

CITY OF BLOOMINGTON



September 22, 2022 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chamber, Room #115

<https://bloomington.zoom.us/j/85634689645?pwd=Z1JpU2ZRM0paSzNpeWlmWVRMRWc1Zz09>

Meeting ID: 856 3468 9645

Passcode: 137656

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS (Hybrid Meeting)**

City Hall, 401 N. Morton Street
Common Council Chambers, Room #115

September 22, 2022 at 5:30 p.m.

❖ **Virtual Meeting:**

<https://bloomington.zoom.us/j/85634689645?pwd=Z1JpU2ZRM0paSzNpeWlmWVRMRWc1Zz09>

Meeting ID: 856 3468 9645

Passcode: 137656

Petition Map: <https://arcg.is/m8TX0>

ROLL CALL

APPROVAL OF MINUTES: June 23, 2022

PETITIONS CONTINUED TO: October 20, 2022

AA-17-22 **Joe Kemp Construction, LLC & Blackwell Construction, Inc.**
Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr.
Request: Administrative Appeal of the Notice of Violation (NOV) issued
March 25, 2022.
Case Manager: Jackie Scanlan

PETITIONS

V-27-22 **Cutters Kirkwood 123, LLC**
115 E. Kirkwood Ave.
Request: Variances from Downtown Character Overlay standards to allow less
non-residential area and less large display windows; and a variance from the
requirement to align with the front setback of an adjacent historic structure in the
Mixed-Use Downtown zoning district with the Courthouse Square Character
Overlay (MD-CS).
Case Manager: Karina Pazos

V-28-22 **Warren Witt (Chipotle)**
3151 W. 3rd St.
Request: Variances from entrance and drive standards to allow a driveway in the
front parking setback, from maximum parking standards, and from pedestrian
sidewalk connection standards.
Case Manager: Eric Greulich

****Next Meeting: October 20, 2022**

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or
e-mail human.rights@bloomington.in.gov.*

- AA-31-22 **Lamar Advertising Co.**
1800 N. Kinser Pike
Request: Administrative Appeal of Notice of Violation (NOV) for a sign.
Case Manager: Jackie Scanlan
- V-32-22 **Richard Judd**
508 W. 3rd St.
Request: Variance from rear setback standards to allow for construction of stair access to and from a driveway in the Residential Small Lot (R3) zoning district.
Case Manager: Karina Pazos
- V-34-22 **Adam Jackson (Caritas-Indiana, LLC)**
1420 W. Kirkwood Ave.
Request: Variance from buffer yard standards to allow construction of a 16-unit multifamily building in the Residential High Density Multifamily (RH) zoning district.
Case Manager: Eric Greulich
- AA-35-22 **Chris Bomba**
708 S. Henderson St.
Request: Administrative Appeal of Notice of Violation (NOV) issued for failure to comply with development standards for maximum impervious surface coverage.
Case Manager: Liz Carter
- V-38-22 **Bryan Rental, Inc. and First National Realty Partners**
3175 W. 3rd St.
Request: Variance from standards for number and sign base design of freestanding signs to allow construction of a freestanding sign in the Mixed-Use Corridor (MC) zoning district.
Case Manager: Gabriel Holbrow
- V-39-22 **Strauser Construction Co., Inc.**
3000 and 3070 S. Walnut St.
Request: Variance from maximum vehicle parking space allowance standards in the Mixed-Use Corridor (MC) zoning district.
Case Manager: Karina Pazos
- V-41-22 **City of Bloomington Redevelopment Commission (Cornerstone)**
635, 645, 653 S. Rogers/400-410 W. 1st St.
Request: Variances from lot width, impervious surface coverage, front parking setback, storm water drainage, and landscaping standards in the Mixed-Use Neighborhood (MN) zoning district.
Case Manager: Jackie Scanlan

****Next Meeting: October 20, 2022**

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or e-mail human.rights@bloomington.in.gov.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1800 North Kinser Pike

CASE #: AA-31-22
DATE: September 22, 2022

PETITIONER: Lamar Advertising Company
5711 West Minnesota Street; Indianapolis, IN 46241

REQUEST: The petitioner is requesting an administrative appeal of a notice of violation issued on June 10, 2022 for an unlawful electronic reader board sign.

REPORT:

Record

On June 10, 2022, the Planning and Transportation Department (“Planning”) issued a notice of violation to Petitioner Lamar Advertising Company (“Lamar”) for violating section 20.04.100(g) of the City’s Unified Development Ordinance.

On April 1, 2022, Senior Zoning Compliance Planner Liz Carter observed and documented an electronic reader board (or digital billboard) sign at 1800 N Kinser Pike. Carter observed the sign changing digital images at approximately eight second intervals. From 2011 until such time as the sign was converted to an electronic reader board, the sign existed as a traditional, static billboard.

After observing the electronic reader board sign, Planning sent a notice of violation (NOV) to Lamar on April 25, 2022 for altering a lawful nonconforming sign without appropriate permits and for violating the City’s sign standards. That NOV was withdrawn by Planning and a second, subsequent NOV was sent to Lamar on June 10, 2022. The second NOV cites Lamar for violating the Unified Development Ordinance (“UDO”) provisions related to electronic reader board signs. On June 17, 2022, Lamar requested an administrative appeal of the June 10 NOV.

The documents in the record of the case are as follows:

- Appellant’s June 17, 2022 letter to Liz Carter
- Planning’s June 10, 2022 Notice of Violation and associated photographs documenting the electronic reader board sign
- Board of Zoning Appeals Variance V-42-10
- Planning Certificate of Zoning Compliance C11-066

Analysis

The UDO defines an electronic reader board as “[a] sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.” Bloomington Mun. Code § 20.07.010. The UDO places certain limitations on electronic reader board signs, including (1) that the digital portion of such signs must be incorporated into permanent signage and comprise no more than 40% of the total area of the sign and (2) that the intervals between changing information displayed on an electronic reader board sign be no less than 20 seconds:

[E]lectronic reader boards may only be utilized when incorporated into permanent signage, provided that they do not exceed more than 40 percent of the total area of

any sign face, and that information is displayed in increments of no less than 20 seconds.

Bloomington Mun. Code § 20.04.100(g)(3). On April 1, 2022, Planning observed violations of both the 40% requirement and the 20-second interval requirement and issued an NOV on June 10, 2022.

In response to the NOV, Lamar makes three arguments that the electronic reader board rules should not apply: (1) that Planning is prohibited by law from issuing a second NOV after it issued an NOV in April related to the sign; (2) that in 2010, when Lamar was granted a variance for the static billboard, only the UDO's lighting standards were rendered applicable to the sign; and (3) that the sign in question is not an electronic reader board. Staff disagrees with Lamar on each of these points, as described below.

(1) Lamar claims that “[t]he law does not provide the City of Bloomington with multiple attempts to invalidate the Billboard.” Appellant, p. 1.

State law does not prohibit staff from rescinding an NOV and then reissuing an NOV. The closest legal doctrine to Lamar's claim that staff may not rescind and then reissue an NOV, *res judicata*, is inapplicable. The doctrine of *res judicata* precludes a party from prosecuting a claim if the claim has been previously litigated and decided. However, the issuance of an NOV is not a judicial or quasi-judicial act, and therefore an NOV may be rescinded and re-issued if the claims stated in the NOV have not been fully litigated before a judicial or quasi-judicial body. The present NOV and the facts surrounding its issuance are being heard for the first time by the BZA. It has not yet been adjudicated. Therefore *res judicata* is simply inapplicable.

The applicability of a legal doctrine such as *res judicata*, which suggests that the second NOV was precluded as a matter of law, is a purely legal argument. As such, staff acknowledges that it is difficult for a civilian board such as the BZA to fully assess its validity during this administrative appeal. However, the appellant has now preserved the argument and may properly raise it before a judge on a subsequent appeal, if the appellant chooses to do so.

(2) Lamar's second argument is that “the BZA only required the Billboard to comply with one sign design standard and that is that the Billboard had to comply with the lighting standards of the UDO.” Appellant, p. 3.

This is inaccurate. The BZA's 2010 approval of a variance permitting the installation of Lamar's billboard at 1800 N. Kinser Pike did not relieve Lamar of the duty to build a billboard compliant with the terms of the UDO. On December 10, 2010, when the BZA approved Variance V-42-10, the BZA specifically called out the UDO's lighting standards in its approval: “This sign shall be permitted to be lit within the standards of the Unified Development Ordinance.” Bloomington Board of Zoning Appeals, Petition V-42-10. Lamar contends that the BZA, by directly calling out the UDO's lighting requirements, implicitly relieved Lamar of any obligation to comply with the UDO's other development standards.

First, it's important to note that this alleged implicit waiver of all other design standards within the

UDO, which would be a remarkable waiver for the BZA to issue, is not explicitly stated in any document, as one might expect for such an extraordinary action.

Second, subsequent interactions between Planning and Lamar directly contradict the notion that the BZA sought to waive design standard requirements for the sign. The BZA's Variance approval required Lamar to "receive a sign permit prior to installation." Bloomington Board of Zoning Appeals, Petition V-42-10. In complying with this term, when Lamar submitted its sign permit application, Lamar agreed to "comply with all City ordinances . . . which regulate construction." Application for Permanent Sign Permit C11-066. Then, more importantly, when the permit was issued, the permit stated explicitly:

1. This permit is approved per the terms and conditions of Board of Zoning Appeals case #V-42-10.
2. This permit approves a two-sided sign of 378 square feet per side and 30 feet tall. No other signage is approved with this permit.
3. Lighting fixtures must be installed and shielded to restrict glare toward any traffic.
4. Light trespass must be limited to a maximum of 30 lucas measured at adjacent property lines.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This certificate does not constitute the issuance of any required permit *nor exempt the property from compliance with any other requirements.*

Planning Department Certificate of Zoning Compliance C11-066 (emphasis added). On its own, the mere fact that the BZA required Lamar to obtain a sign permit shows that the BZA wanted Planning staff to review the application sign for compliance with the UDO's requirements. Indeed, sign applications exist precisely for the purpose of allowing staff to review proposed signs for UDO compliance.

And on top of that, C11-066 explicitly stated that Lamar's sign was not exempt from compliance with "any other requirements," including requirements in the UDO. Far from implying that the sign was exempt from UDO requirements, the record suggests that the BZA, Planning, and Lamar all intended the UDO to apply to the sign.

Lamar further suggests that, as evidence that the parties never intended the UDO to apply to this sign, that the sign was non-compliant with the UDO's changeable copy standard and the UDO's requirements for the size of sign supports, and Planning staff acquiesced to said noncompliance. With regard to the first claim—that Planning did not intend the UDO to apply here because it did not enforce the UDO's changeable copy requirements with regard to this sign—Lamar is simply incorrect. This sign has never incorporated changeable copy.¹

¹ The UDO defines changeable copy as "A sign that displays words, lines, logos, or symbols that can be easily changed to provide different information without altering the face or surface of such sign." Bloomington Mun. Code § 20.07.010. Changeable copy signs typically incorporate alpha-numeric stickers or placards that can be readily replaced with other alpha-numeric symbols to change a message on a sign.

With regard to the second claim—that Planning did not intend the UDO to apply because it did not enforce the UDO’s sign base requirements with regard to this sign—Planning simply failed to notice the violation. Bloomington is not a small city, and the UDO is voluminous. Admittedly, sometimes violations of the UDO go unnoticed. However, the fact that staff missed an inconsistency with the UDO does not indicate that the BZA or Planning intended to relieve Lamar of its obligation to comply with the terms of the UDO in general.

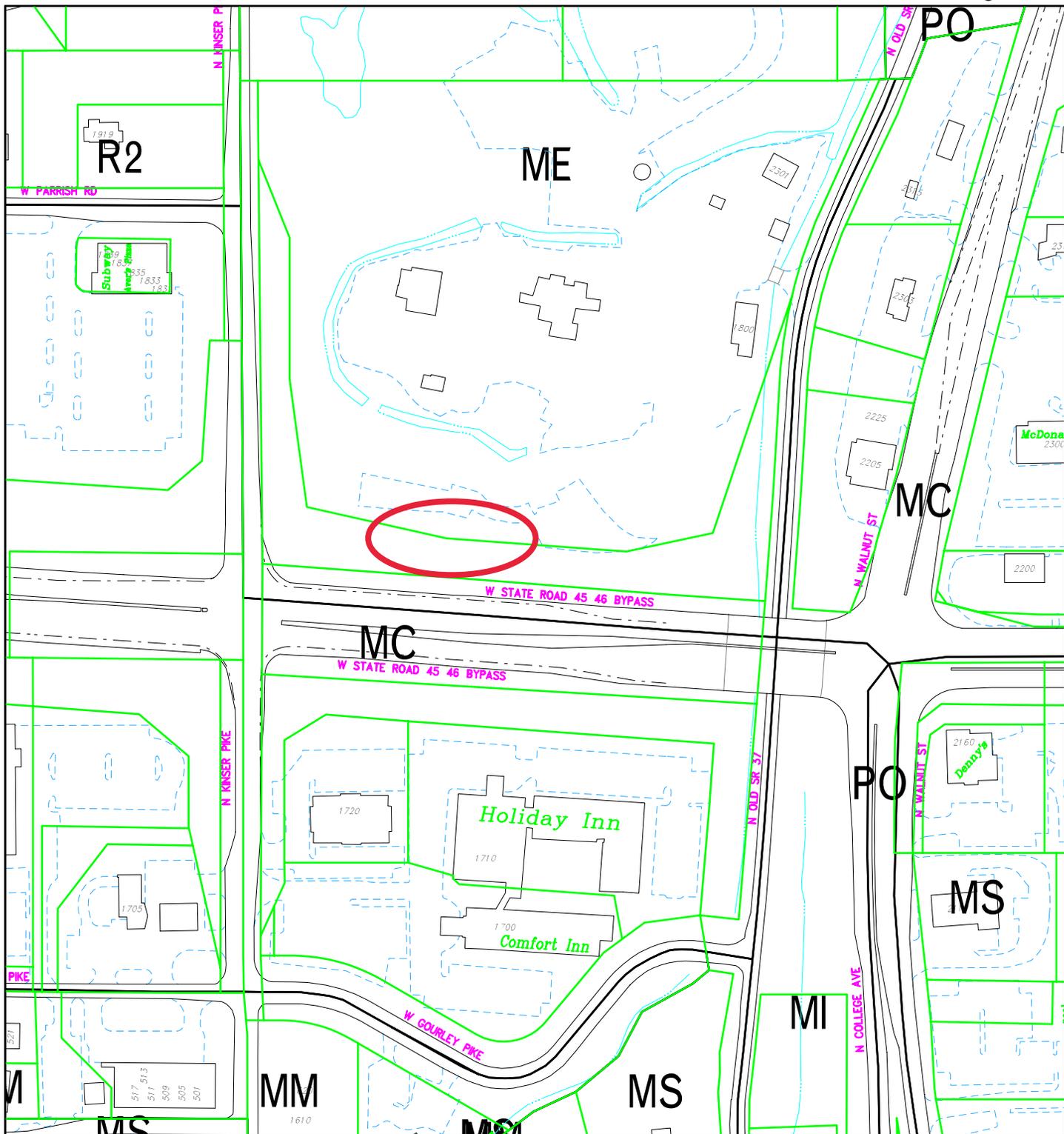
Contrary to Lamar’s assertions, the BZA did not exempt this sign from compliance with the terms of the UDO when it issued Variance V-42-10. Therefore the UDO’s electronic reader board standards apply to the sign at 1800 N. Kinser Pike.

(3) Lamar’s final argument is that “the Billboard is not an electronic reader board.” Appellant, p. 4.

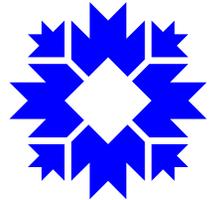
This is contradicted by the plain definition of electronic reader board in the UDO: “A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.” Bloomington Mun. Code § 20.07.010.

It is undisputed that the sign in question utilizes lights to display a message that may be changed through electronic means. Any alternative definition proposed for an electronic reader board outside of the UDO definition is irrelevant. The sign at issue in this case is an electronic reader board.

RECOMMENDATION: In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

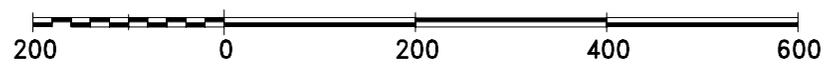


City of Bloomington
Planning

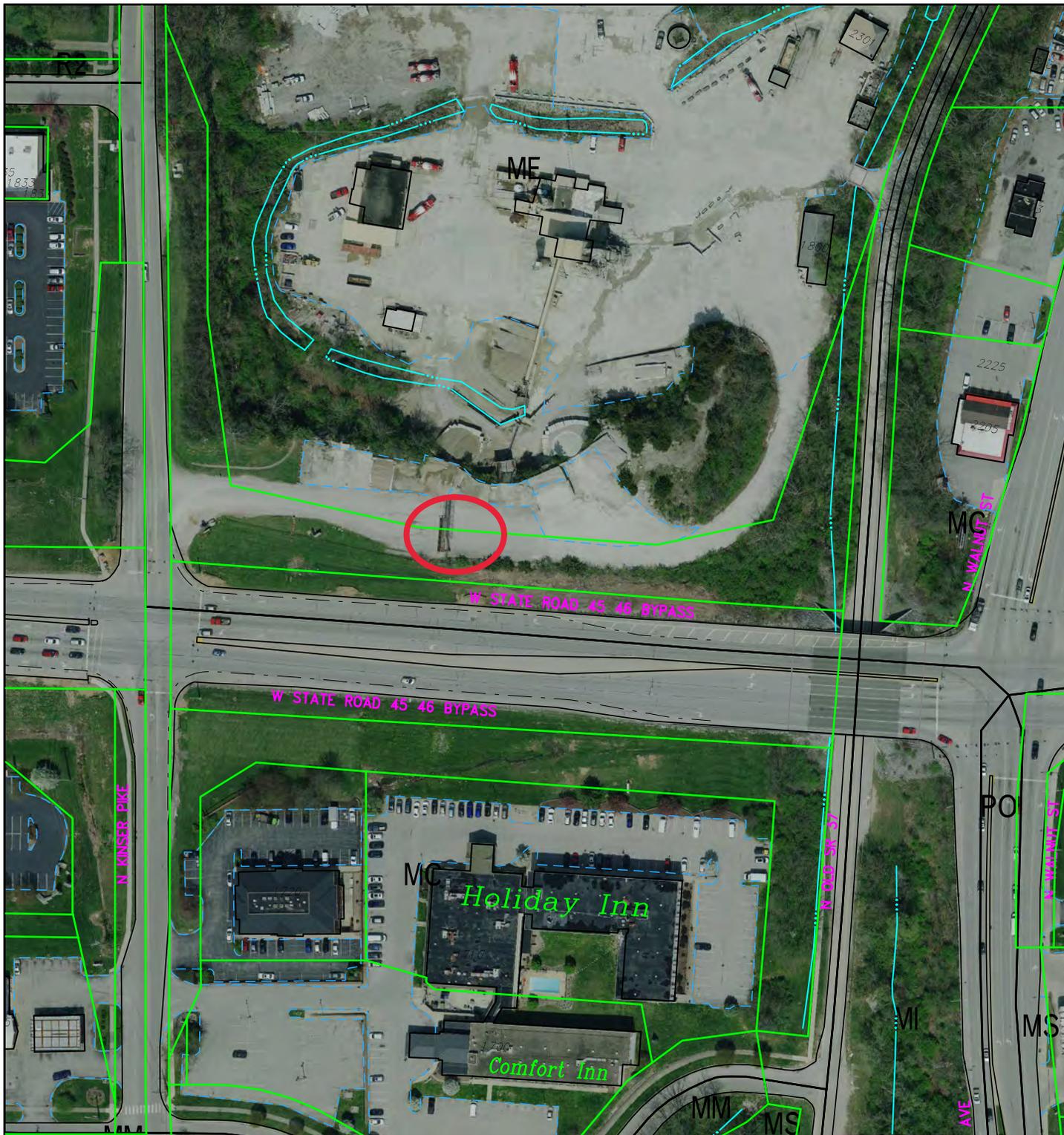


Scale: 1" = 200'

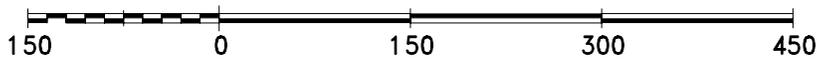
By: greulice
16 Sep 22



For reference only; map information NOT warranted.

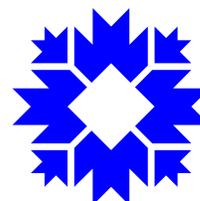


By: greulice
16 Sep 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 150'



ATTORNEYS AT LAW

Alan S. Townsend

Direct Dial: (317) 684-5225

Fax: (317) 223-0225

E-Mail: ATownsend@boselaw.com

June 17, 2022

Via Certified Mail and Electronic Mail

Elizabeth Carter
 Senior Zoning Compliance Planner, Planning and Transportation
 City of Bloomington, Planning and Transportation Department
 401 N. Morton Street
 Bloomington, IN 47404

Re: Appeal Petition from Second Notice of Violation (warning)

Dear Ms. Carter:

As you are aware, this law firm represents Lamar Advertising Company (“Lamar”) because it was only a little over a month ago, on April 27, 2022, that Lamar received the first Notice of Violation (warning) (the “First Notice”) regarding an outdoor advertising sign located at 1800 North Kinser Pike (the “Billboard”).

The First Notice mistakenly claimed that the Billboard was “an existing lawful nonconforming sign.” The First Notice, however, made no mention of electronic reader boards. Lamar responded that the City of Bloomington had actually agreed to the construction of the Billboard as part of a settlement that removed another billboard, and the Bloomington Board of Zoning Appeals (“BZA”) granted a variance for Lamar to build the Billboard. Lamar also demonstrated that the Billboard fully complied with Bloomington’s lighting requirements, which is what the variance required.

Lamar was encouraged when the City of Bloomington revoked the First Notice and, in doing so, seemingly agreed that because the BZA had expressly approved construction of the Billboard that it was **not** a nonconforming sign. Lamar reasonably and sincerely believed that the matter was fully resolved. So it was disappointing that on Monday, June 13, 2022, Lamar received a second Notice of Violation (warning) (the “Second Notice”), now claiming—for the first time—that the Billboard was allegedly an electronic reader board. This letter constitutes an appeal of the Second Notice (“Appeal”). Lamar only received the Second Notice on June 13, 2022 and is still investigating the Second Notice. As a result, the Appeal is based on the facts as known today. Lamar reserves the right to amend its Appeal as its investigation continues.

The Second Notice fails as a matter of law for at least three (3) reasons. First, any dispute concerning the Billboard was fully resolved when the First Notice was resolved in favor of Lamar. The law does not provide the City of Bloomington with multiple attempts to invalidate the Billboard, especially when there has been no change in circumstances between the First Notice

Lamar Appeal Petition of Second Notice
June 17, 2022
Page Two

and the Second Notice. For that reason alone, the City of Bloomington should withdraw the Second Notice.

Second, in approving the Billboard, the BZA did not require it to comply with the electronic reader board design standard and, therefore, the Billboard is not required to do so. Instead, the BZA only required the Billboard to comply with lighting design standard, and it does so. In 2010, when the BZA approved the Billboard, Bloomington Uniform Development Ordinance (“UDO”) § 20.05.079(j) contained design standards for signs. At least two of the design standards have never been applicable to the Billboard. One standard prohibited changeable copy (i.e., the advertisement) unless “the changeable copy area does not exceed forty percent of the total sign area.” The BZA did not require the Billboard to comply with this design standard because billboards inherently involve changing the entirety of the advertisement on a regular basis. Consistent with this practice, the Billboard’s entire surface is changeable and has changed many times, as detailed in the response to the First Notice (and as depicted below).

2013



Lamar Appeal Petition of Second Notice
June 17, 2022
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2015



The other design standard (also in effect in 2010) required that “[s]ign bases shall have an aggregate width of at least forty percent of the total horizontal width of the sign; or have supports that are less than twenty five percent of the vertical height of the sign.” The BZA did not require the Billboard to comply with this design requirement.

In fact, the BZA only required the Billboard to comply with one sign design standard and that is that the Billboard had to comply with the lighting standards of the UDO. As Lamar explained in response to the First Notice, the Billboard complies with these requirements, and the City of Bloomington has not challenged that conclusion in either the First Notice or the Second Notice.

Instead, the Second Notice claims that the Billboard does not comply with electronic reader board design standard. In both 2010 and today, the City of Bloomington’s design standards provide that for electronic reader boards “[i]nformation may be displayed in increments of no less than twenty seconds. Electronic reader boards shall not comprise more than forty percent of the total area of any sign face.” Bloomington Ordinance § 20.05.079(j) (2010).

Lamar Appeal Petition of Second Notice
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The problem with the Second Notice is that when the BZA approved the Billboard it did *not* require the Billboard to comply with this standard. As previously discussed, the BZA only required the Billboard to comply with one design standard (Bloomington’s lighting standards), and it does so. Stated differently, the Billboard complies with the one design standard the BZA required it to comply with, and the other design standards (including the electronic reader board standard) are inapplicable.

Third, the Billboard is not an electronic reader board. It must be remembered that in both 2010 and today, the City of Bloomington’s UDO does not allow billboards. It simply does not contemplate them. Specifically, the UDO prohibits “[p]ole signs.” Bloomington Ordinance § 20.05.079(h)(7) (2010). Further, the UDO capped the height of signs at “fifteen feet,” which the Billboard clearly exceeds. Bloomington Ordinance § 20.05.083(b)(2)(A)(iii) (2010).

It is significant that an ordinance that does not authorize billboards (at all) nevertheless discusses “electronic reader boards.” That is because the Billboard is not an electronic reader board. By way of example, Mid-State Wholesale Signs sells the prototypical electronic reader board:

Lamar Appeal Petition of Second Notice
June 17, 2022
Page Five



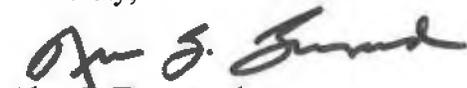
Available at: <https://midstatesigns.com/electronic-reader-boards/>. The electronic reader board portion of this sign may slightly exceed Bloomington's UDO's design standard for electronic reader boards, but the sign as a whole would appear to conform to requirements such as height, size, and width of the column. None of these requirements apply to the Billboard because the Billboard is something different.

In conclusion, the Second Notice is invalid as a matter of law because Indiana law and the UDO do not contemplate or authorize serial complaints on the same topic. Even if one or the other did, the Second Notice is still misguided. Specifically, the electronic reader board design standard does not apply to the Billboard because the BZA did not impose this requirement when it approved the Billboard. It only required the Billboard to comply with the lighting standards, and it does so. Further, the Billboard simply is not an electronic reader board. As a result, the Second Notice is not well reasoned and respectfully should be reversed.

Lamar Appeal Petition of Second Notice
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Please let me know if we can schedule a time to discuss this matter in more detail.

Sincerely,



Alan S. Townsend

AST/dyc

4389249_1

~ REVISED SITE PLAN ~



Approx. 80' to 85'

40'

10'6"

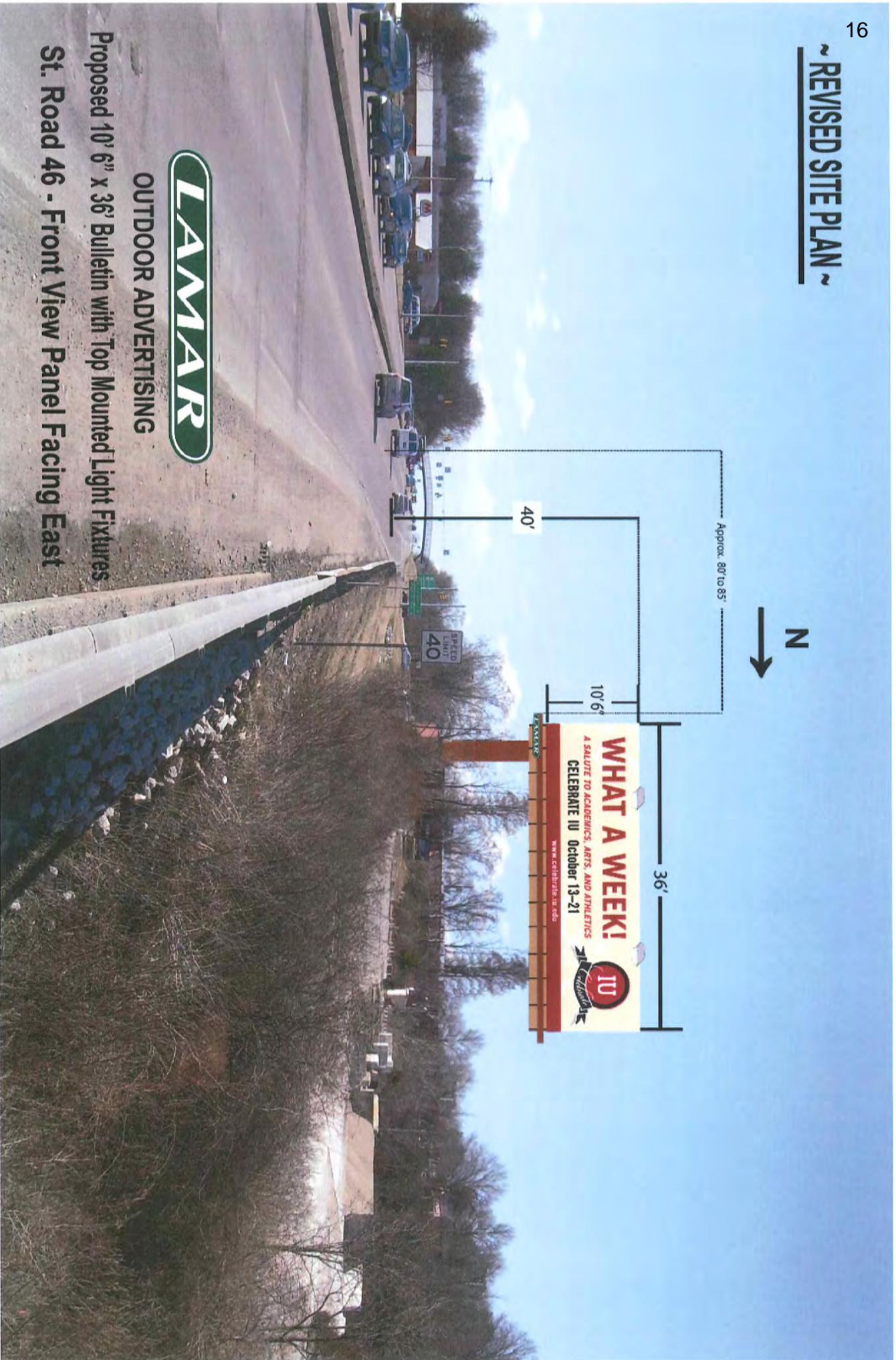
36'

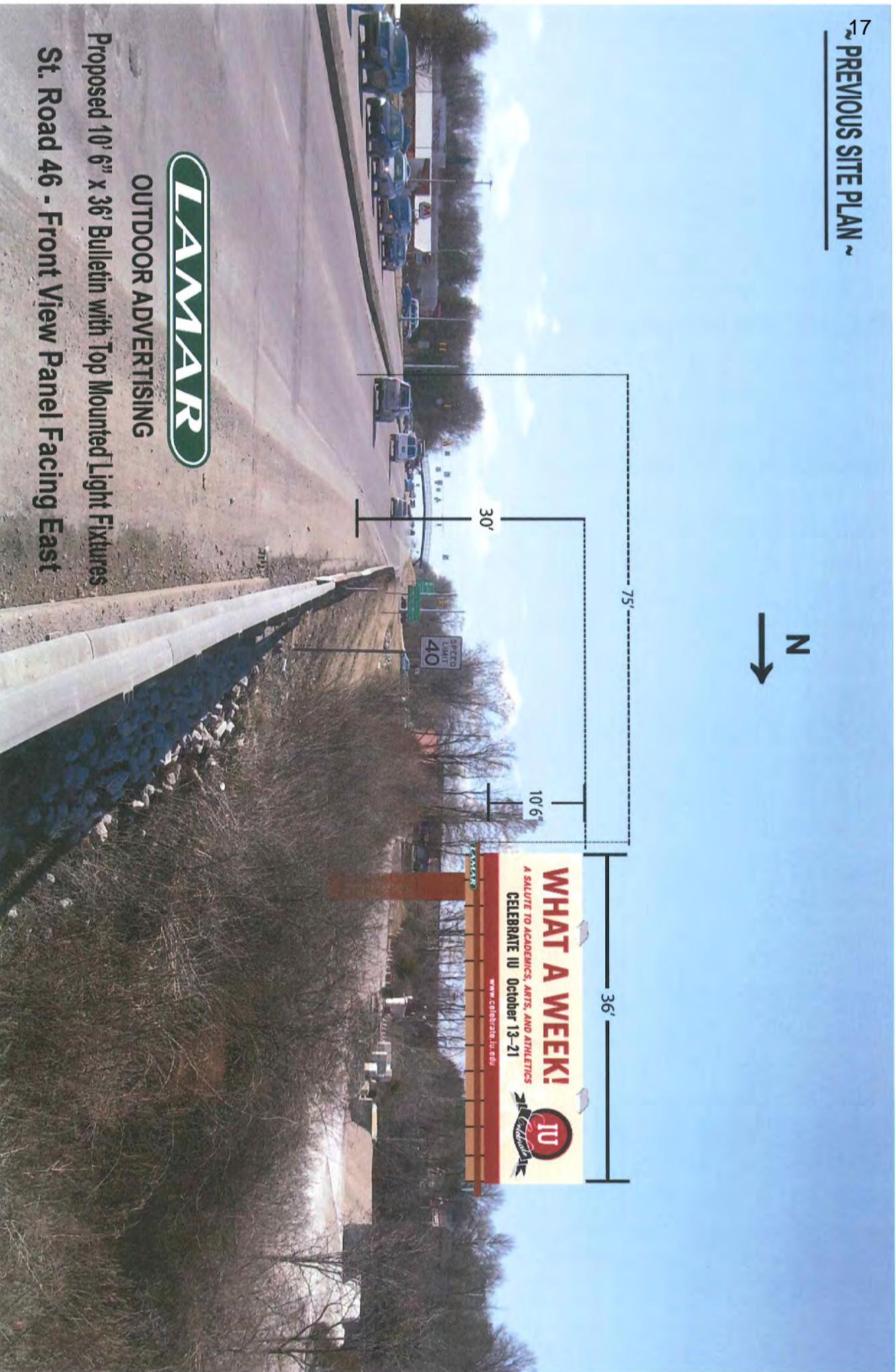


OUTDOOR ADVERTISING

Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures

St. Road 46 - Front View Panel Facing East



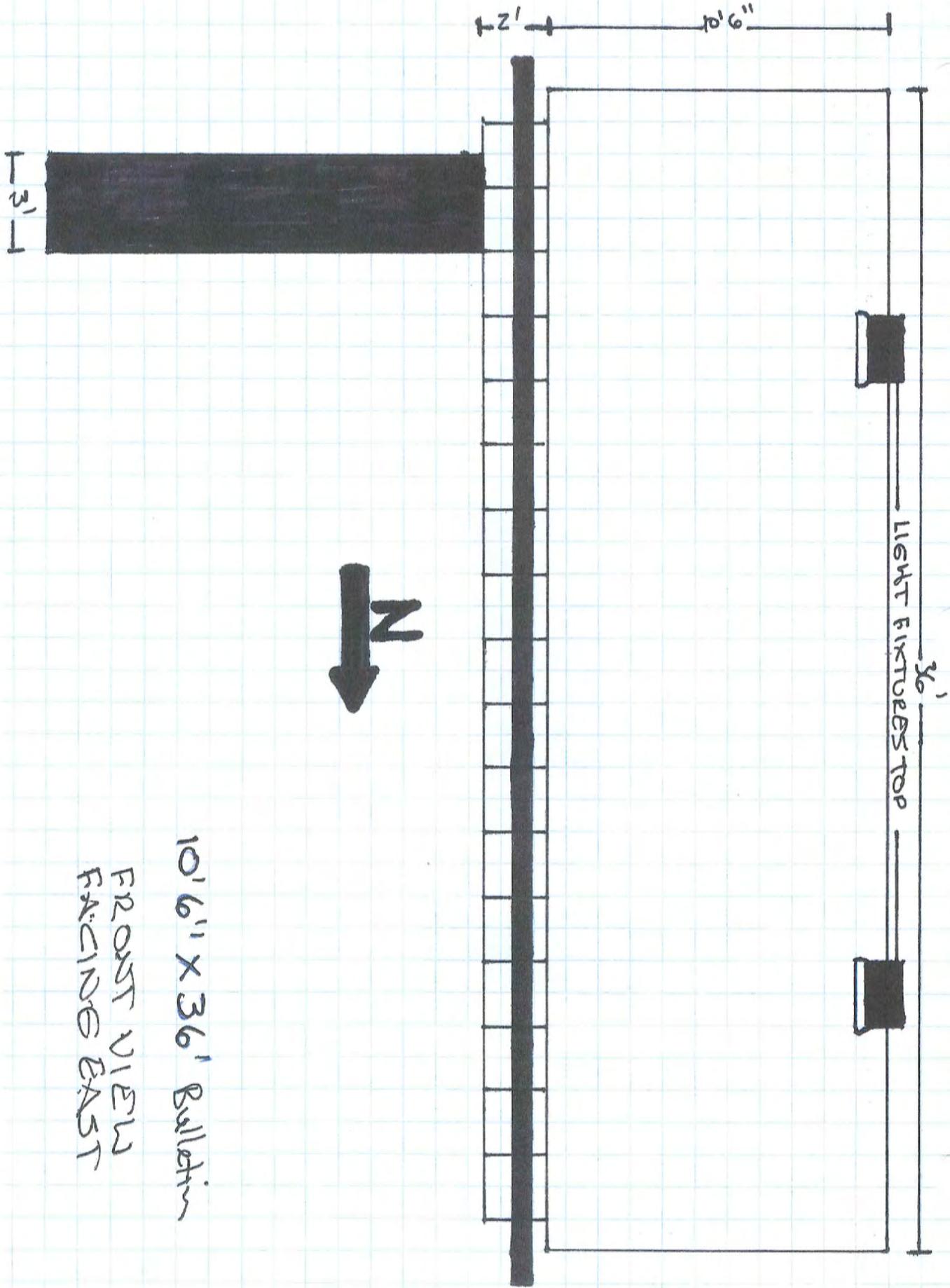


LAMAR

OUTDOOR ADVERTISING

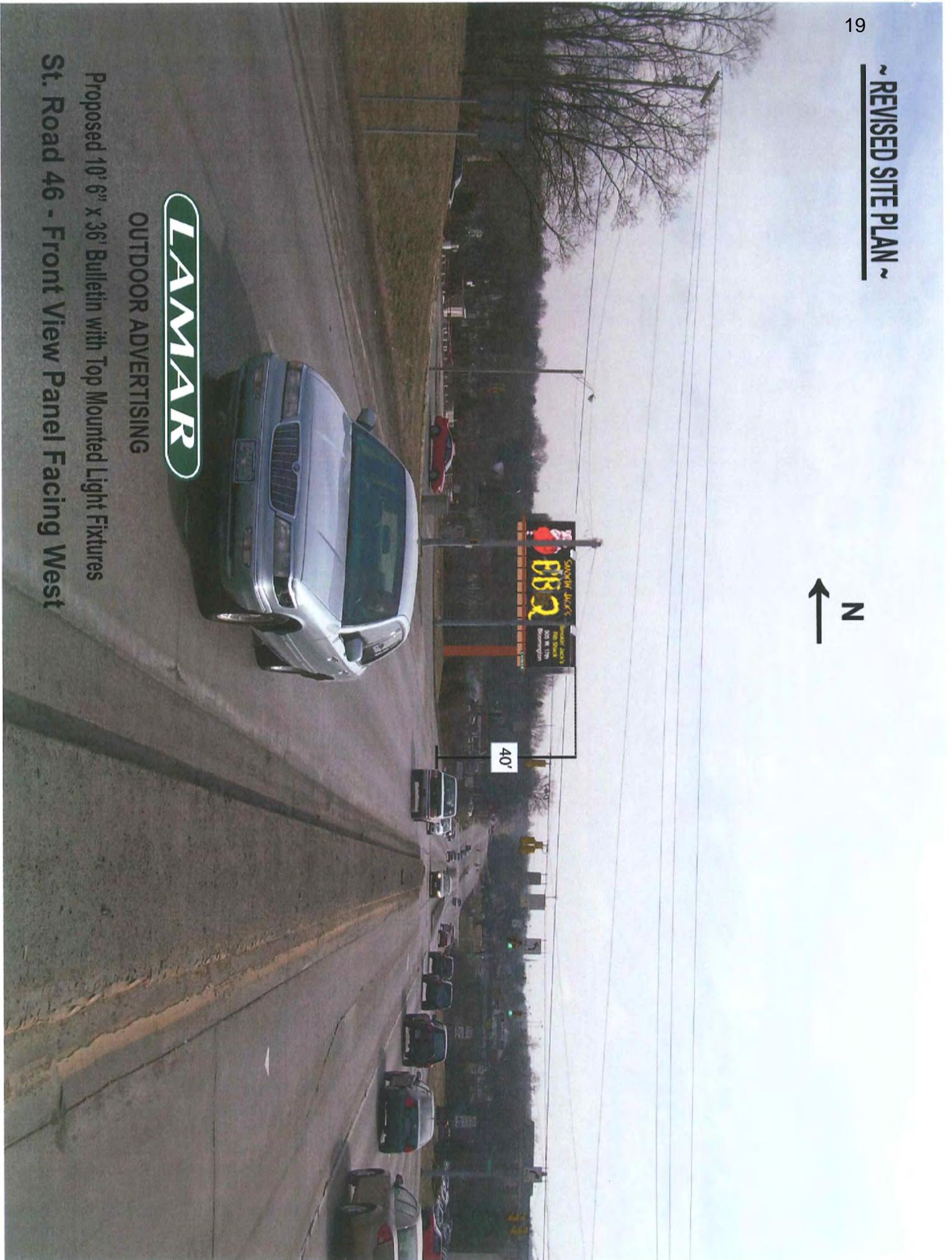
Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures

St. Road 46 - Front View Panel Facing East



10'6" X 36' Ballroom
FRONT VIEW
FACING EAST

~ REVISED SITE PLAN ~



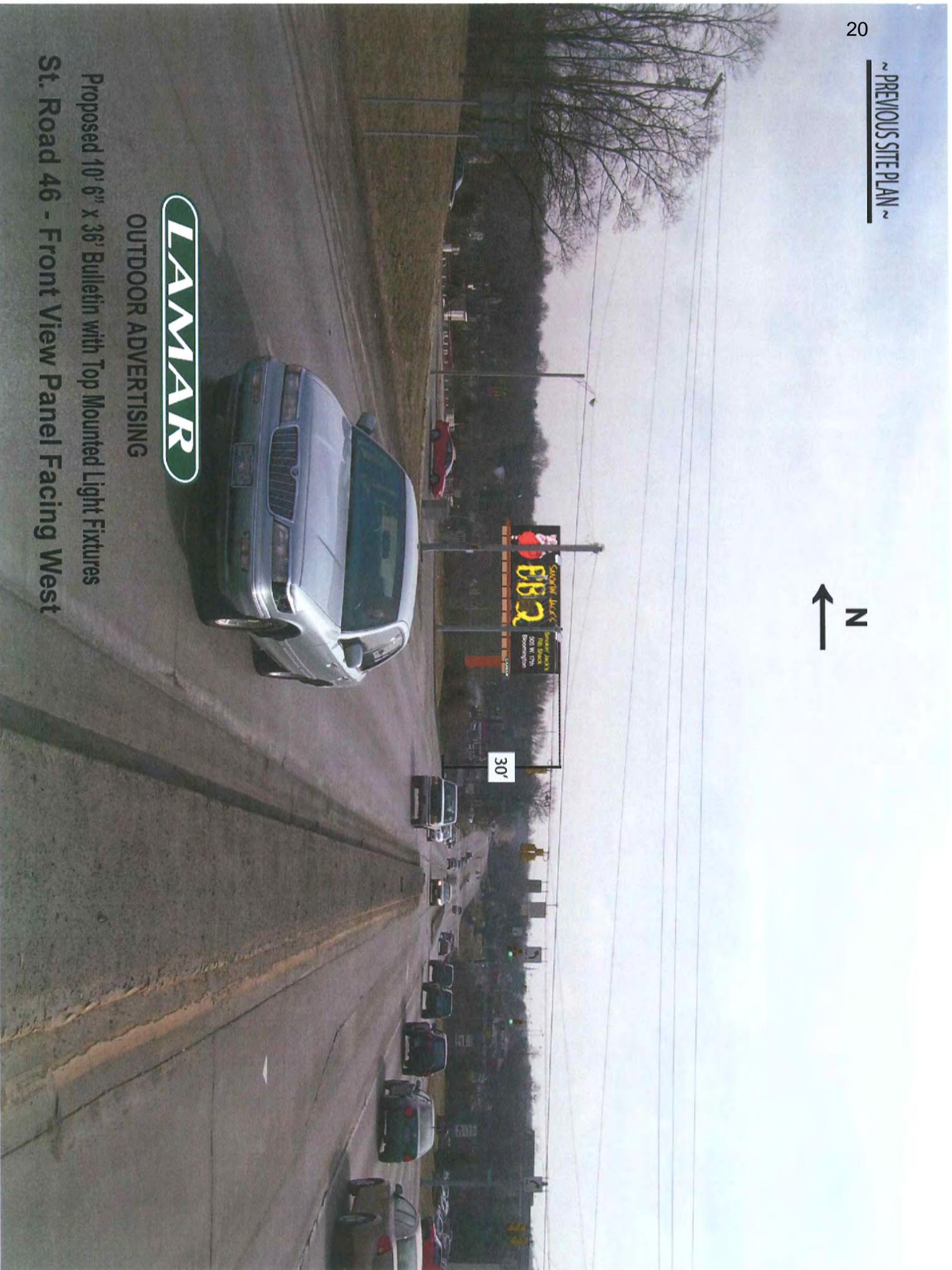
OUTDOOR ADVERTISING

LAMAR

Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures

St. Road 46 - Front View Panel Facing West

~ PREVIOUS SITE PLAN ~

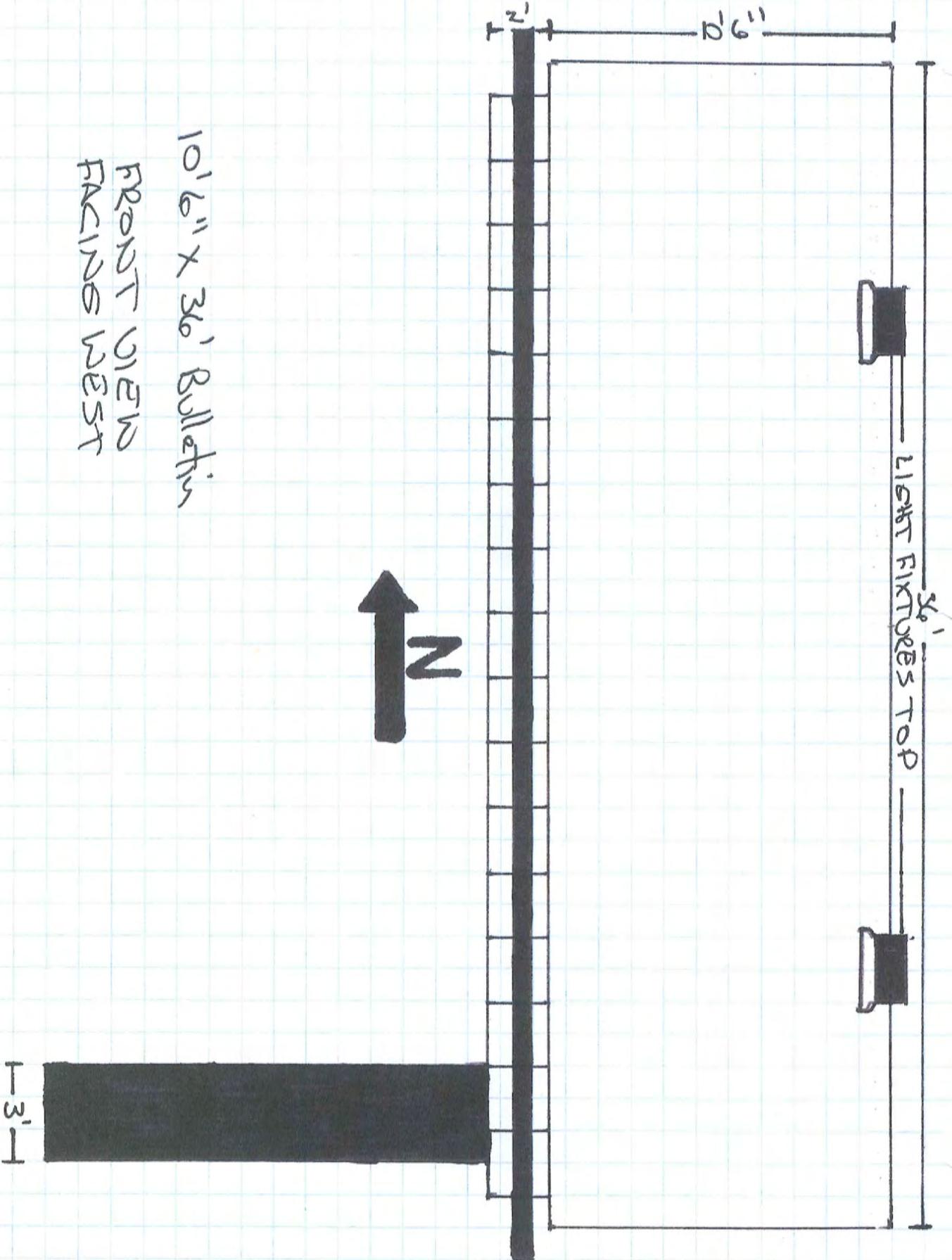


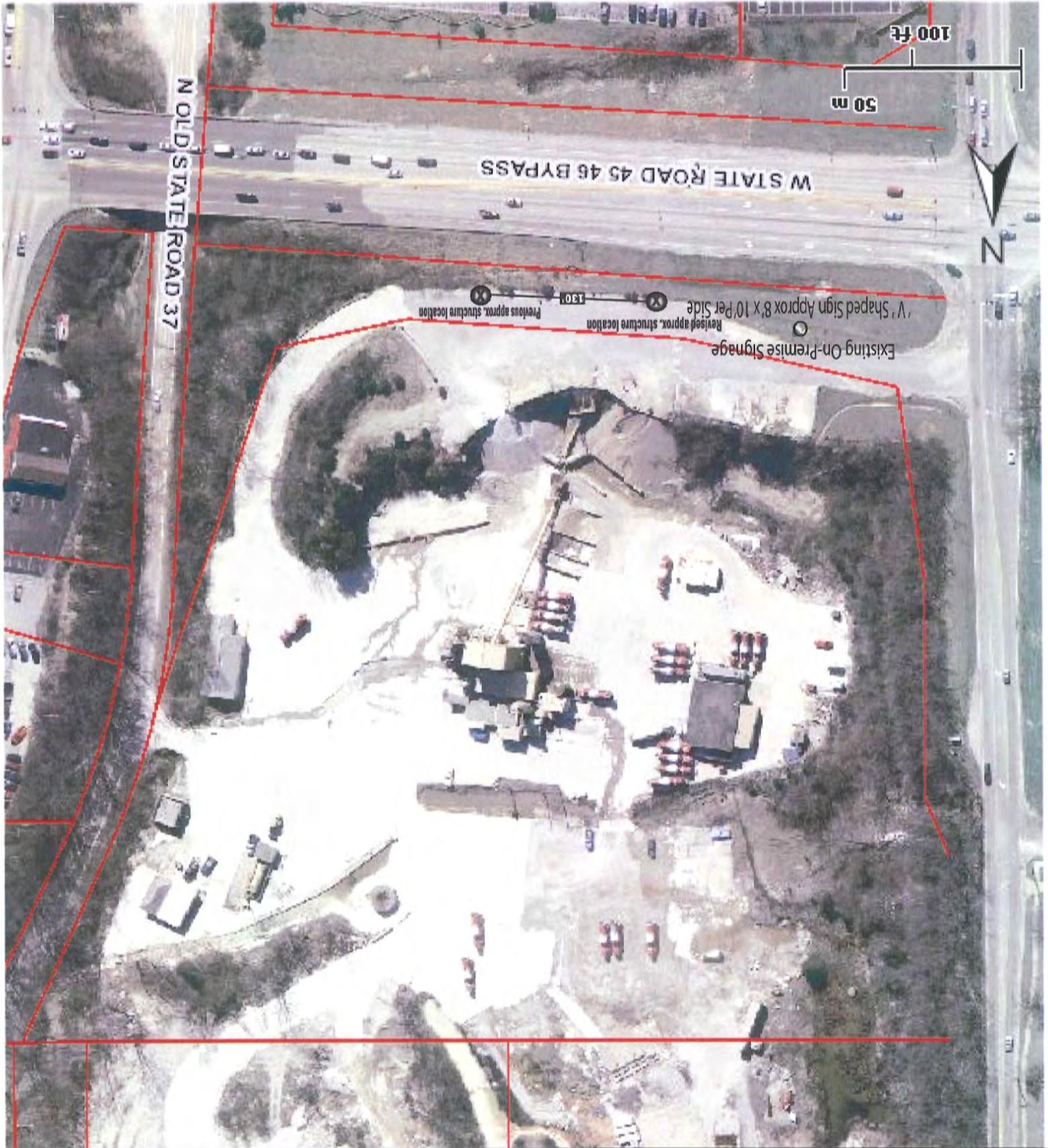
LAMAR

OUTDOOR ADVERTISING

Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures
St. Road 46 - Front View Panel Facing West

10'6" x 36' Bulletin
FRONT VIEW
FACINGS WEST







City of Bloomington
Planning and Transportation Department

June 10, 2022

Rogers Group, Inc.
 P.O. Box 25250
 Nashville, TN 37202

Lamar Advertising Company
 Indianapolis Billboard Office
 5711 West Minnesota Street
 Indianapolis, IN 46241

Irving Materials, Inc.
 1800 North Kinser Pike
 Bloomington, IN 47404

Re: Notice of Violation

Failure to Comply with Development Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.04.100(g) [Development Standards & Incentives; Signs; General Design Standards]** at 1800 North Kinser Pike. Records show that you are the owner or lessee at this property.

