businesses along this street are oriented toward Franklin Rd. The practical difficulties are peculiar to this property since it is a through lot with the higher classified street having no possibility for vehicular or pedestrian access.

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**RECOMMENDATION:** Staff recommends approval of the parking setback variance but denial of the requested parking number variance



V-48-11 Thompson Thrift (Cheddars)

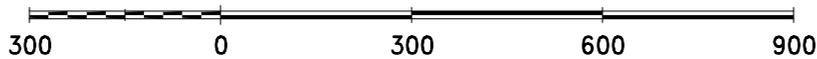
126 S. Franklin Rd

Board of Zoning Appeals

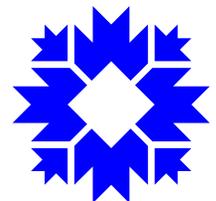
Site Location, Parcels, Zoning, Land Use

By: greulice

9 Dec 11



City of Bloomington  
Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.



*"Providing professional land planning, design, surveying and approval processing for a quality environment."*

Stephen L. Smith P.E., L.S.  
Daniel Neubecker L.A.  
Steven A. Brehob, B.S.Cn.T.

October 18, 2011

City of Bloomington Board of Zoning Appeals  
c/o Patrick Shay  
Planner  
Planning Department  
PO Box 100  
Bloomington, Indiana 47402

Re; Appeal for increased parking allowance and parking setback  
Cheddar's Restaurant at Franklin Business Park

Dear Pat and Board Members,

The successful and popular Cheddar's restaurant group is seeking a location in Franklin Business Park on Bloomington's west side. Cheddar's like many similar restaurants does a very good business and has a high parking demand. A variance to the maximum allowed parking is needed to provide adequate parking for the proposed restaurant. Cheddar's will occupy the Scottish Inn site, a small parcel to the south and a portion of the lot to the north.

Similar Cheddar's sites in other communities regularly park more than 200 vehicles during peak periods of the week. We are seeking variance to allow up to 220 parking spaces on this site. The attached parking study illustrates this need for increased parking.

This site has frontage on both Franklin Road and SR 37. The code states that *"for through lots, this required setback shall only be located on the street with the highest thoroughfare plan classification."* At your direction we have placed the building at the Franklin Road frontage rather than the SR 37 frontage. A variance is therefore needed from the standard setback requirements.

Detailed design of other site features is moving forward as this variance is being processed. The detention basin to the north is being reconfigured to store water more effectively and to make some of the site available for other uses. A letter from Phil Peden indicating that CBU will work with us on reconfiguring the detention basin is also enclosed. We are also considering use of a significant amount of pervious pavers in the plan. These pavers will reduce impervious surface, improve water quality and provide an upscale look for the project.

Smith Neubecker & Associates, Inc.



Your standard application form, application fee, parking study and authorization from the property owners are included with this application package. We look forward to working with the staff over the next few weeks and discussing our request with Board members.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Smith', written in a cursive style.

Stephen L. Smith  
Engineer for  
Thompson Thrift and Cheddar's

Encl  
Copy; Jose Kreutz



# Memorandum

Stephen L. Smith P.E., L.S.  
Daniel Neubecker L.A.  
Steven A. Brehob, B.S., C.E.T.

To; Bloomington Board of Zoning Appeals  
Planning Staff  
From; Stephen L. Smith *Steve*  
Subject; Parking Demand Study  
Cheddar's Restaurant  
Date; 9/21/11

---

## Executive Summary:

This study was undertaken for Thompson Thrift and Cheddars to determine the appropriate amount of parking for the proposed Cheddars in Franklin Business Park. It was suspected based on Cheddars experience that the code allowed parking would not be sufficient to meet their demand.

The data gathered for the study indicates that the Cheddars restaurant should provide 210 to 220 parking spaces to meet their normal weekly peak parking demand. This result is based on observations at two existing Cheddars restaurants, compilation of data for similar sites on the west side of Bloomington and review of the Institute of Transportation Engineers Parking Generation Study.

## Observations of Existing Cheddars Sites:

Cheddars is based out of Texas and is moving to the north with their restaurants. The closest sites are located in the Louisville area. Two of those sites were observed and parking counted at 15 minute intervals during the Friday lunch and dinner hours on June 17. Both managers were interviewed and indicated that it was a normal Friday, no special events and no special crowd.

Louisville South Side – This restaurant is located on a stand alone site with mostly vacant land and little other commercial establishments within site. It is on a four lane collector street that intersects with I-65 a mile or more to the west of the site. The site has 235 paved parking spaces with 30 additional spaces added after initial development to provide for staff parking. The restaurant is about one year old. There is heavy commercial several miles to the east and major employers in the area.



The attached table and graph show the peak parking at lunch was 200 cars and at dinner 202 cars. Parking was 192 or above from 6:30 pm until the count ended at 8:00 pm.

The crowd picked up quickly when the restaurant opened at 11:30, there were patrons waiting when the door opened. The parking demand slowly dropped after lunch, was back up to 128 by 5 pm and remained strong the remainder of the evening.

The manager noted that there were periods when they were parked full and that is why they expanded with 30 additional spaces.

Clarksville – This restaurant is located on the outer edge of the parking lot for an adjoining mall at an interchange with I-65 in Clarksville. The restaurant has a 113 space parking lot of its own site additional parking in the adjacent mall parking area. The restaurant has nearly unlimited parking available in the mall parking lot.

The attached table and graph show the peak parking at lunch was 127 and at dinner was 200. The commercial area did not have as large a lunch business as the more employment centered Louisville restaurant

#### Bloomington Restaurants:

The UDO allows one parking space for each 100 sf for a restaurant over 5000 sf in size. All of the Westside restaurants that were observed substantially exceed this allowance. It is our belief that all of these restaurants were constructed before the UDO limited parking. Data for several west side restaurants and for Cheddars is contained on the attached spreadsheet “Bloomington Restaurants”. These two are typical of what the data show;

- Texas Roadhouse is allowed 68 spaces in the UDO, it has 160 and 142 were parked when the count was taken on a Friday in June. Another count was taken on 9/16/11, an IU football weekend. All 160 spaces were parked and there were six cars double parked or circulating.
- Olive Garden is allowed 75 spaces in the UDO, it has 139 spaces and 134 were parked the night of the observation.

#### Institute of Transportation Engineers Data:

The Fourth Edition of Parking Generation includes data from 8 to 21 studies (depending on the particular data item) that apply to various data and



time periods for “High turnover sit down restaurant with bar”. A summary of this data is shown on the attached spreadsheet. The data ranges can be reviewed as follows;

- Parking per 1000 sf of restaurant.
  - The UDO allows 10 spaces per 100sf.
  - The data range from the ITE studies is 4.2 to 24.3
  - Cheddars would be at 24.7 if 212 spaces are allowed.

Observations:

These popular franchise restaurants can do a very strong business and create a high parking demand. This is shown by the local data, national data and from specific counts for the two Cheddars sites.

Personal experience of those who frequent these restaurants can attest to long waits with people sitting in the atrium, lobby and outside. At Bloomington’s Texas Road House it is very common for parking to substantially spill out onto Franklin Road. At Olive Garden and others in that area the parking spills over into the adjacent retail parking lots.