The City of Bloomington Planning and Transportation Department received multiple complaints on 3/30/2022 that the existing billboard on the north side of State Road 45 and 46 Bypass between North Kinser Pike and North Walnut Street had been modified to become a digital billboard. On 4/1/2022, staff observed a digital billboard in operation at this location with digital content that changed approximately every eight seconds. The billboard is located on property with the address of 1800 North Kinser Pike, which is a quarry operated by Irving Materials Inc. (IMI) and is owned by Rogers Group, Inc. Records indicate that the billboard itself is owned by Lamar Advertising Company, and is currently operated as Panel #6033 classified as a "Permanent Bulletin – Digital." See the attached screenshot from the Lamar website.

According to Unified Development Ordinance (UDO) **Section 20.04.100(g) [Development Standards & Incentives; Signs; General Design Standards]:**

(3) Electronic Reader Boards

Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, provided that they do not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.

The sign at 1800 N. Kinser Pike contains an electronic reader board that is in excess of 40 percent of the total area of the sign face. Additionally, the information displayed is changed in increments of less than 20 seconds.

In accordance with UDO Section 20.06.100, a violation of Failure to Comply with Development Standards may result in a fine of up to one hundred dollars (\$100). Each day a violation is allowed to continue is considered a

distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

If the violation remains unresolved, fines will begin to accrue daily on 06/25/2022 in accordance with above referenced UDO Section 20.06.100 [Enforcement and Penalties] until such a time as the violation is remedied. You have the following options to remedy the situation.

1. Rework the billboard so that the electronic reader board portion of the sign is 40% of the sign face or less and so that the sign face changes every 20 seconds or less by 06/24/2022, **OR**;
2. Completely restore the billboard to its former status by 06/24/2022, **OR**;
3. Make a phone appointment with a Planner to occur on or before 06/24/2022 to discuss filing a variance request, **AND** file for a variance by 07/28/2022 for the 08/25/2022 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,



Elizabeth Carter
Senior Zoning Compliance Planner, Planning and Transportation

CC: Scott Robinson, AICP, Director, Planning and Transportation
Beth Rosenbarger, AICP, Assistant Director, Planning and Transportation
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation
Mike Rouker, City Attorney

Enclosures: (2)
2 Photographs



Photo 1: Digital billboard at 1800 North Kinser Pike, viewed from the east on 4/1/2022



Photo 2: Digital billboard at 1800 North Kinser Pike, viewed from the west on 4/8/2022

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1800 N. Kinser Pike

CASE#: V-42-10
DATE: December 16, 2010

PETITIONER: Lamar Advertising Co.
5711 W. Minnesota, Indianapolis

REQUEST: The petitioner is requesting a variance to allow an off-premise sign (billboard relocation).

REPORT SUMMARY: In 2007, the petitioner owned and operated a 4-panel billboard at 216 S. College Avenue. This is located just north of W. 3rd Street behind the College Square development. In anticipation of the construction of the City's B-Line Trail, the City entered into a legal agreement with the owner of the billboard. This agreement, included in your packet, required the voluntary removal of the 4-panel billboard. As part of this agreement, the City agreed to support a variance request for a new 2-panel billboard structure at a mutually agreeable new location.

At this time, the City and the petitioner have come to an agreement on a location for the new 2-panel billboard. The proposed location is at the northeast corner of N. Kinser Pike and the SR 45/46 Bypass. This property is zoned Quarry and is an active quarry site. The petitioner is proposing to place the new billboard at the southern property line allowing for visibility from both east and west traffic along the SR 45/46 Bypass. The sign will be approximately 450 feet east of the adjacent intersection.

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's Finding: Staff finds no injury with this petition. Staff finds that any negative impacts to the public health, safety, morals, and general welfare of the community are adequately balanced by the removal of the 4-panel billboard along a highly visible portion of the B-Line Trail.

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.*

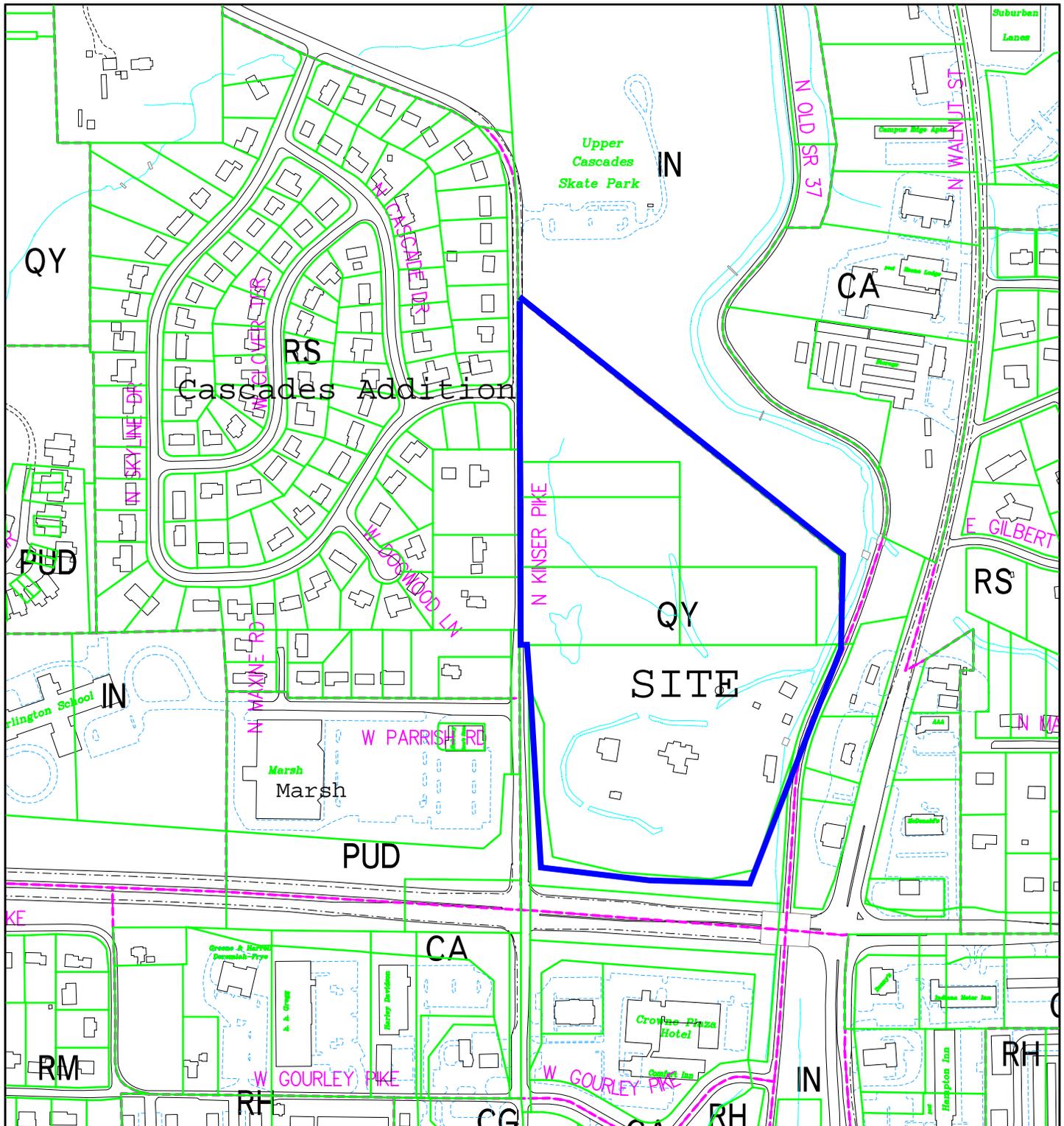
Staff's Finding: Staff finds the use and value of the surrounding area will not be negatively impacted by an approval of this request. The current site is a quarry site. Staff finds that the addition of the billboard to this property will not significantly change the impacts that the overall property has on the area. This was a factor in coming to an agreement with the petitioner on this site for the proposed relocation.

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.*

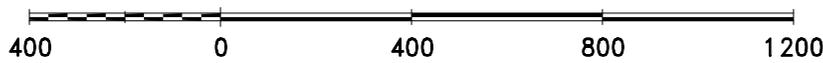
Staff's Finding: Staff finds practical difficulty in not approving this variance. The legal agreement between the petitioner and the City was made as a unique and creative solution to remove a larger billboard structure in a more undesirable location. The quarry site was chosen by the petitioner presumably due to its high visibility along a major thoroughfare. One factor of the prohibition of billboards within the City's jurisdiction is aesthetics. The City agreed to this particular property in part due to the already limited aesthetic value of the quarry use. The additional billboard use will not negatively impact the property as much as other potential properties.

RECOMMENDATION: Based on the written findings, staff recommends approval of V-42-10 with the following conditions:

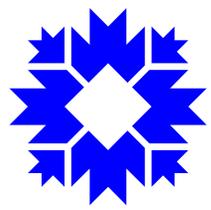
1. The petitioner must receive a sign permit prior to sign installation.
2. This sign shall be permitted to be lit within the standards of the Unified Development Ordinance.



By: shapp
10 Dec 10



City of Bloomington
Planning



Scale: 1" = 400'

MEMO

To: City of Bloomington Planning Dept.
From: Chris Iversen; V.P. & G.M. Lamar Advertising

Re: I.M.I. Proposal

11-2-10

I wanted to include some additional information about the square footage of the sign we are proposing to build on the IMI property. As this was a concern in our meeting we had last week.

- As mentioned the agreement that the City and Hoosier / Lamar signed in 2007 required Hoosier/Lamar to remove a 4 panel billboard on 216 S. College which contained approximately 1,152 square feet of billboard advertising space.
- Since the agreement date of 7-24-07, Lamar has taken down an additional 7 billboard structures containing approximately 3,312 square feet of billboard advertising space.
- The 4 panel structure removed at 216 S. College had an approximate 117' cross read. The proposed 2 panel IMI location has an approximate 164' cross read. (Cross read is determined from the furthest viewing lane to the furthest point of the advertising face on either structure.)
- The proposed 2 panel sign at IMI is 763 square feet and is 389 square feet smaller than the 1,152 square foot structure taken down at 216 S. College.

The proposed 10'6" x 36' back to back sign face on the IMI property is approximately 34% smaller than the side by side 4 panel 12' x 25' (i.e. 12' x 50') structure removed at 216 S. College and approximately 47' further away from the road at its furthest viewing point than the structure on S. College.

The additional 47' setback from the road (furthest point to furthest point) reduces the practical visibility from the inbound advertising face. This setback was our rationale as to why we proposed the 2 panel 10'6" x 36' sign face. And it is our hope that these factors are taken into consideration during this review process.

Respectfully,

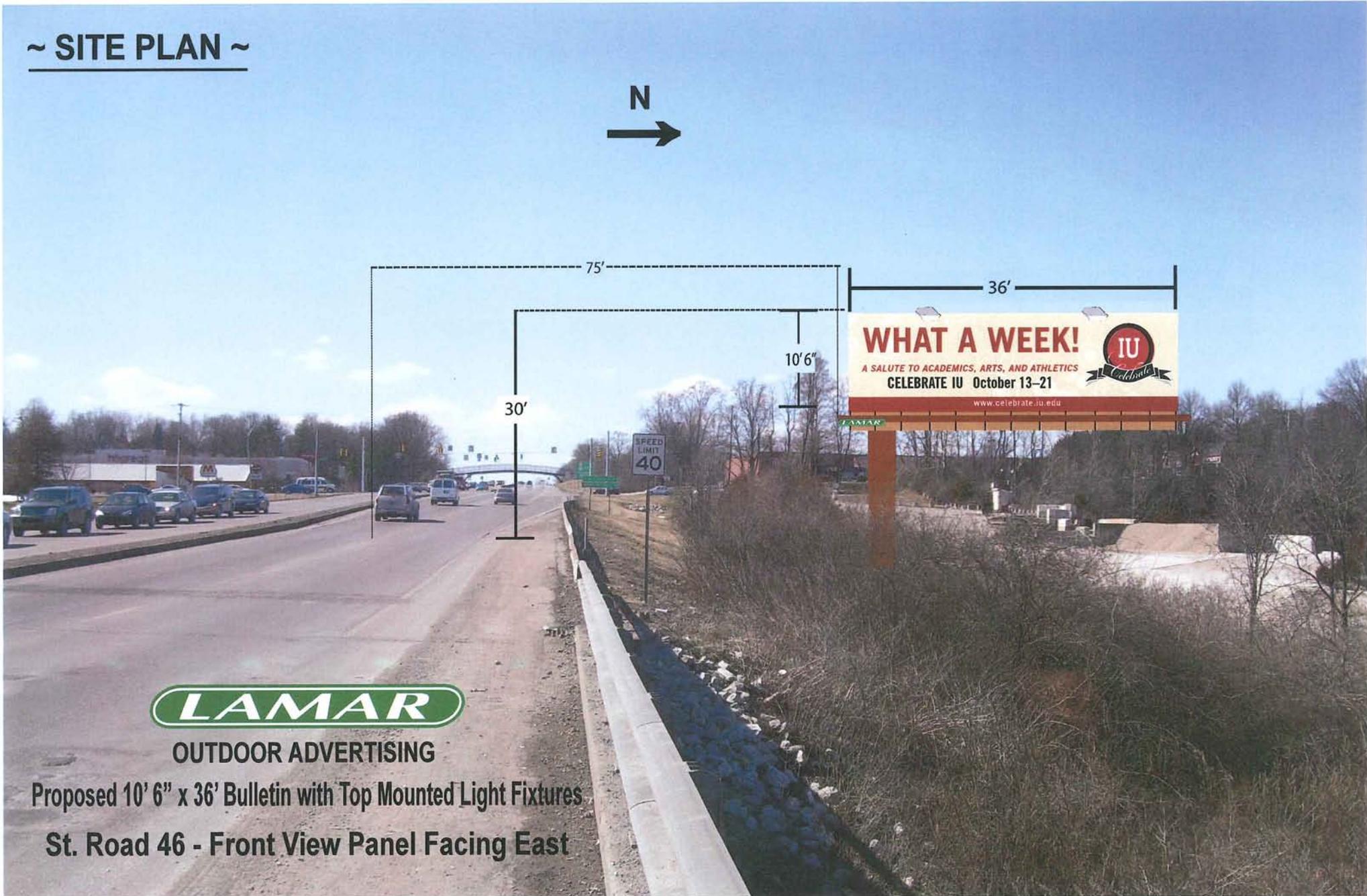
Chris Iversen; V.P. & G.M.



Distances between proposed billboard structure, on-premise signage & buildings on parcel. ● ⊗ = Proposed Billboard Structure

- = On-Premise Signage
approx. 312'
- Building A
approx. 304'
- Building B
approx. 390'
- Building C
approx. 325'
- Building D
approx. 390'
- Building E
approx. 545'
- Building F
approx. 610'

~ SITE PLAN ~



OUTDOOR ADVERTISING

Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures

St. Road 46 - Front View Panel Facing East

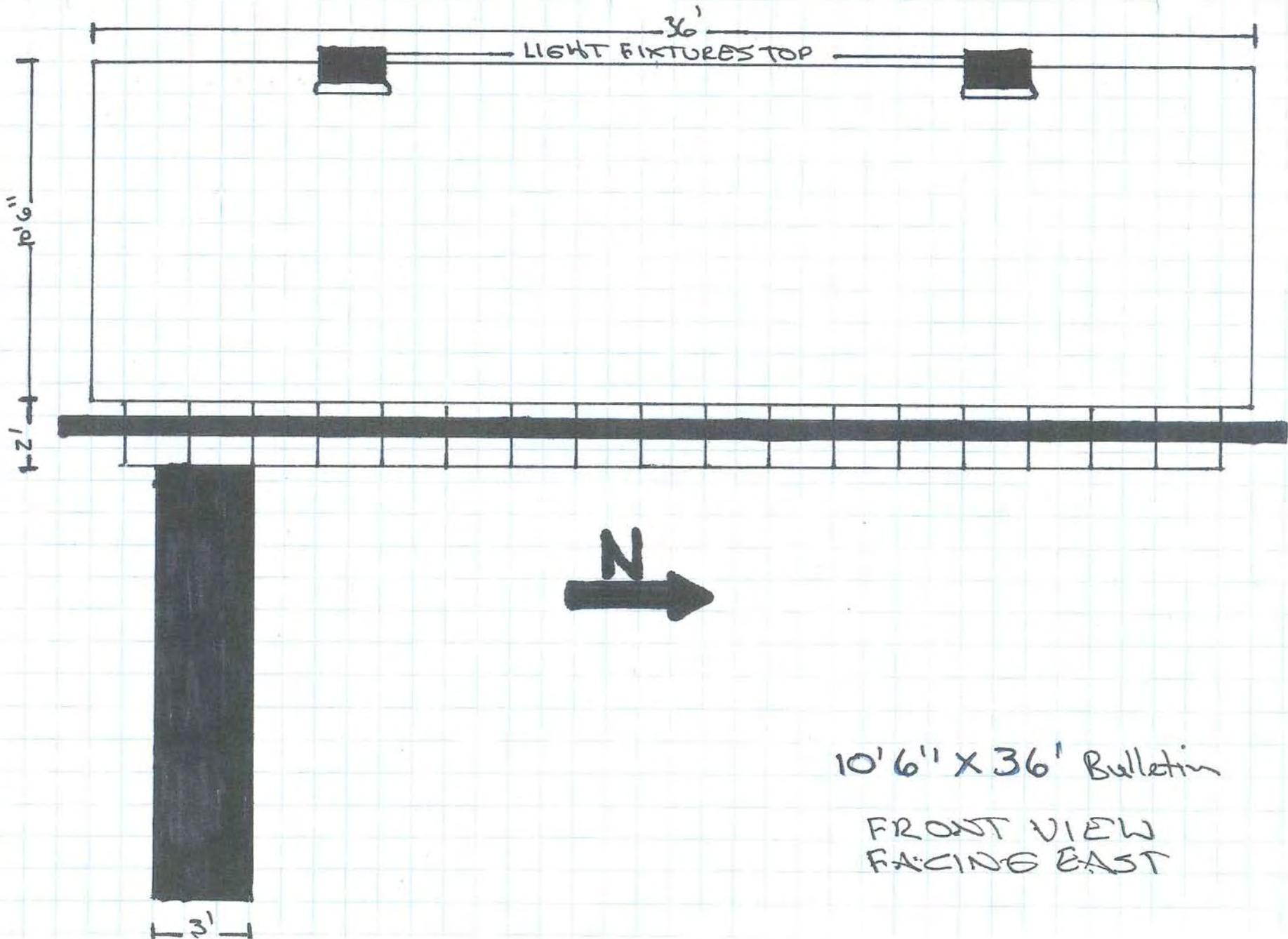
V-42-10 Lamar Advertising
Site pictures w/ proposed sign



LAMAR

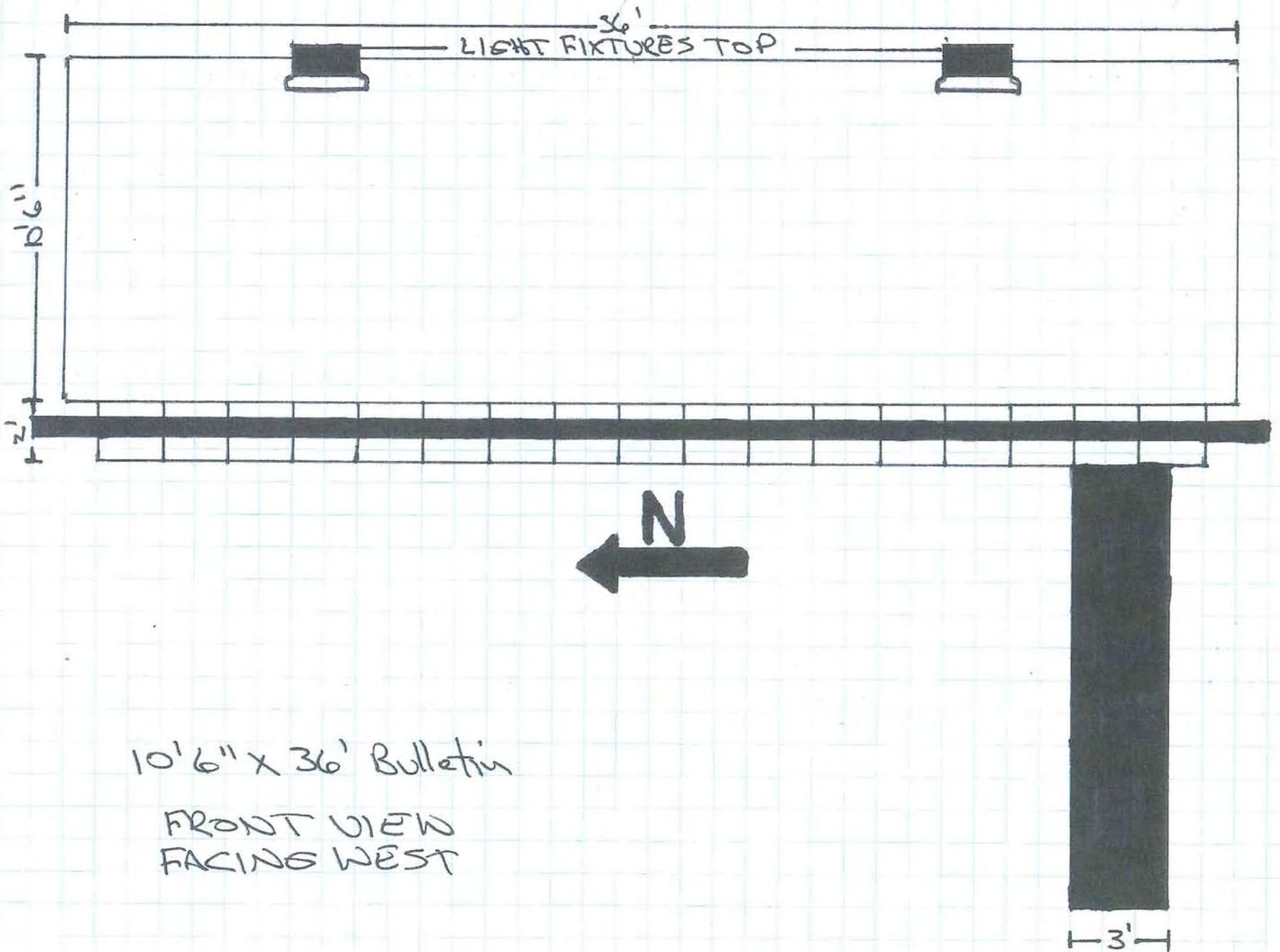
OUTDOOR ADVERTISING

Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures
St. Road 46 - Front View Panel Facing West



10'6" x 36" Bulletin

FRONT VIEW
FACING EAST



10'6" x 36' Bulletin

FRONT VIEW
FACING WEST

3'

CITY OF BLOOMINGTON, INDIANA

AND

HOOSIER OUTDOOR ADVERTISING CORPORATION

AGREEMENT REGARDING SIGNS AND BILLBOARDS

THIS AGREEMENT is made and entered into by and between the City of Bloomington, Indiana (“City”) and Hoosier Outdoor Advertising Corporation (“Hoosier”).

WITNESSETH

WHEREAS, the City and Hoosier have engaged in discussions regarding numerous signs and billboards located within the City of Bloomington; and

WHEREAS, these discussions have included issues of the placement, maintenance and/or removal of particular signs and billboards; and

WHEREAS, the City and Hoosier have now concluded those discussions and wish to memorialize the terms to which they have agreed.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein, and in consideration of the mutual benefits which will accrue to each of the parties to this Agreement, the City and Hoosier have agreed, and do hereby agree, as follows:

I. DUTIES AND RESPONSIBILITIES OF THE PARTIES

A. Hoosier Outdoor Advertising Corporation’s duties and responsibilities hereunder shall be as follows:

1. Hoosier shall modernize the existing Cascades Park sign located approximately 200 feet north of the intersection of Old State Road 37 and

V-42-10 Relocation
Agreement

North Walnut Street. This modernization shall include the installation of a steel structure upon which the sign will be placed, and the sign modernization shall be performed according to conditions upon which the parties have mutually agreed. If modernization of the sign includes the installation of lighting, the City shall be responsible for obtaining a variance from the Board of Zoning Appeals.

2. Hoosier shall be responsible for timely performance of all maintenance and repair of the Cascades Park sign, including the structure, and shall solely bear all expense regarding such construction, maintenance and repair.
 3. Hoosier shall maintain line-of-sight to the Cascades Park sign.
 4. Hoosier shall remove the four (4) panel billboard located along the west property line at 216 South College Avenue. This removal shall be accomplished on or before the earlier of: (a) the beginning of construction of Phase I of the B-Line Trail anticipated in the spring of 2008; or (b) the installation of the lighted two (2) panel billboard discussed below.
 5. Upon selection of a proposed site which must be approved by the City Planning and Legal Departments, Hoosier may apply to the Board of Zoning Appeals for approval to place a lighted two (2) panel billboard at that location.
- B. The City of Bloomington's duties and responsibilities hereunder shall be as follows:

1. The City shall not seek removal of the two (2) panel billboard located approximately 600 feet north of the intersection of State Road 37 and North Walnut Street on the grounds that it is located on City property without the appropriate permission of the City; however, this billboard remains subject to any and all laws and regulations of Monroe County and the City that may now or hereafter apply. Specifically, the City reserves the right to enforce any and all City regulations including but not limited to provisions of the Unified Development Ordinance concerning lawful nonconforming billboards, at such time as this billboard comes under the City's zoning jurisdiction.
2. The City shall not charge Hoosier lease fees for the continued placement of this billboard in consideration of the responsibilities and costs incurred by Hoosier under the terms and conditions of this Agreement.
3. The City shall support Hoosier's petition before the BZA for placement of the aforementioned lighted two (2) panel billboard in a mutually acceptable location.

II. NOTICE TO THE PARTIES

Whenever any notice, statement or other communication shall be sent to the City or Hoosier, it shall be sent to the following addresses, unless otherwise specifically advised:

- A. Notice to the City shall be sent to:

Corporation Counsel
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

B. Notice to Hoosier shall be sent to:

Jeff Brawley, General Manager
Hoosier Outdoor Advertising Corporation
900 S. Walnut Street
Bloomington, IN 47403

III. AUTHORITY TO BIND

Notwithstanding anything in the Agreement to the contrary, the signatory for Hoosier represents that he has been duly authorized to execute this Agreement on its behalf.

IV. AGREEMENT TERM

The term of this Agreement shall be for five (5) years and may be extended by mutual written agreement of the parties. This Agreement may be modified only by written amendment executed by the City and Hoosier.

V. WAIVER OF DAMAGES

Hoosier, by its execution of this Agreement, expressly waives any and all right to and receipt of damages pursuant to Ind. Code Sections 22-13-2-1.5 and 36-7-2-5.5 regarding any sign or billboard referenced in this Agreement.

VI. GOVERNING LAWS

This Agreement shall be construed in accordance with and governed by the laws of the State of Indiana. Any judicial proceedings shall be filed within Monroe County, Indiana, Circuit Court.

VII. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the parties, and this Agreement supersedes all prior agreements and understandings, oral and written, with respect to this subject matter.

VIII. SUBSTANTIAL PERFORMANCE

This Agreement shall be deemed to be substantially performed only when fully performed according to its terms and conditions and any modification thereof.

IX. TERMINATION

If either party fails to fulfill, in a timely and proper manner, its obligations under this Agreement, or violates any of the terms or conditions contained herein, then the other party shall have the right to terminate this Agreement. Any such termination shall occur only after written notification to the other party of the alleged breach and the allowance of thirty (30) days to cure such breach.

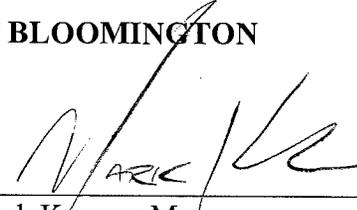
X. JOINT ANNOUNCEMENT

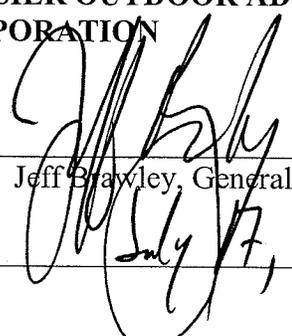
Hoosier and the City agree to develop a joint press release announcing the approval by the BZA for the placement of the lighted two (2) panel billboard. Should the BZA fail to approve Hoosier's request for the placement of this billboard, the terms and conditions of this Agreement shall be null and void.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this Agreement on the dates entered below.

CITY OF BLOOMINGTON

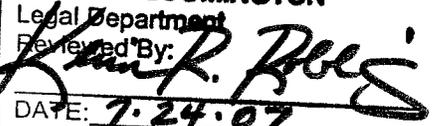
HOOSIER OUTDOOR ADVERTISING CORPORATION

By: 
Mark Kruzan, Mayor

By: 
Jeff Brawley, General Manager

Date: 7.24.07

Date: July 17, 2007

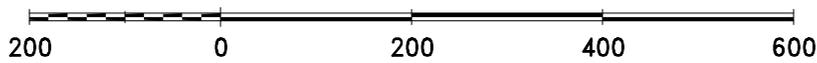
CITY OF BLOOMINGTON
Legal Department
Reviewed By: 
DATE: 7.24.07



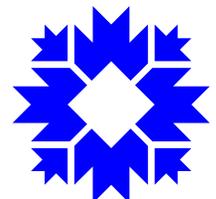
Proposed Billboard Location

V-42-10 Lamar Advertising Co.
Aerial Photo

By: shapp
10 Dec 10



City of Bloomington
Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.



CITY OF BLOOMINGTON
 Planning Department
 401 N. Morton St., Bloomington, Indiana 47404



Phone: 812-349-3423

Fax: 812-349-3535

Email: planning@bloomington.in.gov

APPLICATION FOR PERMANENT SIGN PERMIT

*** MAKE CHECKS PAYABLE TO THE CITY OF BLOOMINGTON**

Date Applied: 10/22/10 1800 N. KINSELA
 Name of Business: LAMAR ADVERTISING CO
 Type of Business Use: OFF PREMISE SIGNAGE
 Address of Business: 5011 W. MIDDLE COTA
INDIANAPOLIS, IN 46241
 Business Phone: (317) 424-0396
 Alternative Phone/Fax: (317) 424-1522
 Name of Applicant: CHRIS LORSEN
 Applicant Phone: (317) 424-0396

(OFFICE USE ONLY)

Application #: C11-066
 Permit Fee: \$55.00 per sign
 Total Fee: \$55.00
 Date Issued: 2/1/11
 Permit Reviewer: A.J.S.

A SCALED SITE PLAN IS REQUIRED WITH YOUR APPLICATION.

In order to receive a **permanent sign permit**, the applicant shall submit a site plan containing the following elements:

1. Scale and North arrow;
2. Location of building(s), driveway(s), and parking area(s);
3. Location and size (in square feet) of all existing sign(s);
4. Indicate type of existing sign(s): wall, pole, or ground signage;
5. Location and dimensions of proposed sign(s);
6. Distance between building and proposed sign location(s);
7. Name and location of adjacent street frontage(s), if applicable; and
8. Distance between curb edge and sign location.

CERTIFICATION

I am the owner or authorized agent responsible for compliance, and hereby acknowledge the following:

1. I have read this application and all related documentation and I represent that the information furnished is correct.
2. I agree to comply with all City ordinances and State statutes, which regulate construction, land use, and occupancy.
3. Any changes made to sign dimensions or location shall be submitted to the City of Bloomington for review.
4. If any misrepresentation is made in this application, the City may revoke any Certificate issued based upon this misinformation.
5. No sign installation is allowed until a permit has been issued from the Planning Department.

Applicant's Signature

Date

10-22-10

If you have questions about sign ordinance requirements, please call the **Bloomington Planning Department** @ 812-349-3423.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1800 North Kinser Pike

CASE #: AA-31-22
DATE: September 22, 2022

PETITIONER: Lamar Advertising Company
5711 West Minnesota Street; Indianapolis, IN 46241

REQUEST: The petitioner is requesting an administrative appeal of a notice of violation issued on June 10, 2022 for an unlawful electronic reader board sign.

REPORT:

Record

On June 10, 2022, the Planning and Transportation Department (“Planning”) issued a notice of violation to Petitioner Lamar Advertising Company (“Lamar”) for violating section 20.04.100(g) of the City’s Unified Development Ordinance.

On April 1, 2022, Senior Zoning Compliance Planner Liz Carter observed and documented an electronic reader board (or digital billboard) sign at 1800 N Kinser Pike. Carter observed the sign changing digital images at approximately eight second intervals. From 2011 until such time as the sign was converted to an electronic reader board, the sign existed as a traditional, static billboard.

After observing the electronic reader board sign, Planning sent a notice of violation (NOV) to Lamar on April 25, 2022 for altering a lawful nonconforming sign without appropriate permits and for violating the City’s sign standards. That NOV was withdrawn by Planning and a second, subsequent NOV was sent to Lamar on June 10, 2022. The second NOV cites Lamar for violating the Unified Development Ordinance (“UDO”) provisions related to electronic reader board signs. On June 17, 2022, Lamar requested an administrative appeal of the June 10 NOV.

Some of the documents in the record are provided in the appellant’s exhibits. Staff has verified that these submitted exhibits match the records of these documents held by the Planning and Transportation Department. Additional documents in the record not included in the appellant’s exhibits are provided as staff attachments.

The documents in the record of the case are as follows:

- Appellant’s June 17, 2022 letter to Liz Carter
- Planning’s June 10, 2022 Notice of Violation and associated photographs documenting the electronic reader board sign
- Board of Zoning Appeals Variance V-42-10
- Planning Sign Permit Application
- Planning Certificate of Zoning Compliance C11-066

Analysis

The UDO defines an electronic reader board as “[a] sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.” Bloomington Mun. Code § 20.07.010. The UDO places certain limitations on electronic reader board signs, including

(1) that the digital portion of such signs must be incorporated into permanent signage and comprise no more than 40% of the total area of the sign and (2) that the intervals between changing information displayed on an electronic reader board sign be no less than 20 seconds:

[E]lectronic reader boards may only be utilized when incorporated into permanent signage, provided that they do not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.

Bloomington Mun. Code § 20.04.100(g)(3). On April 1, 2022, Planning observed violations of both the 40% requirement and the 20-second interval requirement and issued an NOV on June 10, 2022.

In response to the NOV, Lamar makes three arguments that the electronic reader board rules should not apply: (1) that Planning is prohibited by law from issuing a second NOV after it issued an NOV in April related to the sign; (2) that in 2010, when Lamar was granted a variance for the static billboard, only the UDO's lighting standards were rendered applicable to the sign; and (3) that the sign in question is not an electronic reader board. Staff disagrees with Lamar on each of these points, as described below.

(1) Lamar claims that “[t]he law does not provide the City of Bloomington with multiple attempts to invalidate the Billboard.” Appellant, p. 1.

State law does not prohibit staff from rescinding an NOV and then reissuing an NOV. The closest legal doctrine to Lamar's claim that staff may not rescind and then reissue an NOV, *res judicata*, is inapplicable. The doctrine of *res judicata* precludes a party from prosecuting a claim if the claim has been previously litigated and decided. However, the issuance of an NOV is not a judicial or quasi-judicial act, and therefore an NOV may be rescinded and re-issued if the claims stated in the NOV have not been fully litigated before a judicial or quasi-judicial body. The present NOV and the facts surrounding its issuance are being heard for the first time by the BZA. It has not yet been adjudicated. Therefore *res judicata* is simply inapplicable.

The applicability of a legal doctrine such as *res judicata*, which suggests that the second NOV was precluded as a matter of law, is a purely legal argument. As such, staff acknowledges that it is difficult for a civilian board such as the BZA to fully assess its validity during this administrative appeal. However, the appellant has now preserved the argument and may properly raise it before a judge on a subsequent appeal, if the appellant chooses to do so.

(2) Lamar's second argument is that “the BZA only required the Billboard to comply with one sign design standard and that is that the Billboard had to comply with the lighting standards of the UDO.” Appellant, p. 3.

This is inaccurate. The BZA's 2010 approval of a variance permitting the installation of Lamar's billboard at 1800 N. Kinser Pike did not relieve Lamar of the duty to build a billboard compliant with the terms of the UDO. On December 10, 2010, when the BZA approved Variance V-42-10, the BZA specifically called out the UDO's lighting standards in its approval: “This sign shall be

permitted to be lit within the standards of the Unified Development Ordinance.” Bloomington Board of Zoning Appeals, Petition V-42-10. Lamar contends that the BZA, by directly calling out the UDO’s lighting requirements, implicitly relieved Lamar of any obligation to comply with the UDO’s other development standards.

First, it’s important to note that this alleged implicit waiver of all other design standards within the UDO, which would be a remarkable waiver for the BZA to issue, is not explicitly stated in any document, as one might expect for such an extraordinary action.

Second, subsequent interactions between Planning and Lamar directly contradict the notion that the BZA sought to waive design standard requirements for the sign. The BZA’s Variance approval required Lamar to “receive a sign permit prior to installation.” Bloomington Board of Zoning Appeals, Petition V-42-10. In complying with this term, when Lamar submitted its sign permit application, Lamar agreed to “comply with all City ordinances . . . which regulate construction.” Application for Permanent Sign Permit C11-066. Then, more importantly, when the permit was issued, the permit stated explicitly:

1. This permit is approved per the terms and conditions of Board of Zoning Appeals case #V-42-10.
2. This permit approves a two-sided sign of 378 square feet per side and 30 feet tall. No other signage is approved with this permit.
3. Lighting fixtures must be installed and shielded to restrict glare toward any traffic.
4. Light trespass must be limited to a maximum of 30 lucas measured at adjacent property lines.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This certificate does not constitute the issuance of any required permit *nor exempt the property from compliance with any other requirements.*

Planning Department Certificate of Zoning Compliance C11-066 (emphasis added). On its own, the mere fact that the BZA required Lamar to obtain a sign permit shows that the BZA wanted Planning staff to review the application sign for compliance with the UDO’s requirements. Indeed, sign applications exist precisely for the purpose of allowing staff to review proposed signs for UDO compliance.

And on top of that, C11-066 explicitly stated that Lamar’s sign was not exempt from compliance with “any other requirements,” including requirements in the UDO. Far from implying that the sign was exempt from UDO requirements, the record suggests that the BZA, Planning, and Lamar all intended the UDO to apply to the sign.

Lamar further suggests that, as evidence that the parties never intended the UDO to apply to this sign, that the sign was non-compliant with the UDO’s changeable copy standard and the UDO’s requirements for the size of sign supports, and Planning staff acquiesced to said noncompliance. With regard to the first claim—that Planning did not intend the UDO to apply here because it did

not enforce the UDO's changeable copy requirements with regard to this sign—Lamar is simply incorrect. This sign has never incorporated changeable copy.¹

With regard to the second claim—that Planning did not intend the UDO to apply because it did not enforce the UDO's sign base requirements with regard to this sign—Planning simply failed to notice the violation. Bloomington is not a small city, and the UDO is voluminous. Admittedly, sometimes violations of the UDO go unnoticed. However, the fact that staff missed an inconsistency with the UDO does not indicate that the BZA or Planning intended to relieve Lamar of its obligation to comply with the terms of the UDO in general.

Contrary to Lamar's assertions, the BZA did not exempt this sign from compliance with the terms of the UDO when it issued Variance V-42-10. Therefore the UDO's electronic reader board standards apply to the sign at 1800 N. Kinser Pike.

(3) Lamar's final argument is that “the Billboard is not an electronic reader board.” Appellant, p. 4.

This is contradicted by the plain definition of electronic reader board in the UDO: “A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.” Bloomington Mun. Code § 20.07.010.

It is undisputed that the sign in question utilizes lights to display a message that may be changed through electronic means. Any alternative definition proposed for an electronic reader board outside of the UDO definition is irrelevant. The sign at issue in this case is an electronic reader board.

RECOMMENDATION: In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

¹ The UDO defines changeable copy as “A sign that displays words, lines, logos, or symbols that can be easily changed to provide different information without altering the face or surface of such sign.” Bloomington Mun. Code § 20.07.010. Changeable copy signs typically incorporate alpha-numeric stickers or placards that can be readily replaced with other alpha-numeric symbols to change a message on a sign.



**City of Bloomington
Planning Department**

Certificate of Zoning Compliance

Application #: C11-066 (Revised)

Date: Wednesday, July 13, 2011

Property Address: 1800 N. Kinser Pike Bloomington 28NW
Township Section #

Zoning: QY

Proposed Use: Signage - Permanent

The attached plans have been reviewed for compliance with applicable provisions of Title 20, Bloomington Unified Development Ordinance, and conformance with the terms of any approvals which have been granted under authority of the Ordinance. The Planning Department finds the plans to be in compliance:

- As submitted
- With modifications or conditions as follows:

1. This permit is approved per terms and conditions of Board of Zoning Appeals case #V-42-10.
2. This permit approves a two-sided sign of 378 square feet per side and 40 feet tall. No other signage is approved with this permit.
3. Lighting fixtures must be installed and shielded to restrict glare toward any traffic.
4. Light trespass must be limited to a maximum 30 lucas measured at adjacent property lines.
5. This permit is approved per revised site plan and elevations submitted by Kevin Robling on 7/12/11.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This Certificate does not constitute the issuance of any required permit nor exempt the property from compliance with any other requirements.

Patrick A. Shay, AICP
Development Review Manager
City of Bloomington
Planning Department



City of Bloomington
Planning Department

Certificate of Zoning Compliance

Application #: C11-066 (Revised)

Date: Wednesday, July 13, 2011

Property Address: 1800 N. Kinser Pike Bloomington 28NW
Township Section #

Zoning: QY

Proposed Use: Signage - Permanent

The attached plans have been reviewed for compliance with applicable provisions of Title 20, Bloomington Unified Development Ordinance, and conformance with the terms of any approvals which have been granted under authority of the Ordinance. The Planning Department finds the plans to be in compliance:

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Patrick A. Shay, AICP
Development Review Manager
City of Bloomington
Planning Department

Certificate of Zoning Compliance

Application #: C11-066

Date: Wednesday, February 09, 2011

Property Address: 1800 N. Kinser Pike Bloomington 28NW
Township Section #

Zoning: QY

Proposed Use: Signage - Permanent

The attached plans have been reviewed for compliance with applicable provisions of Title 20, Bloomington Unified Development Ordinance, and conformance with the terms of any approvals which have been granted under authority of the Ordinance. The Planning Department finds the plans to be in compliance:

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- With modifications or conditions as follows:

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2. This permit approves a two-sided sign of 378 square feet per side and 30 feet tall. No other signage is approved with this permit.
3. Lighting fixtures must be installed and shielded to restrict glare toward any traffic.
4. Light trespass must be limited to a maximum 30 lucas measured at adjacent property lines.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This Certificate does not constitute the issuance of any required permit nor exempt the property from compliance with any other requirements.

Patrick A. Shay, AICP
 Development Review Manager
 City of Bloomington
 Planning Department



CITY OF BLOOMINGTON
Planning Department
401 N. Morton St., Bloomington, Indiana 47404



Phone: 812-349-3423

Fax: 812-349-3535

Email: planning@bloomington.in.gov

APPLICATION FOR PERMANENT SIGN PERMIT

* MAKE CHECKS PAYABLE TO THE CITY OF BLOOMINGTON

Date Applied: 10/22/10 1800 N. KINSEK
Name of Business: LAMAR ADVERTISING CO
Type of Business Use: OFF PREMISE SIGNAGE
Address of Business: 5011 W. MINNESOTA
INDIANAPOLIS, IN 46241
Business Phone: (317) 424-0396
Alternative Phone/Fax: (317) 424-1522
Name of Applicant: CHRIS LORSEN
Applicant Phone: (317) 424-0396

(OFFICE USE ONLY)
Application #: C11-066
Permit Fee: \$55.00 per sign
Total Fee: \$55.00
Date Issued: 2/1/11
Permit Reviewer: A.J.S.

A SCALED SITE PLAN IS REQUIRED WITH YOUR APPLICATION.

In order to receive a permanent sign permit, the applicant shall submit a site plan containing the following elements:

1. Scale and North arrow;
2. Location of building(s), driveway(s), and parking area(s);
3. Location and size (in square feet) of all existing sign(s);
4. Indicate type of existing sign(s): wall, pole, or ground signage;
5. Location and dimensions of proposed sign(s);
6. Distance between building and proposed sign location(s);
7. Name and location of adjacent street frontage(s), if applicable; and
8. Distance between curb edge and sign location.

CERTIFICATION

I am the owner or authorized agent responsible for compliance, and hereby acknowledge the following:

1. I have read this application and all related documentation and I represent that the information furnished is correct.
2. I agree to comply with all City ordinances and State statutes, which regulate construction, land use, and occupancy.
3. Any changes made to sign dimensions or location shall be submitted to the City of Bloomington for review.
4. If any misrepresentation is made in this application, the City may revoke any Certificate issued based upon this misinformation.
5. No sign installation is allowed until a permit has been issued from the Planning Department.

Applicant's Signature

Date

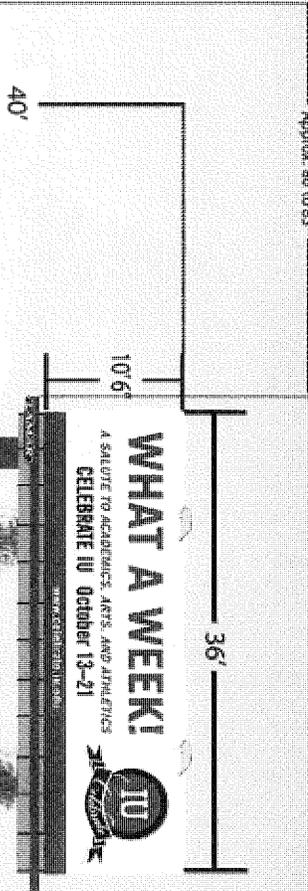
10-22-10

If you have questions about sign ordinance requirements, please call the Bloomington Planning Department @ 812-349-3423.

~ REVISED SITE PLAN ~



Approx. 80' to 85'



WHAT A WEEK!
 A SALUTE TO ACADEMICS, ARTS, AND ATHLETICS
 CELEBRATE IU October 13-21



www.centralsouth.edu

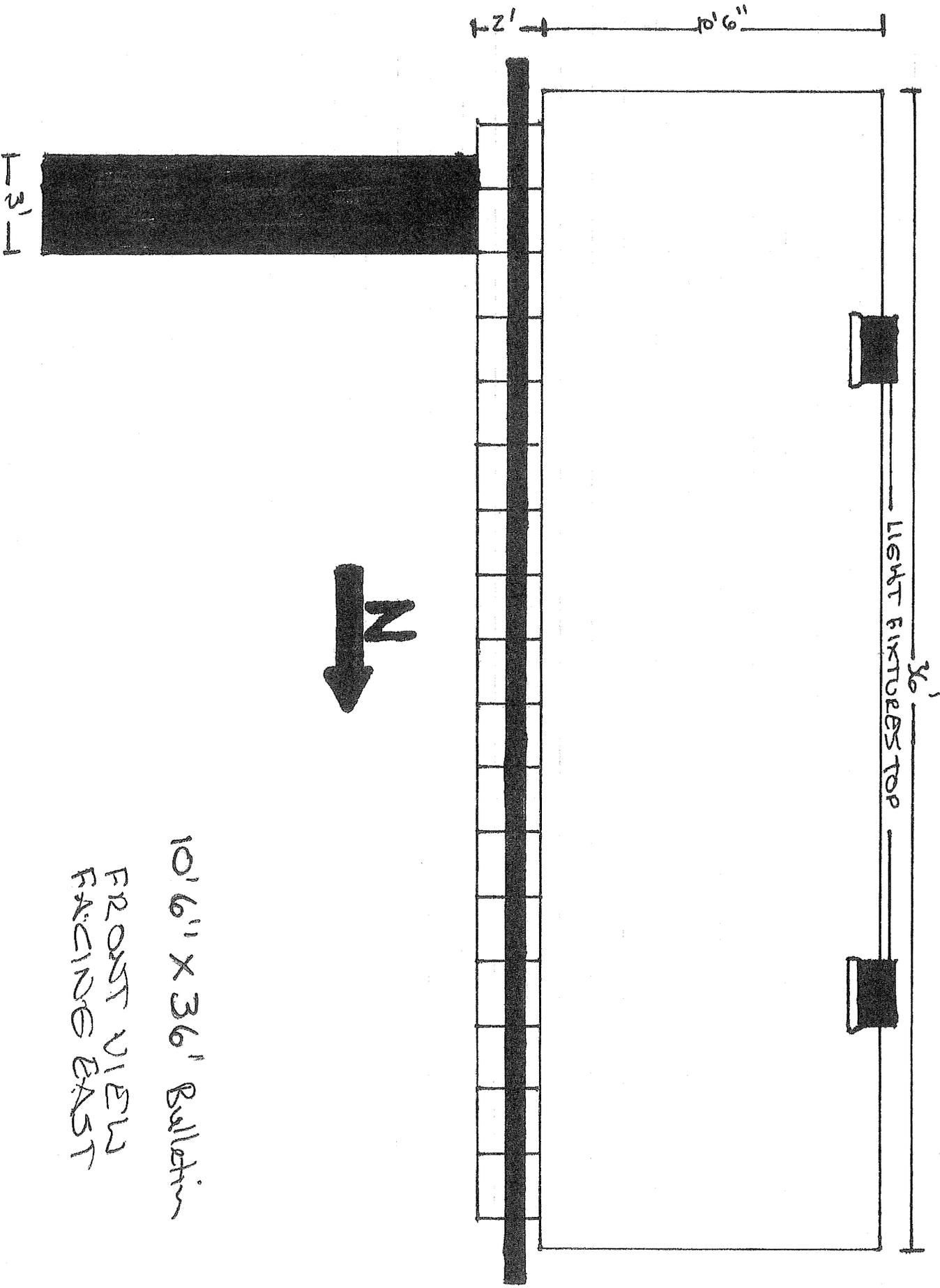


LAMAR

OUTDOOR ADVERTISING

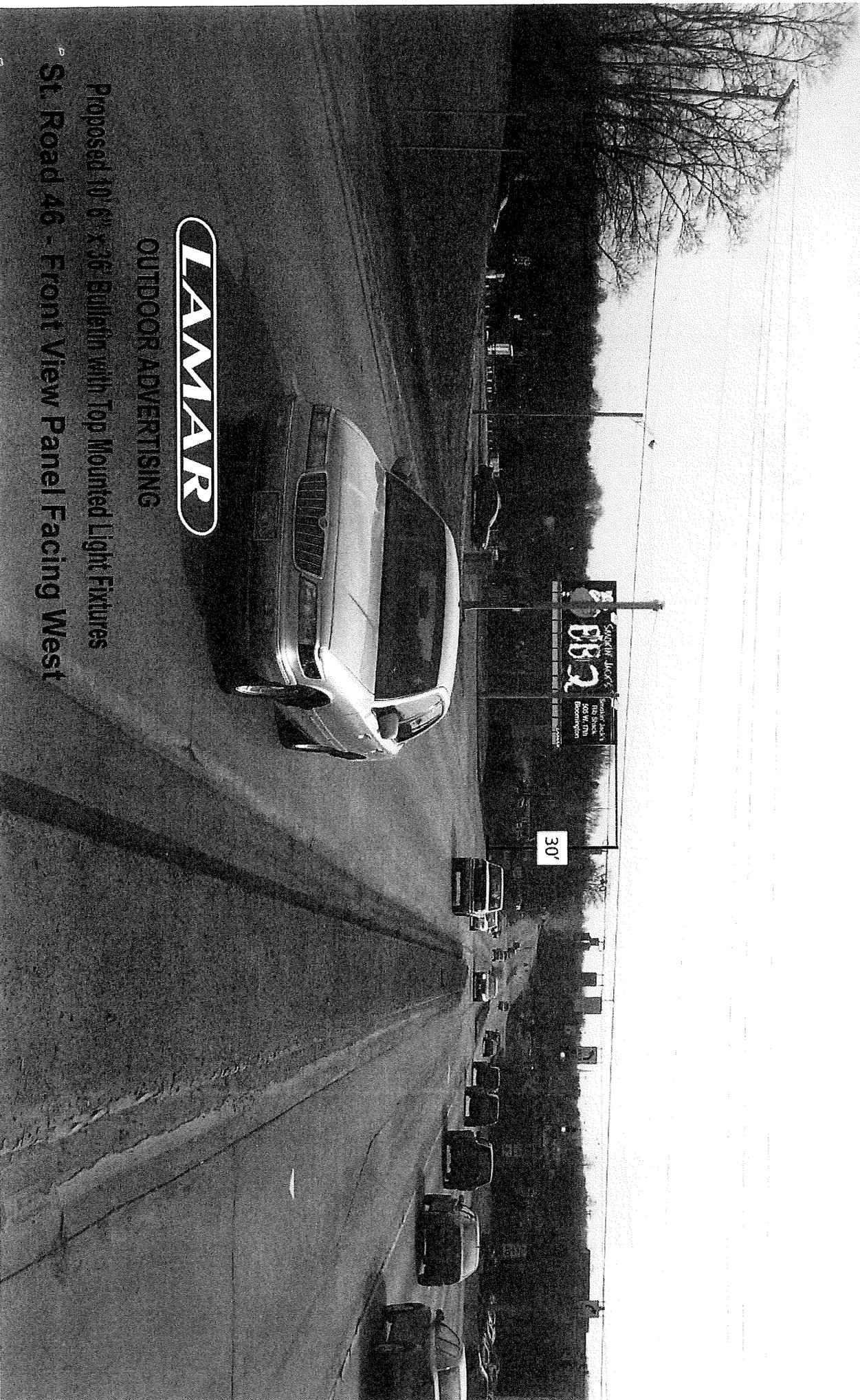
Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures

St. Road 46 - Front View Panel Facing East



10'6" X 36' Ballroom
FRONT VIEW
FACING EAST

~ PREVIOUS SITE PLAN ~

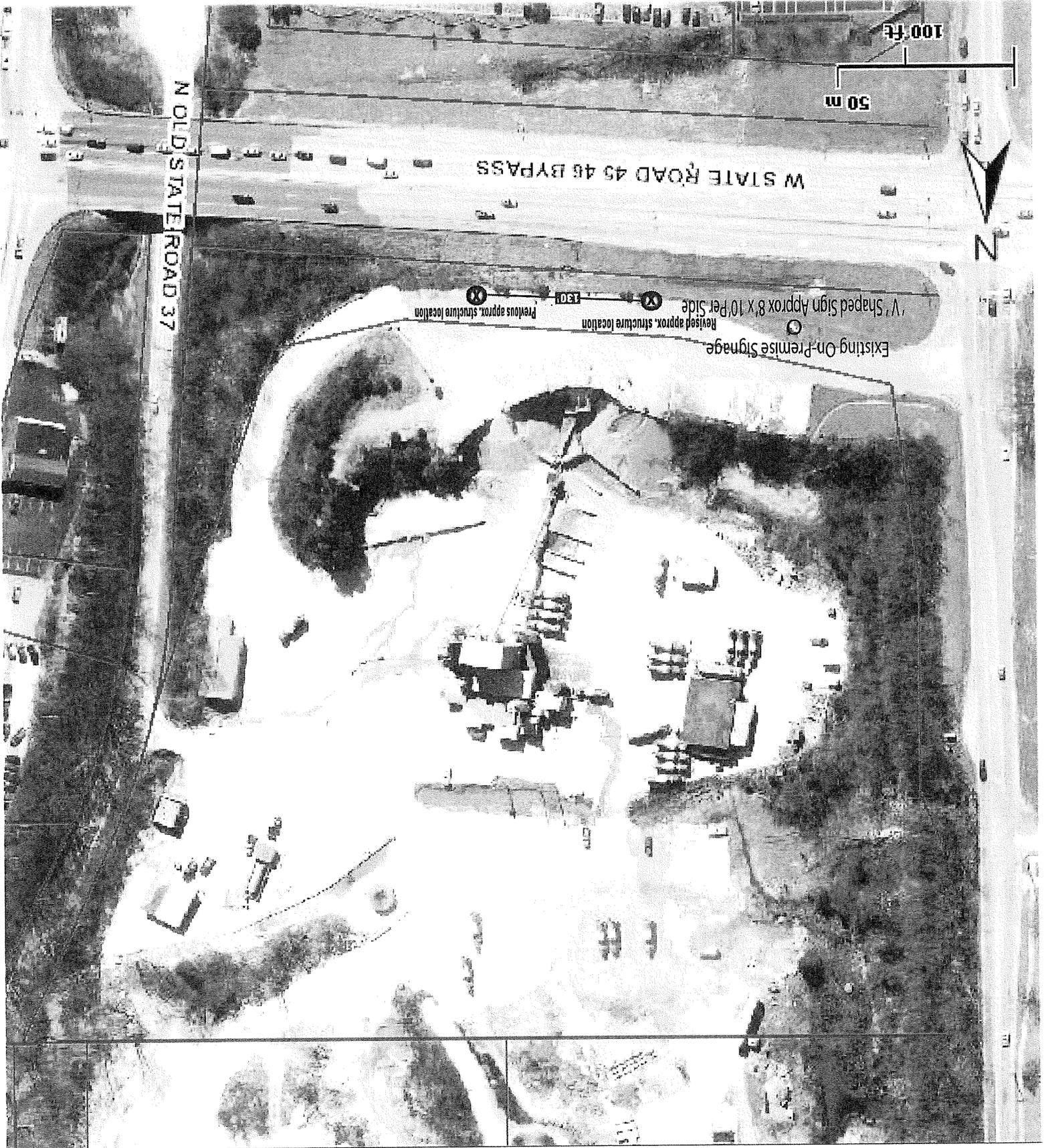


LAMAR

OUTDOOR ADVERTISING

Proposed 10' 6" x 36' Bulletin with Top Mounted Light Fixtures

St. Road 46 - Front View Panel Facing West





City of Bloomington
Planning Department



- PLAN COMMISSION
- PLAT COMMITTEE
- BOARD OF ZONING APPEALS
- HEARING OFFICER

NOV 30 2010

CASE# V-42-10
 FILING DATE 10/22/10 CL#
 FILING FEE \$ 200.00 1352
 HEARING DATE 12/16/10
 HT ACCT# 16803
 PLANNER: TM/PS

Project Name Lamar Advertising Billboard Replacement
 Address of Property 1800 N. Kiveler Pk.
 Applicant's Name Lamar Advertising Co. Phone (317) 484-0896
 Address 5711 W. Minnesota, Indianapolis, IN 46241 Fax (317) 460-1945
 Applicant's Email Address civerson@lamar.com
 Owner's Name Royers Group, Inc. Phone _____
 Address P.O. Box 25250, Nashville, TN 37202 Fax _____
 Counsel or Consultant _____ Phone _____
 Address _____ Fax _____
 Consultant's Email Address _____

Application Type (Office Use Only):

Plan Commission/Plat Committee

BZA/Hearing Officer

- | | |
|--|---|
| <input type="checkbox"/> Change of Zone (ZO) | <input type="checkbox"/> Appeal from Administrative Decision (AA) |
| <input type="checkbox"/> Site Plan Review (SP) | <input type="checkbox"/> Conditional Use (CU) |
| <input type="checkbox"/> Planned Unit Development (preliminary plan) (PUD) | <input checked="" type="checkbox"/> Variance (V) |
| <input type="checkbox"/> Planned Unit Development (final plan) (PUD) | <input type="checkbox"/> Use Variance (UV) |
| <input type="checkbox"/> Preliminary Plat Review (DP) | |
| <input type="checkbox"/> Final Plat Review (DP) | |

Description of Request: Variance to allow an off-premise sign (billboard relocation)

This application must be accompanied by all required submittals and plan elements, as indicated for the requested approval. Submittal of plans for review by City of Bloomington Utilities is required at or prior to time of application. Present CBU verification of receipt of plans at time of filing. Applicants are required to meet with a planner to review their request prior to filing an application. No applications will be accepted without prior Staff consultation. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals and previously filed cases. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners at the applicant's expense.
 I (we) further agree that the Planning Department will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.
 I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property subject to this application and authorize Staff to inspect the site as needed.
 If applicant is other than recorded owner, an affidavit designating authority to act on owner's behalf, must accompany this application.

Applicant Signature: [Signature] Date: 10/22/10 Staff Initial: TM

401 N. Morton Street · Bloomington, IN 47404 **City Hall** Phone: (812) 349-3423 · Fax: (812) 349-3535

www.bloomington.in.gov
e-mail: planning@bloomington.in.gov

AFFIDAVIT

I, Rogers Group, Inc. By Andy Williams certify that I am the owner of the property
 NW 28-9-1 W 9.601 Acres M/L, in
 located at: Bloomington Township, Monroe Co and do hereby designate authority to act on my
 ,IN: North side of St Rd 45/46 and east of Kinser Pike
 behalf for the matter pending before the City of Bloomington Planning Department to
Lamar Advertising Company as my authorized agent.

Signed,

Andy Williams
 Vice President

Notarized,

Lois A. Hawkins

Lois A. Hawkins, Monroe Resident
 Expiration Date: September 21, 2017

Date October 27, 2010

Seal



City of Bloomington

FILE COPY

January 31, 2011

NOTICE OF APPROVAL

Petitioner: **Lamar Advertising Co.**
 Location: **1800 N. Kinser Pike**

The Board of Zoning Appeals heard case V-42-10 on December 16, 2010, in the Council Chambers of Showers Center City Hall - Bloomington, Indiana. The petition for a variance to allow an off-premise sign (billboard relocation) was approved with the following conditions:

1. The petitioner must receive a sign permit prior to sign installation.
2. This sign shall be permitted to be lit within the standards of the Unified Development Ordinance (UDO).

Unless otherwise specified by the Board at the time of approval, any order or variance granted by the Board of Zoning Appeals shall expire:

- A. In the case of new construction or modifications to an existing structure:
 1. Two years after the date granted by the Board, unless a building permit has been obtained and construction of the structure or structures has commenced; or,
 2. At the date of termination established by the Board as a condition or commitment if different from (1) above.
- B. In the case of occupancy of land which does not involve new construction:
 1. Two years after the date granted by the Board, unless an occupancy permit has been obtained and the use has commenced; or

Lamar Advertising Co.
January 31, 2011
Page 2

19900 1117
LITE COPY

2. At the date of termination established by the Board as a condition or commitment if different from (1) above.
- C. If an Appeal by writ of certiorari is taken from an order granting a variance, the time during which such Appeal is pending shall not be counted in determining whether the variance or order has expired under Subsections A and B of this Section.
- D. The Board may provide by rule for the granting of extensions of variances.

Planning Staff

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS

VARIANCE FINDINGS

Case # V-42-10 Date 12-16-10
 Petitioner: Lamar Advertising Co.
 Location of Property: 1800 N. Kraker Pike
 Variance Requested: Variance to allow an off-premise sign
(billboard relocation)
 Variance Voted On: Same
 Conditions: Per Staff

The Board adopts the Findings recommended by the staff and presented in the staff report,

or

The Board's findings for those criteria on which the Board disagrees with the staff report are as noted under each criterion below. With the exception(s) of those findings noted below, the Board adopts the findings recommended by the staff and presented in the staff report.

1. Standards for Variances from Development Standards: A variance from development standards may be approved only upon a determination in writing that:
 - (A) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of property; that the practical difficulties are peculiar to the property in question; that the variance will relieve the practical difficulties;
 - (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - (C) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

2. Standards for Granting Variances of Use: A variance of use may be approved only upon a determination in writing that:
 - (A) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - (C) The need for the variance arises from some condition peculiar to the property involved;
 - (D) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - (E) The approval does not interfere substantially with the Comprehensive Plan.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1800 N. Kinser Pike

CASE#: V-42-10
DATE: December 16, 2010

PETITIONER: Lamar Advertising Co.
 5711 W. Minnesota, Indianapolis

REQUEST: The petitioner is requesting a variance to allow an off-premise sign (billboard relocation).

REPORT SUMMARY: In 2007, the petitioner owned and operated a 4-panel billboard at 216 S. College Avenue. This is located just north of W. 3rd Street behind the College Square development. In anticipation of the construction of the City's B-Line Trail, the City entered into a legal agreement with the owner of the billboard. This agreement, included in your packet, required the voluntary removal of the 4-panel billboard. As part of this agreement, the City agreed to support a variance request for a new 2-panel billboard structure at a mutually agreeable new location.

At this time, the City and the petitioner have come to an agreement on a location for the new 2-panel billboard. The proposed location is at the northeast corner of N. Kinser Pike and the SR 45/46 Bypass. This property is zoned Quarry and is an active quarry site. The petitioner is proposing to place the new billboard at the southern property line allowing for visibility from both east and west traffic along the SR 45/46 Bypass. The sign will be approximately 450 feet east of the adjacent intersection.

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's Finding: Staff finds no injury with this petition. Staff finds that any negative impacts to the public health, safety, morals, and general welfare of the community are adequately balanced by the removal of the 4-panel billboard along a highly visible portion of the B-Line Trail.

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.*

Staff's Finding: Staff finds the use and value of the surrounding area will not be negatively impacted by an approval of this request. The current site is a quarry site. Staff finds that the addition of the billboard to this property will not significantly changes the impacts that the overall property has on the area. This was a factor in coming to an agreement with the petitioner on this site for the proposed relocation.

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 practical difficulty in not approving this variance. The legal agreement between the petitioner and the City was made as a unique and creative solution to remove a larger billboard structure in a more undesirable location. The quarry site was chosen by the petitioner presumably due to its high visibility along a major thoroughfare. One factor of the prohibition of billboards within the City's jurisdiction is aesthetics. The City agreed to this particular property in part due to the already limited aesthetic value of the quarry use. The additional billboard use will not negatively impact the property as much as other potential properties.

RECOMMENDATION: Based on the written findings, staff recommends approval of V-42-10 with the following conditions:

1. The petitioner must receive a sign permit prior to sign installation.
2. This sign shall be permitted to be lit within the standards of the Unified Development Ordinance.

MEMO

To: City of Bloomington Planning Dept.
From: Chris Iversen; V.P. & G.M. Lamar Advertising

Re: I.M.I. Proposal

11-2-10

I wanted to include some additional information about the square footage of the sign we are proposing to build on the IMI property. As this was a concern in our meeting we had last week.

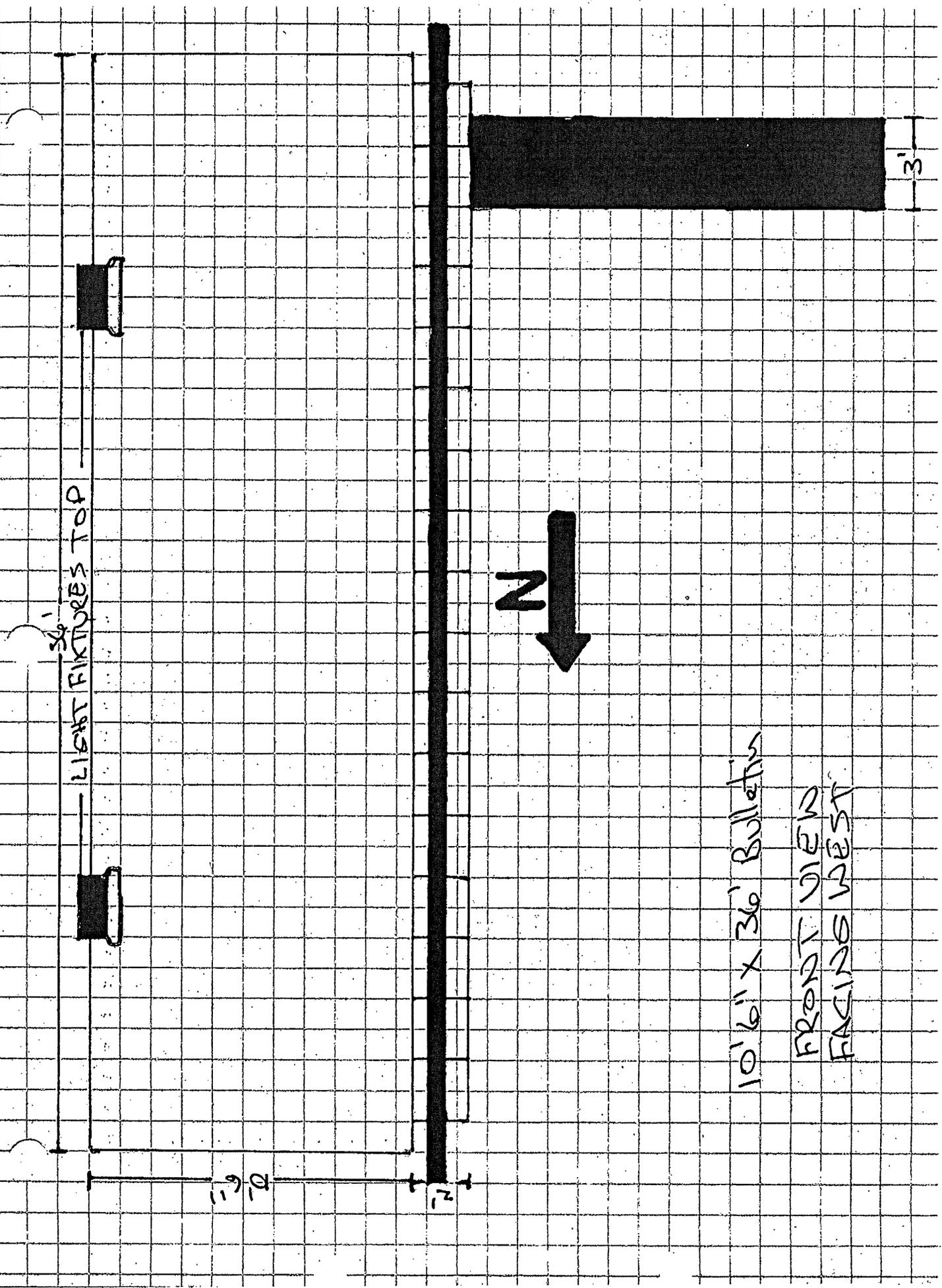
- As mentioned the agreement that the City and Hoosier / Lamar signed in 2007 required Hoosier/Lamar to remove a 4 panel billboard on 216 S. College which contained approximately 1,152 square feet of billboard advertising space.
- Since the agreement date of 7-24-07, Lamar has taken down an additional 7 billboard structures containing approximately 3,312 square feet of billboard advertising space.
- The 4 panel structure removed at 216 S. College had an approximate 117' cross read. The proposed 2 panel IMI location has an approximate 164' cross read. (Cross read is determined from the furthest viewing lane to the furthest point of the advertising face on either structure.)
- The proposed 2 panel sign at IMI is 763 square feet and is 389 square feet smaller than the 1,152 square foot structure taken down at 216 S. College.

The proposed 10'.6" x 36' back to back sign face on the IMI property is approximately 34% smaller than the side by side 4 panel 12' x 25' (i.e. 12' x 50') structure removed at 216 S. College and approximately 47' further away from the road at its furthest viewing point than the structure on S. College.

The additional 47' setback from the road (furthest point to furthest point) reduces the practical visibility from the inbound advertising face. This setback was our rationale as to why we proposed the 2 panel 10'.6" x 36' sign face. And it is our hope that these factors are taken into consideration during this review process.

Respectfully,

Chris Iversen; V.P. & G.M.



LIGHT FIXTURES TOP

10'6" X 36' Bulletin

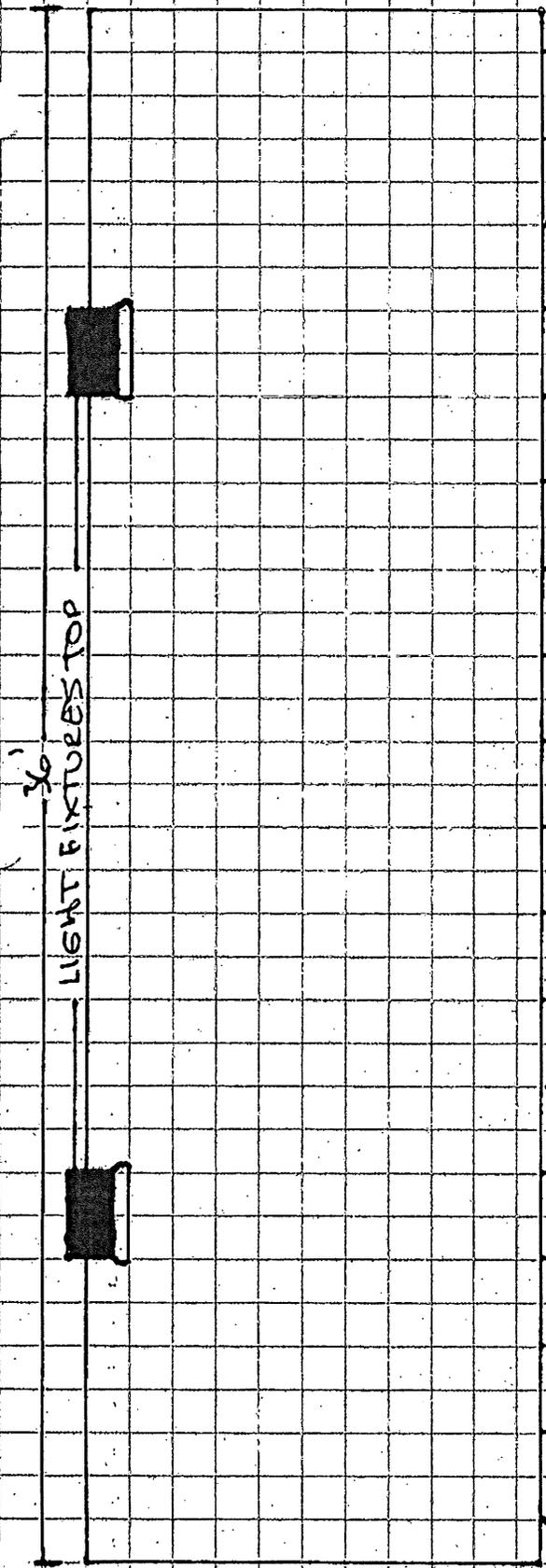
FRONT VIEW
FACING WEST



3'

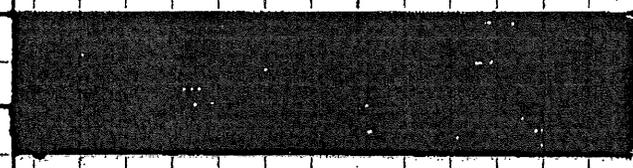
12'

36'



LIGHT FIXTURES TOP

36'

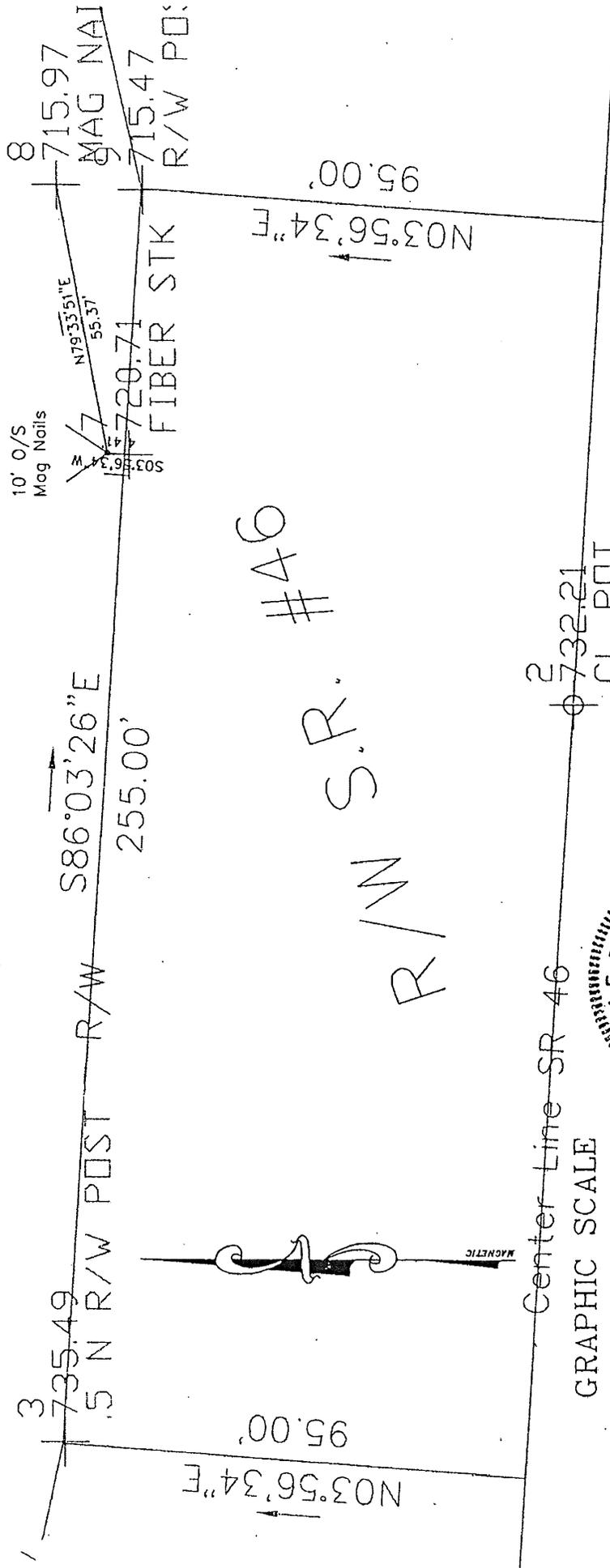


10'6" 1 1/2"

10'6" X 36" Bulletin

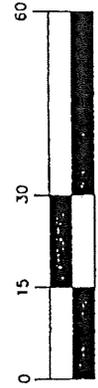
FRONT VIEW
FACING EAST

Point for Proposed Sign For Lamar Outdoor Adv. On Rogers Group IMI Lease Area



Center Line SR 46

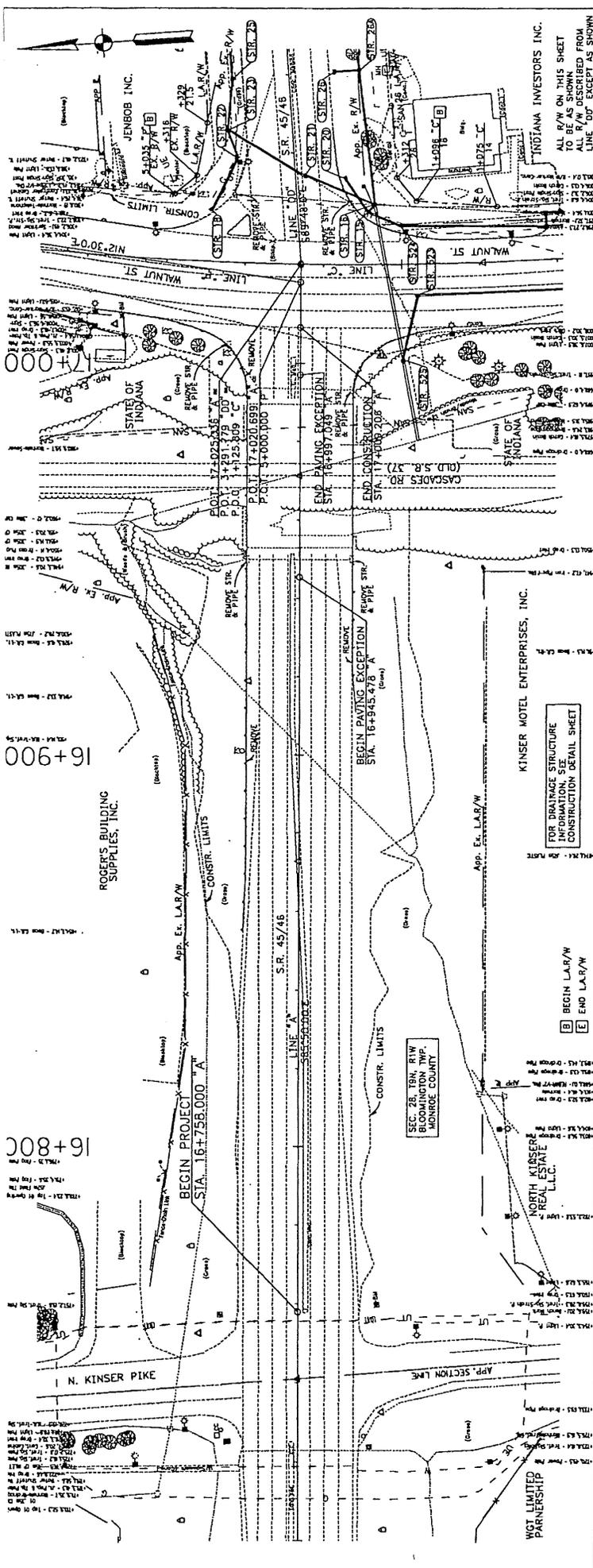
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



Stephen E. Ramsey, L.S.
3918 West Forrest Park Dr.
Bloomington, IN 47404
812-876-1517 or 812-320-4645



STATION	DESCRIPTION	AMOUNT	DATE
229	SEE LINE 'A' FOR GEOMETRIC DETAILS STA. 15+890.448 TO STA. 16+845.478		
227	W-BEAM GUARDRAIL - REDD LT. SPACED @ 10' @ 100m		
225	W-BEAM GUARDRAIL - REDD RT. SPACED @ 10' @ 100m		
223	PROPOSED GRADE ALONG LINE 'A'		
221	CONSTRUCTION STA. 17+009.206 TO STA. 17+009.206		
219	PAVING EXCEPTION STA. 16+845.478 TO STA. 16+845.478		
217	SEE LINE 'C' FOR CHAIRRAIL DETAILS		
215	JOB TRANSITION SHOP CHANGED R=271.6M		
213			

EARTHWORK BALANCE	
FILL	10,848 m³
CUT	10,848 m³
ROAD TOTAL	21,696 m³
WALL TOTAL	3,712 m³
LEGRADE ROAD	17,984 m³
SUBTOTAL	43,400 m³
EMBANKMENT	10,848 m³
TOTAL	54,248 m³

* ALL INDIAN PILE BATHS, BRICKING & CONCRETE ARE INCLUDED IN COST OF EMBANKMENT
 1. SEE EXHIBIT 10.0

16+800

16+900

17+000

RECOMMENDED FOR APPROVAL	DATE
<i>[Signature]</i>	1/28/2010
DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
RECHECKED BY	DATE

INDIANA DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE LINE "A"

110

CITY OF BLOOMINGTON, INDIANA

AND

**HOOSIER OUTDOOR ADVERTISING CORPORATION
AGREEMENT REGARDING SIGNS AND BILLBOARDS**

THIS AGREEMENT is made and entered into by and between the City of Bloomington, Indiana (“City”) and Hoosier Outdoor Advertising Corporation (“Hoosier”).

WITNESSETH

WHEREAS, the City and Hoosier have engaged in discussions regarding numerous signs and billboards located within the City of Bloomington; and

WHEREAS, these discussions have included issues of the placement, maintenance and/or removal of particular signs and billboards; and

WHEREAS, the City and Hoosier have now concluded those discussions and wish to memorialize the terms to which they have agreed.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein, and in consideration of the mutual benefits which will accrue to each of the parties to this Agreement, the City and Hoosier have agreed, and do hereby agree, as follows:

I. DUTIES AND RESPONSIBILITIES OF THE PARTIES

A. Hoosier Outdoor Advertising Corporation’s duties and responsibilities

hereunder shall be as follows:

1. Hoosier shall modernize the existing Cascades Park sign located approximately 200 feet north of the intersection of Old State Road 37 and

V-42-10 Relocation
Agreement

North Walnut Street. This modernization shall include the installation of a steel structure upon which the sign will be placed, and the sign modernization shall be performed according to conditions upon which the parties have mutually agreed. If modernization of the sign includes the installation of lighting, the City shall be responsible for obtaining a variance from the Board of Zoning Appeals.

2. Hoosier shall be responsible for timely performance of all maintenance and repair of the Cascades Park sign, including the structure, and shall solely bear all expense regarding such construction, maintenance and repair.
 3. Hoosier shall maintain line-of-sight to the Cascades Park sign.
 4. Hoosier shall remove the four (4) panel billboard located along the west property line at 216 South College Avenue. This removal shall be accomplished on or before the earlier of: (a) the beginning of construction of Phase I of the B-Line Trail anticipated in the spring of 2008; or (b) the installation of the lighted two (2) panel billboard discussed below.
 5. Upon selection of a proposed site which must be approved by the City Planning and Legal Departments, Hoosier may apply to the Board of Zoning Appeals for approval to place a lighted two (2) panel billboard at that location.
- B. The City of Bloomington's duties and responsibilities hereunder shall be as follows:

1. The City shall not seek removal of the two (2) panel billboard located approximately 600 feet north of the intersection of State Road 37 and North Walnut Street on the grounds that it is located on City property without the appropriate permission of the City; however, this billboard remains subject to any and all laws and regulations of Monroe County and the City that may now or hereafter apply. Specifically, the City reserves the right to enforce any and all City regulations including but not limited to provisions of the Unified Development Ordinance concerning lawful nonconforming billboards, at such time as this billboard comes under the City's zoning jurisdiction.
2. The City shall not charge Hoosier lease fees for the continued placement of this billboard in consideration of the responsibilities and costs incurred by Hoosier under the terms and conditions of this Agreement.
3. The City shall support Hoosier's petition before the BZA for placement of the aforementioned lighted two (2) panel billboard in a mutually acceptable location.

II. NOTICE TO THE PARTIES

Whenever any notice, statement or other communication shall be sent to the City or Hoosier, it shall be sent to the following addresses, unless otherwise specifically advised:

A. Notice to the City shall be sent to:

Corporation Counsel
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 708 S. Henderson St.

CASE #: AA-35-22
DATE: September 22, 2022

PETITIONER: Chris Bomba
3756 E. Sterling Avenue, Bloomington, IN

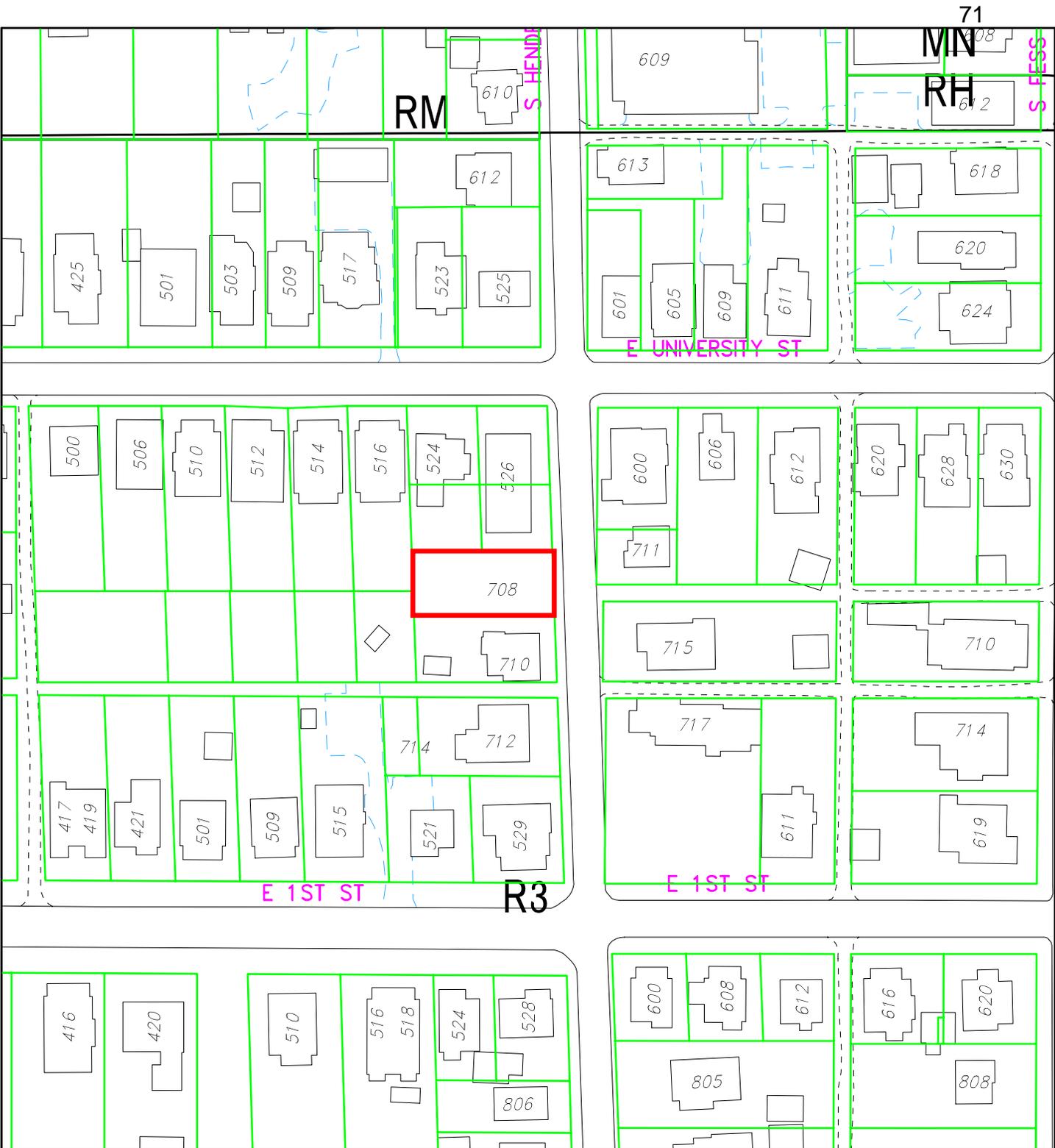
REQUEST: The petitioner is requesting an administrative appeal of the issuance of a Notice of Violation for Failure to Comply with Development Standards.

REPORT: This appeal request is the result of the issuance of a Notice of Violation for 708 S. Henderson Street for Failure to Comply with Development Standards. Staff received a complaint that the property located at 708 S. Henderson Street had expanded a gravel parking lot behind the house, potentially increasing the property's impervious surface over the 45% impervious surface coverage which is allowed in zoning district R3 – Residential Small Lot. Staff used a combination of aerial images and the approved building permit site plan from 2013 to measure the impervious surface coverage on the property. Staff found that the impervious surface coverage was about 56%, which is well over the allowed impervious surface coverage allowed of 45%.

Staff sent a Notice of Violation (NOV) Warning on May 13, 2022. The NOV Warning established a compliance date of May 27, 2022. By the compliance date, the property had not come into compliance and the property owner had not attempted to contact staff to discuss the violation. A Notice of Violation (NOV) was then sent on June 23, 2022 which established a compliance date of July 7, 2022. Mr. Bomba reached out to staff on June 28, 2022 and stated that he wished to appeal the NOV.

As can be seen in the attached NOV, 20.04.020 Table 01-2 states that the impervious surface coverage maximum is 45% in the R3 zoning district; the property located at 708 S. Henderson Street currently has impervious surface coverage of about 56%, as measured via aerial images and approved site plan.

RECOMMENDATION: In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.



71

MN

RH

RM

S HENDRIX

S HENDRIX

E UNIVERSITY ST

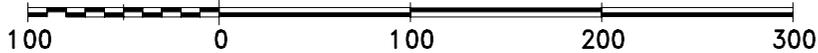
E 1ST ST

R3

E 1ST ST

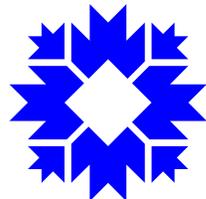
By: karina.pazos

16 Sep 22

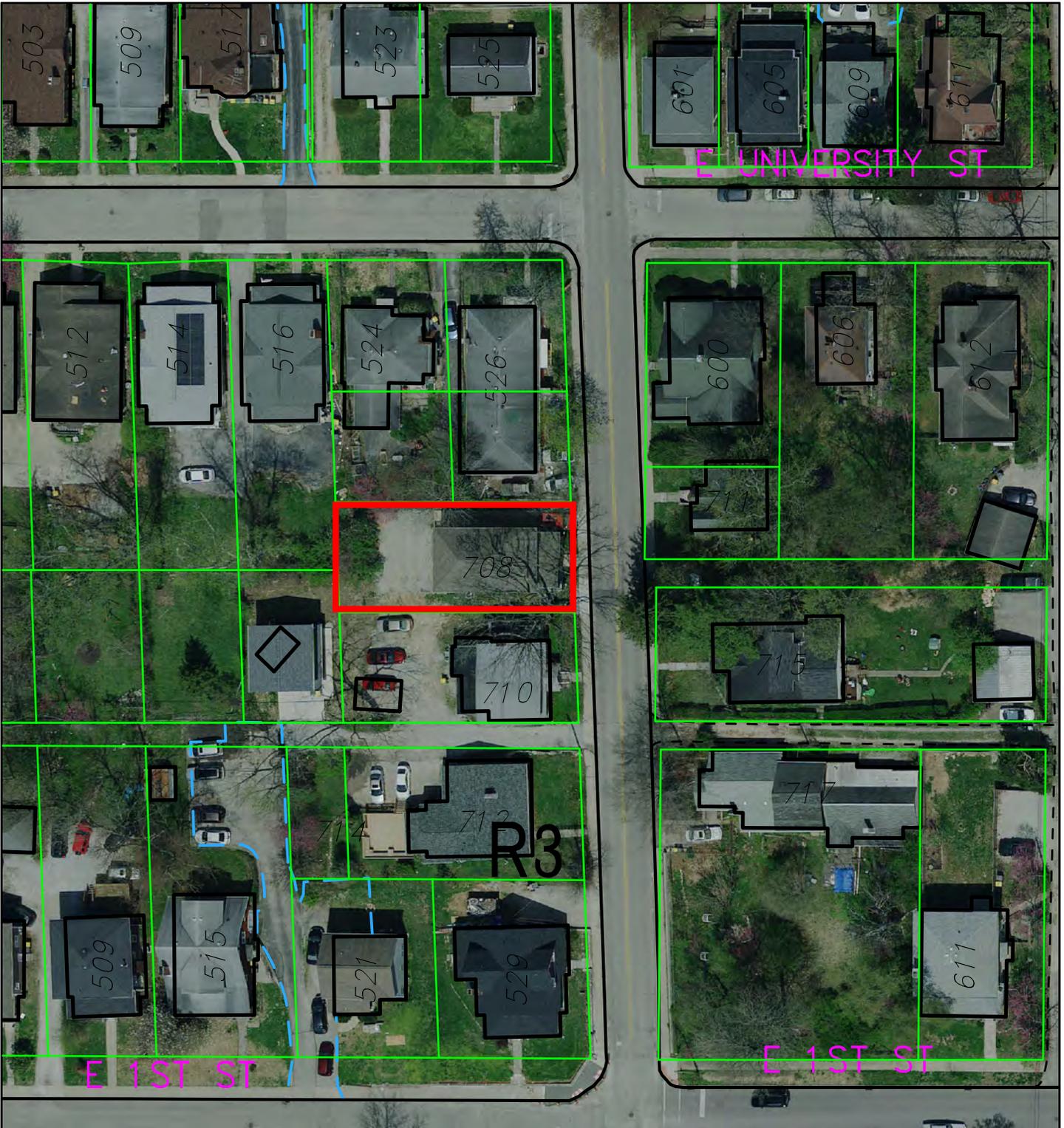


For reference only; map information NOT warranted.

City of Bloomington
Planning

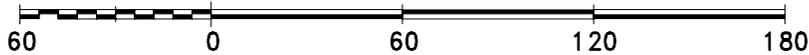


Scale: 1" = 100'



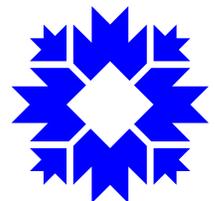
By: karina.pazos

16 Sep 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 60'

To BZA.