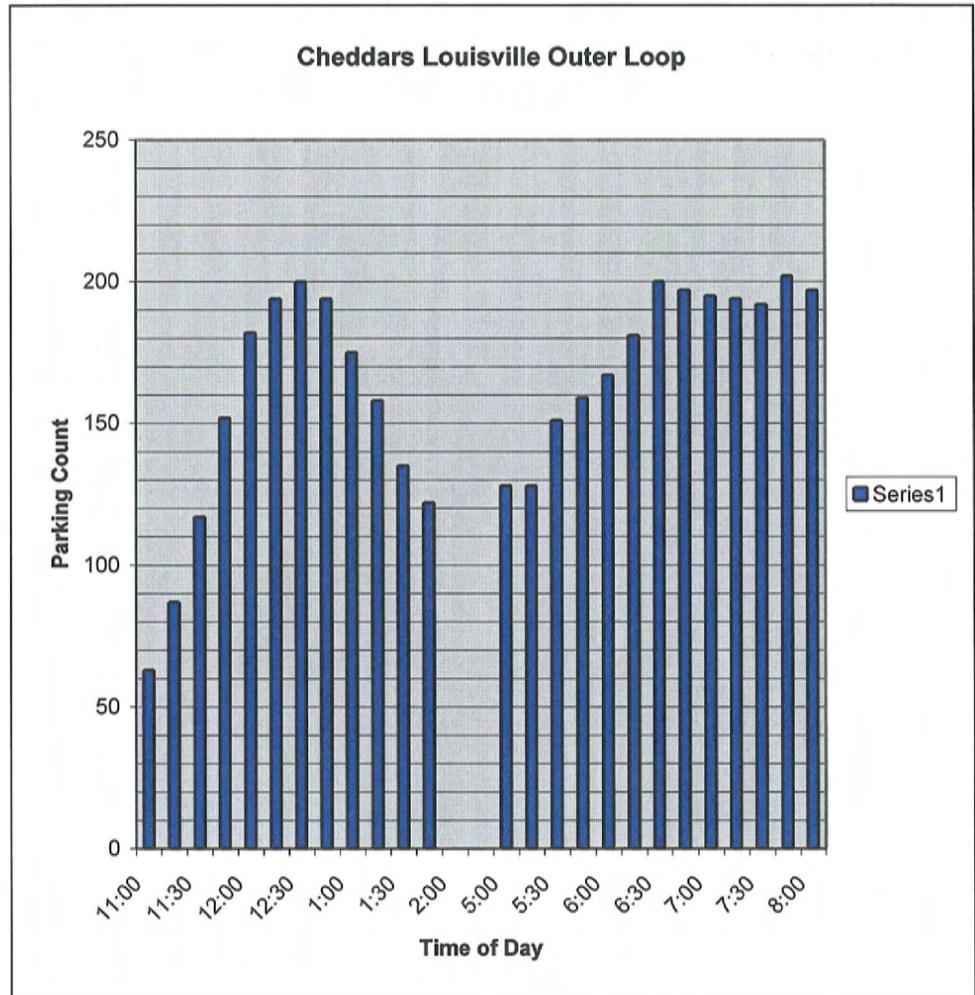
Cheddars Clarksville Parking Count  
 17-Jun-11  
 Job #4723  
 by: Isaac Beckman

Parking Count	
Clarksville	
Time	Count
11:00	40
11:15	46
11:30	53
11:45	78
12:00	100
12:15	103
12:30	127
12:45	114
1:00	101
1:15	100
1:30	94
1:45	83
2:00	82
5:00	93
5:15	105
5:30	110
5:45	124
6:00	136
6:15	139
6:30	160
6:45	170
7:00	185
7:15	200
7:30	185
7:45	160
8:00	150



Cheddars Louisville Outer Loop  
 Job #4723  
 6/17/2011  
 By: Steve Smith

Time	Count
11:00	63
11:15	87
11:30	117
11:45	152
12:00	182
12:15	194
12:30	200
12:45	194
1:00	175
1:15	158
1:30	135
1:45	122
2:00	
5:00	128
5:15	128
5:30	151
5:45	159
6:00	167
6:15	181
6:30	200
6:45	197
7:00	195
7:15	194
7:30	192
7:45	202
8:00	197





*"Providing professional land planning, design, surveying and approval processing for a quality environment."*

Stephen L. Smith P.E., L.S. November 30, 2011  
Daniel Neubecker L.A.  
Steven A. Brehob, B.S., C.M.T.

Eric Greulich  
Planner  
Planning Department  
PO Box 100  
Bloomington, Indiana 47402

Re; Cheddar's Restaurant Parking Variance  
Supplemental Information

Dear Eric,

We have continued studying the parking needs for Cheddars and have additional information to submit for staff review and for the December BZA hearing. The table of comparable restaurants and data has been updated. Additional data has been gathered for another Cheddars Restaurant. An interpretation of the data is provided. Cheddars has and is also submitting additional supporting information.

Table of Comparable Restaurants. The square footage for each restaurant has been updated based on tax records. The amount of parking for each site has been checked and corrected. The number of seats in typical Cheddars has been corrected to 361 inside plus 48 patio for a total of 409 seats. An observation for the Westport Road Cheddars has been added.

Louisville Westport Road Cheddars. We made a visit to this Cheddars to clarify parking after you noted that this site didn't have near as much parking as the two we studied (Louisville Outer Loop and Clarksville). The observation was at 7 pm on Friday November 4. The entire shared lot of Cheddars and Chic-filet was nearly full. We estimated that Cheddars was parking 151 cars. The manager indicated that employee's park in the outer limits of the nearby Home Depot lot. There were 30 cars parked in that area. Cheddars was parking 181 cars at the time of the count. The 7 pm count was probably not the peak parking for the evening. The peak was probably about 5 to 10% higher or about 190 to 199 parked cars (see discussion below).

Interpretation of the Data. The most complete data is from the two Cheddars sites that were counted at 15 minute increments during both the lunch and evening hours on a Friday in June. The counts every 15 minutes show how the parking demand varies over time and also clearly captures the peak parking



demand. The data also shows how the parking demand drops as much as 20% only 30 minutes off the peak time. See the attached spreadsheet "Peak Parking and Percentages at Other Times" to see how the parking demand varies with time.

The Louisville site peaked with 202 parked cars at 7:45. The parking 15 minutes earlier was only 95% of the peak.

The Clarksville site peaked with 200 parked cars at 7:15. The parking 15 minutes earlier was 93% of that peak and 30 minutes earlier was at 85% of the peak. The parking 30 minutes after the peak was 80% of the peak demand.

Reviewing this data one could say that the peak parking demand is happening between 7 pm and 8 pm; but not at a consistent time from site to site. A careful study of that hour period is necessary to determine the peak parking demand for a site. The data suggests that a random count between the hours of 7 pm and 8 pm would yield a value of 80% to 100% of the peak parking demand.

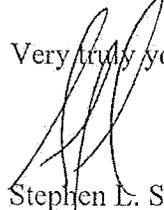
All of the other data collected at other sites were single observations between 6:30 pm and 7:30 pm. These single observations can be expected to yield a parking number that is 80% to 100% of the peak demand. Stated another way; the peak parking demand is expected to be from 100% to 125% of those observations.