9/14/2022

I received a notice of violation for the property at 708 S Henderson concerning an expanded parking area at this location. The notice was forwarded to me from the property management company. I immediately went to the location to try to ascertain what was done to the parking area. Noticing no alteration since the property was built in 2013-2014, I called the management company and asked if they had any record of anything being altered or expanded in the parking area, they had done nothing. Also, the management company contacted the tenants, no tenant had expanded the parking area.

I spoke with the contractor who built the house. I asked him why the back parking area had only gravel and not the multiple yards of concrete per the plan, and we discussed planning is asserting there is too much gravel covering to large an area on the property. He (Kerry Dishman) could not recall why it was finished that way. I asked if the building inspector and he had a conversation about the area in question. He did not recall anything specific because of the length of time and the number of houses he has built since this was completed. The location received its occupancy permit once the house was completed in 2014. It has also been thru at least 2 maybe 3 HAND inspections.

I am asking for a variance per the NOV for impervious surface area.

I will admit the surface area may be over the 45%, but it also could be under the amount or someplace in between since GIS is not always accurate way to measure area and boundaries.

I do not think the granting this variance will cause any undo harm to the neighborhood and or any neighboring properties.

I will be at the meeting to answer questions.

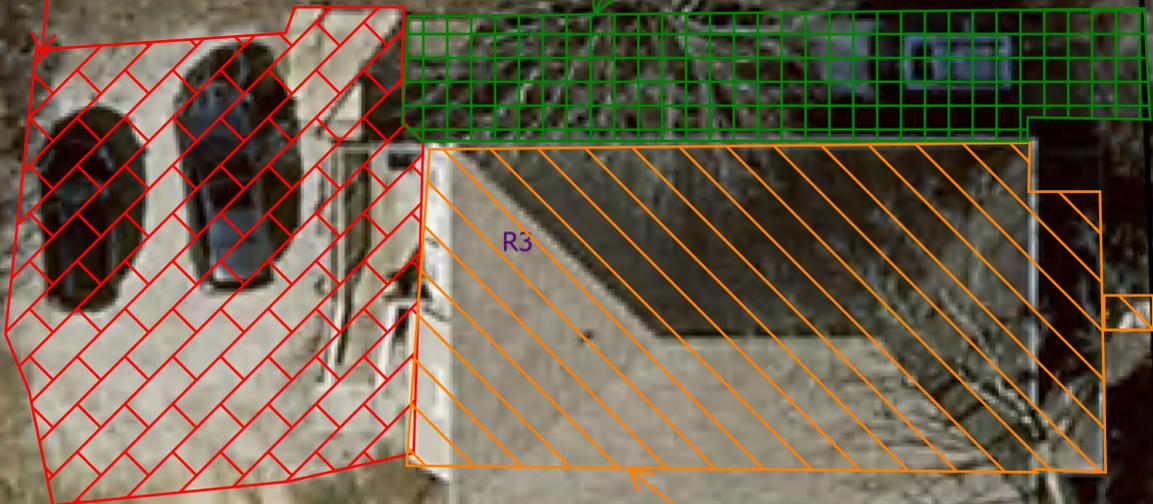
Thank you.

Joseph Christine LLC

Chris Bomba

909 square feet, per ArcGIS, conservatively measured.

622 square foot drive, based on area of drive measured on ArcGIS.



1,134 square foot house and deck, per approved site plan submitted with building permit, plus graveled SE corner, plus 20 square feet of sidewalk/steps coming from the front porch.

Total square footage on site, using conservative measurements yields 2,665 square feet of impervious surface. The property is 0.11 acres, or 4,791.6 square feet. $2,665 \text{ square feet of impervious surface} / 4,791.6 \text{ square feet of property} = 55.6\%$ impervious surface coverage.

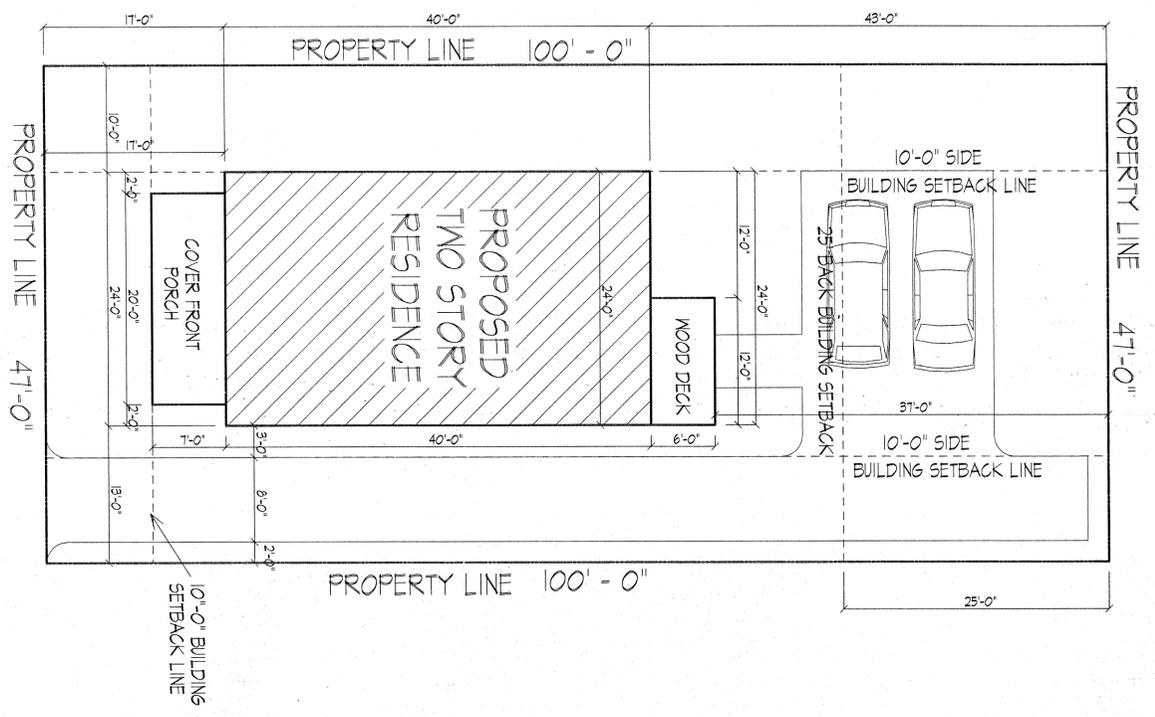


2019 Google street view showing gravel/wall on southeast corner and drive that does not meet 3' separation from house, as shown on the approved site plan.



2014 Google street view showing driveway was not built per the approved site plan. It does not have 3' separation from the house.

SITE PLAN



PROPOSED PLANS FOR NEW HOME
SITE PLAN
JOB SITE: LOT#4 710 SOUTH HENDERSON
SCALE: 1/8" = 1'-0"
DATE: SEPT 19, 2013
DATE REVISED:

PROPOSED PLANS
FOR
CHARLES LAYNE LLC.

NOTE:
DIMENSIONAL DRAFTING, LLC ASSUMES
NO RESPONSIBILITY FOR ANY ERRORS
OR OMISSIONS IN THESE PLANS OR
FOR ANY DAMAGES, LOSSES, OR
INJURIES THAT MAY BE INCURRED BY
THE USER OF THESE PLANS. THE USER
IS RESPONSIBLE FOR VERIFYING THE
ACCURACY OF THE DIMENSIONS AND
FOR OBTAINING ALL NECESSARY
PERMITS AND APPROVALS FROM THE
APPLICABLE AGENCIES.

DIMENSIONAL DRAFTING LLC.

COMPUTER-AIDED DRAFTING SERVICE 812-825-2994

©2013



City of Bloomington
Planning and Transportation Department

May 13, 2022

Joseph Christine LLC
621 N. Walnut Street
Bloomington, IN 47404

Tenant
708 S. Henderson Street
Bloomington, IN 47401

Re: **Notice of Violation (warning)**
Dimensional Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.04.020 [Dimensional Standards]** at 708 S. Henderson Street. Records show that you are the owner or tenant of this property.

The City of Bloomington Planning and Transportation Department received a complaint of an expanded parking area on 05/03/2021, then later received another complaint on 04/26/2022. The property is located in the Residential Small Lot (R3) Zoning District. Based on building permit plans submitted in 2013, measurements, and GIS mapping data, the expansion of the parking area caused the impervious surface coverage on the lot to exceed the 45% maximum impervious surface coverage allowed in the R3 zoning district. The current impervious surface coverage of the lot is approximately 56% including the area of the building, front porch/back deck, and driveway/parking area

Impervious Surface Coverage: 708 S. Henderson Street

Structure or Site Feature	Area (acres)
Building (from Building Permit plans)	0.0220
Front Porch/Back Deck	0.0060
Parking Area and Driveway	0.0338
Total Impervious Surface Coverage	0.0618
Legal Lot Size	0.11
Percent Impervious Surface Coverage	56%

According to Unified Development Ordinance (UDO) **Section 20.04.020 [Dimensional Standards]; Table 04-2: Residential District Dimensional Standards;**

Residential Small Lot (R3): Impervious surface coverage (maximum): 45%

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words];**

Impervious Surface: Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

In accordance with UDO Section 20.06, a violation of this nature may result in a one-hundred dollar (\$100) fine for Failure to Comply with Development Standards. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

1. Remove the expanded parking area added to the lot on or before 05/27/2022 **AND**;
2. Restore grass or other vegetative ground cover on the areas currently covered by the expanded parking area on or before 05/27/2022 **OR**;
3. Make a phone appointment with a Planner to occur on or before 05/27/2022 discuss filing a variance request, **AND** file for a variance by 06/23/2022 for the 07/21/2022 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,

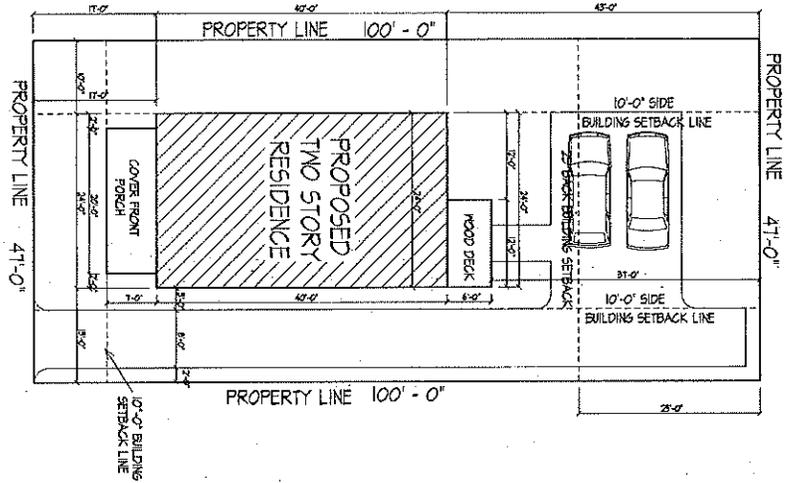


Elizabeth Carter
Senior Zoning Compliance Planner, Planning and Transportation

Enclosure: (1)

CC: Scott Robinson, AICP, Director, Planning and Transportation Department
Beth Rosenbarger, AICP, Assistant Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation Department

SITE PLAN



PROPOSED PLAN FOR NEW HOME
SITE PLAN
JOB SITE: LOT#4 720 STATE HIGHWAY
SCALE: 1/4" = 1'-0"
DATE: SEPT 19 2013
DATE REVISED:

PROPOSED PLANS
FOR
CHARLES LAYNE LLC.

NOTE:
THESE PLANS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN ON THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN ON THESE PLANS.

DIMENSIONAL DRAFTING LLC

COMPREHENSIVE DRAFTING SERVICE 812-626-2804



City of Bloomington
Planning and Transportation Department

June 23, 2022

Joseph Christine LLC
621 N. Walnut Street
Bloomington, IN 47404

Tenant
708 S. Henderson Street
Bloomington, IN 47401

Re: Notice of Violation
Dimensional Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.04.020 [Dimensional Standards]** at 708 S. Henderson Street. Records show that you are the owner or tenant of this property.

The City of Bloomington Planning and Transportation Department received a complaint of an expanded parking area on 05/03/2021, then later received another complaint on 04/26/2022. A letter dated 05/13/2022 was sent to the property owner and tenant. The letter established a deadline of 05/27/2022 by which the above violation(s) were to be corrected. As of the date of this letter, the property has not been brought into compliance.

The property is located in the Residential Small Lot (R3) Zoning District. Based on building permit plans submitted in 2013, measurements, and GIS mapping data, the expansion of the parking area caused the impervious surface coverage on the lot to exceed the 45% maximum impervious surface coverage allowed in the R3 zoning district. The current impervious surface coverage of the lot is approximately 56% including the area of the building, front porch/back deck, and driveway/parking area

Impervious Surface Coverage: 708 S. Henderson Street

Structure or Site Feature	Area (acres)
Building (from Building Permit plans)	0.0220
Front Porch/Back Deck	0.0060
Parking Area and Driveway	0.0338
Total Impervious Surface Coverage	0.0618
Legal Lot Size	0.11
Percent Impervious Surface Coverage	56%

According to Unified Development Ordinance (UDO) **Section 20.04.020 [Dimensional Standards]; Table 04-2: Residential District Dimensional Standards;**

Residential Small Lot (R3): Impervious surface coverage (maximum): 45%

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In accordance with UDO Section 20.06, a violation of this nature may result in a one-hundred dollar (\$100) fine for Failure to Comply with Development Standards. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

If the violation remains unresolved, fines will begin to accrue daily on 07/08/2022 in accordance with above referenced UDO Section 20.06.100 [Enforcement and Penalties] until such a time as the violation is remedied. You have the following options to remedy the situation.

No fines have been issued at this time. You have the following options to remedy the situation.

1. Remove the expanded parking area added to the lot on or before 07/07/2022 **AND**;
2. Restore grass or other vegetative ground cover on the areas currently covered by the expanded parking area on or before 07/07/2022 **OR**;
3. Make a phone appointment with a Planner to occur on or before 07/07/2022 to discuss filing a variance request, **AND** file for a variance by 07/28/2022 for the 08/25/2022 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,

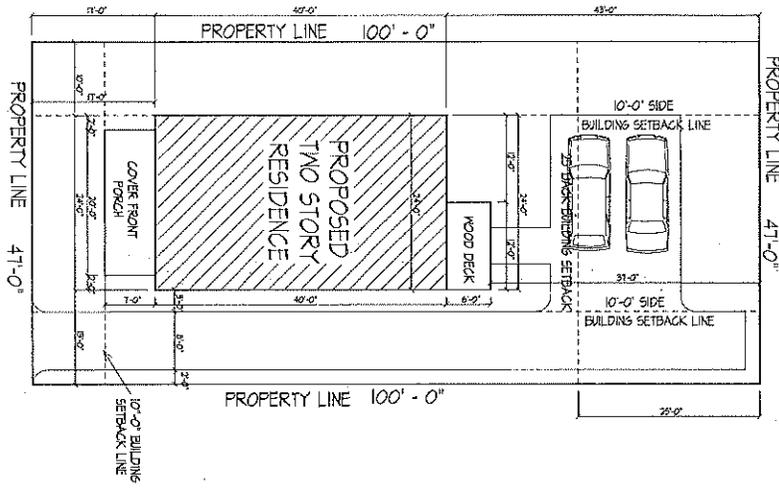


Elizabeth Carter
Senior Zoning Compliance Planner, Planning and Transportation

Enclosure: (1)

CC: Scott Robinson, AICP, Director, Planning and Transportation Department
Beth Rosenbarger, AICP, Assistant Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation Department

SITE PLAN



PROPOSED PLANS FOR NEW HOME
SITE PLAN
JOB SITE: LOT#4 78 STATE EASTBEX
SCALE: 1/8" = 1'-0"
DATE: 02/25/10
DATE REVISED:

PROPOSED PLANS
FOR
CHARLES LAYNE LLC.

NOTE:
PROPOSED PLANS ARE SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE DRAFTER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS.

DIMENSIONAL DRAFTING LLC.

COMPUTERIZED DRAFTING SERVICE 812-825-2884

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 115 E Kirkwood Ave

CASE #: V-27-22
DATE: September 22, 2022

PETITIONER: Cutters Kirkwood 123, LLC
 121 E Kirkwood Ave, Suite 302
 Bloomington, IN

CONSULTANT: Ryan Strauser, Strauser Construction
 453 S Clarizz Blvd
 Bloomington, IN

REQUEST: A variance from downtown character overlay standards to allow for a smaller percentage of total ground floor area dedicated to a nonresidential use other than a parking garage use, and a variance from downtown character overlay standards to allow for a smaller percentage of total first floor facade area dedicated to large display windows in the Mixed-Use Downtown with Courthouse Square Character Overlay zoning district (MD-CS).

CHANGES SINCE FIRST HEARING: This proposal was presented at the Board of Zoning Appeals (BZA) hearing held on August 25th and it was voted by the Board to be continued to the next hearing in order to have more information related to the heights and fenestration. The BZA asked the petitioner to provide more information. The petitioner has not proposed any changes or new information. The petition remains as presented at the August hearing.

REPORT: The property is located on the north side of Kirkwood Avenue, and is bounded by an alley on the north and west sides, and a historic building (CVS) on the east side. The site is located north of the Buskirk Chumley Theater. The property is zoned Mixed-Use Downtown with Courthouse Square Character Overlay zoning district (MD-CS). All the surrounding properties are also zoned MD-CS. The site currently contains a surface parking lot.

The petitioner is proposing to redevelop the site as a 4-story mixed-use building containing a ground floor parking garage with the entrance off the alley to the west of the site and roughly 2,202 square feet of retail space facing the street. The proposal includes three upper stories containing 15 dwelling units and will implement sustainable development incentives to achieve the fourth floor with a maximum height of 52 feet. The petition is subject to major site plan review by the Plan Commission, and has been placed on the schedule for the Plan Commission's public hearing on September 12, 2022.

The petitioner is requesting two variances from the downtown character overlay standards. The first variance is to allow for a smaller percentage of total ground floor area dedicated to a nonresidential use other than a parking garage use. The Unified Development Ordinance (UDO) requires that a minimum of 50 percent of the total ground floor area of a building located along each street frontage identified by a black line in Figure 47 of the UDO shall be occupied by nonresidential primary uses listed in Table 3-1 of the UDO as Permitted or Conditional in the MD zoning district. Enclosed parking garages shall not be counted toward the required nonresidential use (20.03.010(e)(1)). Figure 47 indicates that Kirkwood Avenue, from Madison Street to Indiana Avenue, is required to meet this standard. The second variance is to allow for a smaller percentage of total first floor facade area dedicated to large display windows. The UDO requires a minimum of 70 percent of the first floor facade facing a street in the Courthouse

Square overlay district to be large display windows and shall incorporate transom windows and window bases/kick plates, as well as a frieze or sign band above the display windows (20.02.050(a)(6)). One of the purposes for these standards is to encourage site design that engages directly with the public realm of the street and to promote pedestrian accessibility, instead of the first floor site uses being buffered from the pedestrian zone. A second purpose is to reflect the historic design and use patterns of the Courthouse Square overlay district. The proposal designates less than 50 percent of the ground floor to a nonresidential use other than parking garage but has made revisions to increase the total percentage to approximately 19 percent of the ground floor. The proposal incorporates large display windows in less than 70 percent of the façade but has made revisions to increase the total percentage that is currently at approximately 51 percent. The proposal has made efforts to support the same goals of engaging directly with the public realm and promoting pedestrian accessibility, but may not support the reflection of historic patterns. As proposed, the development will provide approximately 19 percent of ground floor retail space, and approximately 51 percent of the façade as display windows. This is below the minimum percentages required and no practical difficulties with the use of the property have been found.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

GROUND FLOOR NONRESIDENTIAL USE OTHER THAN PARKING GARAGE USE VARIANCE

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

PROPOSED FINDING: The granting of the variance to allow for a smaller percentage of total ground floor area dedicated to a nonresidential use other than a parking garage use will be injurious to the public health, safety, morals, or general welfare of the community. The overlay desires robust nonresidential uses on the first floor, while providing ample percentage for garage or residential space. A reduced retail space devalues the interface between the public and private realm on one of the City's busiest downtown commercial/retail corridors.

- (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; and*

PROPOSED FINDING: The granting of the variance to allow for a smaller percentage of total ground floor area dedicated to a nonresidential use other than a parking garage use will not affect the use and value of the area adjacent to the property in a substantially adverse manner. The site is providing 19% of the ground floor as commercial space.

- (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 questions; that the development standards variance will relieve the practical difficulties.

PROPOSED FINDING: The denial of the variance to allow for a smaller percentage of total ground floor area dedicated to a nonresidential use other than a parking garage use will not result in practical difficulties in the use of the property. The site can be developed meeting the 50% requirement. No information has been presented or found that indicates that there are peculiar conditions of this property that create practical difficulties in its use while meeting the 50% requirement. Properties to the west, east, and south all maintain more than 50% non-residential/garage space on their ground floors. There is nothing peculiar about the site that requires reduction in ground floor nonresidential or garage space.

FIRST FLOOR FAÇADE LARGE DISPLAY WINDOW VARIANCE

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

PROPOSED FINDING: The granting of the variance to allow for a smaller percentage of total first floor facade area dedicated to large display windows will be injurious to the public health, safety, morals, or general welfare of the community. The proposal currently indicates 51 percent of the ground floor façade, but is under the minimum of 70 percent. The window requirement is included to reflect the historic pattern of large picture windows in the area. The community and UDO anticipate and encourage infill development, but adherence to the design standards helps to protect the character of the pedestrian experience in the area.

- (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; and*

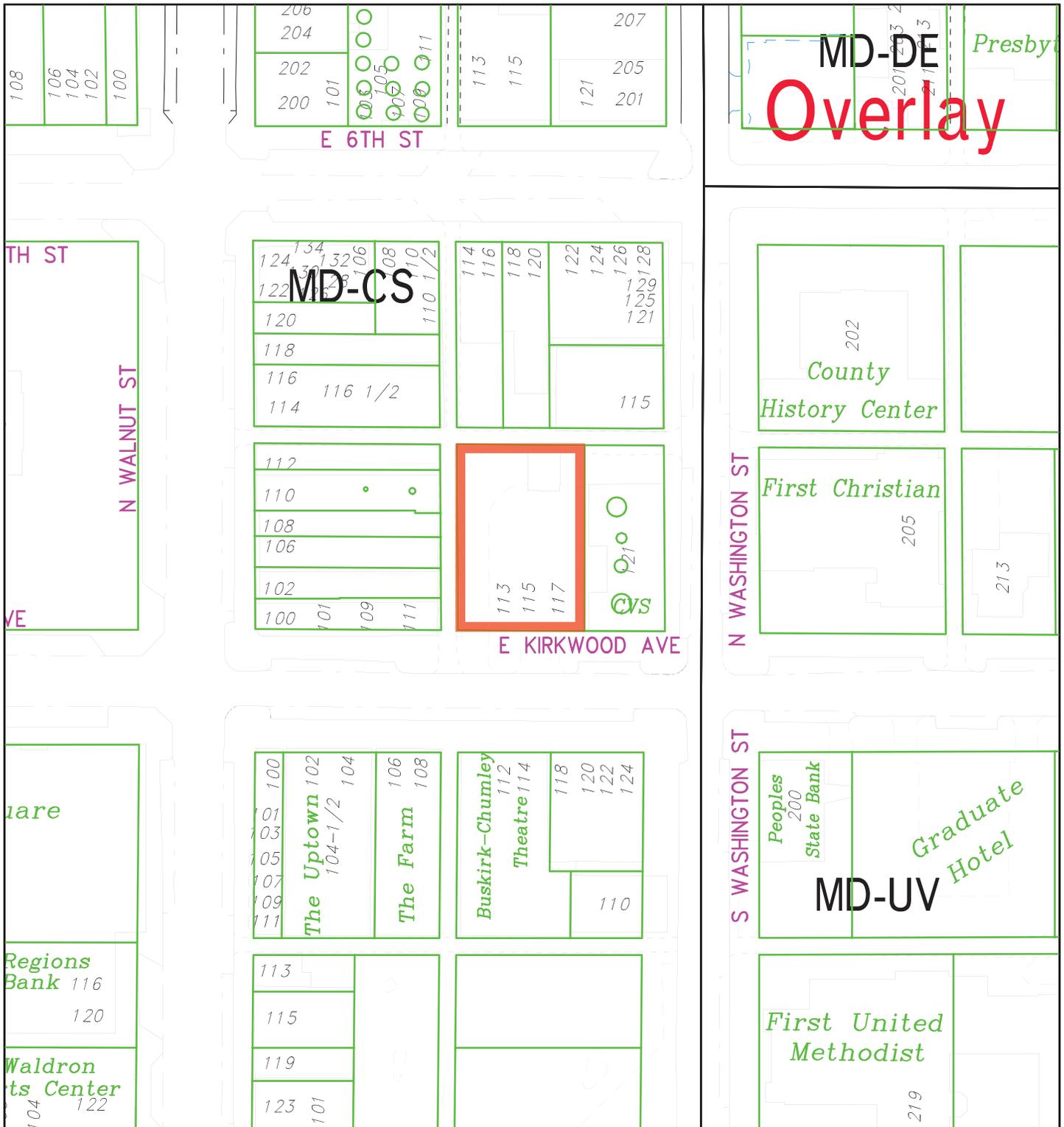
PROPOSED FINDING: The granting of the variance to allow for a smaller percentage of total first floor facade area dedicated to large display windows will not negatively affect the use and value of the area adjacent to the property in a substantially adverse manner. While the design is under the requirement, no adverse impacts are anticipated on neighboring properties, as a result.

- (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 questions; that the development standards variance will relieve the practical difficulties.*

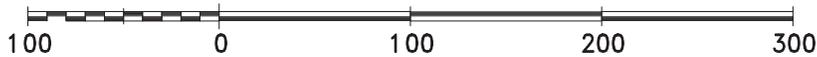
PROPOSED FINDING: The denial of the variance to allow for a smaller percentage of total first floor facade area dedicated to large display windows will not result in practical difficulties in the use of the property. The property is vacant, and new construction can be done to meet the 70% requirement. Given the configuration of the particular desired façade, there is sufficient façade area to incorporate large display windows. There is nothing peculiar about this property that requires a building to not meet the large display window requirement. No information has been presented or found that indicates that there are peculiar conditions of this property that create practical difficulties in its use while meeting

the 70% requirement.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopts the proposed findings for V-27-22, and denies the requested variances from downtown character overlay standards to allow for less dedicated space to a nonresidential use, other than a parking garage use, in the ground floor and less large display windows in the first floor façade facing the street.

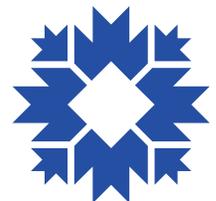


By: karina.pazos
26 May 22

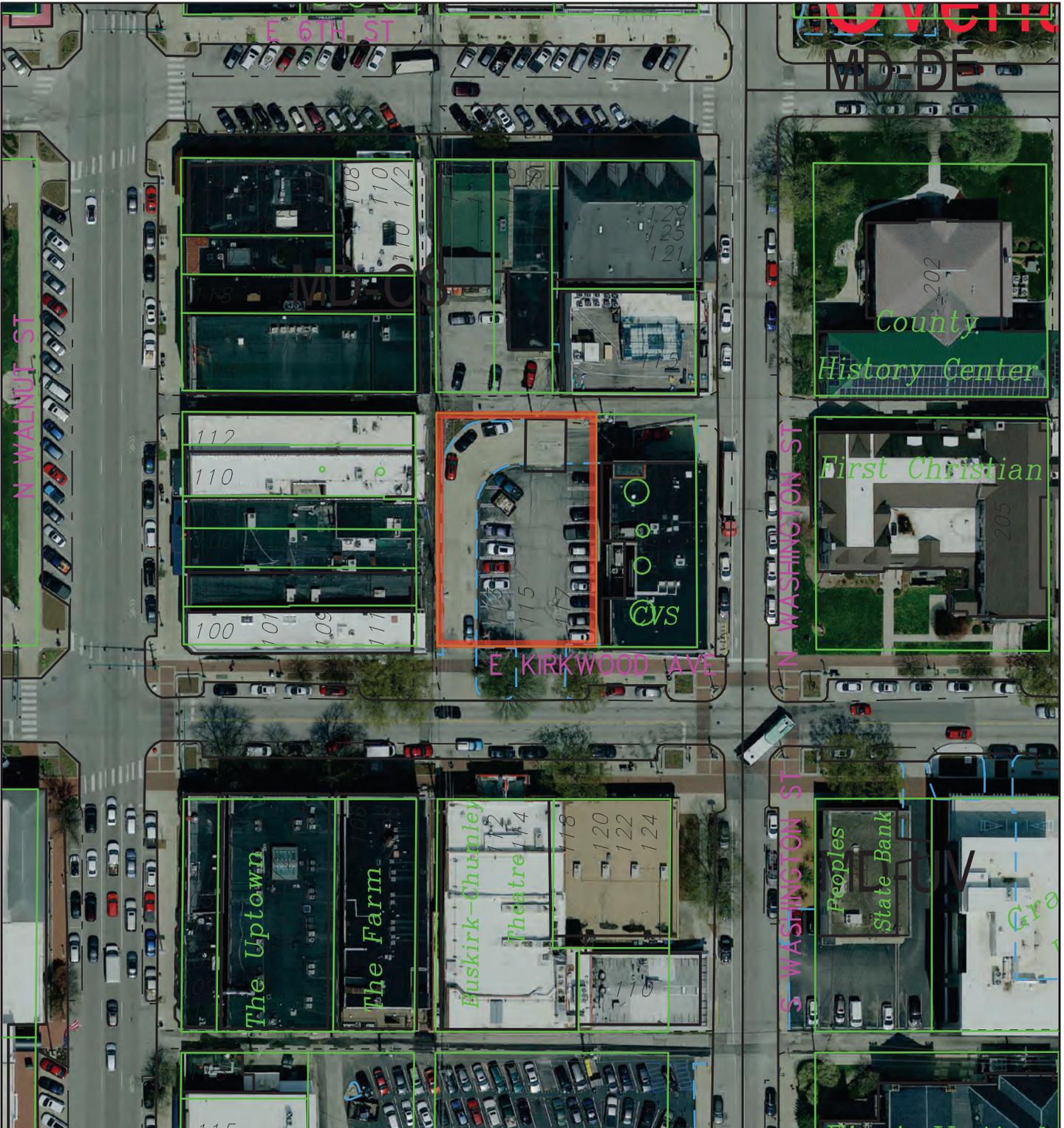


For reference only; map information NOT warranted.

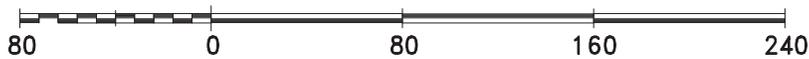
City of Bloomington
Planning



Scale: 1" = 100'

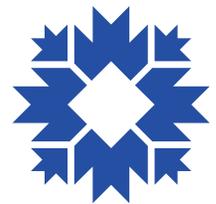


By: karina.pazos
 26 May 22



For reference only; map information NOT warranted.

City of Bloomington
 Planning



Scale: 1" = 80'



121 E KIRKWOOD AVE | SUITE 302 | BLOOMINGTON, IN 47408

PHONE: 812.287.8596

RANDY@CLEARPATH-SERVICES.COM

PETITIONER'S STATEMENT

June 23, 2022

City of Bloomington Board of Zoning Appeal
401 N. Morton Street
Bloomington, IN 47403

Re: Plan Approval at 115 E. Kirkwood Avenue

Dear Commission Members:

The purpose of our request is to construct a mixed-use project featuring 15 residential owner-occupied condominiums on a small urban infill lot located at 115 E Kirkwood Avenue. This project originally was approved by the Plan Commission in 2018 by a 9-0 vote. Our desire to offer the community condominiums rather than apartments delayed the normal time to begin construction due to the requirement to have a majority of the units presold. We were in the process of pulling our construction permit when Public Works asked if we might go ahead and connect our water and sewer for the building in Kirkwood due to a repaving project. To expedite the work and meet Public Work's timeline, Strauser installed the connections prior to any permits being released. We were prepared to move forward on construction when the COVID pandemic struck. Due to the global uncertainties of how COVID might impact the economy and life in general, we decided to delay any construction until such time as we all better understood the lasting impacts of the pandemic. During this waiting period our approval expired. During this time, we continued the market the units and have secured a number of reservations for the project which has enabled us to work with a local lender for construction financing. Clearpath is prepared to begin construction in the late summer/fall of 2022. We are back before the Plan Commission for reapproval of essentially the same project that was approved in 2018.

The lot has served as a parking lot for adjacent businesses such as Workingmen's, ONB and CVS for well over 60 years. The proposed project is a continuation of Clearpath's overall Bloomington redevelopment plans to add to the fabric of the Kirkwood corridor. An affiliate partnership purchased the former Workingmen's building and adjacent parking lot in 2015. Phase 1 of our efforts was an adaptive reuse of the building. Initial efforts brought a much-needed full-service pharmacy to the building and returned the 3rd floor to Class A office condos for four professional businesses including Meitus Gelbert Rose, Clearpath, JPF Properties, and CGR Services. Phase 2 is the redevelopment of the adjacent parking lot. Our plan is to construct a four story, 47,200 SF mixed-use building that includes approximately 9,000 SF secured parking area with 20 private parking stalls for condominium owners,

1,100 SF of Kirkwood retail and approximately 35,400 SF of owner-occupied residential condominiums consisting of 16 units (15 residential and 1 commercial).

Bloomington's Comprehensive Plan recognizes the need for density and diversity of housing. Specifically, Chapter 4 encourages outlines policy goals and objectives that support the essence of our overall mixed-use development plans—a pharmacy, professional offices and owner-occupied housing combine to create a “sense of place.” Under Goal 4.5: Promote a Sustainable Downtown, recognizes and encourages the need for such owner-occupied housing as being vital to creating and sustaining a sense of place in downtown:

“Develop strategies to stabilize and diversify the Downtown residential population by identifying and encouraging missing housing forms in the Downtown area (such as row houses, condominiums and live/work space).”

Two goals worth noting are goals 4.4 and 4.6. Goal 4.4 Diversity Housing notes that the community should encourage a range of diverse housing types in the Downtown. Policy 4.4.3 encourages developers to build and market housing to non-student residents. Goal 4.6 Optimize Parking encourages “attractive, cost effective, convenient and environmentally public and private motor vehicle and bicycle parking facilities.” ONE15 aims to meet this Goal and related policies by providing sufficient parking for the project for resident’s cars, including electric vehicles, and bicycles to support vibrant economic activity. Additionally, residents with more than one vehicle will be encouraged to use two adjacent City garages.

It is worth noting that there remains a common thread in our long-term community planning that encourages such a development as we are proposing to build. The former Growth Policy Plan and Downtown Vision and Infill Strategy Plan has longed recognized the need for diverse housing options. The GPP Vision Statement echoes the same sentiments as heard in our Comprehensive Plan and UDO:

V. A thriving city center that offers diverse residential housing, government services, specialized shopping, community-centered activities, and entertainment. More residential housing must be encouraged in the downtown area to insure continued demand for services in the city center. Attractive, quality high-rise buildings, with parking, should be considered. Parking should be consolidated, and surface parking reduced and converted to high density residential uses. Public parks that are safe, well maintained, and offer recreation, sports, and leisure activities for our families should also be encouraged.

Additionally, Policy 2 of the GPP’s Policy Essence Statement noted:

Policy 2: Increase Residential Densities in the Urbanized Area As a counterbalance to policies that limit the spatial expansion of growth, denser infill development in areas that already contain City services must be encouraged. Increasing the density of residential development within the community can provide several benefits. Concentrating densities in certain areas allows others to be preserved as greenspace, a vital urban amenity. Further, as densities increase, the efficiency and quality of urban services can be improved, and public transit becomes a much more feasible service.

Furthermore, the GPP specifically addressed the need for increased residential density/diversity in Geography of the Policies:

Land Use: A mix of office, commercial, civic, high-density residential and cultural land uses are recommended for the downtown. New residential, retail, and office growth must be redirected to the downtown if Bloomington is to slow the sprawl at the city's edge. Several land-use policies are necessary to achieve the active and engaging downtown that is so important to this community.

- *The Downtown area should be targeted for increased residential density (100 units per acre) and for intensified usage of vacant and under-utilized buildings.*

The Downtown Vision and In-fill Strategy Plan echoes the need for a mix of residential options in the downtown:

Residential Development Strategy Diverse housing options in downtown should be available in a range of product types and prices, including market rate and affordable categories. Construction of new residential units in mixed use complexes, as well as adaptive reuse of upper floors in older commercial buildings are envisioned. These product types should be promoted in the downtown area:

- *High amenity, market rate units, historic*
- *High amenity, market rate units, new*

Creating projects that combine these residential types is particularly encouraged.

The Strategy Plan recognizes the potential need for variances from some standards to achieve certain community goals:

- *Projects which may need exemptions on some design requirements that fulfill other downtown goals (e.g. affordable housing, owner-occupied housing, base employment, etc.)*

Our multi-phased mixed-use development proposes to address a long-ignored residential segment--owner occupied housing that has been encouraged by community leaders in every strategic visioning plan. Clearpath is offering an urban residential product that offers from one to three-bedroom options with amenities desired by owner-occupied residents. The project will be marketed to young professionals, retirees and downtown/university based employees. This residential demographic is a much-needed addition to our downtown core.

The proposed building's design and density is driven by the unique nature of an infill owner-occupied residential project on a smaller city lot. Our research indicates that the market desires downtown condominiums that provide a unique urban experience. As such, we are offering a design that offers 10-foot ceilings, large outdoor rooms, lobby entry off of Kirkwood, unique common area amenities and secured parking. The Kirkwood level footprint is comprised of street retail, condominium lobby entrance and secured parking. The residential units are located on floors two through four. Additionally, there are other site related expenses unique to an urban infill project that drive the need for additional density: these include land costs, infrastructure (e.g. need to bury electrical lines in both alleys) and construction staging. In order to address this density need, the design steps-back at Kirkwood to bring the scale down. Additionally, the canopy along the street level will bring the street front down to a human scale consistent with Kirkwood.

The project and design is in scale with historical structures and recently approved/constructed projects. The Buskirk, KP building on the Square, Oddfellows, CVS and Uptown buildings are examples of multistory buildings adjacent to the lot. Newer projects such as the Sullivan's building and downtown

hotel projects are representative of Bloomington's evolution towards recognizing the need for greater density for urban infill projects.

The overall design, through the use of brick, limestone, glass and metal breaks the façade up to visually integrate the building into the fabric of Kirkwood and surrounding buildings. The structure itself is to be built with a steel beam/concrete core. This, combined with the use of quality and timeless exterior materials on all four sides, will result in an attractive building that will add to the long-term character of downtown and Kirkwood. Unlike many of the new apartment structures, our project utilizes a design that owner's will be proud to call home for many years to come.

The project is being designed to meet or exceed LEED Certified equivalency. The condos, as such, will incorporate numerous environmentally friendly features including:

- Ã Solar Panels on Roof
- Ã Car Charging Station
- Ã Recycling Program
- Ã Energy Efficient HVAC Systems
- Ã No/Low VOC Materials
- Ã Locally/Regionally Sourced Materials
- Ã LED Lighting
- Ã Energy Efficient Appliances/Systems
- Ã Water Efficient Fixtures

Please refer to the “Green Building Initiatives” exhibit for additional details.

In order to reduce the likelihood that these units may be converted to rentals, the condominium association documents will prohibit owners from offering units for short-term rental such as Airbnb. Additionally, the documents will prohibit the units from being occupied by more than two unrelated adults. These restrictions will aid in the maintenance of a strong owner-occupied environment.

Finally, the addition of nearly 1,100 SF of retail will provide new modern space for the downtown retail scene. The following is a summary of project per the previous submission including the addition of solar panels and garage entry off of Kirkwood.

Residential Density and Owner Occupancy: The proposal offers 15 residential condominiums and 1 commercial condominium. The residential units range from 3,264 SF to 1,582 SF. The commercial condominium is approximately 1,100 SF.

Height: Our proposal is for a 4-story building. The design features an average building height 50’6” feet using the average elevation. It is worth noting that the height is being driven by market demand of owner-occupied housing. Our commercial space has open ceiling heights from 14-16 feet. The owner-occupied housing has 10-foot clear ceilings.

Architecture/Materials: The architect, Ryan Strauser, has blended contemporary design with more traditional elements. Numerous punched openings with distinctive sills/lintels have been added. The renderings show a distinctive base, middle and cap. The extensive use of glass and key entries for the condominiums and commercial space along Kirkwood, including on the garage entry door, will create a pedestrian friendly streetscape with opportunities for outdoor seating and planters.

Building Height Step Down: The design contains a step-back at the front façade facing Kirkwood and adjacent to the alley. Our proposed building is separated by an alley. Our side is across the alley from the Book Corner's rear elevation. Visually, we achieve the required step-back from the Kirkwood/alley perspective.

Void-to-Solid Percentage: See architect's comments.

Solar Panels: Since our last submission, we believe it makes economic sense to add solar panels to the roof of the project. It is projected that addition of the panels will at a minimum cover the costs of electricity for all the common area including the lobby and garage. Additionally, we are seeking the sustainable incentive under the UDO (see Zoning Compliance/Sustainable Incentive section below).

Garage Entry: Our previous submission had the garage entry off of Washington utilizing the loading dock area used by CVS as the entry access. Clearpath did not and does not have a legal easement to use the loading dock for such purposes. In our original petition, we had an arrangement with the owner of the CVS space. This has subsequently expired and will not be considered moving forward. As such, access to the garage off of either of the alleys is not feasible due to grade changes and economics. Under our revised proposal, the garage entry will be on the east side of the building facing Kirkwood. We currently have two very active curb cuts that serve the surface lot. This will now be reduced to one curb cut. The activity from the garage will be significantly less than current uses as it only serves the residents of the condominiums. Additionally, the garage door will be designed to complement the design of the Kirkwood storefronts/streetscape.

Zoning/Sustainable Incentive: The site is currently zoned MD-CS (Mixed-use Downtown with Courthouse Square Downtown Character Overlay). Our previous submission was approved under slightly different regulations. Clearpath is seeking to build a structure that contains 4 floors and that is taller than 40 feet. For the additional floor, we are pursuing the sustainable incentive and will pursue any other required variances either via the BZA or Hearing Officer process. Per 20.04(d), we plan to comply with, at a minimum, four of the six noted qualifying criteria including covered parking, cool roof, solar energy, and building efficiency. In conclusion, we are offering essentially the same project that the Plan Commission unanimously supported in 2018. We look forward to our formal meeting to discuss the project and answer any remaining questions.

Variances Sought: We seek two variances from the BZA.

1. A Variance from 20.03.010 (e)(1) Nonresidential Ground Floor Standards. This section requires that a minimum of 50% of the total ground floor area located along Kirkwood. Our previous approval did not have this requirement; thus it was approved with a significant portion of the ground floor with residential parking. As currently designed, One15 has one retail space (@1,100 SF), the condo entry/lobby, and the garage entry. The project as designed is critical to the success of the project. Providing at least one parking spot per condominium unit is market driven by our owner-occupied buyers. Without the parking, the project is not economically sustainable. The design balances the need for an "active" streetscape with the market need for parking. The parking is not public and only for residents. As designed, the retail space qualifies as approximately 10% of nonresidential ground floor space. With the condo entry and other miscellaneous uses (trash, EV charging area and etc), the percentage is closer to 15%. While still considerably less than the 50% requirement, it balances the project's need for parking and the economic realities of retail. We are comfortable with trying to lease an additional 1,100 SF of retail space but do note that there is widespread availability of retail space in the downtown

area. Our desire as a community to have an active retail environment must align with market realities. We believe we have struck a good balance that serves the greater need of the community—housing while providing some retail opportunity. We respectfully request a variance from this requirement.

2. 2 Variance from section 20.02.050 (6) Windows and Doors on Primary Facades. The UDO in this overlay requires 70%. As was previously designed/approved and with the addition of the glass garage entry door, we are approximately at 58%. Architecturally, the additional brick in the modulation provides the building distinct “entry points” for the retail, condo lobby and garage. This provides opportunities for planters and needed wall space in interiors. The small brick sections flow to the upper floors providing needed balance. We would like to maintain the original design balance and respectfully request a variance from this standard.
3. 3 Variance from 20.04.070 (e) (2) Alignment with Setbacks. This section of the UDO requires that new building abutting a notable building align with the existing setback where the façade modules meet. To meet the façade modulation requirements, the design incorporates several different setbacks along the entire Kirkwood façade. When previously approved, the “CVS” building (which we developed and continue to own part of) was not part of any historic designation. The approved design at the façade modulation that meets the existing building is set back approximately 1’6”. This was done to provide modulation relief. Additionally, the “CVS” building has a deeper setback on the ground floor of approximately 8 feet. Visually the existing building has some modulation and is not designed/constructed like some of the traditional courthouse square buildings. We think given the design and age of the existing building combined with the need for façade modulation in the UDO our existing design continues to work well with the abutting facade and request a variance from this requirement.