The data from the two Cheddars sites that were counted every 15 minutes provide good peak parking demand information. The other counts at other sites, taken at one point in time, do not reflect the peak parking demand. The peak parking demand will be up to 20% higher than these figures.

The additional data being submitted under separate cover from Cheddars illustrates the success of these Cheddars sites and the need for adequate parking.

Thank you for consideration of our request to allow adequate parking for the proposed Cheddars restaurant. We look forward to continued dialogue with staff and discussion with the Board at the December hearing.

Very truly yours,

  
Stephen E. Smith  
Engineer for  
Thompson Thrift and Cheddar's

Encl  
Copy; Jose Kreutz  
Lee Greer

Peak Parking and Percentages at other Times

Time	Louisville		Clarksville	
	Cars	% of Peak	Cars	% of Peak
11:00	63	31%	40	20%
11:15	87	43%	46	23%
11:30	117	58%	53	27%
11:45	152	75%	78	39%
12:00	182	90%	100	50%
12:15	194	96%	103	52%
12:30	200	99%	127	64%
12:45	194	96%	114	57%
1:00	175	87%	101	51%
1:15	158	78%	100	50%
1:30	135	67%	94	47%
1:45	122	60%	83	42%
2:00		0%	82	41%
		0%		0%
5:00	128	63%	93	47%
5:15	128	63%	105	53%
5:30	151	75%	110	55%
5:45	159	79%	124	62%
6:00	167	83%	136	68%
6:15	181	90%	139	70%
6:30	200	99%	160	80%
6:45	197	98%	170	85%
7:00	195	97%	185	93%
7:15	194	96%	200	100%
7:30	192	95%	185	93%
7:45	202	100%	160	80%
8:00	197	98%	150	75%
Peak	202		200	

Comparable Restaurants

	Site Data										Comments
	Building Gross sf (based on tax statement)	Seats	Parking Spaces on Site	sq/seat	Parking per seat	Building sq/parking space	Count 6/17, 6/23 and 11/4/2011	City Allowed Parking	Count 9/16/11	Counted Spaces/ 1,000 sf	
Cheddars, Louisville	8,600	409	265	21.0	0.65	32.5	202	86		23.5	Lunch and dinner counts at 15 minute int on 6/17/11
Cheddars, Clarksville	8,600	409	114	21.0	0.28	75.4	200	86		23.3	Lunch and dinner counts at 15 minute int on 6/17/12
Cheddars, Louisville Westport Rd	8,600	409	154			55	181	86		21.0	
<i>Proposed Cheddars, Bloomington</i>	<i>8,600</i>	<i>409</i>	<i>361</i>	<i>21.0</i>	<i>0.52</i>	<i>40.6</i>		<i>86</i>		<i>24.7</i>	
Bloomington Restaurants:											
Smoky Bones	5,914	260	113	22.7	0.43	52.3	157	59		15.5	One count between 6:30 and 7:00 pm 6/23/11 (Friday)
Cracker Barrel	10,100	200	165	50.5	0.83	61.2	119	101		18.0	One count between 6:30 and 7:00 pm 6/23/11 (Friday)
O'Charley's	6,608	219	119	30.2	0.54	55.5	134	66		17.8	One count between 6:30 and 7:00 pm 6/23/11 (Friday)
Olive Garden	7,526	229	139	32.9	0.61	54.1	121	75		17.4	One count between 6:30 and 7:00 pm 6/23/11 (Friday)
Golden Corral	6,964	248	120	28.1	0.48	58.0	142	70		21.9	One count between 6:30 and 7:00 pm 6/23/11 (Friday)
Texas Roadhouse	7,576	200	160	37.9	0.80	47.4		76			

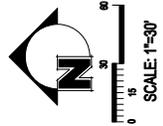
The Cheddars counts at Louisville and Clarksville were taken on a random Friday in June (6/17/11). There was nothing special going on. The local staff indicated that it was normal or maybe a little slow for a Friday. Certainly they have very busy nights and this was not one of them.

The Bloomington counts were also taken on a random Friday night in June (6/23/11). IU was out of session and there was no noticeable special activity in town (is softball tournament etc). One count was taken at each restaurant about the time the parking should be building up to its peak. A second count was taken at Texas Road House on 9/16/11, an IU football weekend. All 160 spaces were parked and about six cars were double parked or circulating waiting for parking.

The Westport Road Cheddars was observed at 7 pm on Friday November 4th, both the Cheddars and adjacent Chic-fil-let were busy and the shared lot was nearly full. 199 of the 213 spaces were taken. 151 of the occupied spaces appeared to be on the Cheddars portion of the shared parking lot. There were 30 cars parked at the outer edge of the Home Depot lot that appeared to be staff for Cheddars. This staff parking was also observed on google aerials. I spoke with the manager who confirmed that staff parks in the Home Depot lot. Cheddars gives Home Depot staff a food discount in return.



DATE	BY	DESCRIPTION



**LANDSCAPE NOTES**

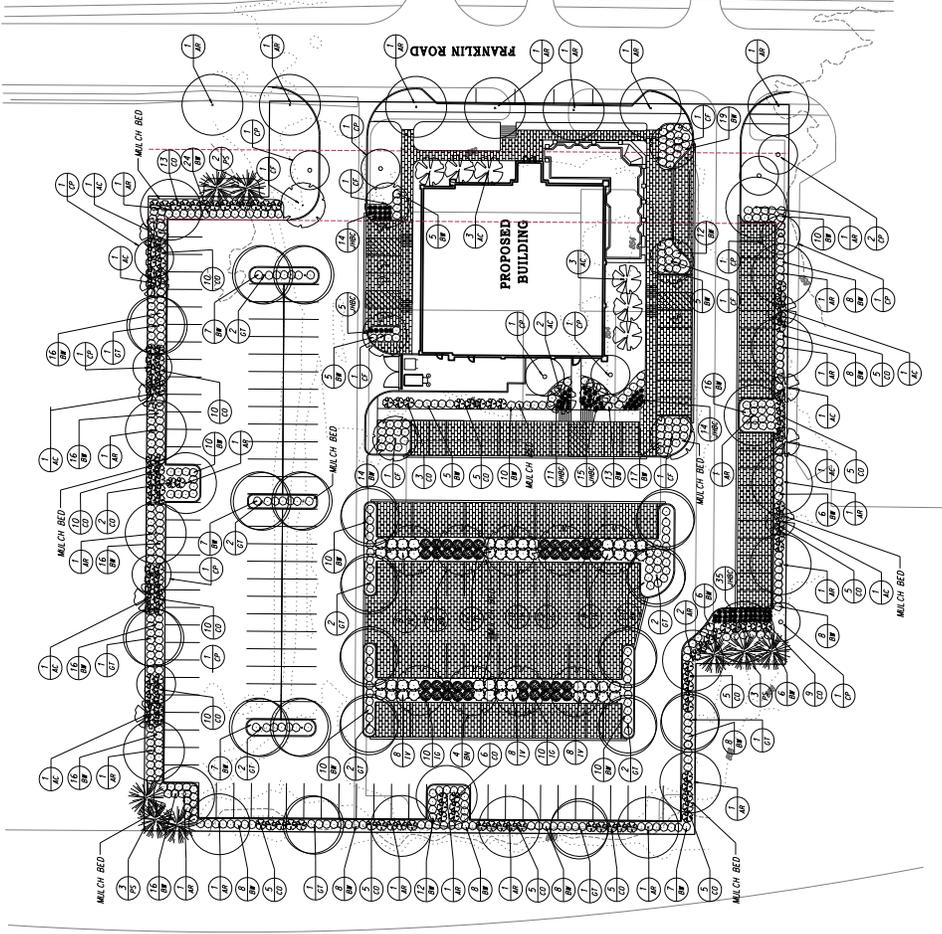
- 1) ALL PLANTINGS MUST BE APPROVED BY CITY PLANNING PRIOR TO INSTALLATION.
- 2) 4" OF SHROUBS AND 18" OF TREES SHALL HAVE A SHADE CUT EDGE.

**LANDSCAPING REQUIREMENTS**

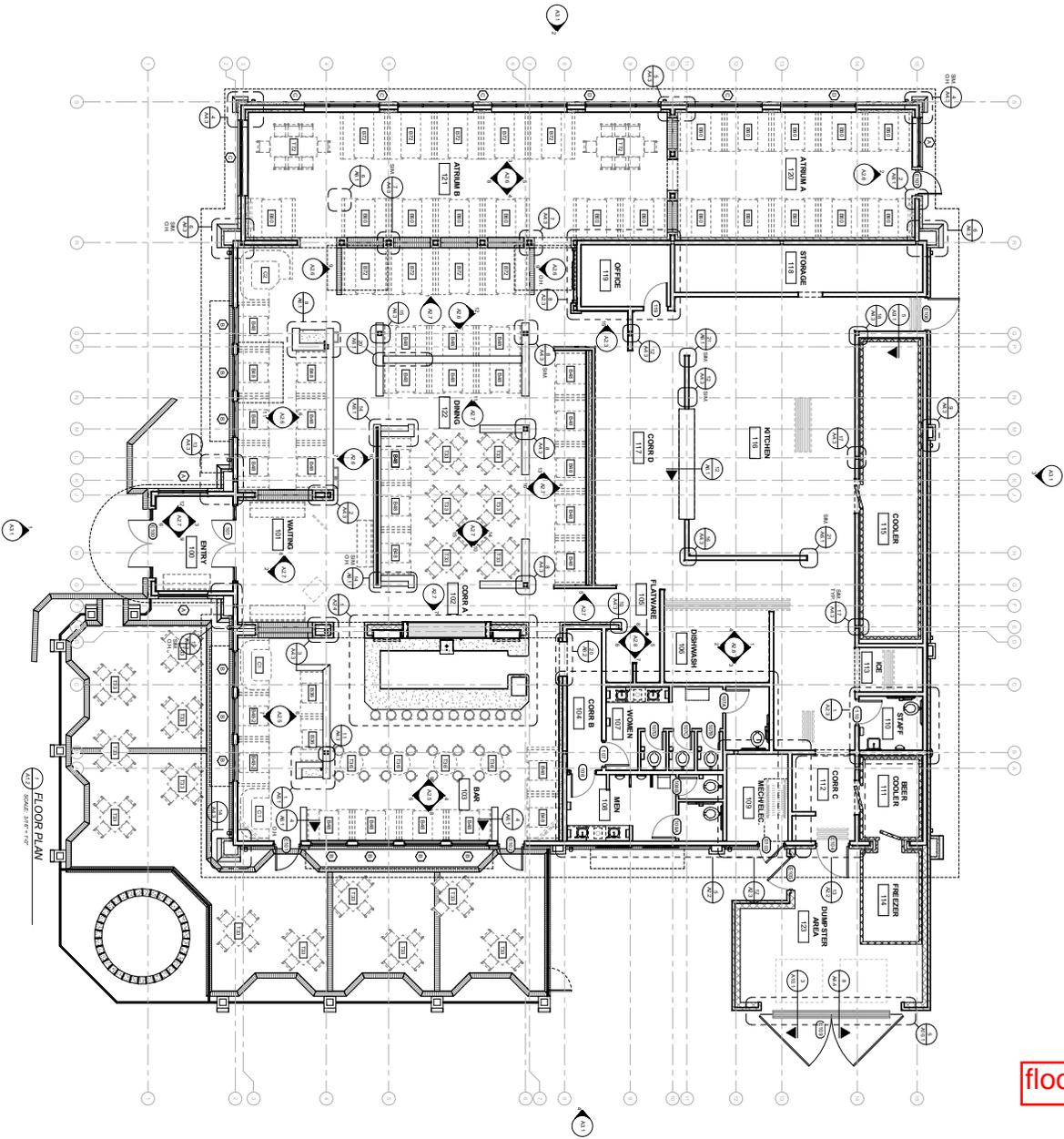
PARKING LOT PERIMETER ASSOCIATING  
 STREET TREES AT EVERY 40' O.C. REQUIRED. 7 STREET TREES PROVIDED @ 40' O.C.  
 1 TREE PER EVERY 4 PARKING SPACES (216 TOTAL) = 54 TREES PROVIDED. 54 TREES PROVIDED.  
 50% EVERGREEN PERIMETER SHRUBS REQUIRED = 230 PROVIDED OF 546 TOTAL.  
 ADDITIONAL INTERIOR PARKING LOT SHRUBS PROVIDED=308. IN ALEED OF PERIMETER SHRUBS.  
 50% EVERGREEN INTERIOR SHRUBS REQUIRED = 158 PROVIDED OF 328 TOTAL.  
 1 TREE REQUIRED FOR EVERY ISLAND. 11 ISLANDS PROVIDED WITH 24 TREES PROVIDED.  
 TOTAL SITE AREA=2.48 ACRES.  
 CANOPY TREES REQUIRED = 9 PER ACRE = 22 TOTAL REQUIRED. 22 NEW CANOPY TREES PROVIDED AROUND PARKING LOT.  
 EVERGREEN TREES REQUIRED = 3 PER ACRE = 8 TOTAL REQUIRED. 8 NEW PROVIDED.  
 SHRUBS REQUIRED = 27 PER ACRE = 67 TOTAL REQUIRED. 65 SHRUBS PROVIDED.  
 50% EVERGREEN REQUIRED. 80 EVERGREEN PROVIDED.