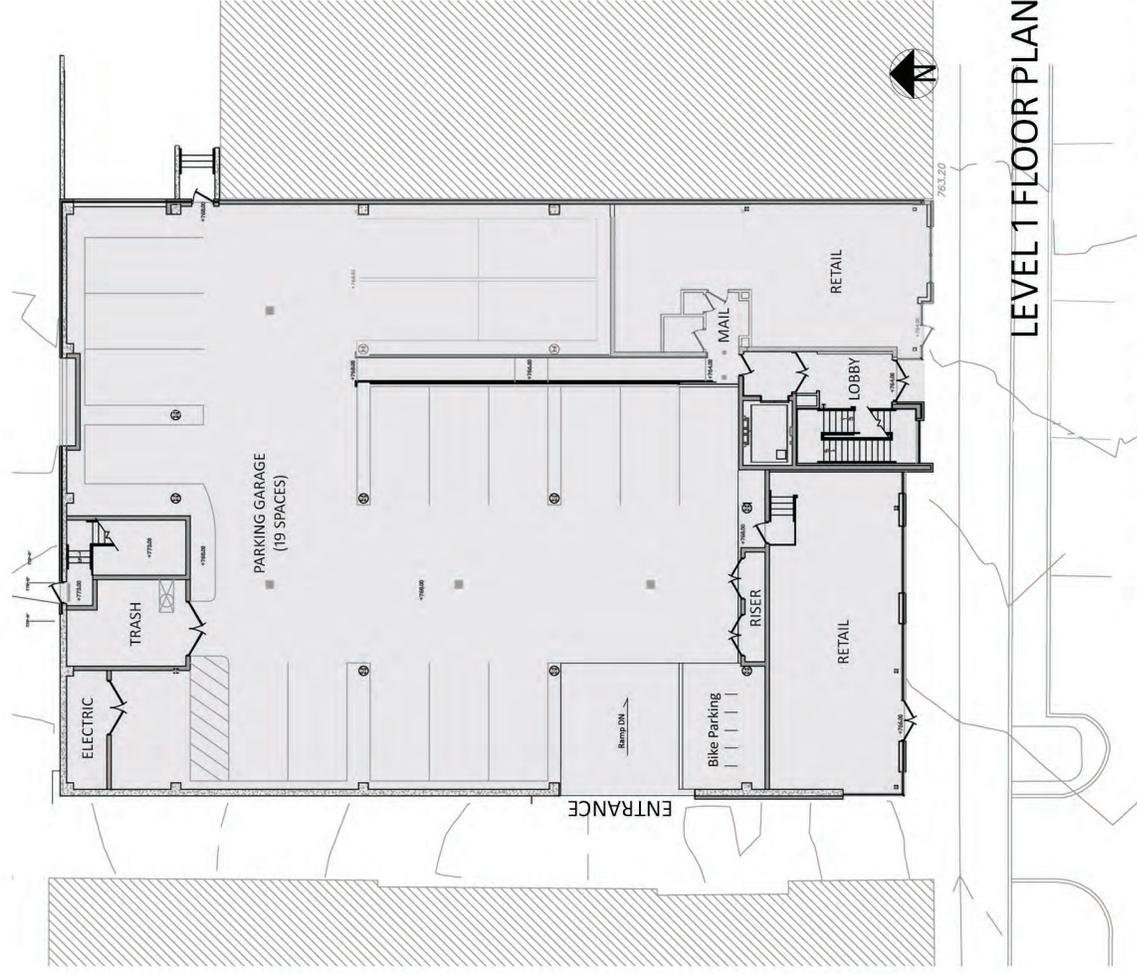
Respectfully submitted by: Randy Lloyd

August 6, 2022



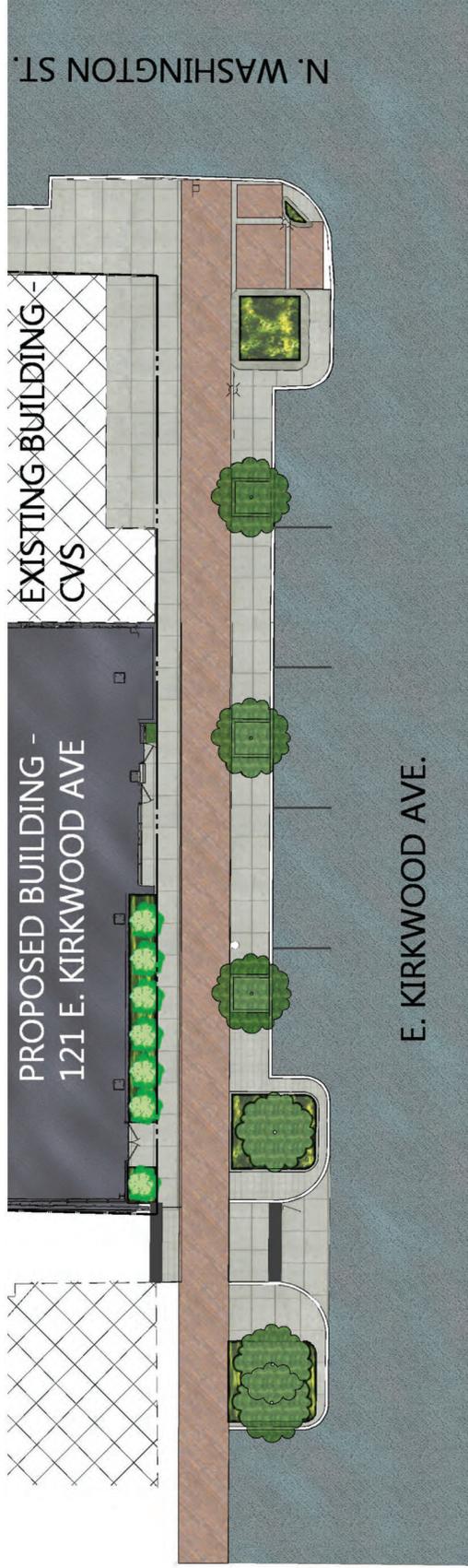
VIEW LOOKING NORTHEAST FROM KIRKWOOD/WALNUT INTERSECTION

August 6, 2022

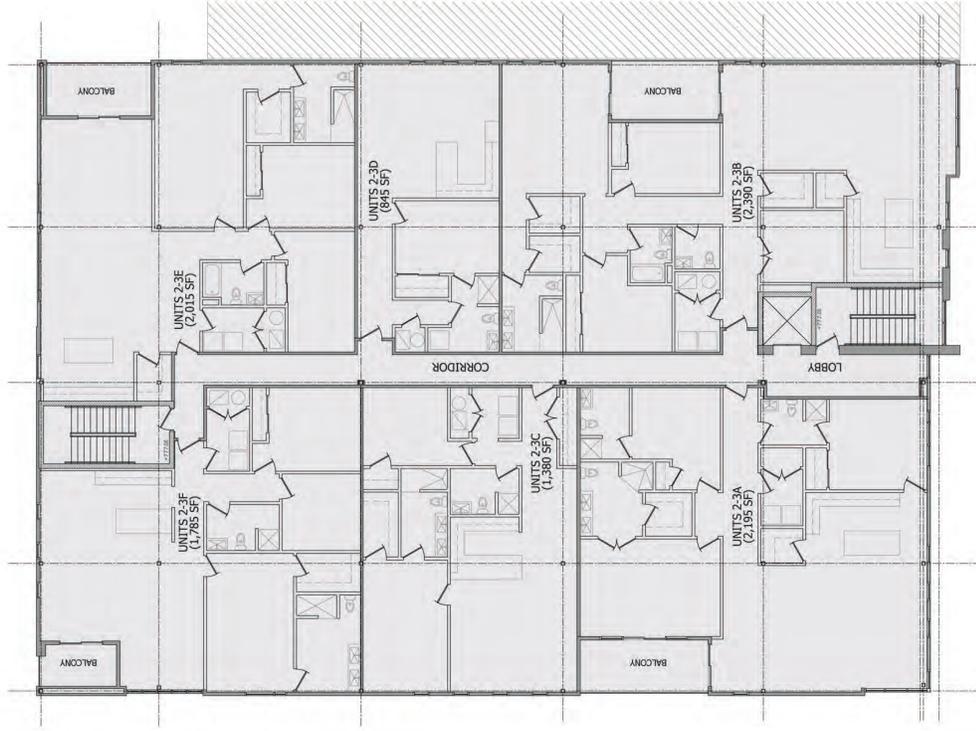


LEVEL 1 FLOOR PLAN

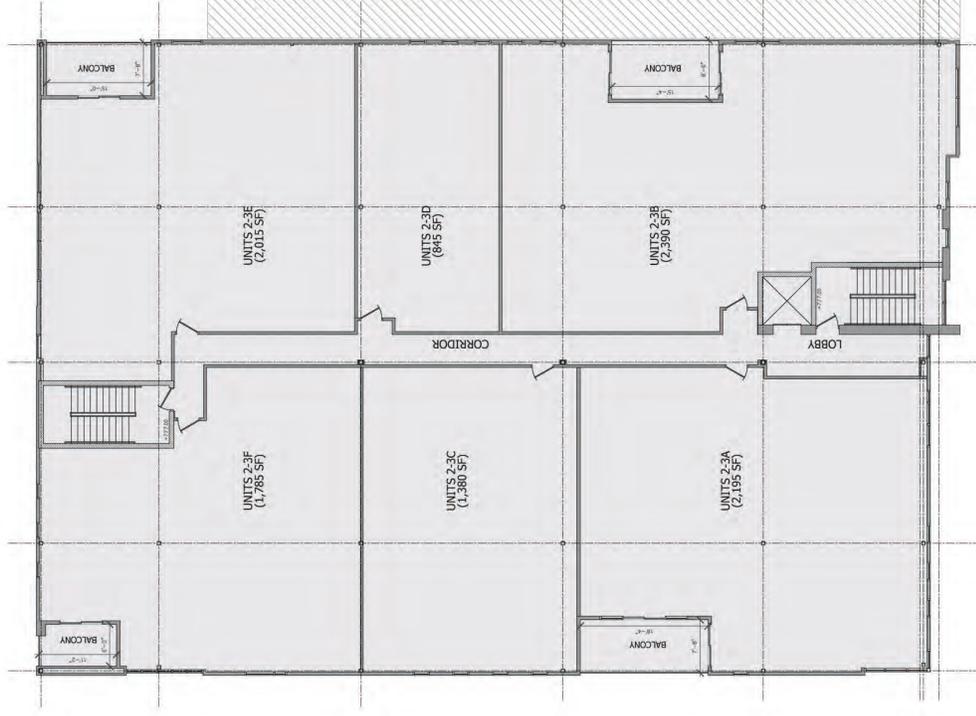
August 6, 2022



August 6, 2022

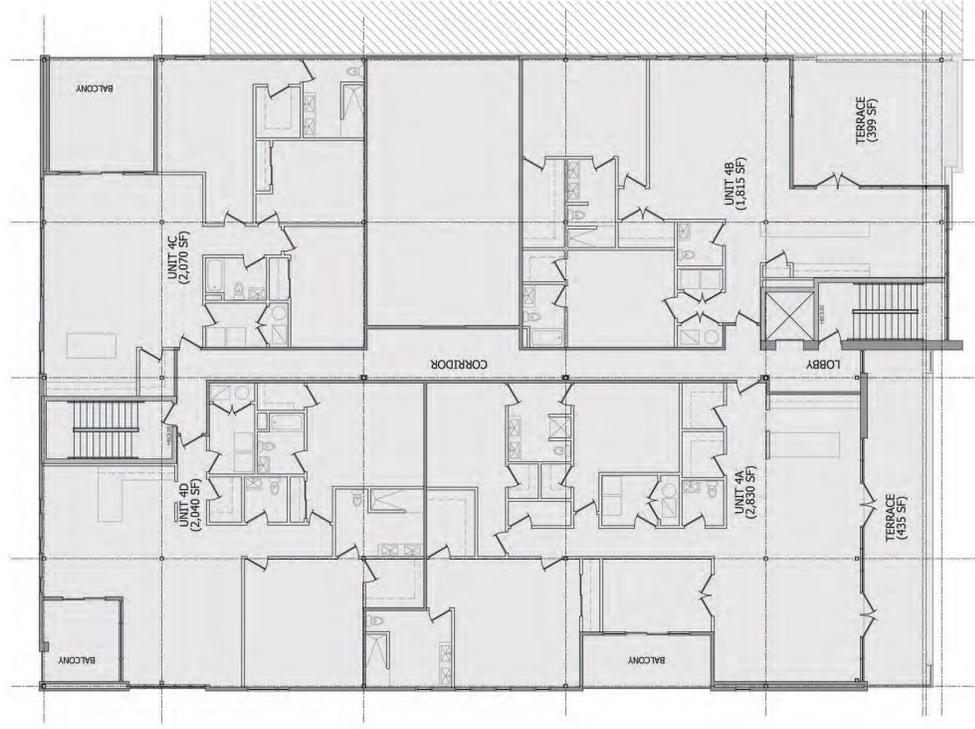


LEVELS 2-3 FLOOR PLAN
PROPOSED BUILD-OUT

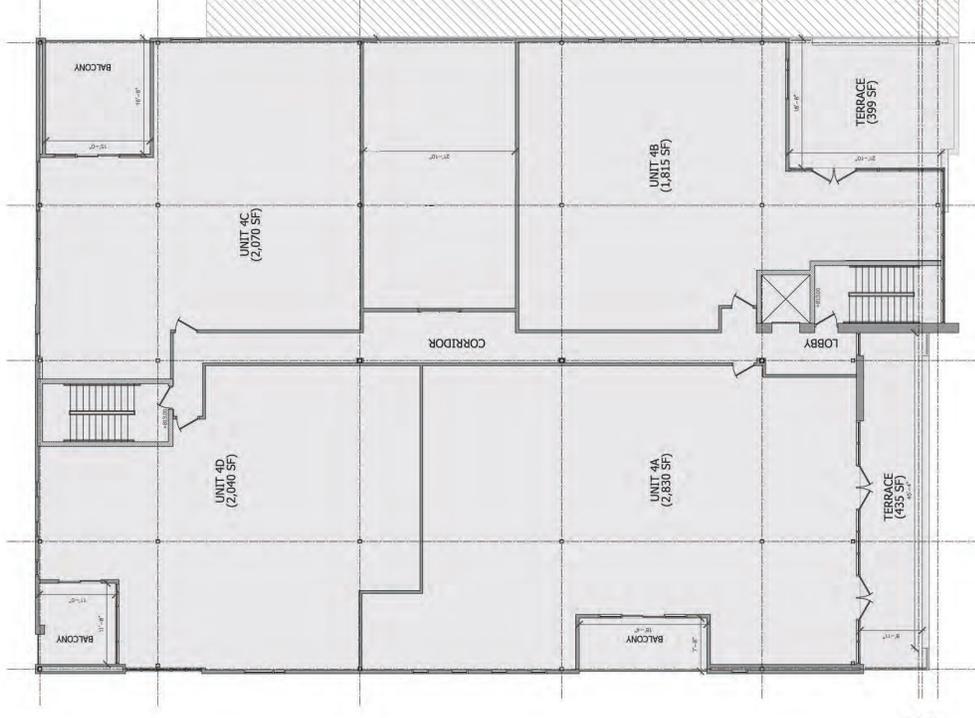


LEVELS 2-3 FLOOR PLAN

August 6, 2022



LEVEL 4 FLOOR PLAN
PROPOSED BUILD-OUT



LEVEL 4 FLOOR PLAN

August 6, 2022



VIEW LOOKING NORTHEAST FROM KIRKWOOD



ONE15 KIRKWOOD¹⁰⁰

CONDOMINIUMS & RETAIL

August 6, 2022



VIEW LOOKING NORTHWEST FROM KIRKWOOD/WASHINGTON INTERSECTION



ONE15 KIRKWOOD¹⁰¹

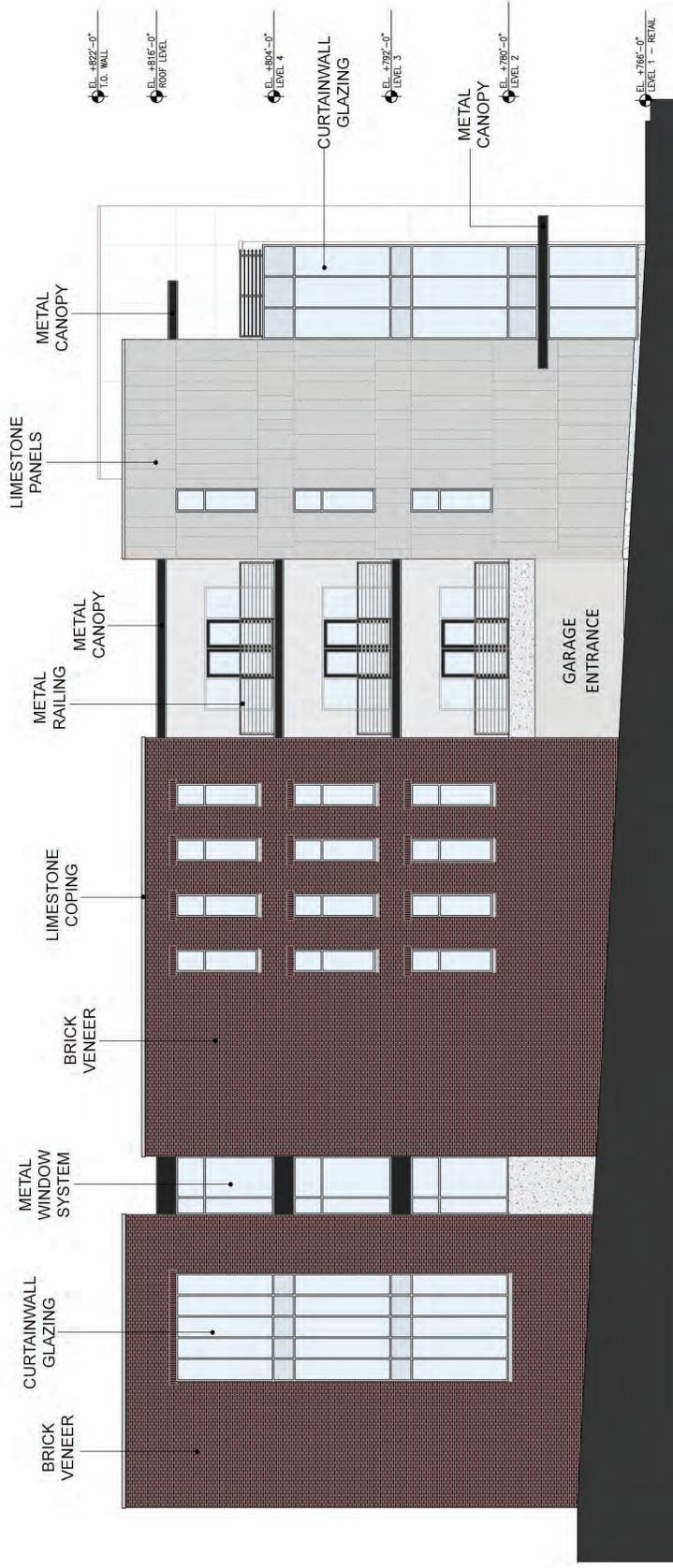
CONDOMINIUMS & RETAIL

August 6, 2022



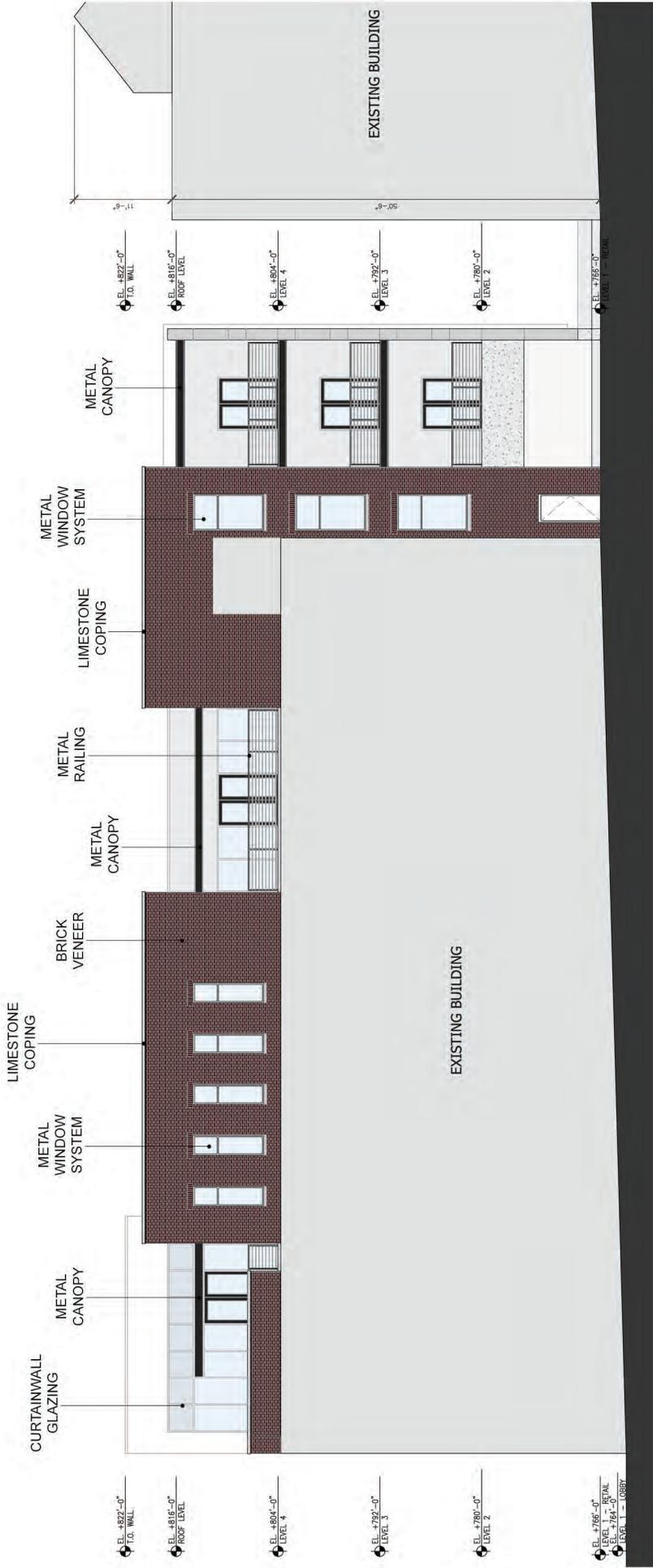
SOUTH ELEVATION (KIRKWOOD)

August 6, 2022



WEST ELEVATION (ALLEY)

August 6, 2022



EAST ELEVATION (WASHINGTON)

August 6, 2022



NORTH ELEVATION (ALLEY)

August 6, 2022



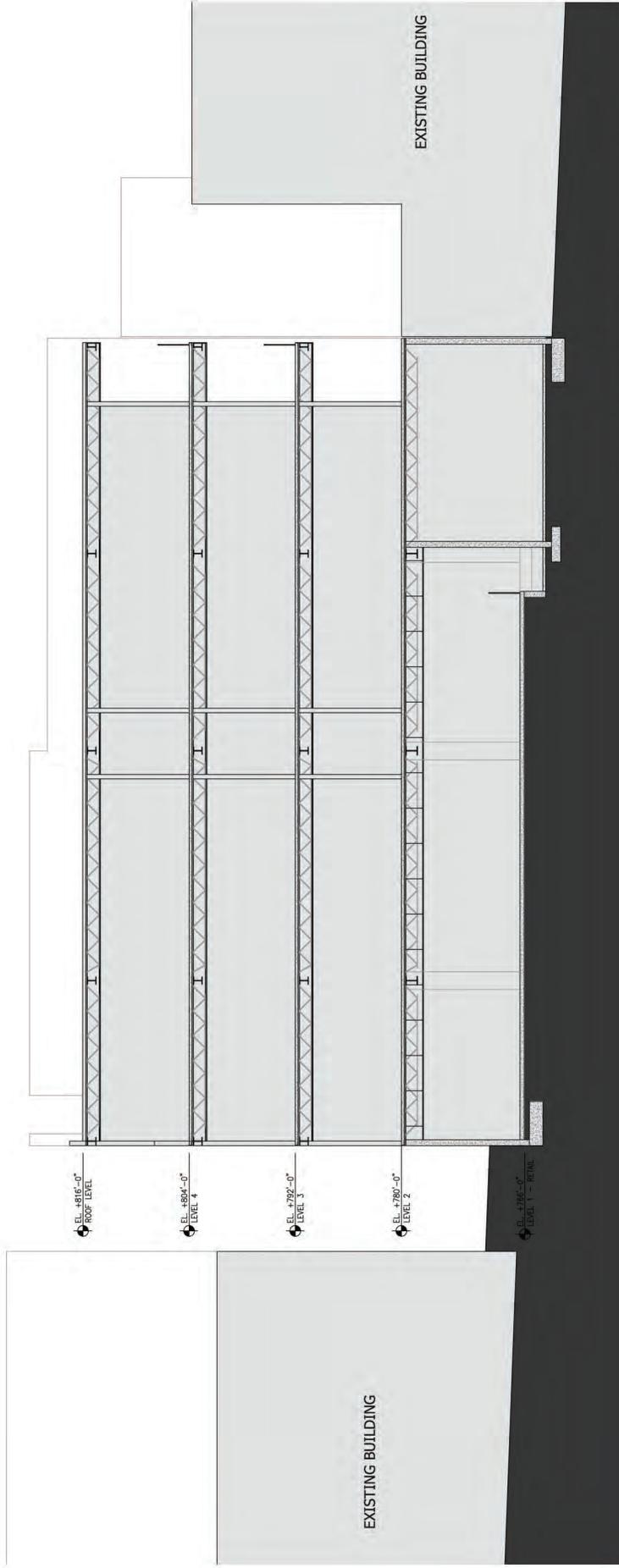
VIEW LOOKING SOUTHWEST ALONG WASHINGTON STREET



ONE15 KIRKWOOD

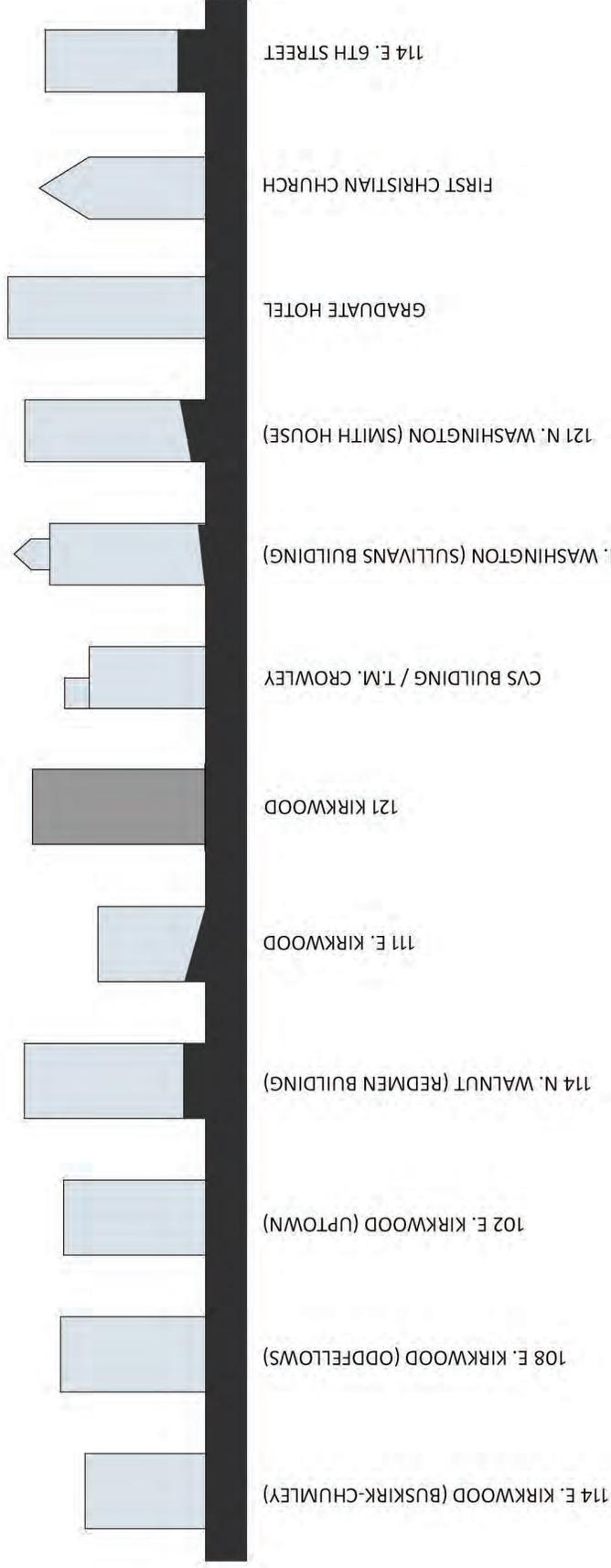
CONDOMINIUMS & RETAIL

August 6, 2022



BUILDING SECTION - EAST/WEST

August 6, 2022



BUILDING HEIGHT DIAGRAM



BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 3151 W. 3rd Street

CASE #: V-28-22
DATE: September 22, 2022

PETITIONER: Warren Witt (Chipotle)
PO Box 12128, Lexington, KY

CONSULTANTS: Bynum Fanyo & Associates, Inc
528 N. Walnut St., Bloomington

REQUEST: The petitioner is requesting variances from entrance and drive standards to allow a driveway in the front parking setback, maximum parking standards, and pedestrian sidewalk connection standards.

REPORT: This 30,000 sq. ft. (0.7 acre) property is located at 3151 W. 3rd Street and is zoned Mixed-Use Corridor (MC). The property is developed with a 3,400 square foot restaurant that is vacant. Surrounding properties are all zoned Mixed-Use Corridor (MC) and have been developed with a mix of restaurant and retail uses. This site is accessed from and is within the Whitehall Plaza shopping center. The site is bordered by 3rd Street/State Road 48 to the north and Interstate 69 to the east. The elevation of the site is approximately 20' below the top of road of 3rd Street. There are no known sensitive environmental features on the site. There is a 12" public water line and 15' easement that runs through the north and east sides of the property.

The petitioner is proposing to remove the current structure and construct a new 2,244 square foot building for a Chipotle restaurant. With the new construction there would be a parking area with a proposed 21 parking spaces on the east side of the site and a drive-thru lane on the west side of the site. The parking area and drive thru lanes will be accessed from the existing internal private drives. The parking and drive-thru lanes are proposed to be connected by a paved driveway that would be between the building and 3rd Street to the north. No drivecuts on 3rd Street are proposed nor would be allowed by the Indiana Department of Transportation. The proposed project would require the site to come into full compliance with the development standards of the UDO including new landscaping, bike racks, and lighting.

The petitioner is requesting a variance from entrance and drive standards to allow the proposed driveway to be located between the proposed building and 3rd Street. Section 20.04.050(c)(2)(A)(i)(2) of the UDO does not allow entrances or drives to be installed closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement and the petitioner must therefore receive a variance to allow the proposed driveway between the building and 3rd Street.

The petitioner is also requesting a variance from the maximum number of parking spaces allowed to allow for 21 parking spaces. The UDO allows for a maximum of 10 parking spaces per 1,000 gross square feet of indoor seating area. Based on the 1,000 square feet of indoor seating for this proposed building, a maximum of 10 parking spaces is allowed. The petitioner has submitted a parking study from other locations to support their requested additional parking spaces.

Finally, due to the change in topography on this site relative to 3rd Street, lack of control within the INDOT right-of-way for changes, and resultant difficulty in connecting the proposed building to 3rd Street for pedestrian access, the petitioner is also requesting a variance from Section 20.04.070(d)(2)(H) of the UDO that requires one primary pedestrian entrance for every façade facing a street.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(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.*

PROPOSED FINDING:

Entrance and Drive Standards for driveway between the building and the street: The granting of the variance to allow for the driveway between the building and street will not be injurious to the public health, safety, morals, or general welfare if the variance to not require a pedestrian connection is approved.

Maximum Parking Standards: The granting of the variance to allow more parking is not expected to be injurious to the public health, safety, morals, or general welfare of the community since the site will still meet the minimum landscape and impervious surface requirements.

Primary pedestrian entry: Although the incorporation of a pedestrian connection would be desirable, the granting of the variance to not require a primary pedestrian entry on the north side of the building and connection to 3rd Street is not expected to be injurious to the public health, safety, morals, or general welfare since there is significant grade change and an ADA connection is not possible.

- 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.*

PROPOSED FINDING:

Entrance and Drive Standards for driveway between the building and the street: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to allow a driveway between the building and the street are found since this will not be visible from the right-of-way or impact adjacent properties.

Maximum Parking Standards: No adverse impacts to the use and value of surrounding properties is found as a result of a variance to allow for an increase in the number of parking spaces. The site and parking areas would still meet the minimum landscape area, maximum impervious surface coverage, as well as setback requirements and landscaping.

Primary pedestrian entry: No adverse impacts to the use and value of surrounding properties as a result of the lack of an entry and connection are found since this aspect effects this site only. Again, the substantial change in grade does not allow for an ADA compliant connection. The building will meet the required architectural standards, but will not have a pedestrian entry on the north side.

- 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.*

PROPOSED FINDING:

Entrance and Drive Standards for driveway between the building and the street: The Department does not find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as the petitioner can still have a parking area and separate drive thru lane without having a drive between the building and the street. The Department does not find any practical difficulties that are peculiar to the property in question that prevents a compliant site plan. The property is much larger than the minimum lot size of the district and the petitioner is only proposing a 2,200 square foot building on a 30,000 square foot lot, so there is ample room to construct the building, drive-thru lane, and parking areas and meet the UDO requirements.

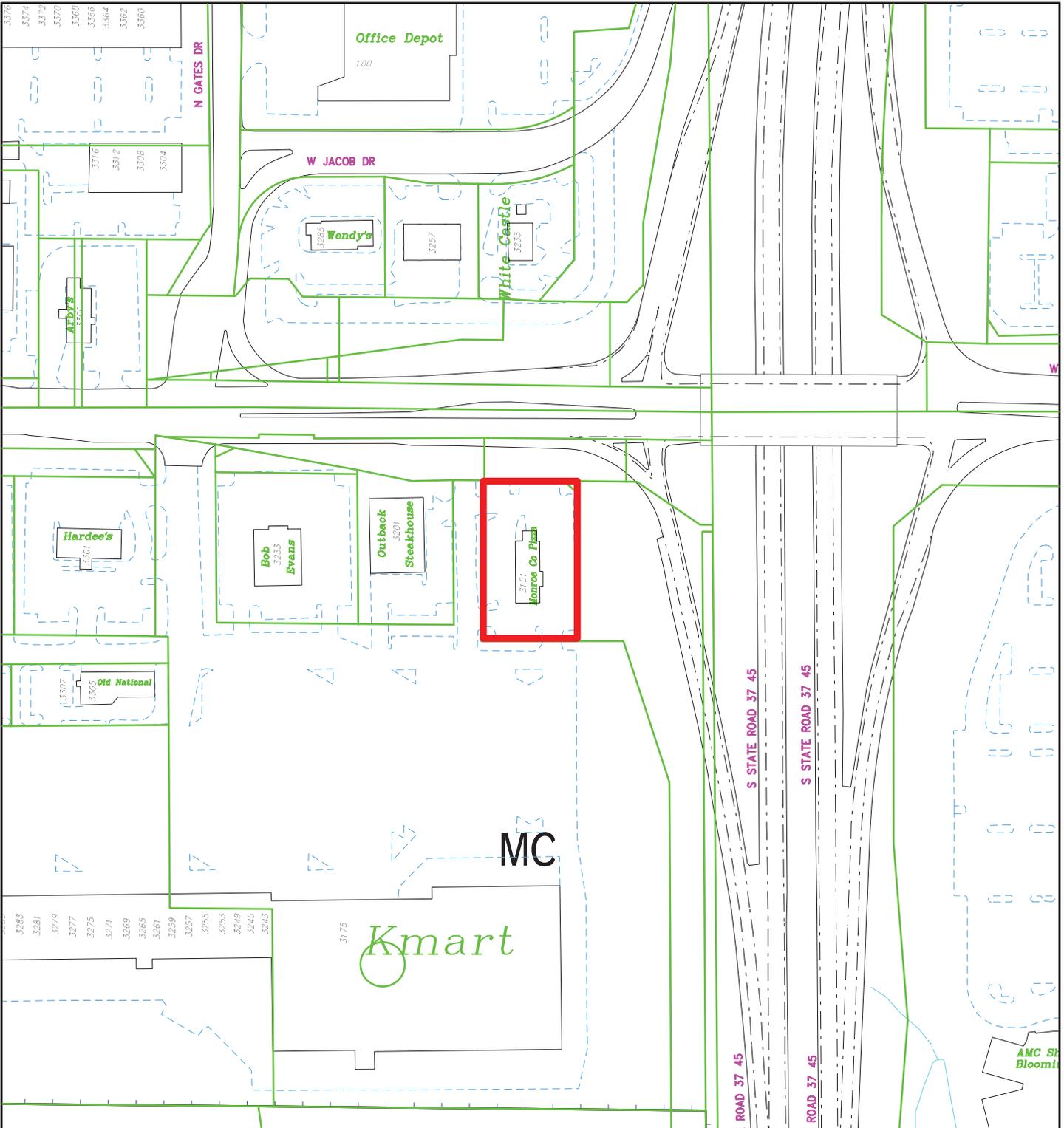
Maximum Parking Standards: The Department does not find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property by requiring the petitioner to meet the maximum parking spaces allowed. Although a parking study has been submitted showing other similar size buildings at locations with brief times of having a higher parking need then the 10 spaces that would be allowed, the overall average for these locations is not significantly higher than the 10 spaces currently allowed. The request to have more parking spaces than allowed is not related to a practical difficulty that is peculiar to the property, but rather an argument for a change in the regulation. The current parking maximum based on interior dining area was intentionally modified in the 2020 overall amendment process to the current language where parking is based specifically on the size of the indoor dining area.

Primary pedestrian entry: The Department finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as this would require a connection that would not be allowed by INDOT and a connection that would not be ADA accessible. The practical difficulties are peculiar to the property in question because the presence of a limited access right-of-way along the north property line and significant grade change between the site and the adjacent road frontage

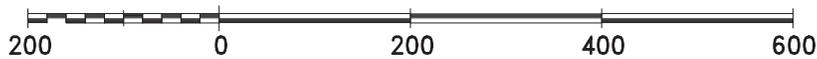
present a difficulty in meeting the UDO requirements. The granting of the variance allows for the site to be used in a more sensible design approach with access coming from the internal drives for pedestrian accessibility. Although the side of the building facing 3rd Street would not have a pedestrian entrance that side of the building would still meet all of the architectural standards.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance from the required pedestrian entry, but deny the variance from maximum parking number and the proposed drive between the building and the street with the following conditions:

1. The variance for no pedestrian connectivity is for this site plan only.
2. The proposed building must meet all architectural standards of the UDO.
3. No increase in number of allowed parking spaces is approved beyond the maximum allowed by the UDO.

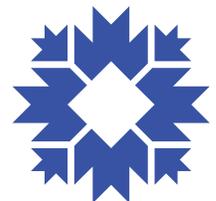


By: greulice
16 Sep 22

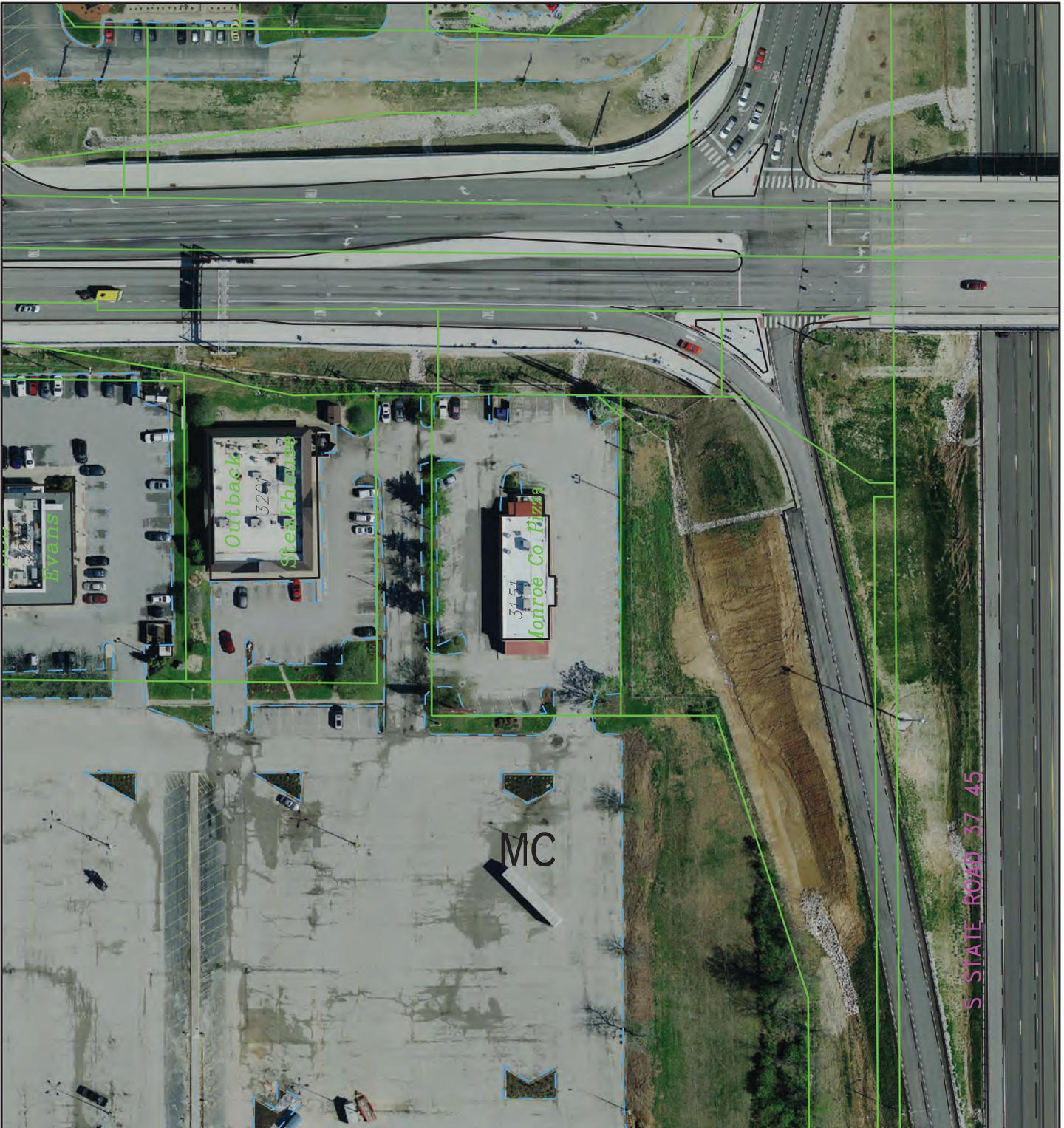


For reference only; map information NOT warranted.

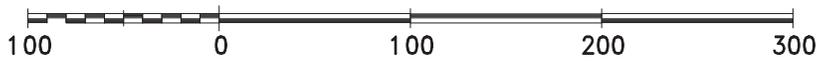
City of Bloomington
Planning



Scale: 1" = 200'

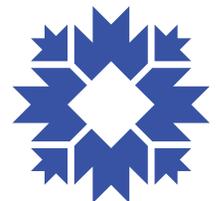


By: greulice
16 Sep 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 100'



BYNUM FANYO & ASSOCIATES, INC.

115

Architecture
Civil Engineering
Planning

City of Bloomington
Board of Zoning Appeals
401 N. Morton Street
Bloomington, IN 47403
RE: Setback and Pedestrian Access Variance Request

BZA:

Our client Hamburg Place respectfully request two variances to the UDO. The first variance is the requirement to have pedestrian connection to a public street. The property is located at 3151 W 3rd Street at the Southwest corner of w3rd Street and I 69. There is a limited access right of way along our frontage with both roadways prohibiting the connection. In addition to the access prohibition there is an approximate 18' elevation change from 3rd Street to the subject property.

The second variance request is from the requirement of our access drive being located 20' behind the face of the building facing a public street. The property has a major water main and easement along the east side of the property that then crosses the northeast corner of property before extending along the north portion of the site. We believe this water main was relocated to its current location when InDOT took right of way along our entire east side fronting what was at the time SR 37 and now is I69 and our north side fronting SR 48/ E 3rd Street. This easement limits the ability to place the proposed building at the north and east setback lines. Had this taking and relocation not occurred there would have been room to place the building at the setback lines and enable adequate turning movements to accommodate a drive through lane and parking. The other contributing factor is that our frontage on SR 48 is designated as limited access right of way as noted above. SR 48 is also approximately 18' higher than this lot. These two factors eliminate the possibility of vehicular access from the north and forcing access to the south and west. If access to SR 48 was possible this site plan could be designed to have the drive to the rear of the building. But due to the topography and limited access this is not possible.

Findings Pedestrian Connection:

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

The granting of the variance will not be injurious to the public health, safety, morals, and general welfare of the community. The site is accessible from the south and west via easements established during the original development. Access to w. 3rd Street has not and cannot get direct access due to topography as well as the limited access right of way.

528 North Walnut Street
812-332-8030

Bloomington, Indiana 47404
FAX 812-339-2990

2) *The use and value of the area adjacent to the property included in the Development*



in a substantially adverse manner.

There will be no change in the manner of use and value of the area adjacent to the property. BYNUM FANYO & ASSOCIATES, INC. There will be no change in the manner of pedestrian or vehicular access 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.*

The practical difficulty for connection of a pedestrian access to 3rd Street is the InDOT classification of a limited access right of way. This is peculiar to this property that makes it unique. The other difficulty is the topographical constrain of the 18' vertical change in elevation.

Findings Driveway Setback:

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

There will be no injury to the public health, safety, morals, or welfare with the granting of this variance. The location of the driveway does not impact pedestrian access to the public right of way. With the property being 18' below the roadway elevation visibility of the property is limited if not inexistant.

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.*

The use and value of the area will not be impacted. The site and building will be upgraded to the new UDO standards for impervious surface area, landscaping and architect improving on the aesthetics of 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.*

The practical difficulties peculiar to this property is the water main easement that restricts the use of the property. The building cannot be placed at the building setback lines limiting the ability of the site to accommodate access, drive thru lane and separate parking from pedestrian access to the building.

If you have any questions regarding our petition, please contact me at your convenience.

Jeffrey S. Fanyo P. E. CFM

Bynum Fanyo and Associates, Inc

Supplemental Parking Count/Inventory

The prototype Chipotle restaurant has 35 to 40 inside seats. Some restaurants, depending upon location, deviate from the prototype. A limited series of restaurants operate with limited to no inside seating and strictly as a drive-up/walk-up business. Restaurants developed as a free-standing building, especially on an out lot, are prototype restaurants.

Four prototype restaurants were selected and requested to complete a parking count/inventory over a five-day period. The hourly inventories during the hours of operation are completed and attached.

The parking count/inventory for the attached restaurants was customer parking only. Employee parking was specifically excluded from the parking count.

The Bloomington site anticipates six employee parking space requirements. That is the standard employment base level for the prototype restaurant. The only parking available at the Bloomington site will be on-site. There is not a public street or other public parking anywhere close to the restaurant site. There will not be available overflow parking areas. The adjacent parking lots are private property, privately owned. Employee parking will occur on the site.

Supplemental Statement:

The properties selected for the parking study are referred to as prototype buildings. This building design is a near "cookie cutter" basic design. The buildings are 2,325 square feet. Interior seating is 32 – 35 seats. Outdoor seating (patio) is approximately 20.

The 4 properties selected for the parking count were selected because they are consistent with the proposed development which falls into the prototype category.


Michael L. Carmin
Attorney for petitioner



116 West 6th Street, Suite 200
P.O. Box 2639
Bloomington, Indiana 47402-2639
TEL: 812.332.6556
FAX: 812.331.4511
michael@carminparker.com

July 8, 2022

VIA EMAIL: greulice@bloomington.in.gov

City of Bloomington Board of Zoning Appeals
c/o Eric Greulich

RE: 3151 W. Third Street, Bloomington
Variance Petition: Chipotle Restaurant

Dear Eric:

The parking study has been completed. The study is submitted in support of the variance request for approval of 21 on-site parking spaces.

Very truly yours,

A handwritten signature in black ink that reads "Michael L. Carmin".

Michael L. Carmin

MLC/srh
Enclosures
436927



Parking Count/Inventory

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Location: WESTFIELD

Address: 829 E. State Road 32, Ste 835, Westfield, IN

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	2	2	5	1	3	1
12:00 p.m.	12	9	8	15	11	14
1:00 p.m.	15	16	16	3	10	12
2:00 p.m.	6	9	11	2	3	2
3:00 p.m.	8	10	9	4	1	6
4:00 p.m.	2	6	4	1	N/A	4
5:00 p.m.	6	8	9	3	N/A	8
6:00 p.m.	12	16	8	12	N/A	15
7:00 p.m.	9	11	10	8	-	10
8:00 p.m.	8	9	9	5	-	4
9:00 p.m.	4	6	5	5	-	5
10:00 p.m.	0	1	0	0	-	0

Location: WEST LAFAYETTE

Address: 200 W. State Street, West Lafayette

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	28	31	32	28	7	14
12:00 p.m.	15	21	20	27	6	24
1:00 p.m.	16	12	18	14	12	20
2:00 p.m.	20	19	17	14	8	12
3:00 p.m.	24	17	12	15	10	18
4:00 p.m.	10	9	18	16	-	14
5:00 p.m.	17	40	14	16	-	24
6:00 p.m.	19	30	36	37	-	36
7:00 p.m.	24	13	16	18	-	19
8:00 p.m.	26	10	14	27	-	
9:00 p.m.	4	3	4	9	-	2
10:00 p.m.	-	-	-	-	-	-

Location: GREENWOOD

Address: 8705 S. Emerson Avenue, Indianapolis, IN

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	4	3	1	2	3	0
12:00 p.m.	14	16	14	9	12	10
1:00 p.m.	20	19	18	16	18	15
2:00 p.m.	2	5	11	14	15	19
3:00 p.m.	7	8	6	10	14	16
4:00 p.m.		-	2	3		14
5:00 p.m.		2	-	1		2
6:00 p.m.	7	9	11	14		11
7:00 p.m.	14	16	14	12		9
8:00 p.m.		3	2	4		6
9:00 p.m.		7	4	3		
10:00 p.m.		-	1	0		

Location: FISHERS

Address: 9760 E. 116th Street, Fishers, IN

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	3	7	4			11
12:00 p.m.	4	5	10			23
1:00 p.m.	23	18	26			28
2:00 p.m.	27	24	24			10
3:00 p.m.	12	6	7			9
4:00 p.m.	8	18	3			29
5:00 p.m.	16	12	15			25
6:00 p.m.	23	27	19			28
7:00 p.m.	28	25	20			31
8:00 p.m.	17	20	16			22
9:00 p.m.	6	9	7			29
10:00 p.m.	0	0	0			



116 West 6th Street, Suite 200
P.O. Box 2639
Bloomington, Indiana 47402-2639
TEL: 812.332.6556
FAX: 812.331.4511
michael@carminparker.com

July 8, 2022

VIA EMAIL: greulice@bloomington.in.gov

City of Bloomington Board of Zoning Appeals
c/o Eric Greulich

RE: 3151 W. Third Street, Bloomington
Variance Petition: Chipotle Restaurant

Dear Eric:

The parking study has been completed. The study is submitted in support of the variance request for approval of 21 on-site parking spaces.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael L. Carmin', written over a light blue circular stamp.

Michael L. Carmin

MLC/srh
Enclosures
436927



Parking Count/Inventory

The prototype Chipotle restaurant has 35 to 40 inside seats. Some restaurants, depending upon location, deviate from the prototype. A limited series of restaurants operate with limited to no inside seating and strictly as a drive-up/walk-up business. Restaurants developed as a free-standing building, especially on an out lot, are prototype restaurants.

Four prototype restaurants were selected and requested to complete a parking count/inventory over a five-day period. The hourly inventories during the hours of operation are completed and attached.

The parking count/inventory for the attached restaurants was customer parking only. Employee parking was specifically excluded from the parking count.

The Bloomington site anticipates six employee parking space requirements. That is the standard employment base level for the prototype restaurant. The only parking available at the Bloomington site will be on-site. There is not a public street or other public parking anywhere close to the restaurant site. There will not be available overflow parking areas. The adjacent parking lots are private property, privately owned. Employee parking will occur on the site.