**LANDSCAPE PLANT TABLE**

KEY	BOTANICAL NAME	COMMON NAME	SIZE
TR	TREES		
AR 19	ACER rubrum	Red Maple	2" Caliper
AC 25	AMELANCHIER canadensis	Shoebow Spice/Canberry	2" Caliper
BN 9	Betula nigra	River Birch	2" Caliper
CF 7	CORNUS florida	Flowering Dogwood	2" Caliper
CP 8	CORYLUS pennsylvanica	Washington Hawthorn	2" Caliper
GT 19	GLEDITSIA triacanthos thornis	Thornless Honeylocust	2" Caliper
PS 8	Pinus strobus	White Pine	6' Height
	SHRUBS		
DR 428	BIDENS 'Golden Velvet'	Green Velvet Boreasod	3 Gallon
CO 133	CEPHALANTHUS occidentalis	Burnt Sash	3 Gallon
IC 44	ILEX glabra	Hollyberry	3 Gallon
IV 50	ITEA virginica	Virginia Sweetspine	3 Gallon
JHBC 34	JUNIPERUS horizontalis	Blue Chip Juniper	3 Gallon



landscape plan



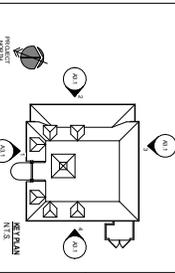
floor plan

**BOOTH & TABLE SCHEDULE**

TYPE	QTY	SEATS	AREA
BOOTH	1	4	16.00
2'x4' TABLE	27	54	108.00
4'x4' TABLE	27	54	108.00
6'x6' TABLE	27	54	108.00
8'x8' TABLE	27	54	108.00
10'x10' TABLE	27	54	108.00
12'x12' TABLE	27	54	108.00
14'x14' TABLE	27	54	108.00
16'x16' TABLE	27	54	108.00
18'x18' TABLE	27	54	108.00
20'x20' TABLE	27	54	108.00
22'x22' TABLE	27	54	108.00
24'x24' TABLE	27	54	108.00
26'x26' TABLE	27	54	108.00
28'x28' TABLE	27	54	108.00
30'x30' TABLE	27	54	108.00
32'x32' TABLE	27	54	108.00
34'x34' TABLE	27	54	108.00
36'x36' TABLE	27	54	108.00
38'x38' TABLE	27	54	108.00
40'x40' TABLE	27	54	108.00
42'x42' TABLE	27	54	108.00
44'x44' TABLE	27	54	108.00
46'x46' TABLE	27	54	108.00
48'x48' TABLE	27	54	108.00
50'x50' TABLE	27	54	108.00
52'x52' TABLE	27	54	108.00
54'x54' TABLE	27	54	108.00
56'x56' TABLE	27	54	108.00
58'x58' TABLE	27	54	108.00
60'x60' TABLE	27	54	108.00
62'x62' TABLE	27	54	108.00
64'x64' TABLE	27	54	108.00
66'x66' TABLE	27	54	108.00
68'x68' TABLE	27	54	108.00
70'x70' TABLE	27	54	108.00
72'x72' TABLE	27	54	108.00
74'x74' TABLE	27	54	108.00
76'x76' TABLE	27	54	108.00
78'x78' TABLE	27	54	108.00
80'x80' TABLE	27	54	108.00
82'x82' TABLE	27	54	108.00
84'x84' TABLE	27	54	108.00
86'x86' TABLE	27	54	108.00
88'x88' TABLE	27	54	108.00
90'x90' TABLE	27	54	108.00
92'x92' TABLE	27	54	108.00
94'x94' TABLE	27	54	108.00
96'x96' TABLE	27	54	108.00
98'x98' TABLE	27	54	108.00
100'x100' TABLE	27	54	108.00

**FLOOR PLAN GENERAL NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF WALLS.
3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF DOORS.
4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF WINDOWS.
5. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF STAIRS.
6. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF ELEVATORS.
7. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF RAMPWAYS.
8. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF BALCONIES.
9. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF TERRACES.
10. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF PATIOS.
11. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF PORCHES.
12. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF DRIVEWAYS.
13. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF SIDEWALKS.
14. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF STAIRWAYS.
15. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF ESCALATORS.
16. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF MECH. ROOMS.
17. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF ELECTRICAL ROOMS.
18. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF TELECOM ROOMS.
19. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF STORAGE ROOMS.
20. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF OFFICE ROOMS.
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87. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF WAITING AREAS.
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89. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF EXIT AREAS.
90. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF LOBBY AREAS.
91. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF RECEPTION AREAS.
92. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF SERVICE AREAS.
93. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF BAR AREAS.
94. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF KITCHEN AREAS.
95. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF PANTRY AREAS.
96. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF RESTROOM AREAS.
97. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF SHOWER AREAS.
98. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF LOCKER AREAS.
99. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF STORAGE AREAS.
100. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE CENTERLINE OF OFFICE AREAS.



**SHEET NUMBER**  
**A1.2**

**JOB NO.** 1114.1  
**DATE** SEPTEMBER 26, 2011  
**PRODUCED BY** RL  
**NOTES**

3300 East Canal Road, Suite 200  
Lexington, KY 40503  
606.254.1100  
www.murphy-graves.com

**MURPHY-GRAVES ARCHITECTS**

**FLOOR PLAN - ELEVATION & DETAIL CALLOUTS**

**JOB NAME**  
**CHEDDAR'S CASUAL CAFE**  
9512 ROCKVILLE ROAD  
AVON, IN 46123



Cheddar's

casual cafe

2116

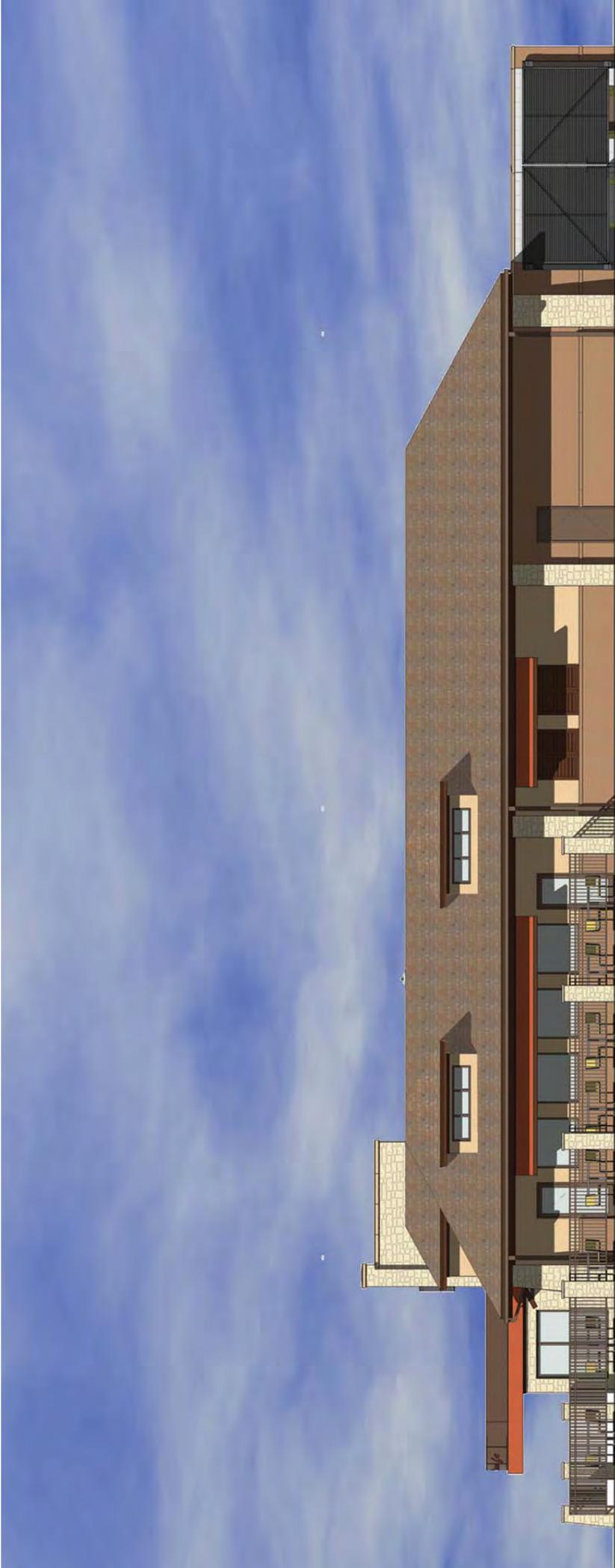
elevations

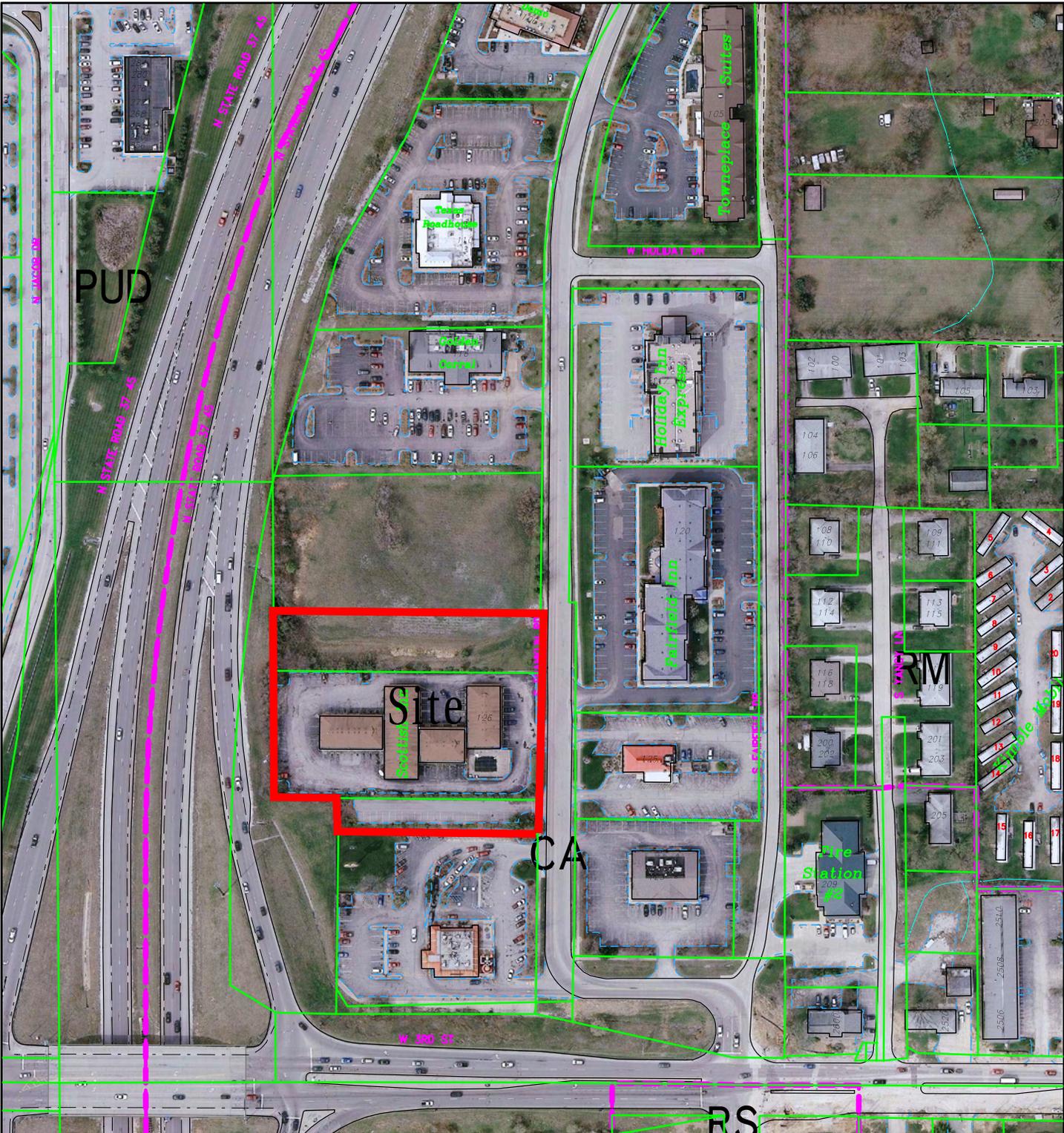
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V-48-11 Thompson Thrift (Cheddars)

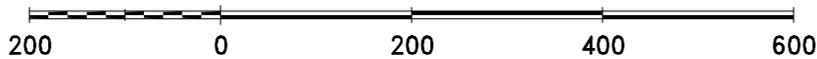
126 S Franklin Rd

Board of Zoning Appeals

2010 Aerial Photograph

By: greulice

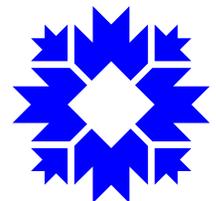
9 Dec 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 200'

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**PETITIONER: Dee Harlow**  
**7898 W. Rockeast Road., Bloomington**

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**REQUEST:** The petitioner is requesting conditional use approval to allow preschool in a Residential Single Family (RS) district. Also requested are a variance from the parking setback as well as entrance and drive standards.

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**SITE DESCRIPTION:** This 1.55 acre property is located at the northwest corner of E. Rhorer Road and S. Walnut Street Pike and is located in a Residential Single Family (RS) zoning district. Surrounding land uses are all single-family residences with the Perry/Clear Creek Fire Station to the west.

The property has been developed with a single family residence and includes a driveway that circles through the property and connects to Rhorer Rd. and Walnut Street Pike. The house has a steep elevation change along the eastern edge of the property parallel with Walnut Street Pike. There are several large, mature trees scattered around the property.

The petitioner is requesting conditional use approval to allow the residence to be used as a preschool. With the proposal there would not be any changes to the outside of the building. The petitioner is requesting a variance from the entrance and drive standards to move the driveway location on Rhorer Rd. further west away from the intersection. Because of the new alignment and existing driveway location on Walnut Street Pike, the new driveway would not meet the Entrance and Drive Standards since it would be running less than 45 degrees from parallel to the street right-of-way. The petitioner is also requesting a variance from front yard parking setback standards to add 5 new parking spaces between the building and Walnut Street Pike to the east.

Site improvements include the construction of a required 5' wide sidewalk and street trees not more than 40' from center along both street frontages, as well as new landscaping on the property. The petitioner would also be extending sanitary sewer service to the location from a nearby sewer stub.

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**SITE PLAN ISSUES:**

**Access:** The property is accessed by a driveway that extends through the property and connects to Rhorer Rd. and Walnut Street Pike. The driveway entrance along Rhorer Road will be moved further west. The new location meets the setback distance from an intersection.

**Environmental:** There are no known sensitive environmental features on the property. There are several scattered mature trees throughout the property, especially on the north and east sides of the site.

**Landscaping:** With the new use of the property, the petitioner will be installing new shrubs along the driveway in front and around the new parking areas as required. All landscaping must be installed prior to issuance of a occupancy permit.

**Parking:** Although no parking is required for this use the petitioner is proposing to install 5 new parking spaces. These will combine with 3 existing spaces to provide 8 on-site parking spaces. The petitioner is requesting a variance from parking setback standards to allow for these 5 new spaces. The variance is being requested because due to the location of the existing house and driveway on the property, it is not possible to add parking on the property around the existing driveway without a variance.