Location: WESTFIELD

Address: 829 E. State Road 32, Ste 835, Westfield, IN

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	2	2	5	1	3	1
12:00 p.m.	12	9	8	15	11	14
1:00 p.m.	15	16	16	3	10	12
2:00 p.m.	6	9	11	2	3	2
3:00 p.m.	8	10	9	4	1	6
4:00 p.m.	2	6	4	1	N/A	4
5:00 p.m.	6	8	9	3	N/A	8
6:00 p.m.	12	16	8	12	N/A	15
7:00 p.m.	9	11	10	8	-	10
8:00 p.m.	8	9	9	5	-	4
9:00 p.m.	4	6	5	5	-	5
10:00 p.m.	0	1	0	0	-	0

Location: WEST LAFAYETTE

Address: 200 W. State Street, West Lafayette

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	28	31	32	28	7	14
12:00 p.m.	15	21	20	27	6	24
1:00 p.m.	16	12	18	14	12	20
2:00 p.m.	20	19	17	14	8	12
3:00 p.m.	24	17	12	15	10	18
4:00 p.m.	10	9	18	16	-	14
5:00 p.m.	17	40	14	16	-	24
6:00 p.m.	19	30	36	37	-	36
7:00 p.m.	24	13	16	18	-	19
8:00 p.m.	26	10	14	27	-	
9:00 p.m.	4	3	4	9	-	2
10:00 p.m.	-	-	-	-	-	-

Location: GREENWOOD

Address: 8705 S. Emerson Avenue, Indianapolis, IN

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	4	3	1	2	3	0
12:00 p.m.	14	16	14	9	12	10
1:00 p.m.	20	19	18	16	18	15
2:00 p.m.	2	5	11	14	15	19
3:00 p.m.	7	8	6	10	14	16
4:00 p.m.		-	2	3		14
5:00 p.m.		2	-	1		2
6:00 p.m.	7	9	11	14		11
7:00 p.m.	14	16	14	12		9
8:00 p.m.		3	2	4		6
9:00 p.m.		7	4	3		
10:00 p.m.		-	1	0		

Location: FISHERS

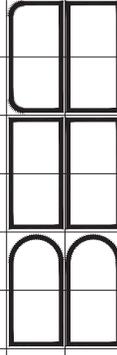
Address: 9760 E. 116th Street, Fishers, IN

# Parked Cars	30-June	1-Jul	2-Jul	3-Jul	4-Jul	5-Jul
11:00 a.m.	3	7	4			11
12:00 p.m.	4	5	10			23
1:00 p.m.	23	18	26			28
2:00 p.m.	27	24	24			10
3:00 p.m.	12	6	7			9
4:00 p.m.	8	18	3			29
5:00 p.m.	16	12	15			25
6:00 p.m.	23	27	19			28
7:00 p.m.	28	25	20			31
8:00 p.m.	17	20	16			22
9:00 p.m.	6	9	7			29
10:00 p.m.	0	0	0			

PROPOSED: Chipolte Restaurant

3151 WEST THIRD STREET
BLOOMINGTON, IN 47404

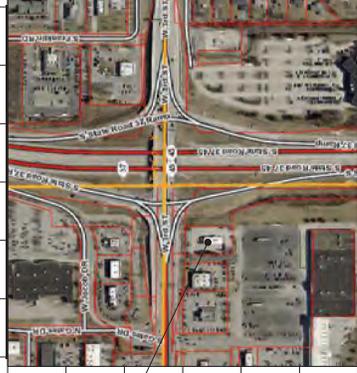
UTILITY CONTACT INFORMATION	
GAS	ELECTRIC
INDIANA GAS	CITY OF BLOOMINGTON UTILITIES
1000 W. WASHINGTON ST.	INDIANAPOLIS, IN 46202
BLOOMINGTON, IN 47404	INDIANAPOLIS, IN 46202
0000 ANDERSON (812)330-0009	NANCY KOSOW (812)346-3889
	400 S. WALTON (317)375-2071
TELEPHONE	UNDERGROUND UTILITY LOCATION
AMT	INDIANAPOLIS, IN 46202
P.O. BOX 56	INDIANAPOLIS, IN 46202
BLOOMINGTON, IN 47404	INDIANAPOLIS, IN 46202
8001 INDIANA (812)334-4501	SCOTT TIMPSON (812)355-7822



BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404 (812) 332-8030

OWNER/DEVELOPER:
HAMBURG PLACE
P.O. BOX 12128
LEXINGTON, KY 40560

THE CURRENT EDITION OF THE INDIANA DEPARTMENT OF
TRANSPORTATION, MANUAL ON UNIFORM TRAFFIC CONTROL
DEVICES & CITY OF BLOOMINGTON UTILITIES STANDARD
SPECIFICATIONS IS TO BE USED WITH THESE PLANS



PROJECT
LOCATION

VICINITY/LOCATION MAP
(NOT TO SCALE)

SHEET INDEX

SHEET NO.	SHEET NO.
C101	GENERAL NOTES & LEGENDS
C201	DEMOLITION PLAN
C301	OVERALL SITE PLAN
C401	GRADING, UTILITY & EROSION CONTROL PLAN
C501	LANDSCAPING PLAN
C601	MISCELLANEOUS DETAILS
C801	EROSION DETAILS
C802	EROSION CONTROL DETAILS



architecture
civil engineering
planning

Certified By: _____
JEFFREY S. FANYO, P.E.
IND. REG. NO. 18283

Revisions

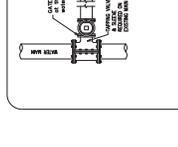
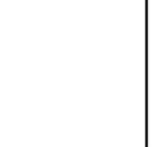
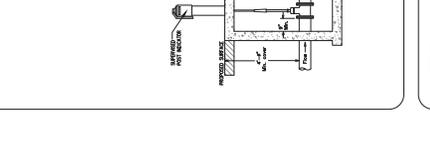
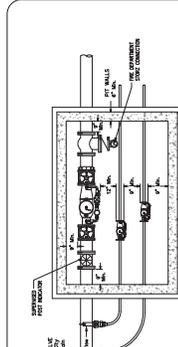
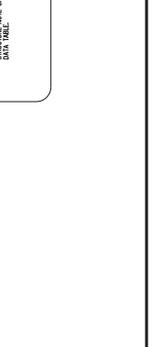
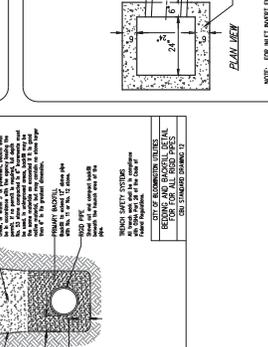
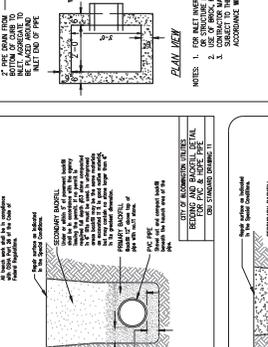
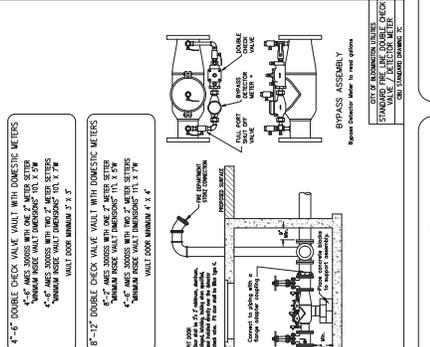
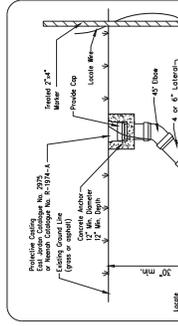
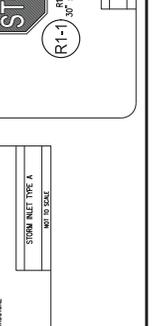
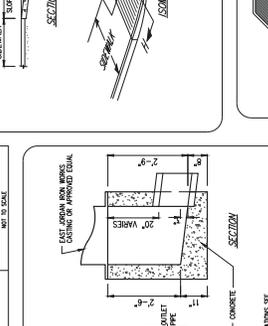
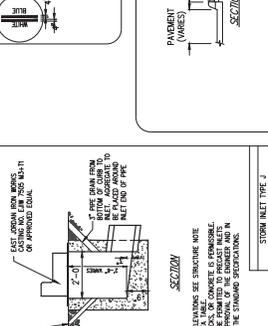
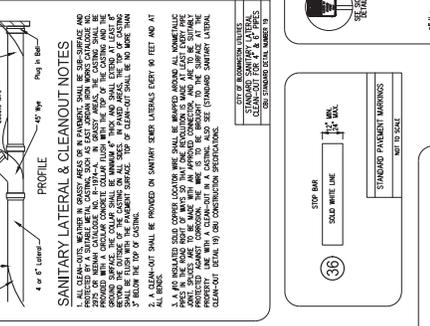
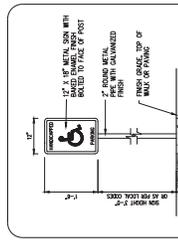
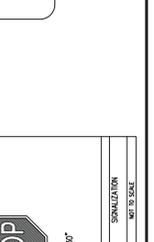
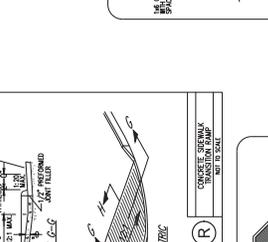
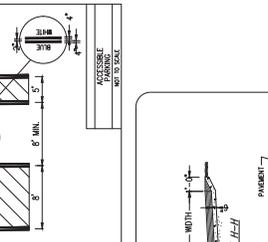
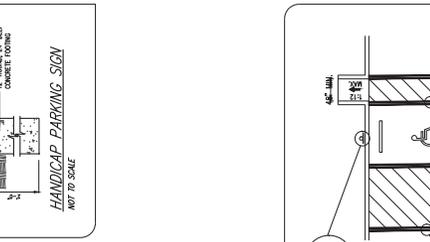
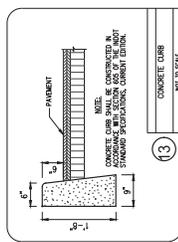
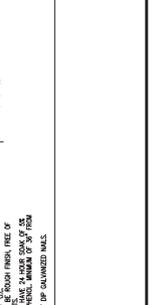
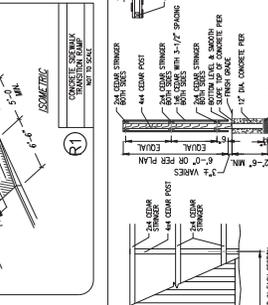
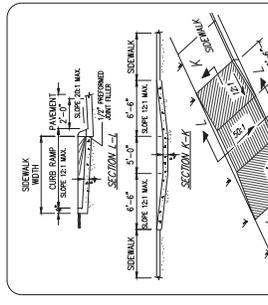
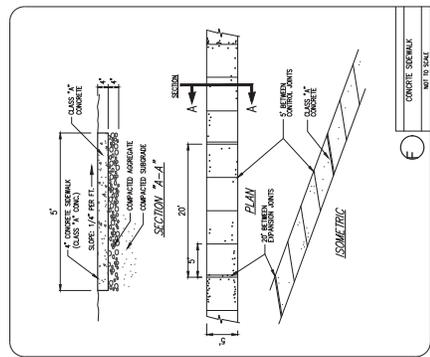
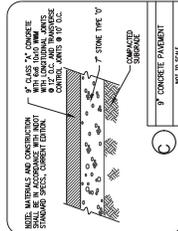
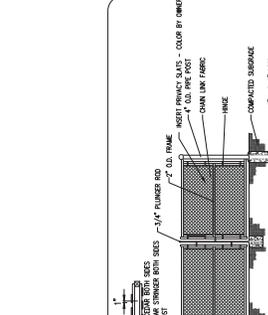
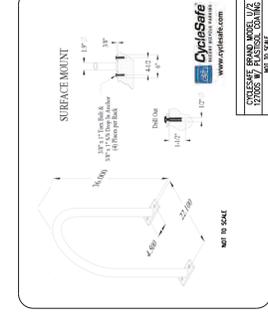
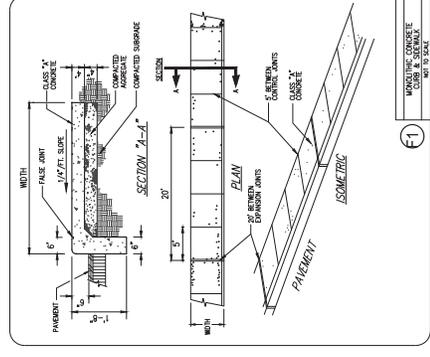
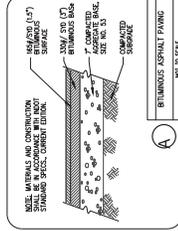
DESIGNED BY: **BE&K**
 CIVIL ENGINEERING
 PLANNING
 ARCHITECTURE

BYNUM FAY & ASSOCIATES, INC.
 528 North Walnut Street
 Bloomington, Indiana
 (812) 339-2900 (Fax)

DESIGNED BY: **BE&K**
 CIVIL ENGINEERING
 PLANNING
 ARCHITECTURE

RESTAURANT
 CHIPPOLTE
 3151 W. THIRD STREET
 BLOOMINGTON, IN 47403

THE MISCELLANEOUS
 DETAILS
 135
 designed by: JSC
 drawn by: JSC
 checked by: JSC
 sheet no.: 6001
 project no.: 40210



NET TO SCALE

REVISED:

NOTE TO CONTRACTOR
 CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL AGENCIES INVOLVED PRIOR TO ANY EXCAVATION. NO PAINT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO DEVELOPING ELEVATIONS.

STOP
 R1-1
 36" x 36"

STANDARD PAVERS MARKINGS
 NET TO SCALE

REVISED:

Grid lines: 52B North Walnut Street, 52C North Walnut Street, 52D North Walnut Street, 52E North Walnut Street, 52F North Walnut Street, 52G North Walnut Street, 52H North Walnut Street, 52I North Walnut Street, 52J North Walnut Street, 52K North Walnut Street, 52L North Walnut Street, 52M North Walnut Street, 52N North Walnut Street, 52O North Walnut Street, 52P North Walnut Street, 52Q North Walnut Street, 52R North Walnut Street, 52S North Walnut Street, 52T North Walnut Street, 52U North Walnut Street, 52V North Walnut Street, 52W North Walnut Street, 52X North Walnut Street, 52Y North Walnut Street, 52Z North Walnut Street

ARCHITECTURE, CIVIL ENGINEERING, PLANNING, BRYAN FAY & ASSOCIATES, INC., (612) 339-2900 (Fax), BLOOMINGTON, MINN.

certified by:

CHIPOLTE RESTAURANT, 3151 W. THIRD STREET, BLOOMINGTON, IN 47403

PRACTICE 3.74 SILT FENCE (SEDIMENT FENCE)

INSTALLATION: To reduce sediment from roads, steeply sloped areas by reducing the velocity of runoff from these areas...

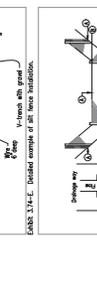
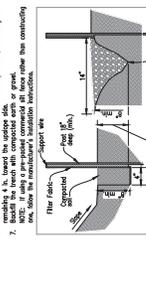
- REQUIREMENTS: Sloping Area: 1. To be at least 100 ft. of slope length... 2. To be at least 10 ft. from the toe of the slope...



Table with 2 columns: Material, Quantity. Includes items like 12" x 12" x 12" concrete blocks, 12" x 12" x 12" concrete blocks.

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

MAINTENANCE: 1. Inspect the all lines periodically after each storm event... 2. Repair any damage to the fence immediately...



REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

MAINTENANCE: 1. Inspect the all lines periodically after each storm event... 2. Repair any damage to the fence immediately...

PRACTICE 3.07 TEMPORARY GRAVEL CONSTRUCTION ENHANCEMENT PAD

INSTALLATION: 1. Add bedding on steep slopes or at corners in public roads... 2. Remove all vegetation and other obstructions...

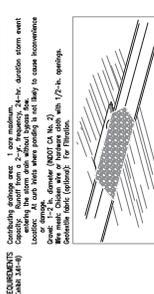


Table with 2 columns: Material, Quantity. Includes items like 12" x 12" x 12" concrete blocks, 12" x 12" x 12" concrete blocks.

INSTALLATION: 1. Add bedding on steep slopes or at corners in public roads... 2. Remove all vegetation and other obstructions...

REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...



REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

MAINTENANCE: 1. Inspect the all lines periodically after each storm event... 2. Repair any damage to the fence immediately...

PRACTICE 3.25 ROCK CHECK DAM

INSTALLATION: 1. Construct a check dam across the ditch between the ditch banks... 2. Place the rock in the ditch and compact it to the base...

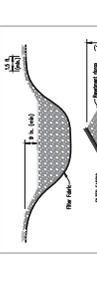
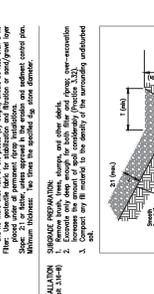


Table with 2 columns: Material, Quantity. Includes items like 12" x 12" x 12" concrete blocks, 12" x 12" x 12" concrete blocks.

INSTALLATION: 1. Construct a check dam across the ditch between the ditch banks... 2. Place the rock in the ditch and compact it to the base...

REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...



REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

MAINTENANCE: 1. Inspect the all lines periodically after each storm event... 2. Repair any damage to the fence immediately...

PRACTICE 3.18 RIPRAP

INSTALLATION: 1. To protect slopes, streambanks, channels, or similar areas subject to erosion... 2. Riprap should be placed in a specific grade of at least 10%...



Table with 2 columns: Material, Quantity. Includes items like 12" x 12" x 12" concrete blocks, 12" x 12" x 12" concrete blocks.

INSTALLATION: 1. To protect slopes, streambanks, channels, or similar areas subject to erosion... 2. Riprap should be placed in a specific grade of at least 10%...

REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...



REQUIREMENTS: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

INSTALLATION: 1. To be at least 10 ft. from the toe of the slope to provide a sediment storage area... 2. Provide the appropriate location for a sediment, stabilized slope...

MAINTENANCE: 1. Inspect the all lines periodically after each storm event... 2. Repair any damage to the fence immediately...

NOTE TO CONTRACTOR: CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL AGENCIES... CONTRACTS PRIOR TO & AFTER ANY EXCAVATION, NO PAINT SHALL BE MADE... REQUIRED DUE TO COMPLETING ELEVATIONS.



STORE NO.: 4605
 "BLOOMINGTON WEST"
 3151 WEST 3RD STREET
 BLOOMINGTON, INDIANA
 47404

ISSUE: ICP SKETCH
 DATE: 23 JUNE, 2022
 SCALE: As indicated

ICP 631

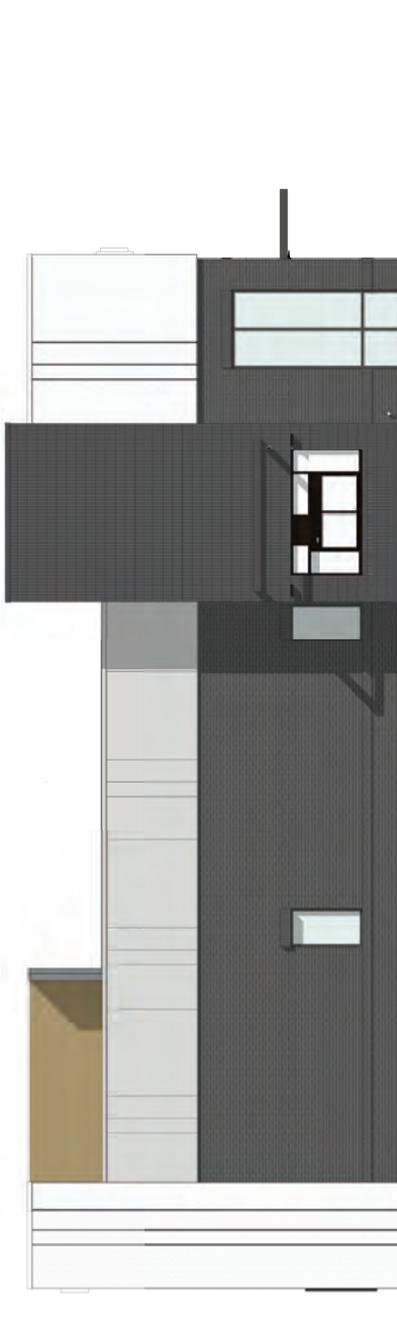
GENERAL NOTES

1. REFER TO EXTERIOR ELEVATIONS SHEET FOR EXTERIOR FINISHES, COLORS, SIZES & DESCRIPTIONS.
2. EXTERIOR FINISHES PROVIDED BY THE ARCHITECT AND INSTALLED BY THE CONTRACTOR TO MAKE FINAL CONNECTION.

NOTE: FINISHES ARE SHOWN ONLY FOR PLACEMENT AND SCALE. ALL FINISHES FOR REVIEW UNDER SEPARATE PERMIT, NOT PART OF THIS PERMIT SET.

ELEVATION KEYNOTES

- 1. REMOTE CO2 FILLER, MOUNT BETWEEN 36" AND 48" ABOVE GRADE. VERIFY LOCATION WITH CHIPOTLE CONTRACTOR/MANAGER.
- 2. DOOR BELLS BY CHIPOTLE S.C. MOUNT BETWEEN 36" AND 48" ABOVE GRADE. REFER TO ELECTRICAL DRAWINGS FOR MOUNTING HEIGHTS AND WIRING. DOOR BELLS SHALL BE SPACED AND INSTALLED BY THE CONTRACTOR TO COORDINATE BLOCKING FOR SIGN WITH TENANT'S SIGN VENDOR.
- 3. NEW SECURITY CAMERA BY CHIPOTLE S.C. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 4. TWO (2) NEW DECORATIVE WALL SCONCE LIGHTS BY CHIPOTLE S.C. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 5. 6" O.D. FINISHED ALUMINUM WALK STILE MAIN ENTRY DOORS (BY LANDLORD). NEW WALK STILE PULL HANDLES SUPPLIED BY THE ARCHITECT. INSTALLED BY CHIPOTLE S.C.
- 6. 3" O.D. FINISHED ALUMINUM WALK STILE SECONDARY GROSS DOOR (BY LANDLORD). COLOR: PPG "NIGHTS ARMOYR" CHANGING TO MATCH SIGNAGE.
- 7. 3" O.D. FINISHED ALUMINUM STOREFRONT (BY LANDLORD). COLOR: CHERRON.
- 8. PICK UP WINDOW (BY LANDLORD). COLOR: DARK BRONZE.
- 9. FINISHED METAL CANOPY WITH INTEGRATED LED STRIP LIGHT (BY LANDLORD). COLOR: CHERRON.
- 10. FINISHED METAL COPING (BY LANDLORD). COLOR: PPG "NIGHTS ARMOYR".
- 11. FINISHED METAL COPING (BY LANDLORD). COLOR: PPG "TOD".
- 12. EPS (BY LANDLORD). COLOR: PPG "TOD".
- 13. BRICK (BY LANDLORD). COLOR: "MANGANESE IRON SPOT".
- 14. BRICK SOLIDER COURSE HEADER (BY LANDLORD). COLOR: "MANGANESE IRON SPOT".
- 15. BRICK RUNNING BOND (BY LANDLORD). COLOR: "MANGANESE IRON SPOT".
- 16. BRICK VERTICAL COURSE (BY LANDLORD). EVERY 3 VERTICAL COURSES GOING IN AND EVERY 3 VERTICAL COURSES GOING OUT. COLOR: "MANGANESE IRON SPOT".
- 17. EXTERIOR ROOF ACCESS LADDER WITH LOCKING GATE (BY LANDLORD). COLOR: PPG "NIGHTS ARMOYR".
- 18. EXTERIOR EMERGENCY LIGHT (BY LANDLORD).
- 19. 6" V.M. ADDRESS LETTERS (BY LANDLORD). LOCATION AND COLOR TO BE SPECIFIED BY THE FIRE MARSHAL.
- 20. WALL HOSE BB (BY LANDLORD).



WEST EXTERIOR ELEVATION
 1/8" = 1'-0"



EAST EXTERIOR ELEVATION
 1/8" = 1'-0"



NORTH EXTERIOR ELEVATION
 1/8" = 1'-0"

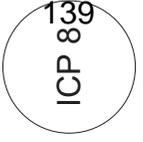


SOUTH EXTERIOR ELEVATION
 1/8" = 1'-0"



STORE NO.: 4605
 "BLOOMINGTON WEST"
 3151 WEST 3RD STREET
 BLOOMINGTON, INDIANA
 47404

ISSUE: ICP SKETCH
 DATE: 23 JUNE, 2022
 SCALE:



BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 508 W 3rd Street

CASE #: V-32-22
DATE: September 22, 2022

PETITIONER: Richard Judd
508 West 3rd Street, Bloomington, IN 47403

REQUEST: The petitioner is requesting a variance from the rear setback standards to allow for the construction of stair access to and from the driveway in the Residential Small Lot (R3) zoning district.

REPORT: The property is located at 508 W 3rd Street and is zoned Residential Small Lot (R3). The properties to the north, east, south and west are also zoned R3.

This property is located on the north side of 3rd Street and is bounded by an alley along the west side, a property to the north that creates an L-shape property line along the northeast corner, and a property to the east. The existing dwelling structure is located approximately six feet from the rear property line. This property is located in the Prospect Hill Historic District and the petitioner has met with the Historic Preservation Commission (HPC) and obtained COA 22-58.

The petitioner is proposing a deck addition to the rear of the house with exterior stair access to the basement and driveway. The petitioner believes this addition will provide an emergency exit to the basement because the interior of the house does not allow for the construction of interior access to the basement. Previous owners of this property obtained variance V-22-15 to build the deck and stairs in the rear of the property, but the current owner is requesting that the stairs ascend/descend in a north/south direction rather than the approved design for V-22-15. The petitioner believes this is a necessary change because locating the stairs in the east/west direction would block vehicular access to the garage and basement.

The Unified Development Ordinance (UDO) calls for a minimum of 25 feet of rear setback. The UDO does allow for certain exceptions to setbacks listed in Table 04-6. Decks can encroach up to six feet in the side or rear setback provided that no deck is closer than 2 feet to a side property line. This exception allows for the deck and stair access to encroach into the east side setback, but the proposal encroaches more than the six feet that the exception allows into the rear setback.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i) 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.*

PROPOSED FINDING: No injury to the public health, safety, morals, and general welfare is found as a result of this petition. The deck and stair addition is appropriate for the use and size of the property.

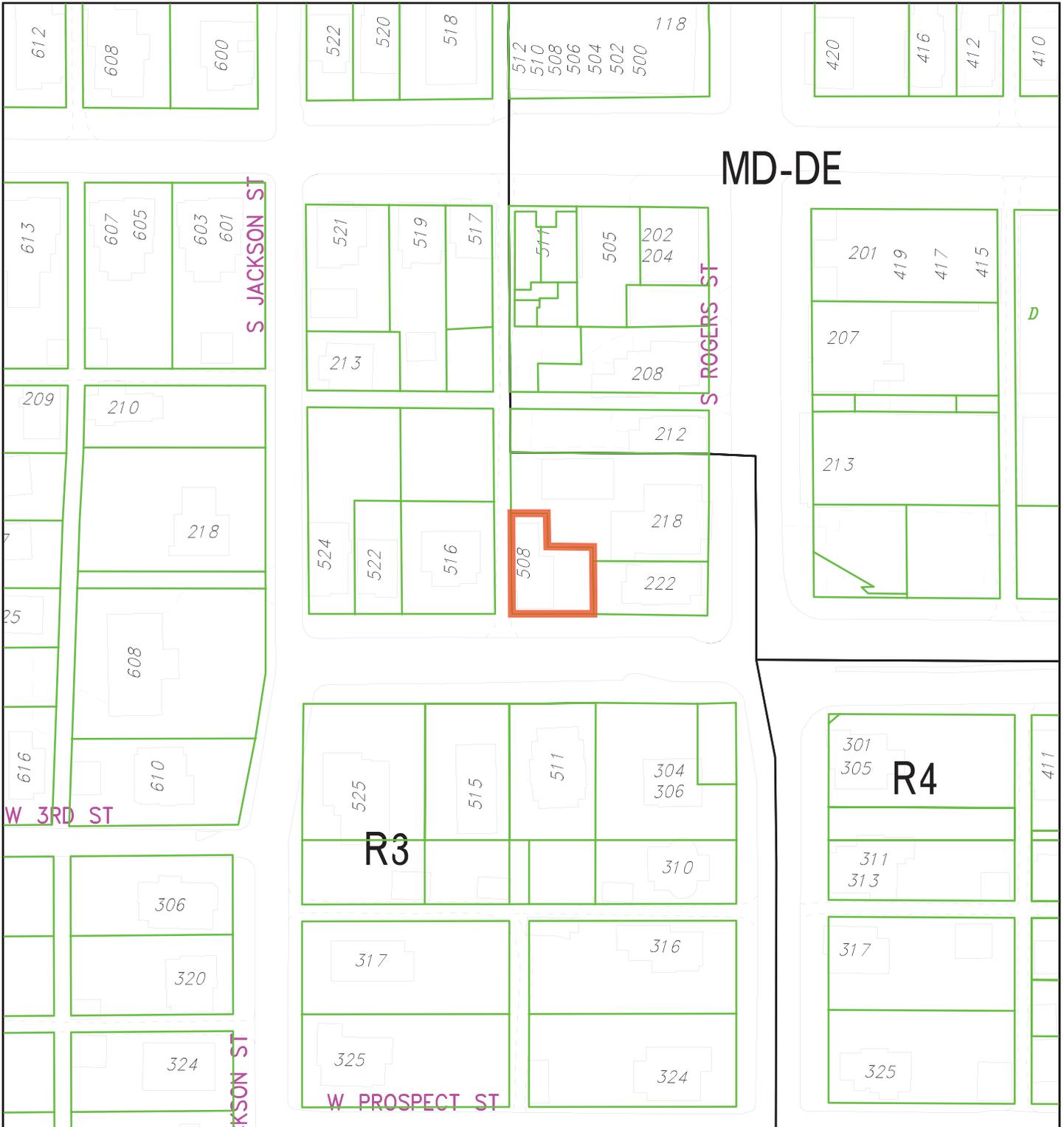
2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

PROPOSED FINDING: No adverse effect to the use or value of the adjacent properties is found as a result of this petition. The petitioner has communicated with the HPC and mailed notice of a public hearing to adjacent property owners. No concerns for this proposal have been received.

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.*

PROPOSED FINDING: No practical difficulty is found. The original house was not built this far into the rear setback and is only encroaching now due to an addition that was part of the variance granted in 2015. A smaller addition could have been built in order to accommodate exterior access from the addition. The use of the property will continue as a single-family dwelling even if the variance is not granted.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings and recommends denial of V-32-22.



W 3RD ST

S JACKSON ST

S ROGERS ST

W PROSPECT ST

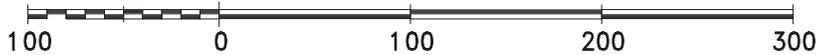
MD-DE

R3

R4

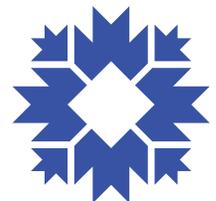
By: karina.pazos

16 Sep 22

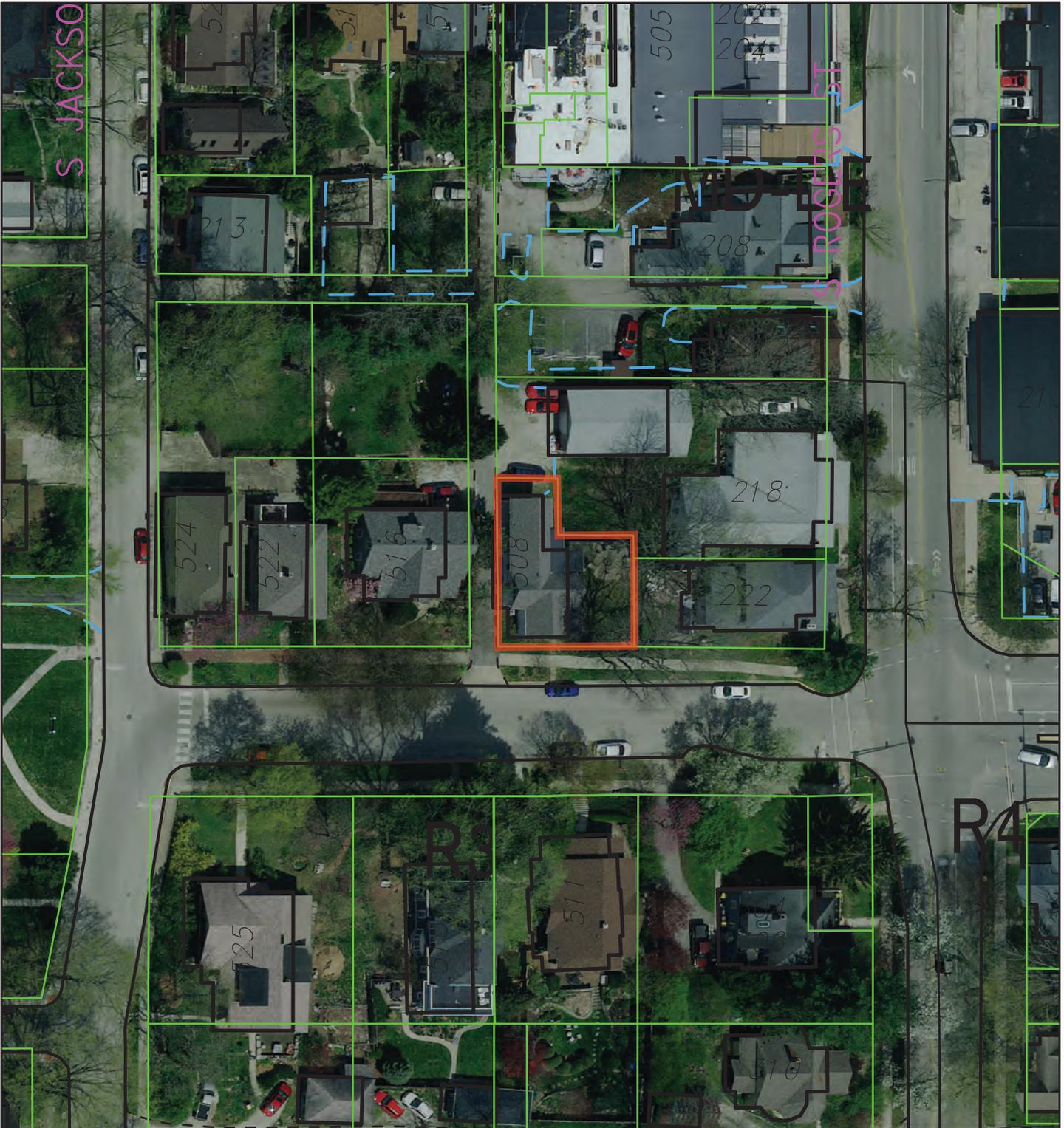


For reference only; map information NOT warranted.

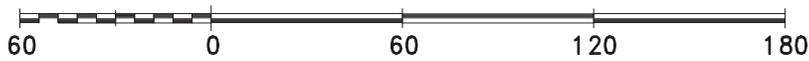
City of Bloomington
Planning



Scale: 1" = 100'

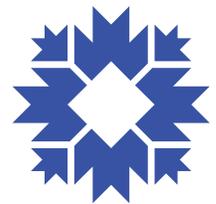


By: karina.pazos
 16 Sep 22



For reference only; map information NOT warranted.

City of Bloomington
 Planning



Scale: 1" = 60'

6/30/2022

Case # V-32-22

508 W 320 Street, Bloomington IN 47404

Owners RICHARD & LINDA JUDD (Nov 11/2021)

The Owners "RICHARD JUDD" Request a Zoning VARIANCE for Rear/Side (Back of House) for a Variance to construct a deck (addition) to the basement for Emergency Exit for Safety.

* Please note: that a Variance was approved on Aug 27, 2015 (Case # V-22-15)

Deck to Basement was never constructed per approved by "Board of Zoning Appeals - 8/27/15.

The new owners (11/2021) requesting a Variance modification within the approved Variance footprint.

Deck Exit - Direction from 2015 Approved Variance Down West of North wall to going South on East wall to Basement. The Builder Chris Valiant will be using ^(materials) & Painting to ^{match} ~~match~~ Existing House decking.

We would request a New modified Variance for the Deck of the Approved # V-22-15. Thank you

Outside Permeable Surface was tape measured by RICHARD M. JUDD on 6/29/2022. Using Survey By Deekard Land Surveying, Bloomington on 11/20/2011.

measured Permeable: 1,527 square ft.

Lot Size - 508 W 320 3,485 square ft.

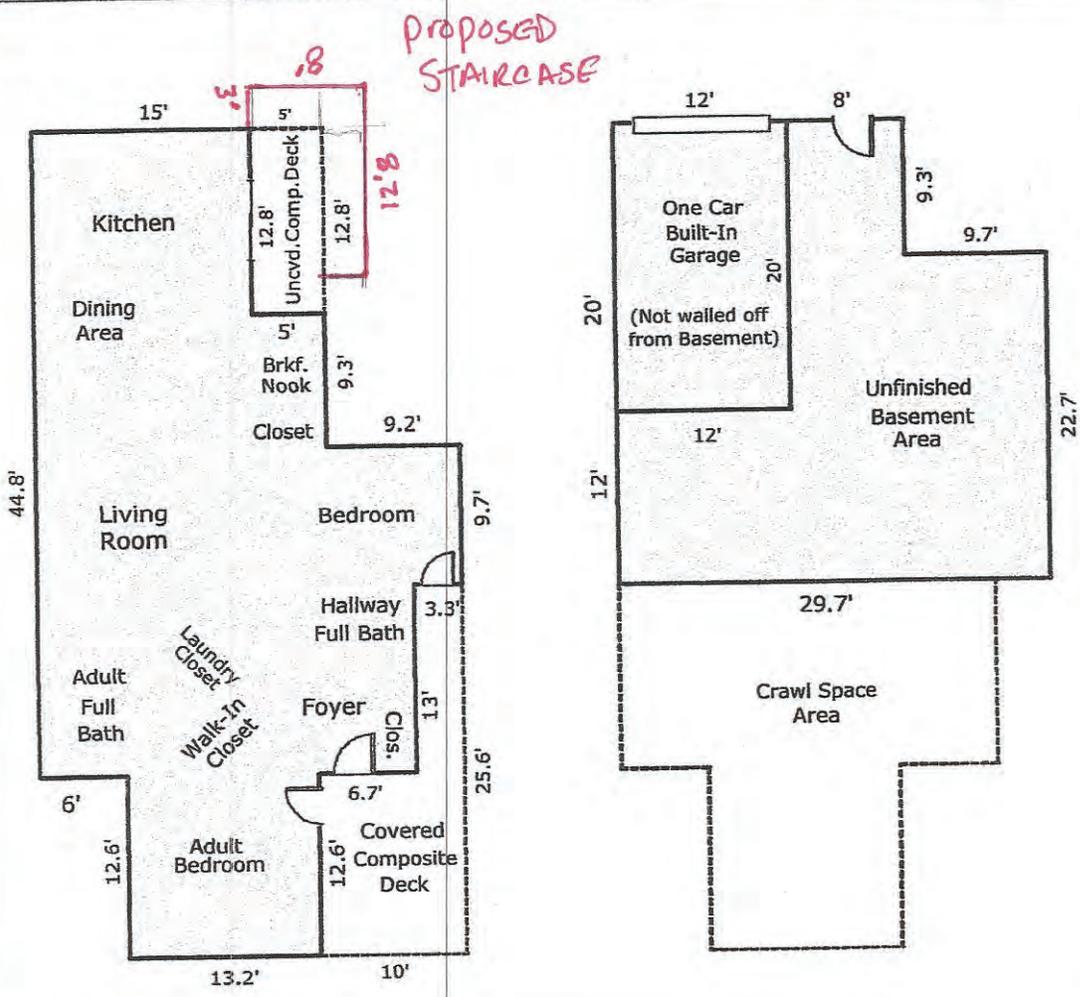
$$1527 \div 3,485 = .438 = \text{Rounded } 44\%$$

Richard Judd - (Owner)

FLOORPLAN SKETCH

Borrower: Richard & Linda Judd
 Property Address: 508 W 3Rd St
 City: Bloomington
 Lender: Ruoff Home Mortgage

File No.: 508W3RD
 Case No.:
 State: IN
 Zip: 47404



Sketch by Apex Sketch vs Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1164.26	1164.26
BSMF	Basement	620.19	620.19
GAR	Garage	240.00	240.00
P/P	Porch	Open	
	Porch	Open	
	Porch	Open	
Net LIVABLE Area		(rounded)	1164

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
12.8	x	15.0	192.00
12.6	x	13.2	166.32
13.0	x	25.9	336.70
9.7	x	29.2	283.24
9.3	x	20.0	186.00
5 Items			(rounded) 1164

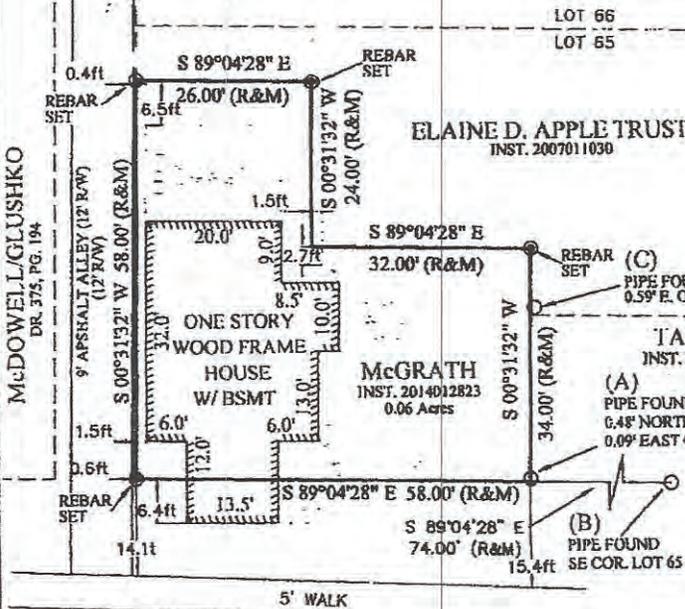
A PART OF LOT NUMBER 65 IN
THE CITY OF BLOOMINGTON,
MONROE COUNTY, INDIANA

PROJECT LOCATION

2014018529 SURVEY \$15.00
12/29/2014 02:33:11P 3 PGS
Jeff Ellington
Monroe County Recorder IN
Recorded as Presented



LOCATION MAP



LEGEND

- STONE FOUND
- UTILITY POLE
- REBAR FOUND
- ⊙ REBAR SET
- ⊗ PK NAIL FOUND
- ⊘ RR SPIKE FOUND
- PIPE FOUND
- ⊗ FENCE
- △ MAG SPIKE SET
- (R) RECORD
- (M) MEASURED

NOTES:

- 1). 5/8" Rebar will be set at all property corners.
- 2). Fieldwork completed November 2014.
- 3). Basis of bearing (Assumed).
- 4). Source of title Now or Formerly owned by Colin T. McGrath as found in Instrument No. 2014012823 in the Office of the Monroe County Recorder.
- 5). Reference is made to a plat of the Original Plat of the Town of Bloomington as found in Plat Book 1, Pages 3-4 in the Office of the Monroe County Recorder.
- 6). I affirm, under penalty for perjury, that I have taken responsible care to reflect each Social Security Number in this document, unless required by law.

- ERIC L. DECKARD

W. 3rd STREET
82.5' RW 34' B/C

CERTIFICATION

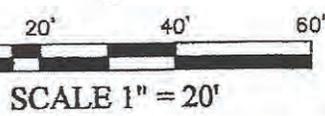
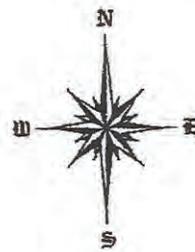
The within survey was performed without benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 665 IAC 1-12.

Certified this 20 day of November

[Signature]
Eric L. Deckard
Registered Surveyor LS29900012
State of Indiana



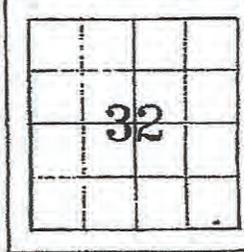
COLIN McGRATH		DECKARD LAND SURVEYING 1604 S. HENDERSON ST. BLOOMINGTON IN. 47401 (812)961-0235	
BOUNDARY SURVEY		SHEET 1 OF 3	DRAWINGS PLANNING MAPPING
DRAWN BY: ERS DATED: 11/20/14	CHECKED BY: BLD	SCALE 1"=20'	

11-22

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL CENTERLINE LOCATION OF THE UTILITY LINE IS THE CENTERLINE OF THE EASEMENT.

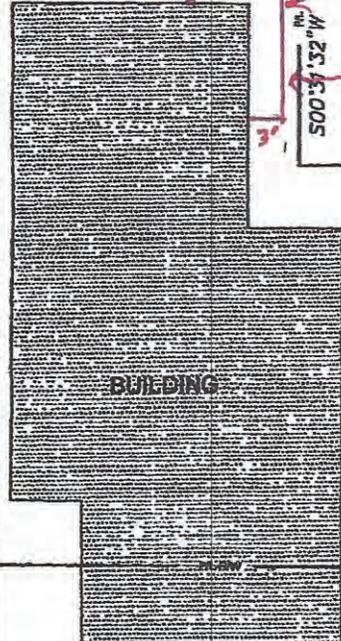
Duke
electricity

CENTERLINE OF
15' UNDERGROUND
EASEMENT



ALLEY

N00°31'32"E 58.00'



8' SETBACK
PROPOSED
STAIR CASE
2' SETBACK

S89°04'28"E 32.00'

PART LOT 65

S00°31'32"W 34.00'

N89°04'28"W 58.00'

WARRANTY DEED
COLIN T. MCGRATH
INSTRUMENT #2014012823
TOWN OF BLOOMINGTON
PLAT BK: 1, PG: 4
RECORDED 10/06/2014
PARCEL #53-05-32-413-016.000-005
SURVEY INSTRUMENT #2014016529
RECORDED 12/29/2014

3RD. ST.

NOTE: PROPERTY LINES AS SHOWN WERE
PLOTTED FROM INSTRUMENT #2014012823
AND SITE IMPROVEMENTS FROM GIS DATA

MONROE COUNTY, INDIANA

SITE NAME: BLOOMINGTON TOWNSHIP SECTION 32 TOWNSHIP 9N RANGE 1W



DR. AM	EXHIBIT MAP OF UNDERGROUND EASEMENT			
CK. MT	EXHIBIT MAP FOR COLIN T. MCGRATH			
DATE	LOCATION			EXHIBIT 'A'
11/17/2015	508 W 3RD. ST., BLOOMINGTON, IN			
	SITE #102824	LU #1679129	MAP #102824-451141	EMAX #8868456

14-22

4/30/2022

Measured - from Survey

508 west 3rd st

Lot 3,485 ft

Type Messud-
non-Built 1,527 (Permissible Area)

4490 sq lot

$$1,527 \div 3,485 = .438 - \text{Round}$$

4490

Richard M Judd

Please note - 784 sq ft -

Front of House to [City of Bloomington (P)]
Side Walk.

in Aerial Photo - Bloomington -

not added to Aerial Survey

in Permissible Land Survey 11.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1420 W. Kirkwood Ave

CASE #: V-34-22
DATE: September 22, 2022

PETITIONER: Adam Jackson (Caritas-Indiana, LLC)
 PO Box 12128,

CONSULTANTS: Springpoint Architects, Inc.
 522 W. 2nd Street, Bloomington

REQUEST: Variance from buffer yard standards to allow construction of a 16-unit multifamily building in the Residential High Density Multifamily (RH) zoning district.

REPORT: This 50'x141' (7,050 sq. ft.) property is located at 1420 W. Kirkwood Ave and is zoned Residential High-Density Multifamily (RH). The property is developed with a single family residence and detached accessory garages. Surrounding properties to the east and west are zoned Residential High-Density Multifamily (RH), Residential Multifamily (RM) to the north, and Mixed Use Medium Scale (MM) to the south. Surrounding land uses include single and multifamily residences to the north, a contractor's yard to the east, a mobile home park to the west, and a church to the south. The property has public roads running along the south (W. Kirkwood Ave.) and west (N. Hopewell St.) property lines. There are no known sensitive environmental features on the site.

The petitioner is proposing to remove the current structures and construct a new four-story multifamily building with 16 units. The petitioner is proposing to construct 2 new on-street parking spaces on Kirkwood Avenue and 5 on-street parking spaces on Hopewell Street. There are no on-site parking spaces required. New 6' wide concrete sidewalks will be required along both frontages and have been shown. New landscaping will also be installed within the site as well as a minimum of 6 bicycle parking spaces. Since the adjacent use to the east is a contractor's yard, the UDO requires a Type 3 buffer yard along the east property line. This adds an additional 20' onto the minimum setbacks of the district, requires one deciduous tree every 20 feet, and an evergreen tree every 10' or a 6 foot-tall opaque fence or 5-foot tall undulating berm. The petitioner has incorporated the required plantings for the buffer yard. No specific architecture has been submitted or reviewed with this petition. The proposed building will be required to meet all of the architectural standards of the UDO.

The side yard building setback in this district is 10' and the Type 3 buffer yard adds an additional 20' onto the base setback which results in a 30' setback from the east property line. The front yard setback is 15' from the property line. The 15' front yard setback and 30' side yard setback leave only a 5' wide buildable area on this 50' wide lot. The petitioner is requesting a variance from the buffer yard standards to allow a 10' setback to the east property line.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(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.*

PROPOSED FINDING: The granting of the variance to allow the reduced side yard setback will not be injurious to the public health, safety, morals, or general welfare of the community. The building will meet the typical side yard setback distance required and does not exceed the allowable maximum height of the district. While the 20' for the buffer yard is not shown, the petitioner has shown the required buffer yard landscape plantings as required to provide a visual screen.

- 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.*

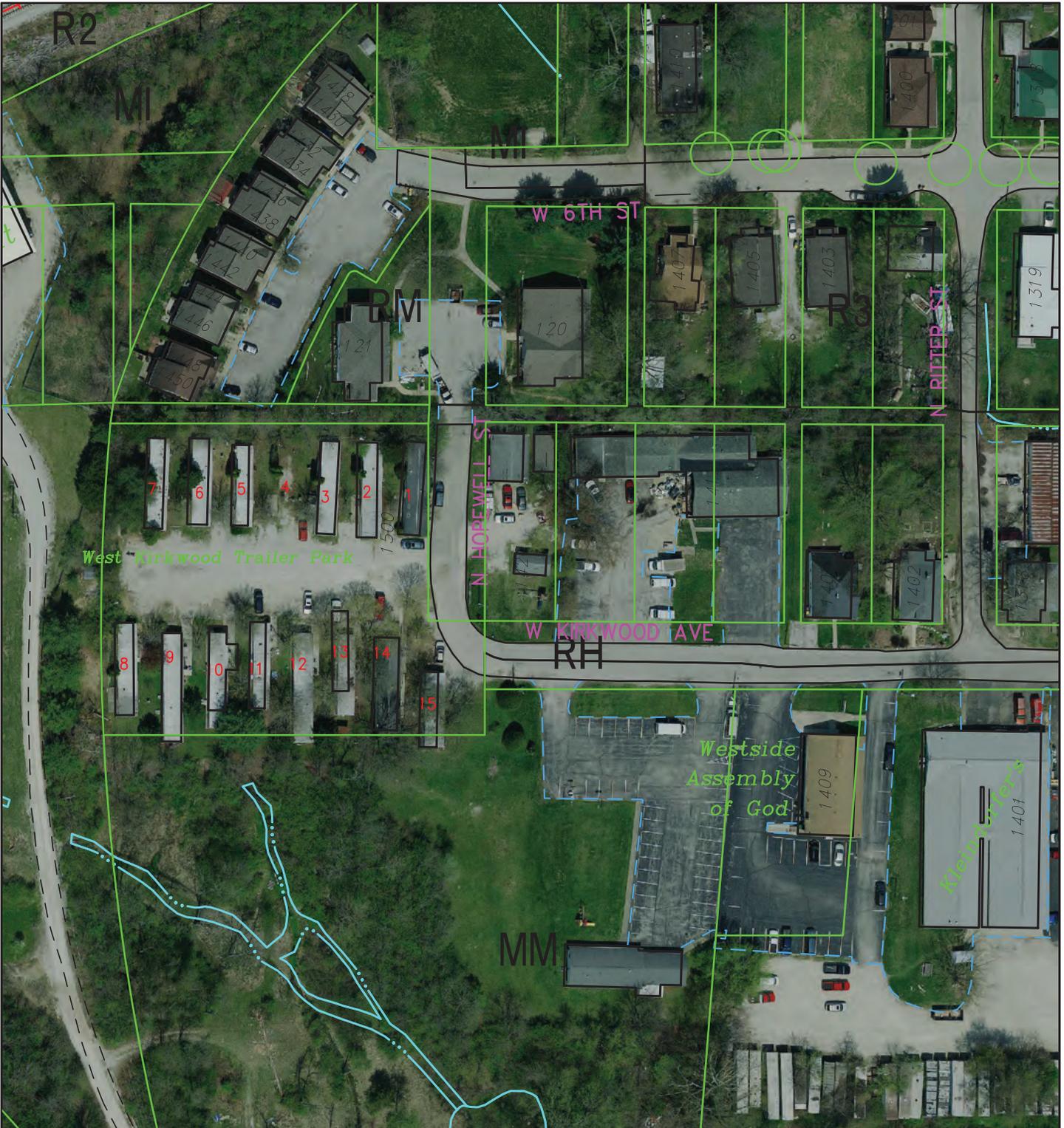
PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. As mentioned, the building will meet the typical side yard setback distance required and does not exceed the allowable maximum height of the district. The petitioner has shown the required buffer yard landscape plantings as required to provide a visual buffer to adjacent properties.