**Pedestrian Facilities:** With this petition, the petitioner is required to install a sidewalk along the property frontages on both Rhorer Rd. and Walnut Street Pike. These have been shown on the submitted site plan.

**Stormwater/Utilities:** As mentioned previously, the petitioner will be extending sanitary sewer service to the building. The petitioner is working with City of Bloomington Utilities to coordinate this connection.

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## **Criteria and Findings for Conditional Use Permits**

### **20.05.023 Standards for Conditional Use Permits**

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

- 1. The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**STAFF FINDING:** Staff routinely encourages development that accomplishes the policy goal of “Compact Urban Form”. It is especially important to promote infill development and usage of under-developed sites. The proposed development is consistent with what was envisioned with the adoption of the Growth Policies Plan (GPP). This site is designated “Urban Residential” by the GPP. The Urban Residential land use policies states-

“Single family residential development is the primary land use activity for this category with some additional uses such as churches, schools, home occupations, and multifamily housing. For new development in Urban Residential areas, the GPP recommends:

-Develop infill sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns.”

This site is surrounded by a variety of different uses, as well as several daycare and preschools further east along Rhorer Road. Staff finds that the placement of

a preschool in close proximity to several established residential neighborhoods along arterial roads is consistent with the goals of the GPP.

- 2. The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

**Staff's Finding:** The proposed addition will not create a nuisance. The impacts from noise, smoke, odors, vibrations, and lighting will not differ significantly from the existing residence.

- 3. The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

**Staff's Finding:** Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition.

- 4. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

**Staff's Finding:** Improvements to utility service will be performed to upgrade utilities.

- 5. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Staff's Finding:** The site is located at the corner of Rhorer Road which is classified as a primary arterial and Walnut Street Pike which is classified as a Secondary Arterial road. No traffic will be directed through residential streets.

- 6. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

**Staff's Finding:** There are no known natural, scenic, or historic features of significant importance on the property. The petitioner has worked with staff to avoid disturbance to the trees on the property and only one tree will be removed to accommodate the new spaces. Additional field work may allow for the tree to be saved if possible.

- 7. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

**Staff's Finding:** The hours of operation will be normal work hours from 8:00 AM to 6:00 PM. No hazard, hardship, or nuisance to the adjacent neighborhood is found.

- 8. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

**Staff's Finding:** No signage has been reviewed with this request.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

**Staff's Findings:** There are no additional standards for preschool facilities.

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## **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 the variance from the standards will not be injurious to the public health, safety, morals, and general welfare. The entrance and driveway will still look like a single family driveway. No injuries are found with the requested parking setback variance.

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.

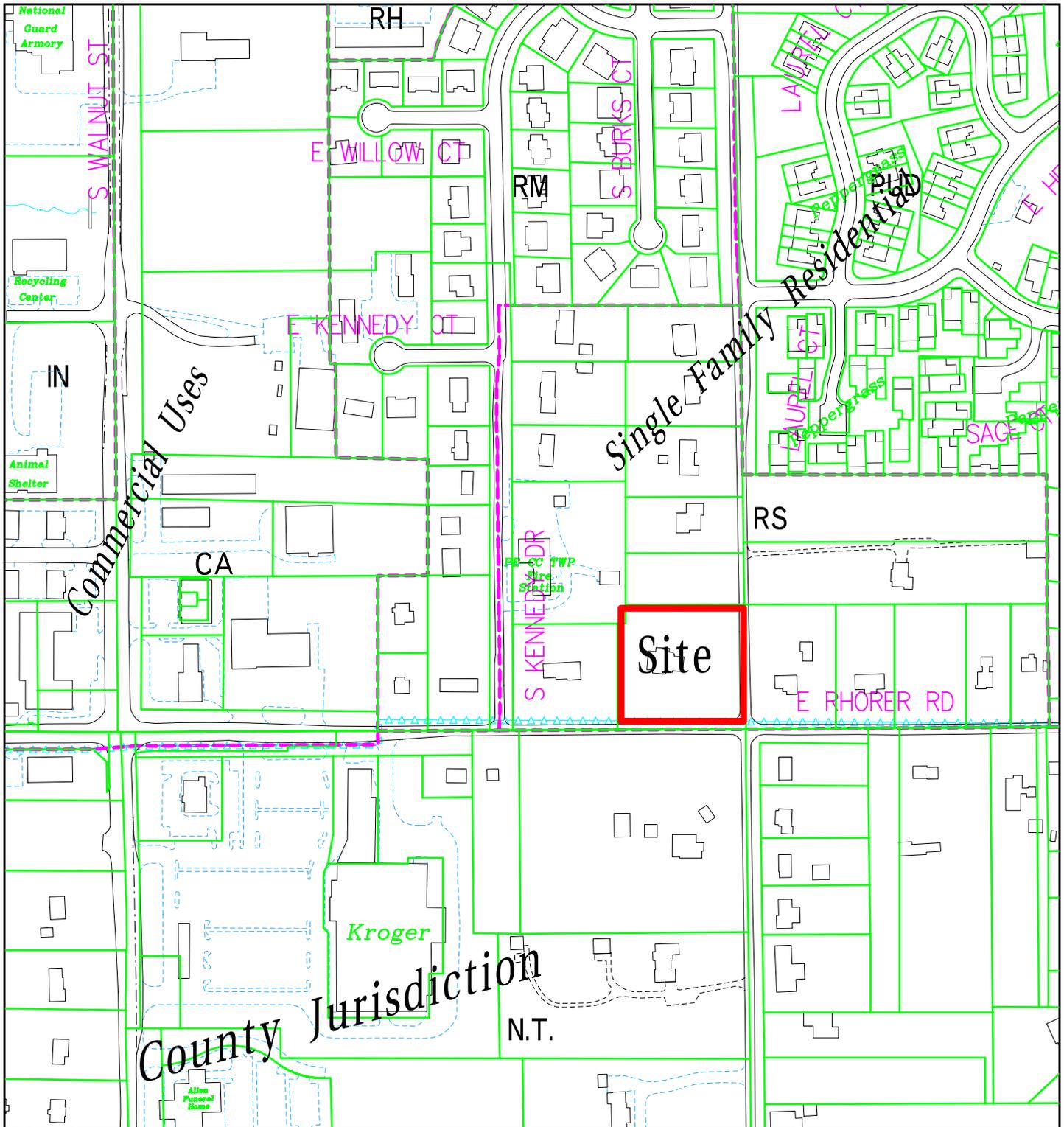
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in that the Entrance and Drive Standards regarding driveways less than 45 degrees was designed to prohibit drive-thrus for restaurants from being on the fronts of buildings. The use of this building as preschool with a driveway in front of the building is more residential in nature and will match the surrounding residential homes. Staff finds peculiar condition and practical difficulty in meeting the parking setback requirement due to the location of the existing house and driveway. The location of the new parking spaces will not be seen from the adjacent roads due to their location behind the house and adjacent topography. A compliant parking plan with the driveway and parking going around the back (north) side of the property would only result in more trees being removed and impervious surface coverage increasing.

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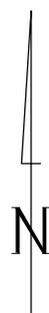
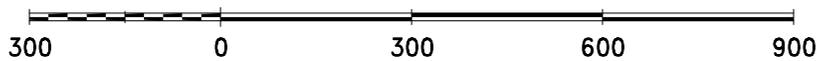
**RECOMMENDATION:** Staff recommends approval with the following conditions:

1. One handicap van accessible space is required.
2. A 5' wide ADA compliant sidewalk and street trees spaced not more than 40' from center are required along both Rhorer Road and Walnut Street Pike. The final location and species of the street trees to be coordinated with Staff.
3. All landscaping and site improvements must be installed prior to issuance of an occupancy permit.
4. All lighting must be downlit and utilize full-cutoff fixtures.
5. A pedestrian easement or dedication of right-of-way is required for any portions of the sidewalk not in the right-of-way.
6. A total of four Class 2 bicycle spaces are required.
7. This approval allows for a preschool use only, no daycare is approved.

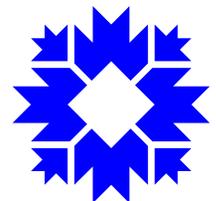


CU/V-49-11 Dee Harlow  
 225 E Rhorer Rd  
 Site Location, Zoning, Parcels, Land Use  
 Board of Zoning Appeals

By: greulice  
 9 Dec 11



City of Bloomington  
 Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.

To the BZA Board,

We are respectfully requesting conditional use approval for a preschool facility at 235 E Rhorer Rd. Also requested is a variance for front yard parking setbacks to install new parking. The current use is a single family home on 1.55 acres of ground.

My name is Dee Harlow; I have been a child care provider for 21 years. I have a passion for children. I love being a part of their formative years, where learning skills are created and social skills are developed for life.

With the help of great employees we work hard together to bring each child to their full potential. As you might be aware school preparedness in Indiana is at serious low levels.

Presently I have 32 preschool spaces; these two facilities are about ten miles apart. This requires a lot of time and energy for me and my employees. My desire is to relocate into one facility to enable me to have more control within our network of five employees, to eliminate or even prevent problems, better supervision, less stress on everyone. A private school will enable me to do this.

Our curriculum is based on the MCCSC kindergarten requirements. Therefore, we are teaching the requirements to 4-5 year olds, preparing them at least a year in advance.

There will be lunch box lunches only, I have found parents like the fact they have control of what their child eats.

All children must be 3 years old and potty trained. Hours will be 7:00 – 5:30 Monday – Friday with yearly inspection from the Fire Marshall. A large fenced in yard with a gate for parents' access will be installed, with extensive play ground equipment. I don't expect to change the exterior appearance of the house and it will be very adequate with little interior changes as well.

By using the current blacktop driveway extending farther to rear entrance allows for (9) parking spaces plus (2) 15 minutes drop-off spaces by the front entrance.

I appreciate your kind consideration.

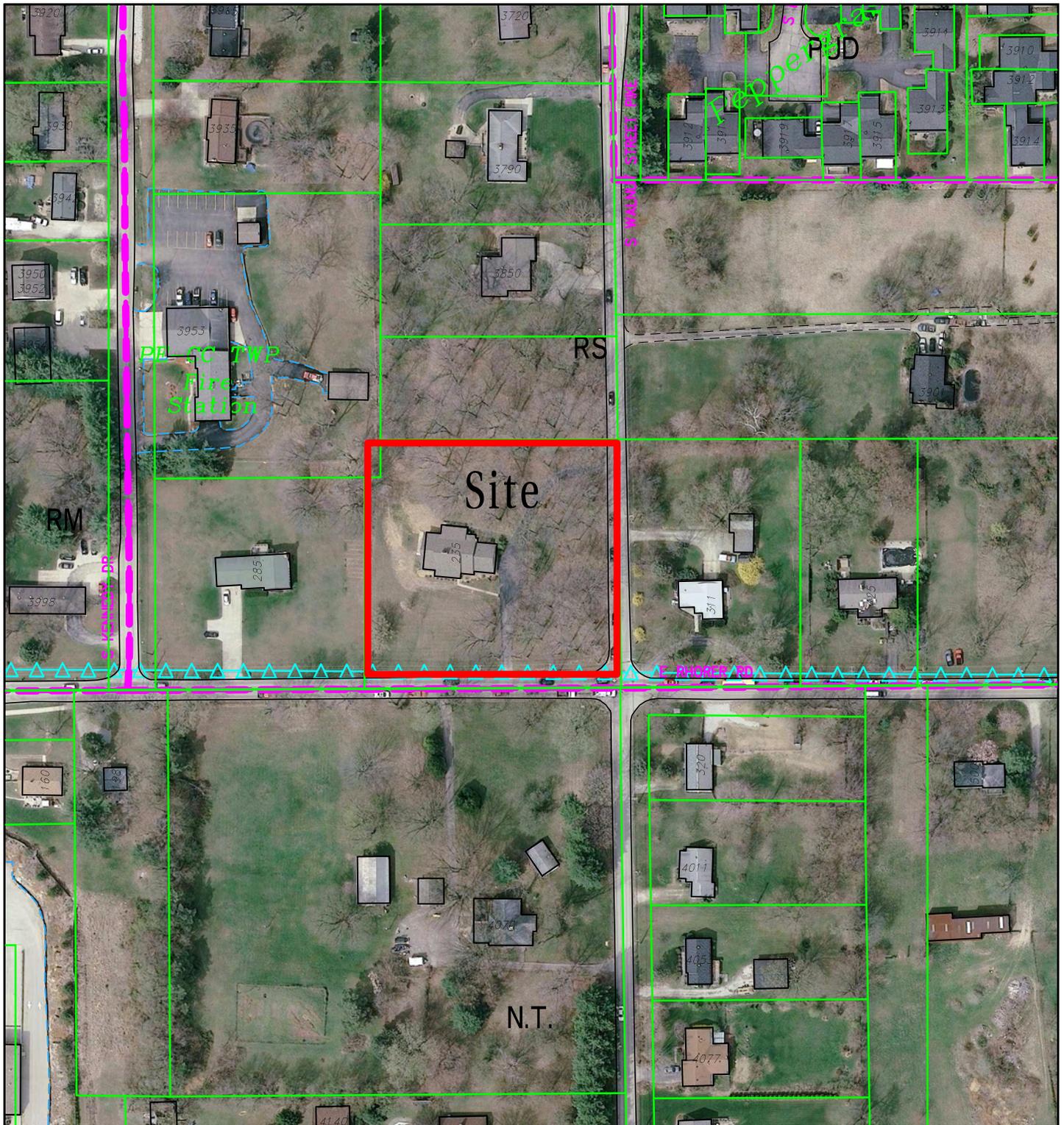
Thank you.  
Sincerely,



Dee Harlow

petitioner's  
statement





CU/V-49-11 Dee Harlow

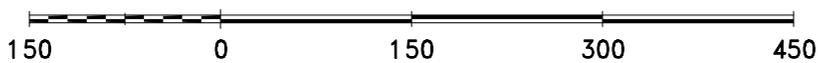
225 E Rhorer Road

Board of Zoning Appeals

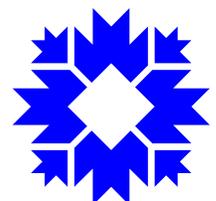
2010 Aerial Photograph

By: greulice

9 Dec 11



City of Bloomington  
Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.