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

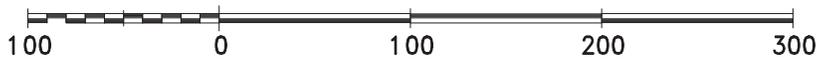
PROPOSED FINDING: The Department finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as they would not allow for the property to be developed in any manner due to the limited buildable area. The practical difficulties are peculiar to the property in question because the width and size of the property in combination with the required setbacks do not allow for any development to occur on the property without the granting of a variance. The petitioner has designed the building to meet the base setbacks of the district while balancing green space surrounding the building and installing all of the required landscaping. The granting of the variance allows for the property to be redeveloped in a manner consistent with the Comprehensive Plan, zoning district, and provide improvements to the area.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-34-22 with the following condition:

1. Site plan approval is required prior to issuance of a grading permit.
2. This approval is for the submitted site plan only.
3. No variances from building architecture standards are approved with this petition.

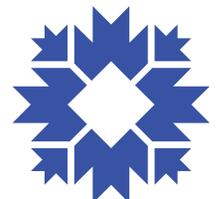


By: greulice
19 Aug 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 100'



August 11, 2022

Eric Gruelich
Senior Zoning Planner
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

Re: Caritas-Indiana 1401 W. Kirkwood Avenue Apartments

Dear Mr. Gruelich,

Our client, Caritas-Indiana, seeks to build a (4) story, sixteen (16) unit apartment building at 1420 W. Kirkwood Avenue. This affordable housing project will meet the rent requirements for the HUD Housing Choice Voucher Program Section 8.

As a corner lot in the Residential High Density (RH) zone, the front setbacks are 15 feet and the side setbacks are 10 feet. Since the use on the property to the east is a commercial business, a 15 foot wide, type 2 buffer yard is required.

The property dimensions are 50 feet by 141 feet which, after the setbacks, leaves an allowable building footprint of 25 feet x 116 feet. The type 2 buffer yard requirement along the east property line that is in addition to the building setback would leave an allowable building footprint of 10 feet by 116 feet. Due to the dimensions of the property, the buffer yard requirement results in a practical difficulty in that the allowable building footprint will not permit a feasible building size. As a result, the property could not be developed.

We are therefore requesting a variance from the 15 foot buffer yard. We will accommodate the type 3 buffer yard requirements within the 10 foot building side setback.

Thank you for your consideration,

A handwritten signature in black ink that reads "Barre Klapper". The signature is fluid and cursive.

Barre Klapper, AIA
Springpoint Architects, pc

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 3175 West 3rd Street

CASE #: V-38-22
DATE: September 22, 2022

PETITIONERS: Bryan Rental Inc.
1440 South Liberty Drive
Bloomington, IN

First National Realty Partners
151 Bodman Place, Suite 201
Red Bank, NJ

REQUEST: Variance from standards for number and sign base design of freestanding signs to allow construction of a freestanding sign in the Mixed-Use Corridor (MC) zoning district.

REPORT: The petition encompasses four properties owned by the petitioners, comprising the Whitehall Plaza shopping center just south of West 3rd Street between Liberty Drive to the west and I-69 to the east. The petition is to allow a sign to be located on the property assigned the address 3175 West 3rd Street, which is also the address of the current At Home store. All of the properties included in the petition are zoned Mixed-Use Corridor (MC). Adjacent properties to the north, east, and west are also zoned MC, and contain a mix of commercial uses including restaurant, financial institution, grocery or supermarket, indoor recreation, and big box retail sales uses. Adjacent properties to the south are outside city limits and are zoned Planned Unit Development (PUD) under the Monroe County Zoning Ordinance.

The petitioners are proposing a new freestanding sign, to be located on the 3rd Street frontage of the site. The new freestanding sign is proposed to be a multi-tenant sign for Whitehall Plaza. Petitioner Bryan Rental obtained a permit for a similar freestanding sign at this location in February 2021 based on the Planned Unit Development (PUD) zoning that was then in effect for the property, but the sign was not constructed during the validity duration of the sign permit. The prior sign permit lapsed and became null and void.

Under the current MC zoning for the properties, the proposed sign requires two variances in order to be allowed. The petitioner is requesting one variance from the standard for the number of freestanding signs, and a second variance from the standards for the design of the sign base of freestanding signs. The proposed sign is expected to be compliant with all other UDO standards, including sign height, overall sign area, and area of individual tenant panels.

A variance from the standard for the number of signs is required because the 3rd Street frontage of the site is already at the maximum of allowed freestanding signs. The site currently has two freestanding signs, both on the property assigned the address 3175 West 3rd Street. One existing freestanding sign is labeled with the Whitehall Plaza name and is located on the 3rd Street frontage near the entrance to the shopping center from 3rd Street. This Whitehall Plaza sign currently includes nine tenant panels and is lawful nonconforming with respect to standards for sign height and sign area. The second existing freestanding sign is labeled with the At Home name and is located near the northeast corner of the shopping center parking lot. This At Home sign is lawful nonconforming with respect to standards for sign height, sign area, and sign base design.

The MC zoning district allows one freestanding sign for lots with between 30 feet and 500 feet of frontage. Each frontage is regulated separately. The site has frontage on 3rd Street in two sections, totaling approximately 125 feet. Note that although Whitehall Plaza extends from Liberty Drive to I-69, most of the frontage on 3rd Street is other properties under separate ownership; the properties owned by the petitioners and included in this petition only have 125 feet of frontage on 3rd Street. This length of frontage allows one freestanding sign along 3rd Street. Because there already is a freestanding sign on the 3rd Street frontage, a variance is necessary to allow an additional freestanding sign on this frontage.

A variance from the standards for the design of the sign base is required because the proposed design shows supports that are just over 60 percent of the vertical height of the sign. UDO section 20.04.100(g)(1)(C)i. requires that sign bases have “an aggregate width of at least 40 percent of the total horizontal width of the sign; or have supports that are less than 25 percent of the vertical height of the sign.” The proposed supports are 217 inches (18 feet 10 inches) from grade level to the bottom of the lowest tenant sign panel, compared to a total sign height of 360 inches (30 feet). Note that the height limit of a freestanding sign for a multi-tenant nonresident center of this size is 15 feet. However, that height is measured from the either the grade beneath the sign or from the crown of the adjacent street, whichever is higher. The petitioner has stated that the crown of 3rd Street adjacent to the proposed sign location is 15 feet higher than the grade beneath the sign, which would allow the total height of the sign to be up to 30 feet above grade level. The proposed sign is compliant with the standard for overall sign height. Because of the allowable total height of the sign at this location, in order for the sign supports to comply with the sign base design standards, either the sign area would have to expand down, exceeding the allowed sign area, or the total height of the sign would have to be reduced.

For context, in the approximately 1340 linear feet along West 3rd Street from Liberty Drive to the first on-ramp for I-69, there are at least seven existing freestanding signs just on the south side of the street, including several that at lawful nonconforming with the current UDO in some aspect. If this frontage were all one property, which it is not, the UDO would allow no more than five freestanding signs for this length of frontage.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO 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*

PROPOSED FINDING:

Number of Signs: Adding an additional sign at the proposed location on West 3rd Street will exacerbate the existing clutter of signage in this part of the city, allow unnecessary proliferation of signs, harm the aesthetic environment of the city, and pose potential hazards to motorists and pedestrians resulting from sign clutter.

Base Design: Were the sign to be allowed, the proposed design of the base is not injurious to the public health, safety, morals, and general welfare of the community, and is appropriate because of the exaggerated height of the adjacent roadway.

- (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; and*

PROPOSED FINDING:

Number of Signs: Adding an additional sign at the proposed location on West 3rd Street will exacerbate the existing clutter of signage in this part of the city, thereby reducing the visibility of impact of existing lawful signs on this corridor. The property already contains a large, lawful nonconforming multitenant sign on 3rd Street. Other similar properties in the area would not be allowed to have the existing sign, much less additional signage. An additional sign will pose potential hazards to motorists and pedestrians resulting from sign clutter.

Base Design: Were the sign to be allowed, the base design may substantially adversely impact the adjacent property owners, as they are almost two stories high and do not provide visual appeal at the ground level for the businesses immediately adjacent.

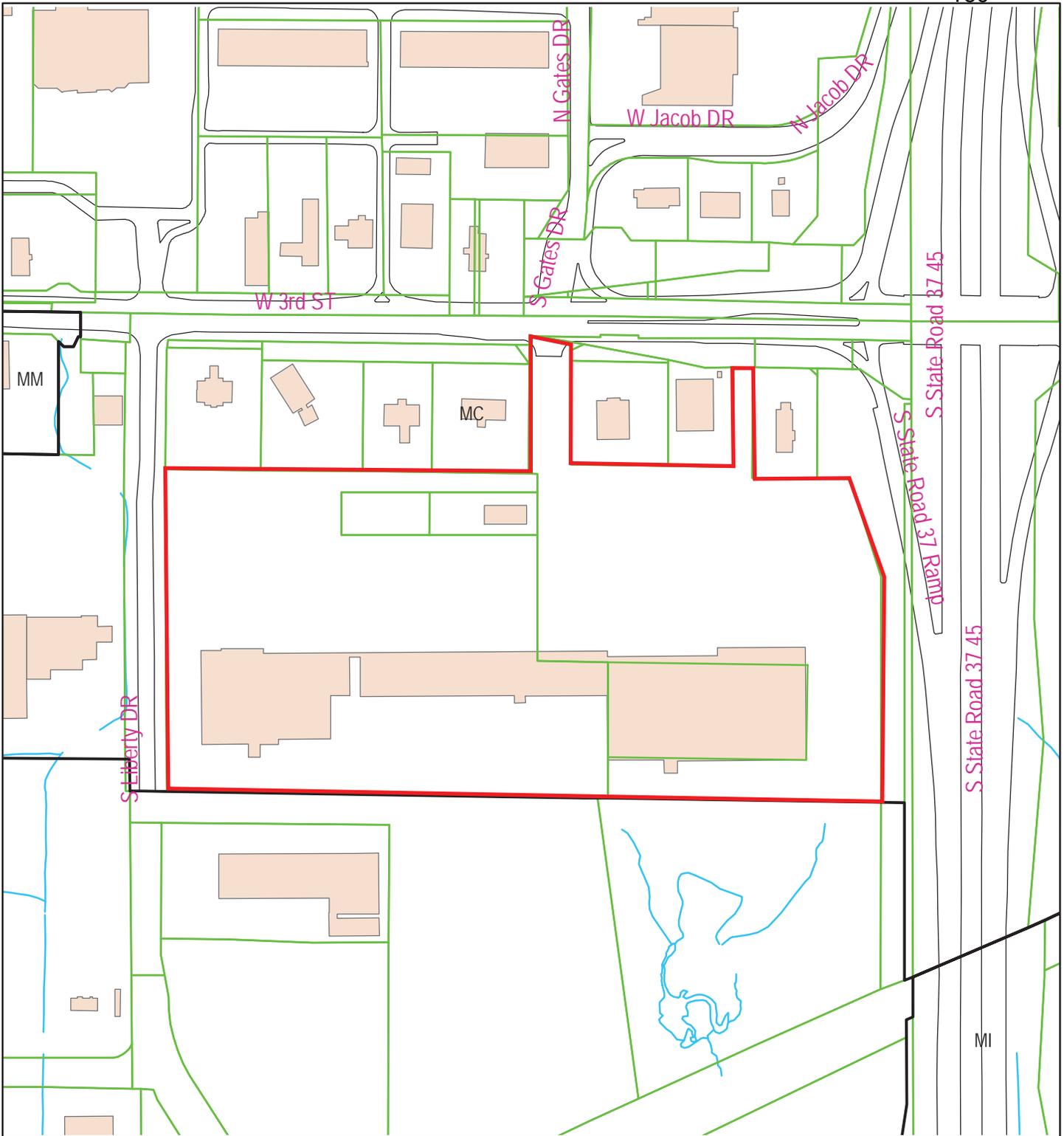
- (3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in questions; that the development standards variance will relieve the practical difficulties.*

PROPOSED FINDING:

Number of Signs: There are no practical difficulties in the use of the property because adequate signage for business tenants at the site is provided on existing signs. To the extent that there may be a shortage of signage for business tenants on the site, even the addition of the proposed sign would result in fewer available sign panels than the number of individual business tenants on the site. Thus, even if there were practical difficulties related to signage, the requested variance would not relieve the practical difficulties.

Base Design: Were the sign to be allowed, the base design would address a practical difficulty caused by the peculiar situation that the elevation of 3rd Street adjacent to the proposed location is much higher than grade elevation on the property. The requested variance would relieve this practical difficulty.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-38-22 and deny the requested variances.

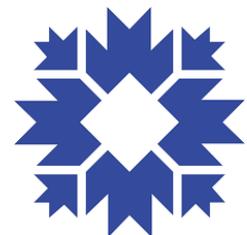


V-38-22, 3175 W. 3rd St

City of Bloomington
Planning & Transportation



Scale: 1 " = 375 '



By: Gabriel Holbrow
9/16/2022

For reference only. Map information NOT warranted.

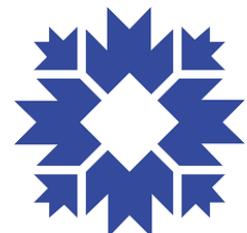


V-38-22, 3175 W. 3rd St

City of Bloomington
Planning & Transportation



Scale: 1" = 375'



By: Gabriel Holbrow
9/16/2022

For reference only. Map information NOT warranted.



151 Bodman Place, Suite 201
Red Bank, NJ
800-605-4966
rzack@fnrpusa.com
www.fnrpusa.com

August 22, 2022

Gabriel Holbrow – Zoning & Long Range Planner
Planning Department - City of Bloomington
401 N. Morton Street, Suite 130
Bloomington, IN 47404

Re: Sign Variance Petition (“Petition”) for Property Address: 3175 W. 3rd Street (the “Property”)

To whom it may concern:

The undersigned is the Asset Manager for the shopping center Whitehall Plaza in Bloomington (“Whitehall”) and authorized agent for Whitehall’s ownership WH Plaza LLC, WH Plaza TIC 1 LLC, WH Plaza TIC 2 LLC & WH Plaza TIC 3 LLC, each a Delaware limited liability company (collectively, “Owner”).

Whitehall is the property adjacent to the Property referenced above. Whitehall’s Owner joins in the Petition submitted by Bryan Rental Inc.

Should you have any questions, please contact the undersigned by email at rzack@fnrpusa.com or by telephone at 908-285-8037.

Very Truly Yours,

DocuSigned by:

7F4E715D9E70458...
Rick Zack
Asset Manager



From;
 Bryan Rental Inc.
 1440 S. Liberty Dr.
 Bloomington, IN 47403

First National Realty Partners
 151 Bodman Place, Suite 201
 Red Bank, NJ 07701

To;
 Gabriel Holbrow, Zoning & Long Range Planner
 401 N. Morton Street
 Bloomington, IN 47404

To whom this may concern,

This Petitioner's Statement hereby states: Bryan Rental Inc. and First National Realty Partners ("Petitioners") are seeking two variances in order to construct a 125 square foot multi-tenant sign at 3175 W. 3rd Street ("Property"): (1) number of freestanding signs (UDO section 20.04.100(j).(4).(A)) and (2) sign base (UDO section 20.04.100(g).(C)). The Petitioners will install a landscaped area, so a sign landscaping variance (UDO section 20.04.100(g).(E)) is not needed. Exhibit A shows a rendering of the proposed multi-tenant sign along with its dimensions and Exhibit B shows the location of the proposed sign.

Property Details:

a) The Petitioners collectively have 25 tenants at the Property. The businesses include the following:

At Home, Millikan Smiles, ColorTyme, Mariner Finance, GNC, H&R Block, Cost Cutters, Dragon, CATO, Cash Advance, America's Best, Sun Tan City, Sally Beauty, KungFu Tea (coming soon), Game World, Honey Baked Ham, Cricket Wireless, Pro Nails, Planet Fitness, Joann, Regions Bank, Kroger, T-Mobile, Buccetos, Freddy's.

b) Only nine (9) of the 25 businesses have street signage as follows:

Planet fitness, Joann Fabrics, America's Best, Cost cutters, Cato, Cash advance, Honey baked ham, Pro Nails, Suntan city, Kroger, Regions Bank

Variance Approval Criteria;

- a) Variance approval is not be injurious to the public health, safety, morals and general welfare of the community.
- b) The use and value of the area adjacent to the properties is not adverse and promotes retail activity.
- c) The City of Bloomington Planning Department and the BZA recognized the peculiarity of the Whitehall development and determined the necessity and value of this signage and duly approved it via

a PUD prior to construction of the retail center. The PUD was expired by the City of Bloomington, hence, the necessity of the proposed variances.

d) Many of the local small retailers need this signage to prosper and remain in business. Local small businesses, in particular, do not have the advertising resources the national chains have in promoting their businesses and their specific locations. Bloomington along with I-69 attracts many visitors from out of town who are not aware of the retailers located in the trade area whereby the signage will assist those visitors and tourists with retail and service choices.

Finally, this permit request dates back to 2018 and was wrongfully denied, delayed and stalled at that time by the City of Bloomington Planning Department. Ultimately, a permit was issued during the height of the pandemic during a period where it was not practical to construct and the permit expired. Approval of this variance is an opportunity to make a wrong right, along with assisting local Bloomington businesses.

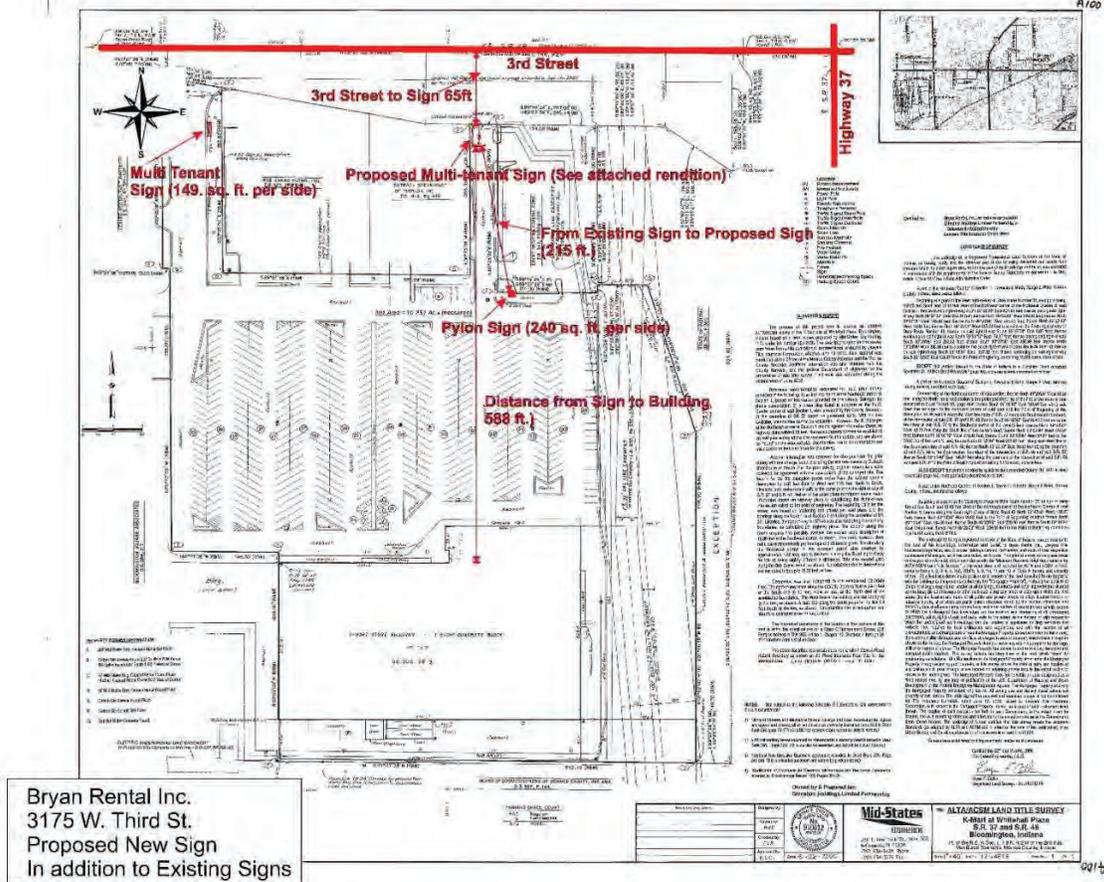
Sincerely,

A handwritten signature in blue ink that reads "David H. Kamen". The signature is written in a cursive style and is centered within a white rectangular box.

David H. Kamen, President
Bryan Rental Inc.



EXHIBIT B





151 Bodman Place, Suite 201
Red Bank, NJ
800-605-4966
info@fnrpusa.com
www.fnrpusa.com

167

September 8, 2022

Gabriel Holbrow – Zoning & Long Range Planner
Planning Department - City of Bloomington
401 N. Morton Street, Suite 130
Bloomington, IN 47404

Re: Sign Variance Petition (“Petition”) for Property Address: 3175 W. 3rd Street (the “Property”)

To whom it may concern:

We, the adjacent owner wishes to best utilize proposed new signage for the benefit of its tenants as well, some of whom have certain monument signage rights if this new monument sign can be erected. The variance, if approved, would further avoid any requirement by adjacent owner to seek permits and permission to erect a new monument sign on its own property to appease said tenants with monument signage rights. The difficulty with seeking permits and permission to erect a sign on our own property is that we do not have any street frontage along W 3rd St between Interstate 69 and S Liberty Drive.

Should you have any questions, please contact me at rtuller@fnrpusa.com or by telephone at 207-229-0086.

Very Truly Yours,

RJ Tuller

BLOOMINGTON BOARD OF ZONING APPEALS**STAFF REPORT****Location: 3000 & 3070 South Walnut Street****CASE #: V-39-22****DATE: September 22, 2022**

PETITIONER: Strauser Construction Co., Inc.
453 S Clarizz Blvd.
Bloomington, IN 47401

CONSULTANT: Smith Design Group
1505 W Arlington Rd.
Bloomington, IN 47404

REQUEST: Variance from the maximum vehicle parking space allowance standards in the Mixed-Use Corridor (MC) zoning district.

REPORT: The property is currently zoned Mixed-Use Corridor (MC), is located on the west side of South Walnut Street, and contains two parcels located at 3000 and 3070 South Walnut Street. The properties to the east and south are also zoned MC. The properties to the north and west are zoned Residential Multifamily (RM). Currently, the westernmost parcel, located at 3070 South Walnut Street, contains Force Fitness, a 10,000 square-foot fitness center. The other parcel contains a driveway and sidewalk that connects to the Force Fitness parking lot.

The petitioner is seeking major site plan approval for three new self-service storage buildings that will be located on both parcels in this property. All three buildings will contain storage units accessed from interior hallways and each building will provide a loading area for trucks to drive inside and load or unload storage items via three garage doors facing the interior of the property. This petition is scheduled to be heard at the October 10th Plan Commission.

The petitioner is requesting a variance from the maximum vehicle parking space allowance standards to allow for 25 additional parking spaces to the existing 35 parking spaces currently serving the fitness center. The maximum vehicle parking requirement for a large fitness center use is 2.5 spaces per 1,000 square feet of gross floor area. The maximum vehicle parking requirement for a self-service storage use is 2.85 spaces per 1,000 square feet of gross floor area of indoor sales/leasing/office space. The fitness center has 10,000 square feet of gross floor area so the maximum vehicle parking requirement for that use is 25 spaces. The self-service storage facility is proposed to have 38,107 square feet of gross floor area but only has minimal office/hallway space for rental kiosks, so the maximum vehicle parking requirement for that use is 2.85 spaces. The cumulative maximum for the property is 27 vehicle parking spaces. The site currently has 35 parking spaces, including two ADA accessible parking spaces, and the petitioner is proposing 25 new parking spaces, for a total of 60 parking spaces on the site. Eight of those parking spaces are proposed to be added onto the southern end of the existing parking lot. Five of those are proposed parallel parking spaces along the driveway and just south of the northwest proposed building. The remaining 12 proposed parking spaces would be in a parking lot between the two proposed buildings north of the drive.

The petitioner has provided a parking study from Desman Design Management indicating that the current fitness center experiences some peak times in which 34 parking spaces are needed and produces transition periods in which vehicle influxes cause there to be more vehicles than parking spaces. The work and analysis is appreciated, but it assumes we should plan, design, and build for

peak demand. The data, the ITE, and ULI rates are significantly more than the UDO allows. However, even with this taken into consideration, the majority of the time, the parking lot is expected to be occupied well below the numbers of peak demand. Furthermore the peak occurs only two hours per weekday, which customers can easily adjust their behavior in order to park in a vehicle parking space.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO 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*

PROPOSED FINDING: The granting of the variance to allow more parking is expected to be injurious to the public health, safety, morals, or general welfare of the community since the site will provide more impervious surface and the parking is expected to be largely underutilized. Staff has received calls from adjacent residents expressing concerns that the increased impervious surface coverage may negatively impact existing drainage issues and may cause increased flooding in the area.

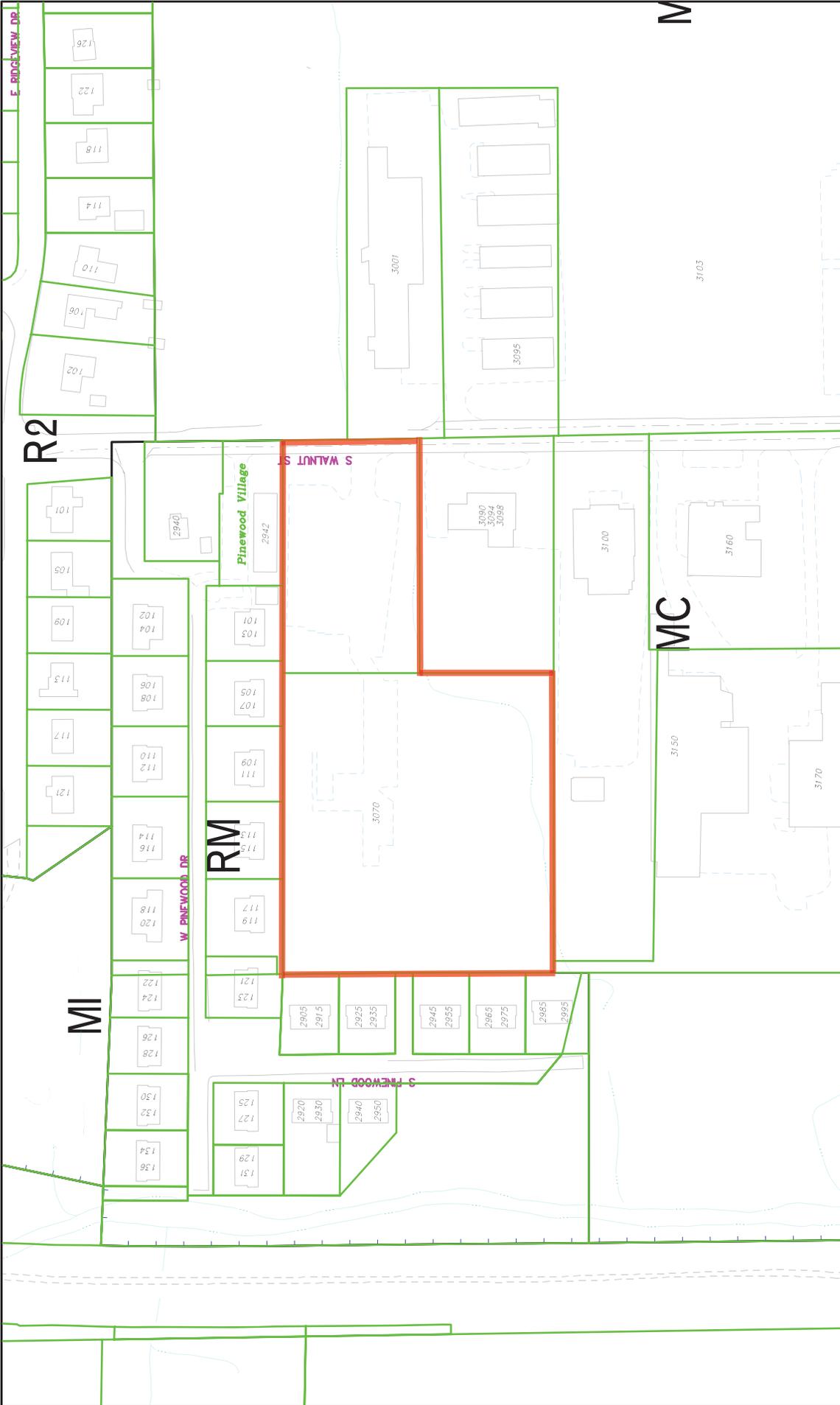
- (2) *The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and*

PROPOSED FINDING: Adverse impacts to the use and value of surrounding properties is found as a result of a variance to allow for an increase in the number of parking spaces. The increase of impervious surface may adversely impact drainage of surrounding properties. A limit on parking space totals is included in the Unified Development Ordinance to balance the environmental and economic needs of the community.

- (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 questions; that the development standards variance will relieve the practical difficulties.*

PROPOSED FINDING: The Department does not find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property by requiring the petitioner to meet the maximum parking spaces allowed. Although a parking study has been submitted showing peak utilization times for the fitness center, these times are brief. The request to have more parking spaces than allowed is not related to a practical difficulty that is peculiar to the property, but rather an argument for a change in the regulation.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopts the proposed findings for V-39-22 and denies the requested variance.



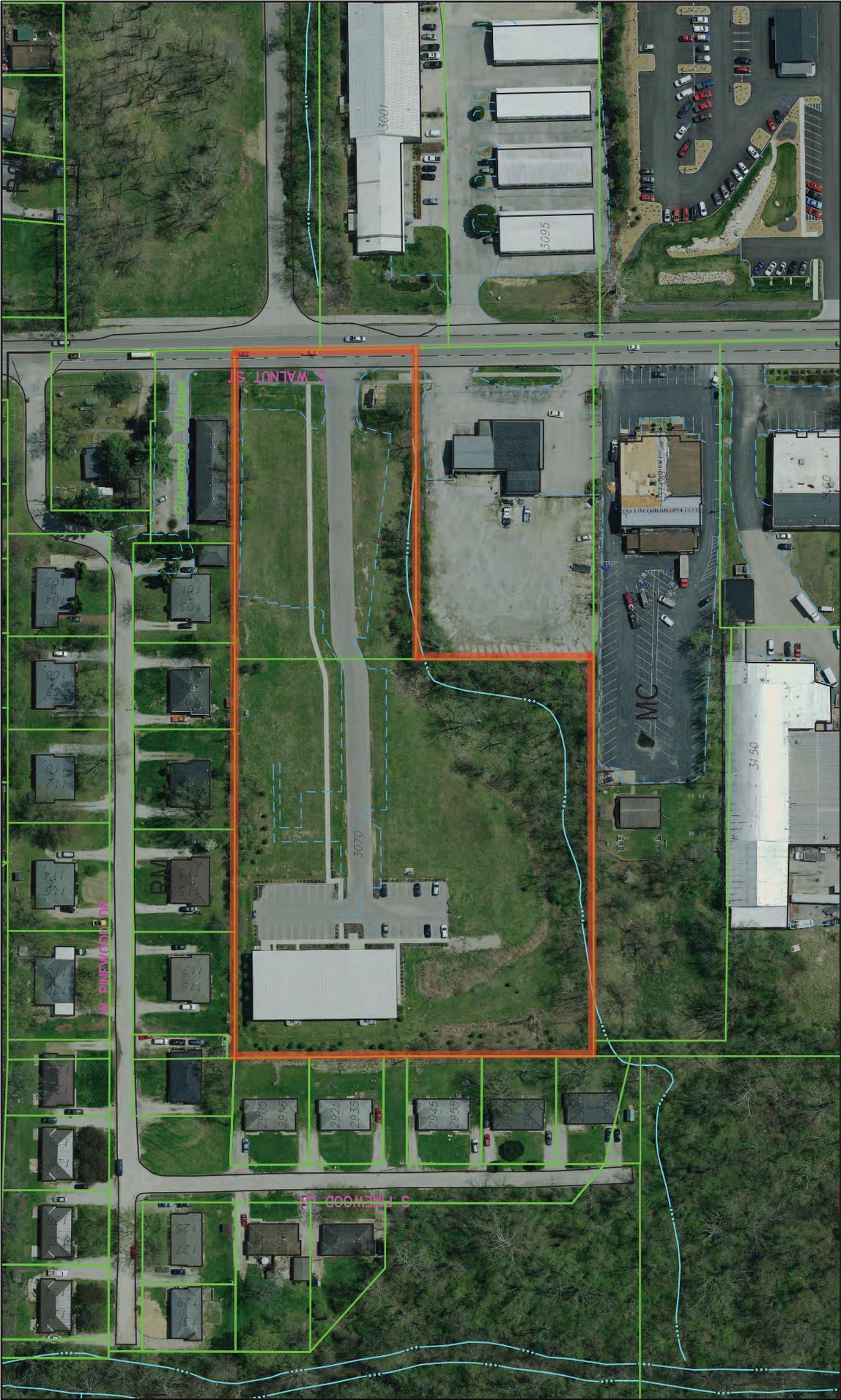
City of Bloomington
 Planning

Scale: 1" = 200'

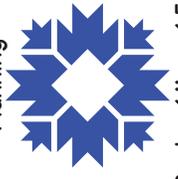


By: karina.pazos
 31 Jan 22

For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 150'



By: karina.pazos
31 Jan 22

For reference only; map information NOT warranted.



August 23, 2022

**City of Bloomington BZA
City of Bloomington Planning & Transportation Department**

Showers Building Suite 130
401 N. Morton Street
Bloomington, IN 47404

Project: **Walnut Street Storage**
3000 and 3070 S. Walnut Street
Bloomington, IN 47401

Dear Members of the Board of Zoning Appeals and City Planning & Transportation Department,

Project Description

For your consideration, Strauser Design + Build, LLC / Strauser Construction Co., Inc. on behalf of the property Owner is submitting this petition to the Board of Zoning Appeals for the site at 3000 and 3070 S. Walnut Street. The site is zoned MC and currently has one 10,080 sf building that houses a fitness center. As part of this project, our team is proposing the addition of (3) buildings that would meet the planned architectural character of the MC district and bring 38,100 sf of self-storage to the site while maintaining the fitness center building as-is.

Parking

As part of the development of the property, there have been several challenges including utility easements and a riparian buffer zone that takes up a large south portion of the site. This over the last several years has made this site not an attractive development opportunity for other potential developments. Over the last year our team has been working with City Planning staff to develop a plan for storage on the site that utilizes the divided developable areas on the site, while constructing buildings that lend to the architecture character of the MC zoning district and not what is typically expected of self-storage.

The project has become 3 buildings, each with one internal loading dock and internal circulation to all areas. In re-organizing this internal self-storage solution, the allowable parking limits within the UDO has become a constraint as we no longer have pull-up unloading which we believe was intended when the max parking limits were being determined for self-storage. Based upon the design for this facility, we are in need of parking so individuals can park in a lot and then go into the main entrances required by the UDO to access their storage units.

Additionally, as part of this redevelopment the current UDO is requiring an update of the existing fitness center parking lot that would eliminate current parking spots. Per the parking study that was conducted by Desman Design Management the peak demand of the fitness center is already underserved by the existing parking lot. In addition, Desman states in their parking study that industry average data projects higher parking and user demand for a fitness facility of this size than the peak numbers being provided by the current tenant. Desman notes this data suggest that existing parking may be inhibiting customers from using the development currently to what the expected peak demand is at this facility.

Request

Our team request that the BZA allow the additional parking on site as requested in our current plan submission for both the new storage facility and the existing fitness center to share as noted by Desman in their parking study. We believe this parking arrangement is needed to adequately serve the three new storage buildings while allowing the fitness center to better meet peak demand constraints. Additionally, based upon the parking study provided we feel this parking request would allow this local business more opportunity for growth at all hours of the day to be more in line with peak demand of other comparative sized facilities in the region.

Thank you for the consideration of our request.

Ryan M. Strauser

Ryan M. Strauser

RA, AIA, LEED AP

Strauser Design + Build, LLC

453 S. Clarizz Blvd.

Bloomington, IN 47401

MEMORANDUM

DATE: August 1st, 2022

TO: Ryan Strauser
Strauser Construction Co., Inc.

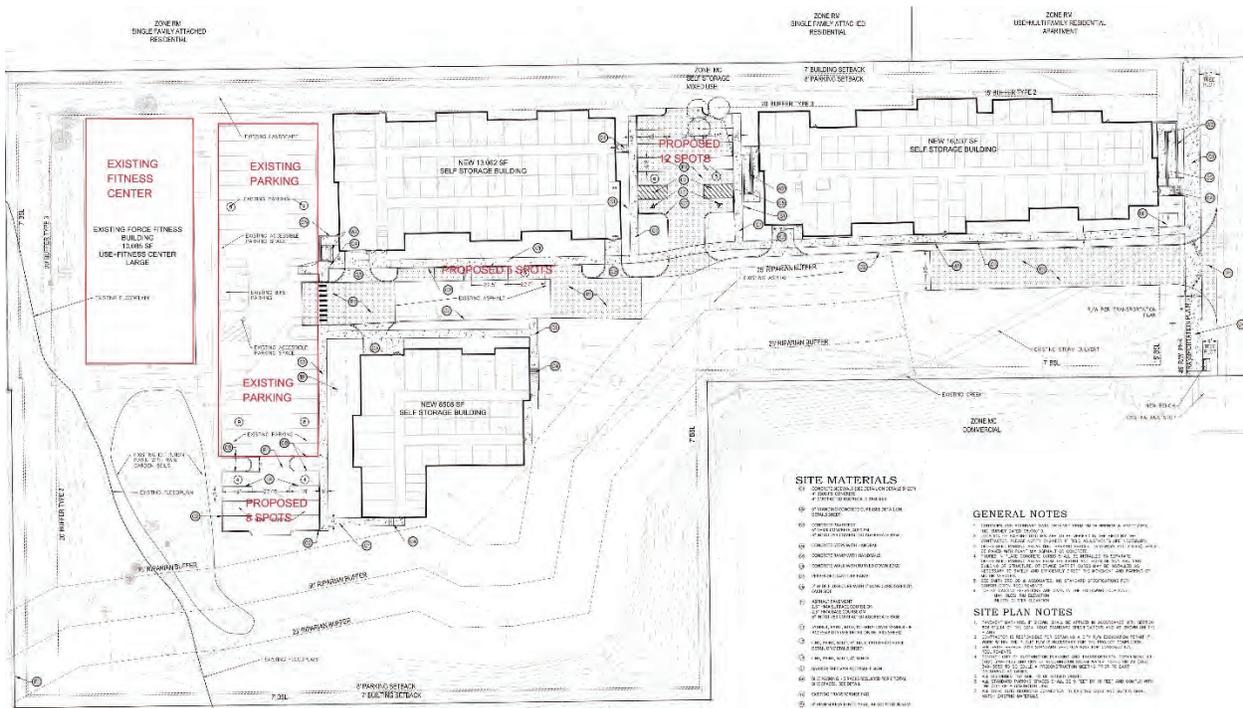
FROM: Gerald Salzman
Maria Berg

RE: Parking Study – Walnut Street Self-Storage, Bloomington, Indiana

Introduction

The purpose of this memorandum is to summarize the findings of a parking study conducted by DESMAN for the mixed-use development in Bloomington, Indiana. The development is located on the south side of Bloomington within the mixed-use corridor (MC) zoning district. The existing development consists of Force Fitness and Performance, a 10,085 SQFT fitness center with chiropractic rehabilitation services and 35 parking spaces. The proposed development includes three self-storage buildings that are 8,508 SQFT, 13,062 SQFT, and 16,537 SQFT in size, as well as an additional 25 parking spaces. This area of Bloomington is on the edge of the city limits and it is expected that most users of the development will drive a personal vehicle. **Figure 1** presents the development plan.

Figure 1: Fitness Center Peak Utilization by Month



Source: Strauser Construction Co., Inc.

Fitness Center Parking Demand

A parking analysis was conducted to determine the existing parking demand for the fitness center and chiropractic rehab. Data obtained from Force Fitness included a peak parking occupancy count, peak utilization data by month, and peak utilization data by hour. Parking utilization or occupancy represents the demand for parking during peak periods. The peak occupancy count and utilization data was based on current trends at the fitness center. Because the fitness center only operates on Saturdays from 8:00AM – 12:00PM and remains closed on Sundays, only the weekday occupancy was relevant to this study.

The data revealed a peak of 34 vehicles at the 6:00AM and 5:00PM hours during the peak month of January. To broaden the analysis, data on fitness centers from the Urban Land Institute's (ULI) publication of Shared Parking 3rd Edition was used to compare monthly trends. **Table 1** presents the peak utilization data by month and the demand associated with each.

Table 1: Fitness Center Peak Utilization by Month

Weekday				
Month	Fitness Center Data		ULI Data	
	Utilization	Demand	Utilization	Demand
January	100%	34	100%	71
February	95%	32	95%	67
March	80%	27	85%	60
April	80%	27	70%	50
May	80%	27	65%	46
June	70%	24	65%	46
July	60%	20	65%	46
August	90%	31	70%	50
September	85%	29	80%	57
October	80%	27	85%	60
November	80%	27	85%	60
December	70%	24	100%	71

Source: Force Fitness and Performance, Bloomington; Urban Land Institute Shared Parking 3rd Edition

As presented in Table 1, the peak count of 34 vehicles in January reflects the peak month, highlighted in red. Every month thereafter is calculated to represent a percentage of this peak, when utilization of the fitness center is lower. The ULI data on fitness centers appeared to be similar in terms of monthly utilization percentages. However, the ULI estimates the number of vehicles to peak at 71 rather than 34, as compared to Force Fitness' data.

To understand the peak time of day, the Institute of Transportation Engineer's (ITE) publication of the Parking Generation Manual 5th Edition was used for comparison in addition to Force Fitness' data and the ULI data. Based on multiple studies of urban/suburban fitness centers, the ITE recommends a parking ratio of 4.73 vehicles per 1,000 SQFT GFA. The ULI recommends a ratio of 7.00. As part of the hard data collection provided by Force Fitness, an additional overlap occurs during the transition period between fitness classes. Patrons are arriving for a fitness class overlap with patrons finishing a fitness class, resulting in a 25% vehicle influx for a period of 15-20 minutes. **Table 2** presents the calculations and comparisons for the peak utilization by hour during the peak month.

Table 2: Fitness Center Peak Utilization by Hour

Weekday							
Time	Fitness Center Data			ULI Data		ITE Data	
	Utilization	Demand	Overlap	Utilization	Demand	Utilization	Demand
6:00AM	100%	34	43	70%	50	0%	0
7:00AM	80%	27	34	40%	28	0%	0
8:00AM	70%	24	30	40%	28	0%	0
9:00AM	90%	31	38	70%	50	0%	0
10:00AM	70%	24	30	70%	50	62%	30
11:00AM	70%	24	30	80%	57	55%	26
12:00PM	40%	14	17	60%	43	44%	21
1:00PM	40%	14	17	70%	50	41%	20
2:00PM	40%	14	17	70%	50	36%	17
3:00PM	70%	24	30	70%	50	41%	20
4:00PM	70%	24	30	80%	57	69%	33
5:00PM	100%	34	43	90%	64	96%	46
6:00PM	85%	29	36	100%	71	100%	48
7:00PM	20%	7	9	90%	64	85%	41
8:00PM	0%	0	0	80%	57	0%	0
9:00PM	0%	0	0	70%	50	0%	0
10:00PM	0%	0	0	35%	25	0%	0

Source: Force Fitness and Performance, Bloomington; Urban Land Institute Shared Parking 3rd Edition; Institute of Traffic Engineers Parking Generation 5th Edition

As presented in Table 2, Force Fitness' data shows that the peak of 34 vehicles occurs during the 6:00AM and 5:00PM hours. The overlap, or the 25% vehicle influx as a result of the fitness class transition period, produces 43 vehicles at its peak time of day. At present, the development is stressed for parking with 35 spaces, and according to Force Fitness, patrons park their vehicles in the grass along the drive entrance when the lot is over capacity. This grass area will be replaced by the proposed development of self-storage units.

The monthly utilization percentages provided by Force Fitness was generally consistent with that of the Urban Land Institute (ULI). Slight variations in the monthly utilization for Force Fitness reflect the nature of this particular fitness center and its chiropractic rehabilitation services. However, the actual demand numbers were slightly lower than the ITE projected demand of 48 vehicles, and significantly lower than the ULI projected demand of 71 vehicles. It is possible that the current number of parking spaces may be limiting customer capacity at this facility, given that pedestrian infrastructure is inconsistent along S Walnut Street and patients seeking rehabilitation services are more likely to drive a vehicle to their destination.

Self-Storage Building Parking Demand

The proposed development includes three self-storage buildings at 8,508 SQFT, 13,062 SQFT, and 16,537 SQFT in size, with an additional 25 parking spaces as well. The individual storage units do not each have external garage door access. Rather, one communal garage door with a loading zone is provided to access

the indoor facility at each building. The ITE suggests a parking ratio of 0.10 per 1,000 SQFT GFA for these facilities, and also provides hourly utilization trends. **Table 3** presents the parking demand for the storage facility across all three buildings.

Table 3: Self-Storage Building Peak Utilization by Hour

Weekday				
Time	SQFT	Ratio	Utilization	Demand
6:00AM	38,107	0.10	0%	0
7:00AM	38,107	0.10	0%	0
8:00AM	38,107	0.10	14%	1
9:00AM	38,107	0.10	71%	3
10:00AM	38,107	0.10	50%	2
11:00AM	38,107	0.10	79%	3
12:00PM	38,107	0.10	57%	2
1:00PM	38,107	0.10	64%	2
2:00PM	38,107	0.10	64%	2
3:00PM	38,107	0.10	79%	3
4:00PM	38,107	0.10	71%	3
5:00PM	38,107	0.10	100%	4
6:00PM	38,107	0.10	14%	1
7:00PM	38,107	0.10	0%	0
8:00PM	38,107	0.10	0%	0
9:00PM	38,107	0.10	0%	0
10:00PM	38,107	0.10	0%	0

Source: ITE Trip Generation Manual

As presented in Table 3, the peak hour utilization occurs at 5:00PM with a demand for four parking spaces. The peak for the storage facility occurs at the same peak hour for the fitness center.

Projected Peak Demand

Parking utilization trends along with projections for future growth were used to estimate the future parking demand trends in the development. Generally, a parking facility for a mixed-use development is perceived by its users to be at full operational (effective) *practical capacity* when occupancy levels reach 90%. Once this rate is exceeded, potential parkers find it difficult to locate open spaces and are more likely to continue to search for an available space, creating traffic flow problems, frustrating drivers, and ultimately leading them to park elsewhere.

In addition to the practical capacity, *shared parking* was considered for this development. Shared parking is a tool through which adjacent property owners share their parking lots and reduce the number of parking spaces that each would provide on their individual properties. However, the utilization trends in the previous sections revealed that the peak hour for both the fitness center and storage building occur at 5:00PM. For this reason, shared parking cannot be relied on. Rather, the on-site parking should accommodate the peak overlap for the fitness center and peak demand for the storage building. **Table 4** presented the projected peak demand for the development.

Table 4: Projected Peak Demand

Land Use	Size	Unit	Peak Demand	Peak Overlap
Fitness Center	10,085	SQFT	34	43
Storage Buildings	38,107	SQFT	4	4
Total			38	47

Prepared by DESMAN

As presented in Table 4, a total of 47 parking spaces are needed during the peak month and hour to accommodate users of the development. The proposed plans have a summation of 60 spaces in the development, which will satisfy the parking demand and potentially attract new customers to the development.

Unified Development Ordinance

The Unified Development Ordinance (UDO) governs land use and development throughout the City of Bloomington. The UDO provides a calculation for the maximum number of parking spaces permitted for each land use. Stated in Chapter 20.04.060 Parking and Loading, a self-service storage unit is allowed 2.85 parking spaces per 1000 SQFT GFA of indoor retail space. With 250 SQFT of indoor retail in the main storage building, and 100 SQFT of indoor retail in the remaining two buildings, the number of permitted parking spaces is 13. A large fitness center is permitted to have 2.50 parking spaces per 1000 SQFT GFA, equating to 25 parking spaces for Force Fitness. Together, a maximum of 38 spaces are permitted for the development.

The effectiveness of the UDO can be seen throughout downtown Bloomington—a high-transit, densely populated area relative to the location of the proposed development on S Walnut Street. Generally, reliable public transportation and pedestrian networks increase accessibility and eliminate the barrier to entry. While this area is serviced by Bus Route 1, the pedestrian sidewalks are fragmented. Another consideration is the nature of the two particular land uses, where it is less common for patrons of a storage unit to arrive on foot or public transit, and similarly with the fitness center where chiropractic rehabilitation services are provided.

Conclusion

The proposed mixed-use development includes three self-storage buildings with a cumulative square footage of 38,107 SQFT and 25 parking spaces. The existing development includes a 10,085 SQFT fitness center and chiropractic rehabilitation services with 35 parking spaces. At present, the parking for the existing development is over-capacity with 43 vehicles competing for space during class transition periods. While the data from Force Fitness was relied on for our calculations, the ULI and ITE both project higher demands, suggesting that the existing parking may be inhibiting customers from using the development.

The peak demand for the storage facility is projected at four vehicles and occurs at the same peak hour of the fitness center (5:00PM). The projected demand for the mixed-use development is 47 parking spaces. The proposed 25 spaces in addition to the existing 35 spaces will satisfy this demand, and potentially more as the businesses grow. Due to the low-density of this area of Bloomington, the UDO parking maximum should be reconsidered at this location to allow for customers to access the development.

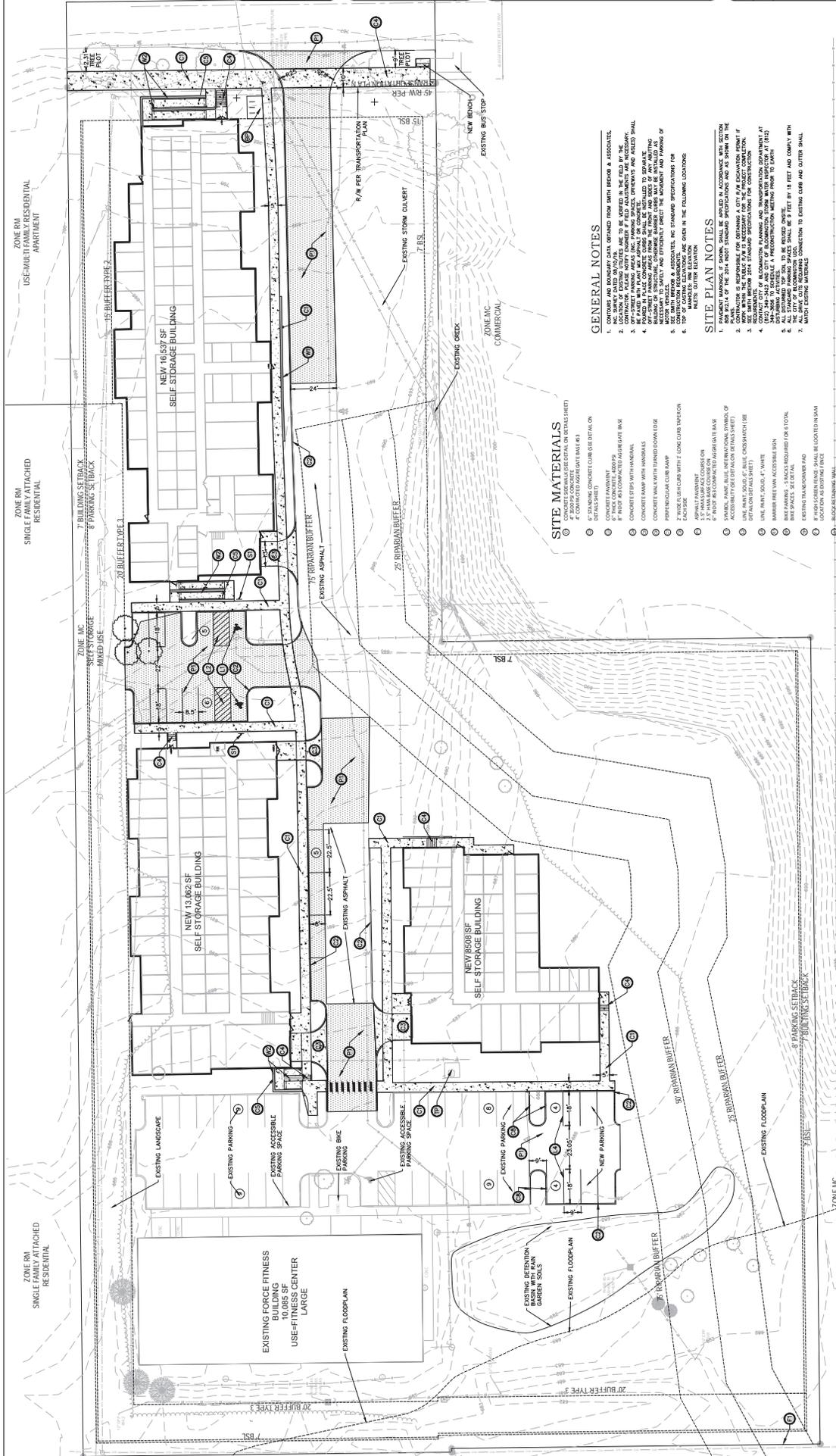


NOT FOR CONSTRUCTION
06/24/2022

WALNUT STREET SELF STORAGE
3000 S WALNUT STREET
BLOOMINGTON, IN 47401

NO.	DATE	BY	DATE

DATE: 06/24/2022
SHEET: 04 OF 13
SCALE: 1"=20'



- ### GENERAL NOTES
1. CONTIGUOUS AND BOUNDARY DATA OBTAINED FROM SURVEY RECORDS & ASSOCIATES.
 2. LOCATION OF EXISTING UTILITIES ARE TO BE SHOWN IN THE FIELD BY THE CONTRACTOR.
 3. OFF-STREET PARKING AND LOADING ZONES, PARKING SPACES, DRIVEWAYS AND WALKWAYS SHALL BE CONFORMANT WITH THE CITY OF BLOOMINGTON 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 4. POLES IN PLACE CONCRETE CURBS SHALL BE NOT ALLOWED TO REMAIN. THE BUILDING OF STRUCTURAL, CHIMNEY BRASSER CURBS MAY BE INSTALLED AS LONG AS THEY ARE CONFORMANT WITH THE CITY OF BLOOMINGTON 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 5. CONSTRUCTION REQUIREMENTS ARE OVER AT THE FOLLOWING LOCATIONS:
A. WALKWAY TO THE ELEVATOR
B. WALKWAY TO THE ELEVATOR
- ### SITE PLAN NOTES
1. PARKING MARKINGS, IF SHOWN, SHALL BE APPLIED IN ACCORDANCE WITH SECTION 904.05(14) OF THE 2014 INDOT STANDARD SPECIFICATIONS AND AS SHOWN ON THE SITE PLAN.
 2. WALKWAYS SHALL BE CONFORMANT WITH THE CITY OF BLOOMINGTON 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 3. REVISIONS TO THE 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 4. (REV) 2014-2022 AND CITY OF BLOOMINGTON 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL BE APPLIED TO ALL CONSTRUCTION ACTIVITIES. A PRELIMINARY CONSTRUCTION METHOD BOOK TO BE PROVIDED TO THE CONTRACTOR.
 5. ALL STORMWATER SHALL BE COLLECTED AND PUMPED TO THE EXISTING STORM CULVERT.
 6. ALL STORMWATER SHALL BE COLLECTED AND PUMPED TO THE EXISTING STORM CULVERT.
 7. ALL STORMWATER SHALL BE COLLECTED AND PUMPED TO THE EXISTING STORM CULVERT.

- ### SITE MATERIALS
1. 2" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 2. 4" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 3. 6" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 4. 8" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 5. 10" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 6. 12" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 7. 14" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 8. 16" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 9. 18" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 10. 20" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 11. 22" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 12. 24" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 13. 26" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 14. 28" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 15. 30" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 16. 32" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 17. 34" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 18. 36" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 19. 38" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 20. 40" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 21. 42" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 22. 44" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 23. 46" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 24. 48" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 25. 50" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 26. 52" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 27. 54" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 28. 56" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 29. 58" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 30. 60" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 31. 62" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 32. 64" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 33. 66" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 34. 68" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 35. 70" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 36. 72" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 37. 74" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 38. 76" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 39. 78" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 40. 80" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 41. 82" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 42. 84" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 43. 86" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 44. 88" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 45. 90" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 46. 92" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 47. 94" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 48. 96" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 49. 98" MIN. THICK CONCRETE CURBS (SEE DETAIL)
 50. 100" MIN. THICK CONCRETE CURBS (SEE DETAIL)

PARKING
TOTAL PARKING PROVIDED = 99 SPACES

TOPOGRAPHIC LEGEND

1. 4" CONCRETE	11. 2" MIN. THICK CONCRETE CURB	21. 12" MIN. THICK CONCRETE CURB	31. 32" MIN. THICK CONCRETE CURB
2. 6" CONCRETE	12. 4" MIN. THICK CONCRETE CURB	22. 14" MIN. THICK CONCRETE CURB	32. 34" MIN. THICK CONCRETE CURB
3. 8" CONCRETE	13. 6" MIN. THICK CONCRETE CURB	23. 16" MIN. THICK CONCRETE CURB	33. 36" MIN. THICK CONCRETE CURB
4. 10" CONCRETE	14. 8" MIN. THICK CONCRETE CURB	24. 18" MIN. THICK CONCRETE CURB	34. 38" MIN. THICK CONCRETE CURB
5. 12" CONCRETE	15. 10" MIN. THICK CONCRETE CURB	25. 20" MIN. THICK CONCRETE CURB	35. 40" MIN. THICK CONCRETE CURB
6. 14" CONCRETE	16. 12" MIN. THICK CONCRETE CURB	26. 22" MIN. THICK CONCRETE CURB	36. 42" MIN. THICK CONCRETE CURB
7. 16" CONCRETE	17. 14" MIN. THICK CONCRETE CURB	27. 24" MIN. THICK CONCRETE CURB	37. 44" MIN. THICK CONCRETE CURB
8. 18" CONCRETE	18. 16" MIN. THICK CONCRETE CURB	28. 26" MIN. THICK CONCRETE CURB	38. 46" MIN. THICK CONCRETE CURB
9. 20" CONCRETE	19. 18" MIN. THICK CONCRETE CURB	29. 28" MIN. THICK CONCRETE CURB	39. 48" MIN. THICK CONCRETE CURB
10. 22" CONCRETE	20. 20" MIN. THICK CONCRETE CURB	30. 30" MIN. THICK CONCRETE CURB	40. 50" MIN. THICK CONCRETE CURB

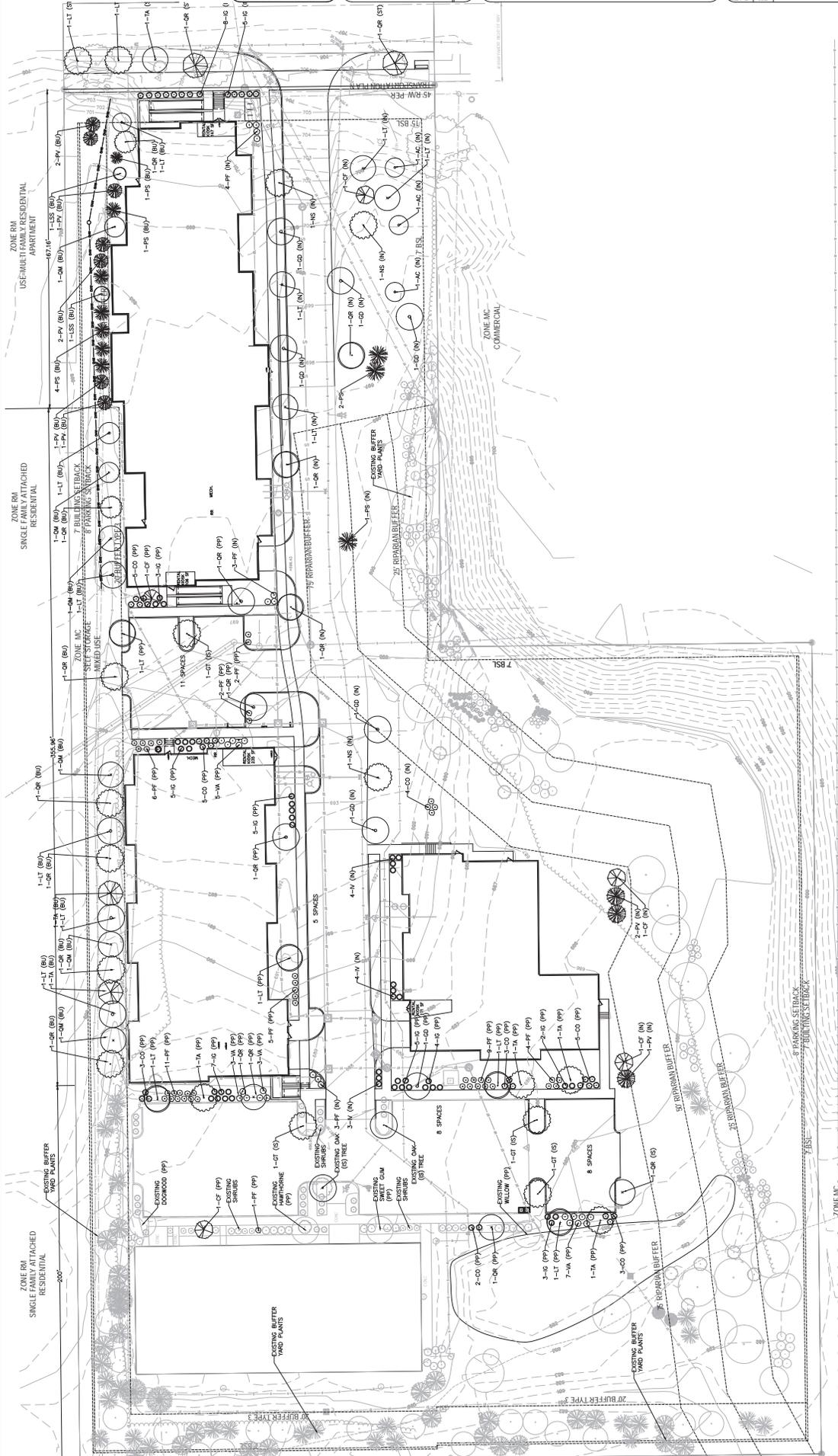


NOT FOR CONSTRUCTION
 06/24/2022

WALNUT STREET SELF STORAGE
 3000 S WALNUT STREET
 BLOOMINGTON, IN 47401

NO.	DATE	BY	DATE

6408
 SHEET 0713 OF 13
 06/24/2022
 LANDSCAPE PLAN



100% LANDSCAPE CATEGORIES

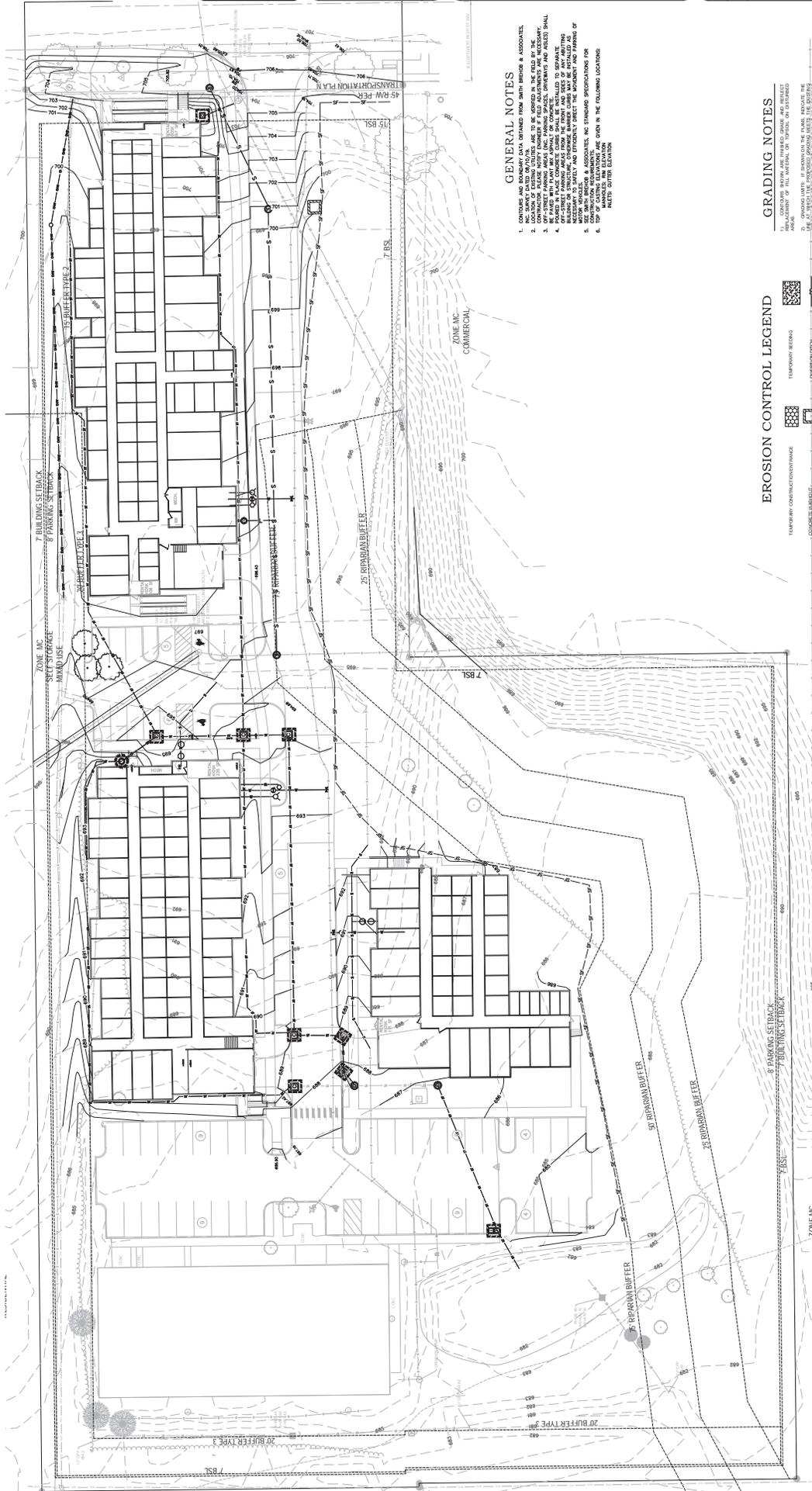
LANDSCAPE CATEGORY	PLANTING
EXTERIOR LIGHT FIXTURES	LT
EXTERIOR WALLS	W
EXTERIOR FLOORING	F
EXTERIOR PAINTING	PA
EXTERIOR SIGNAGE	SI

- GENERAL NOTES**
1. EXISTING AND PROPOSED PLANTINGS SHALL BE IDENTIFIED WITH SPECIES & ASSOCIATED INC. SURVEY DATED 02/14/21.
 2. CONTRACTOR SHALL VERIFY ALL PLANTINGS ARE IDENTIFIED AS INDICATED.
 3. CONTRACTOR SHALL VERIFY ALL PLANTINGS ARE IDENTIFIED AS INDICATED.
 4. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 5. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 6. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
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 17. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 18. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 19. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 20. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.

TOPOGRAPHIC LEGEND

1" = 20'	CONCRETE WALK	CONCRETE DRIVE	CONCRETE DRIVE
2" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
3" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
4" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
5" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
6" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
7" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
8" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
9" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
10" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
11" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
12" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
13" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
14" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
15" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
16" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
17" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
18" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
19" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE
20" = 20'	ASPHALT DRIVE	ASPHALT DRIVE	ASPHALT DRIVE

- LANDSCAPE NOTES**
1. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 2. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 3. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 4. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
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 19. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.
 20. ALL PLANTINGS SHALL BE IDENTIFIED AS INDICATED.



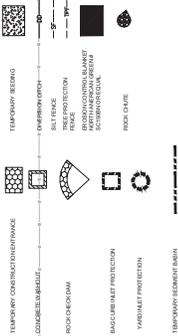
GENERAL NOTES

1. CONTOUR AND BENCHMARK DATA DERIVED FROM SALES RECORD & ASSOCIATES.
2. ALL SURVEY DATA IS TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON, INDIANA, ORDINANCE 100-100, AS AMENDED.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON, INDIANA, ORDINANCE 100-100, AS AMENDED.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON, INDIANA, ORDINANCE 100-100, AS AMENDED.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON, INDIANA, ORDINANCE 100-100, AS AMENDED.

GRADING NOTES

1. ALL GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON, INDIANA, ORDINANCE 100-100, AS AMENDED.
 2. GRADING LIMITS, IF SHOWN ON THE PLANS, INDICATE THE PROPOSED GRADING. ALL GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON, INDIANA, ORDINANCE 100-100, AS AMENDED.
 3. PROPOSED SPOT ELEVATIONS, IF SHOWN, ARE AS FOLLOWS:
- | SPOT | PROPOSED SPOT ELEVATION | EXISTING SPOT ELEVATION |
|------|-------------------------|-------------------------|
| 1 | 40.00 | 40.00 |
| 2 | 40.00 | 40.00 |
| 3 | 40.00 | 40.00 |
| 4 | 40.00 | 40.00 |
| 5 | 40.00 | 40.00 |
| 6 | 40.00 | 40.00 |
| 7 | 40.00 | 40.00 |
| 8 | 40.00 | 40.00 |
| 9 | 40.00 | 40.00 |
| 10 | 40.00 | 40.00 |

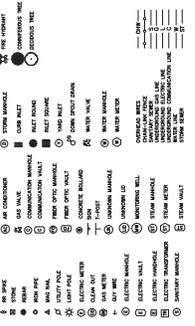
EROSION CONTROL LEGEND



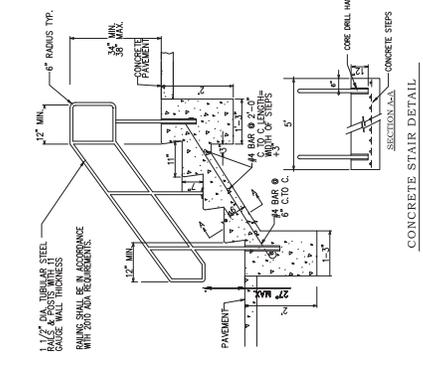
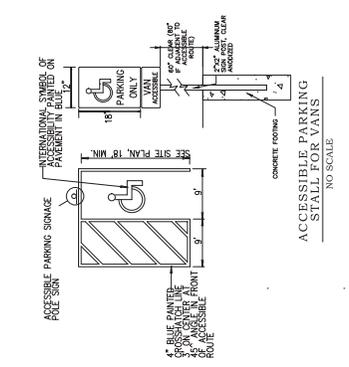
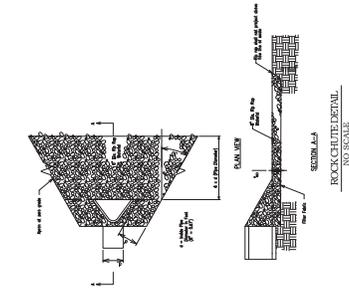
UTILITY CONTACTS

- INDIANA POWER**
 407 E. Madison St. Cl.
 Bloomington, Indiana 47404
 317.340.1000
- INDIANA GAS**
 200 S. Madison St.
 Bloomington, Indiana 47404
 317.340.1000
- CITY OF BLOOMINGTON**
 800 E. Main St.
 Bloomington, Indiana 47404
 317.340.1000

TOPOGRAPHIC LEGEND



NO.	REVISIONS	BY	DATE



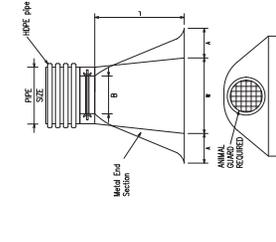
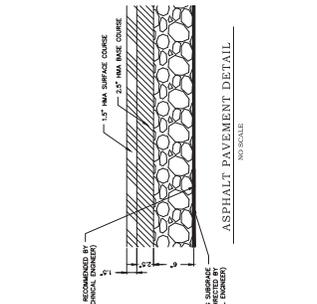
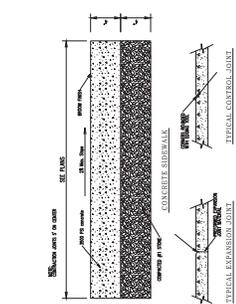
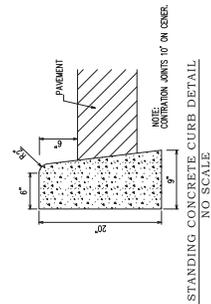
PIPE SIZE	12"	14"	16"	18"	24"	30"	36"
WAVE	16	16	16	16	14	14	14
A	5"	5"	7"	9"	11"	11"	11"
B	7"	8"	10"	12"	16"	16"	16"
L	21"	24"	28"	34"	41"	51"	60"
W	22"	26"	30"	34"	46"	55"	70"

SHOES

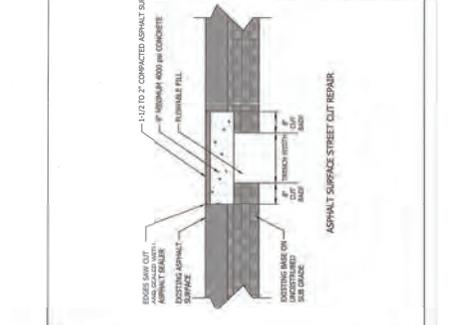
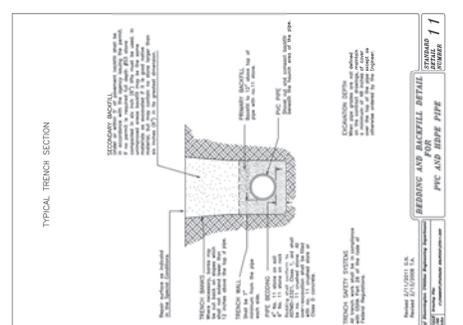
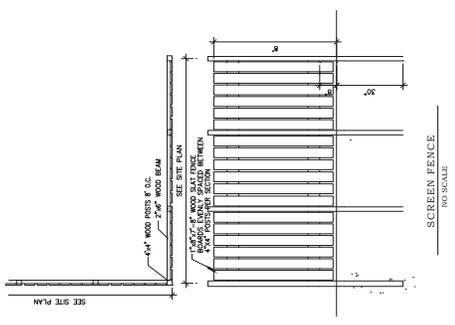
18" THE PLATE ANCHOR END SECTION INVERT

NO SCALE

NOTES:
 1. END SECTIONS ARE TO BE GALVANIZED STEEL OR ALUMINUM.
 2. END THREADED ROD TO BE USED FOR CONNECTION TO PIPE.
 3. END SECTION IS TO BE SET TO FINISH TO SURFACE ON APPROVAL.



NOTES:
 1. END SECTIONS ARE TO BE GALVANIZED STEEL OR ALUMINUM.
 2. END THREADED ROD TO BE USED FOR CONNECTION TO PIPE.
 3. END SECTION IS TO BE SET TO FINISH TO SURFACE ON APPROVAL.



NOTES:
 1. ALL MATERIALS SHALL BE SET TO FINISH TO SURFACE ON APPROVAL.
 2. END THREADED ROD TO BE USED FOR CONNECTION TO PIPE.
 3. END SECTION IS TO BE SET TO FINISH TO SURFACE ON APPROVAL.
 4. ALL MATERIALS SHALL BE SET TO FINISH TO SURFACE ON APPROVAL.

CITY OF BLOOMINGTON
 575 FARMERS HIGHWAY
 BLOOMINGTON, IN 47401
 TELEPHONE: 317.344.2222
 WWW.BLOOMINGTONIN.GOV

SEAL OF THE CITY OF BLOOMINGTON, INDIANA
 1850
 1850
 1850

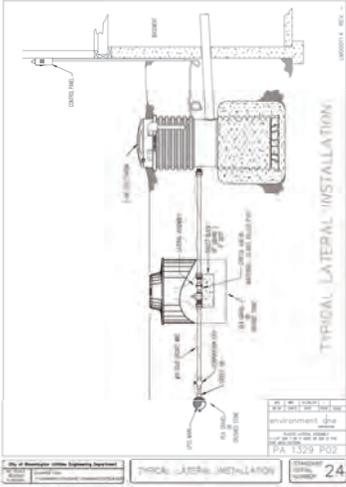


NOT FOR CONSTRUCTION
 XXXX/XX/XX

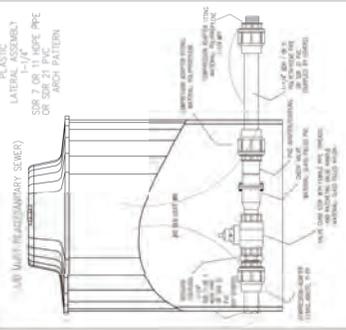
WALNUT STREET SELF
 STORAGE
 3000 S. WALNUT STREET
 BLOOMINGTON, IN 47401

NO.	REVISIONS	BY	DATE

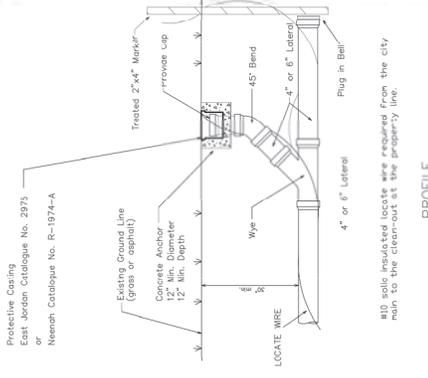
646
 SHEET NO. 1313 OF 1313
 DATE 06/24/2022
 MISCELLANEOUS DETAILS



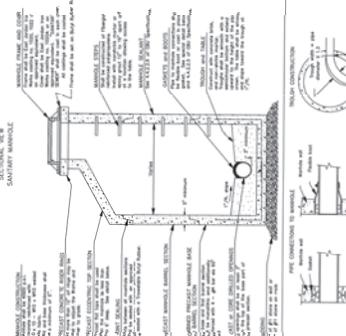
24
 TYPICAL LATERAL INSTALLATION



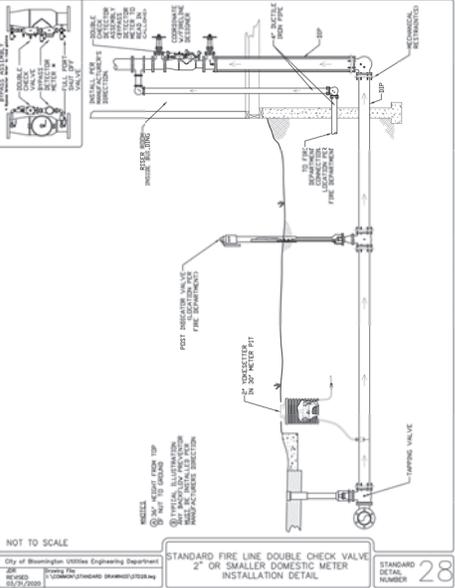
23
 TYPICAL LATERAL INSTALLATION



19
 PROFILE



1
 STANDARD SANITARY MANHOLE



28
 STANDARD FIRE LINE DOUBLE CHECK VALVE
 2" OR SMALLER DOMESTIC METER
 INSTALLATION DETAIL

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 635, 645, 653 S. Rogers/400-410 W. 1st St.

CASE #: V-41-22
DATE: September 22, 2022

PETITIONER: City of Bloomington Redevelopment Commission (Cornerstone)
 401 N. Morton Street, Suite 130 Bloomington

CONSULTANTS: Shrewsberry & Associates, LLC
 7321 Shadeland Station Suite 160 Indianapolis

REQUEST: The petitioner is requesting variances from lot width, impervious surface coverage, front parking setback, storm water drainage, and landscaping standards in the Mixed-Use Neighborhood (MN) zoning district.

REPORT: The property is located at the northeast corner of First and Rogers Streets, and contains the current addresses listed above. The property is zoned Mixed-Use Neighborhood (MN) and is developed with two buildings, both utilized by Centerstone. Property to the south, across 1st Street is zoned MN and Residential High-Density (RH), property to the north and west is zoned Mixed-Use Medium Scale (MM), and property to the east is zoned MM and MN. This property is part of a larger development site, known as Phase I East, which incorporates almost the entire area bounded by 2nd Street, Rogers Street, 1st Street, and Morton Street. The City of Bloomington is undertaking redevelopment of this site, as the first step in the redevelopment of the former Bloomington Hospital location, known as Hopewell.

A key component of Phase I East is the addition of two new road ways. One is continuation of Madison Street from 2nd Street to 1st Street, which will improve vehicular and pedestrian connectivity in this portion of development. The second is a new west/east roadway for University Street just north of the existing Centerstone development. The creation of the rights-of-way necessary for the road ways produces Unified Development Ordinance compliance issues for the existing Centerstone development that will remain. The new north/south Madison Street will be directly east of a re-built parking lot for the Centerstone development. The City has worked with Monroe County Government, which owns the larger parcel being utilized by Centerstone, and Centerstone to address the issues created on-site by the larger public works project, in order to design a parking area that meets as much of the UDO as possible, while providing utility for Centerstone.

As can be seen in the petitioner site plan exhibits, the parcels that will be reconfigured for Centerstone and the supportive parking lot are irregular because of the existing development and the location of the new road ways.

The petitioner is requesting a package of variances in order to allow for the parking lot to be rebuilt in the newly approved parcels. The new parking lot parcel will not meet lot width standards at the northern end of the parcel; impervious surface coverage or landscape area requirements; front parking setback requirements; stormwater runoff requirements; parking lot landscaping standards related to width of perimeter landscaping and design of islands and bumpouts; and interior landscaping. All of the variances requested are a direct result of the need to preserve the

existing development while providing for the appropriate amount of space for the new public rights-of-way or a result of needing to amend stormwater practices because Phase I East has a larger, comprehensive stormwater treatment plan that is beyond those standards typically required. The Department is proposing to treat the variances as one package for review purposes, as each is integral to the design of the site, as a whole.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(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.*

PROPOSED FINDING: Approval of the variances will not be injurious to the public health, safety, morals, and general welfare of the community. Approval will allow for an existing community resource to continue to function at its current location while allowing for the surrounding area to be improved by the additions of right-of-way, as well as comprehensive stormwater infrastructure.

- 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.*

PROPOSED FINDING: The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Existing vegetation will remain, as well as the addition of some new landscaping. The area currently contains parking, which will be improved with the addition of the new landscaping. Additionally, much of the adjacent property is part of the larger Phase I East development, which has been holistically planned, including this portion.

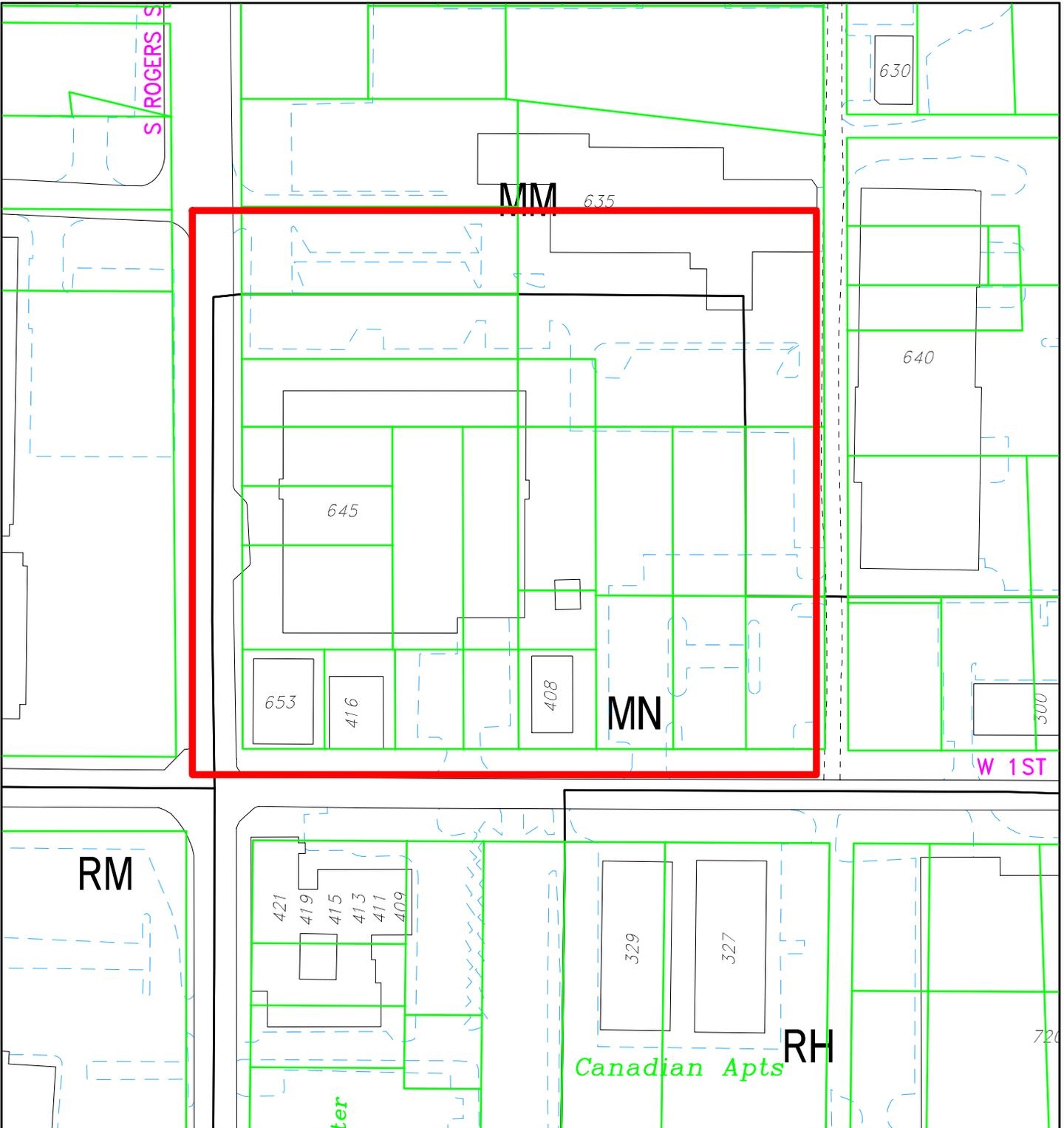
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

PROPOSED FINDING: Practical difficulty is found in the combination of the necessary locations of the proposed right-of-way, and the existing location of the Centerstone facility. The new north/south Madison Street needs to align with the existing Madison Street, and the new west/east University Street also aligns with the existing University Street further east. Both rights-of-way also bisect the larger Phase I East block in ways that create logical development blocks. Because those locations and the locations of the existing Centerstone facility are fixed, re-creating the existing Centerstone parking lot, which is needed for operation of the facility, cannot be done and meet code requirements related to lot width, parking setback, or some parking landscaping requirements such as perimeter landscape

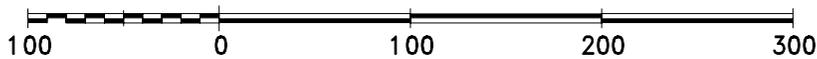
area width. Additionally, the larger Phase I East site has been designed with a comprehensive stormwater treatment infrastructure that does not require typical parking lot stormwater design which creates a peculiar condition for this site where the traditional stormwater parking lot designs will not function well at this property. Approval of the variance package will allow typical parking, well within the parking maximum allowance for the use, to be able to remain with some site design improvements, as a large public works project is done surrounding the site.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve variance V-41-22 with the following conditions:

1. The variance approval is for the specific variances, as listed in the petitioner's statement only.
2. A minor site plan approval is required before the re-constructed parking lot can be built.

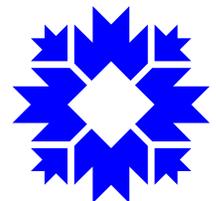


By: scanlanj
16 Sep 22

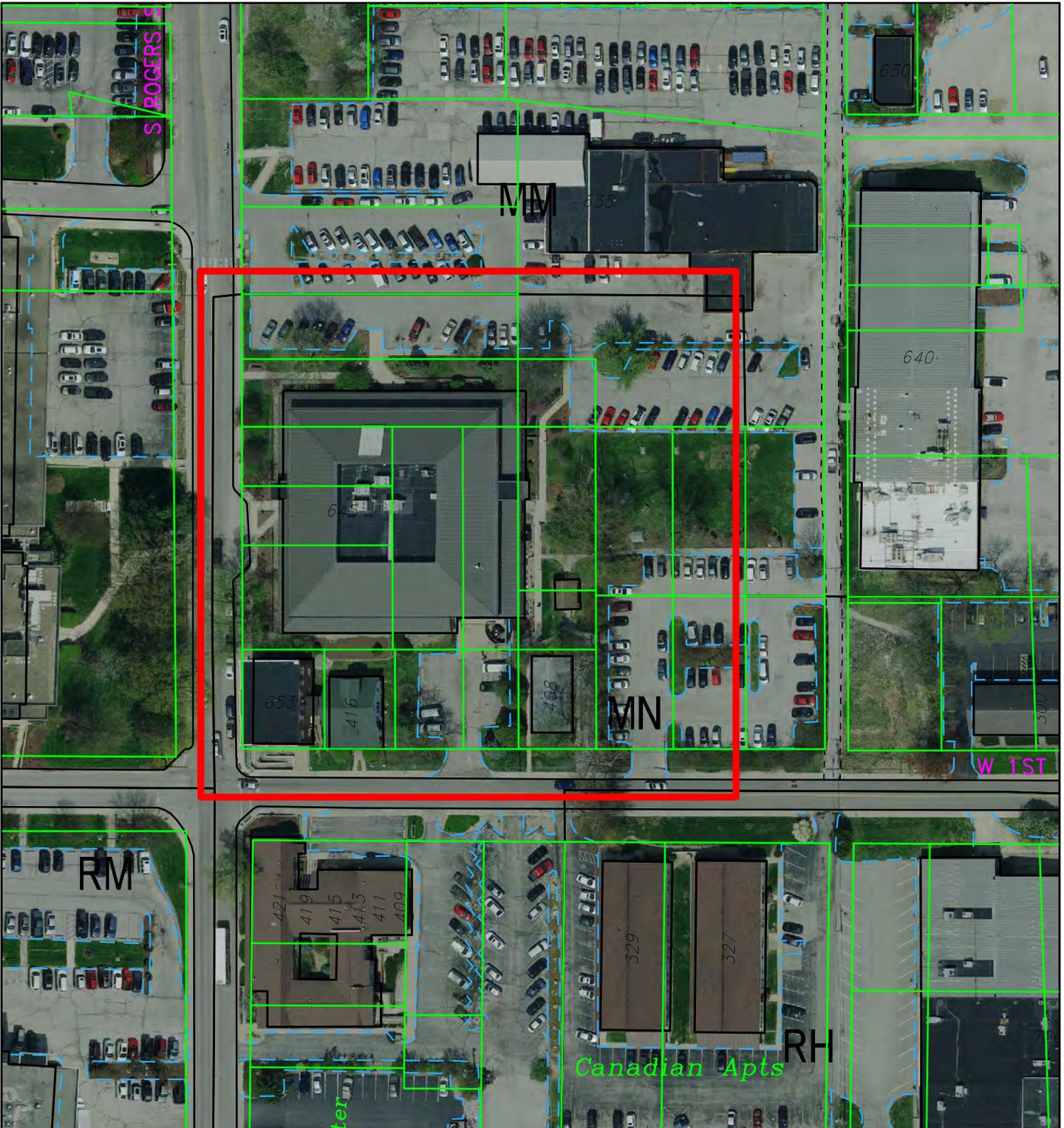


For reference only; map information NOT warranted.

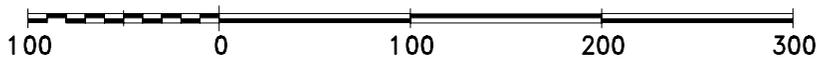
City of Bloomington
Planning



Scale: 1" = 100'

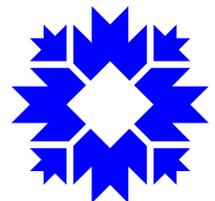


By: scanlanj
16 Sep 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 100'



August 25, 2022

Jackie Scanlan, AICP
Development Services Manager
City of Bloomington – Planning & Transportation

**RE: PETITIONER'S STATEMENT
HOPEWELL SUBDIVISION – PHASE 1 EAST: LOTS 3 & 4 – CENTERSTONE OF INDIANA PARKING LOT
SHREWSBERRY PROJECT No. 21-0049**

Dear Jackie,

Please accept this letter as the required Petitioner's Statement for submission of an application for certain variances to the Unified Development Ordinance (UDO). Shrewsberry & Associates, LLC is submitting on behalf of our client, the Redevelopment Commission for the City of Bloomington. The requested variances are needed for the reconfiguration and reconstruction of the parking lot serving the Centerstone of Indiana facility located at 645 Rogers Street. The main Centerstone building, and its underlying property are owned by Monroe County and is leased to Centerstone. There is also a second building, located at the northeast corner of Rogers and 1st Streets, which is owned by Centerstone. There are various surface parking lots around these two buildings for employees and clients of Centerstone. A portion of the parking is on properties owned by Centerstone of Indiana, and the remainder are on properties that were owned by IU Health but have now been transferred to the City of Bloomington. Please see Property Exhibit 1 for a map of the existing properties highlighted on the proposed Primary Plat.

Some of the goals of the Hopewell Subdivision project that directly impact the layout of the proposed Centerstone parking lot include the following:

1. Extend Madison Street from 2nd Street to 1st.
2. Construct University Street running from Rogers to Morton Streets midway between 1st and 2nd Streets.
3. Create developable lots along with a linear "greenway" park adjacent to the proposed University Street.

In order to bring the Hopewell Subdivision project to fruition, the overall Centerstone property will need to be reconfigured and the parking lot and pedestrian accesses will need to be reconstructed. The Hopewell Subdivision plat shows the proposed lot configurations. Please see Property Exhibit 2 for the highlighted proposed lots. The Monroe County Commissioners desire to retain ownership of the property and building in its existing state. A minor land swap is proposed. A 3.5-foot strip of land is to be dedicated by the plat to increase the right-of-way width along Rogers Street in exchange for additional land being added to the County's property along the north boundary. No reduction in the property acreage is allowed per the County Commissioners agreement. A similar land swap is proposed for Centerstone. Although the plat will create two individual parcels with different owners, we request the development standards to be applied as if this were a single lot. If needed, statements pertaining to cross-access can be added to the plat in order to guarantee certain rights for usage in perpetuity.

Please see the Centerstone Lot Site Plan, drawing C201 for the proposed parking lot layout. The layout has the following constraints:

1. The two existing buildings are to remain in their respective location.
2. The extension of Madison Street is to align with the roadway to the north.
3. The width of new Right-of-Way is to be in accordance with the city's Transportation Plan.
4. Centerstone's agreement to participate in the project requires the city to maximize their available parking. Centerstone currently has access to 122 parking spaces. 38 spaces are on the parcels owned by Centerstone. The remaining 84 spaces are on properties previously owned by IU Health, which are now owned by the City. We are asking Centerstone to accept a total of 70 parking spaces on their lot plus the



use of on-street parking in the vicinity of their building. Please see the enclosed Centerstone Parking Area Map.

We hereby request variances for the following items:

1. UDO Chapter 20.02.030 (b) MN: Mixed-Use Neighborhood Scale. Table 02-11: MN District Dimensional Standards.
 - a. Item B: Lot Width: Lot 4, which is an "L" shaped lot that wraps around Lot 3 has a total width of 42.81 feet on the north/south leg. This is less than the minimum 50-ft lot width.
 - b. Under "Other Standards":
 - i. Impervious surface coverage (maximum): We request relaxation from 60% to 75.1%
 - ii. Landscape area (minimum): We request relaxation from 25% to 16.8%
2. UDO Chapter 20.04.020 Dimensional Standards. Table 04-5 Nonresidential District Dimensional Standards
 - a. Under "Other Standards":
 - i. Front Parking Setback (minimum): 20-feet behind the primary structure's front building wall: We request relaxation from this requirement to 7.5-feet from the right-of-way line.
3. UDO Chapter 20.04.060 Parking and Loading. Item I – Vehicle Parking Location and Design. Part 6 – Stormwater Drainage.
 - a. We propose to not direct the runoff to landscape bumpouts, islands, or endcaps. We propose to satisfy the requirements in this section by utilizing the following:
 - i. An Aqua-Swirl hydrodynamic separator
 - ii. Underground stormwater detention
 - iii. The discharge from the detention will feed a buried cistern in one of the greenway lots that will be used to irrigate the greenway lots and the street trees in the Madison Street right-of-way.
4. UDO Chapter 20.04.080 Landscaping, Buffering, and Fences. Item H – Parking Lot Landscaping.
 - a. Part 1A: We request a relaxation from an 8-foot landscape area to 7.5-feet.
 - b. Part 2D: We request permission to not install the parking lot bumpouts lower than the parking surface. Reasoning:
 - i. The minimal sizes of the bumpouts, endcaps, islands, and the perimeter landscaping buffers. We would prefer to install the storm sewers under the parking lot curb line and keep the islands and perimeter landscape strip open for trees and shrubs.
 - ii. As stated above in request item 3, we are proposing to handle the stormwater filtration by a combination of a hydro-dynamic separator, underground detention, and an irrigation cistern.
5. UDO Chapter 20.04.080 Landscaping, Buffering, and Fences. Item K – Mixed-Use and Nonresidential Landscaping.
 - a. Part 1A: In keeping with the aforementioned request to reduce the amount of landscaping area, we request relaxation of the requirement for 9 large canopy trees, three evergreen trees, and three medium or small canopy trees per acre. The total project site is 1.859 acres, which would require **17 large canopy trees, 6 evergreen trees, and 6 small or medium canopy trees**. There are a total of 7 existing trees on the site along the Rogers St frontage that are to remain. Per 20.04.080(c)(2)(F)(ii)3, 4 of these trees would each count for at least one Small/Medium Canopy Trees. The 3 remaining trees would each count for 4 large canopy trees. The proposed new landscaping calls for the planting of 6 new large canopy trees and 4 new small/medium trees. **This would provide a total 18 large canopy trees, 8 small/medium canopy trees, but no evergreen trees**. Therefore, our request is to provide the new trees as described and preserve the stated existing trees, and not provide any evergreen trees.



If you need any additional information or would like to discuss this further, please feel free to contact me at your convenience.

Respectfully submitted,

SHREWSBERRY & ASSOCIATES, LLC

Matthew D. Wallace, PE, LEED AP
Senior Engineer Project Manger

Encl: Property Exhibit 1
Property Exhibit 2
Lot coverage calculations
Centerstone Parking Areas Exhibit
Centerstone Site Development Plans

NOTE:
See Retracement Survey dated 7/23/2021 for Surveyor's Report.

HOPEWELL SUBDIVISION
PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP



Scale 1" = 50 ft
BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88



LOCATION MAP

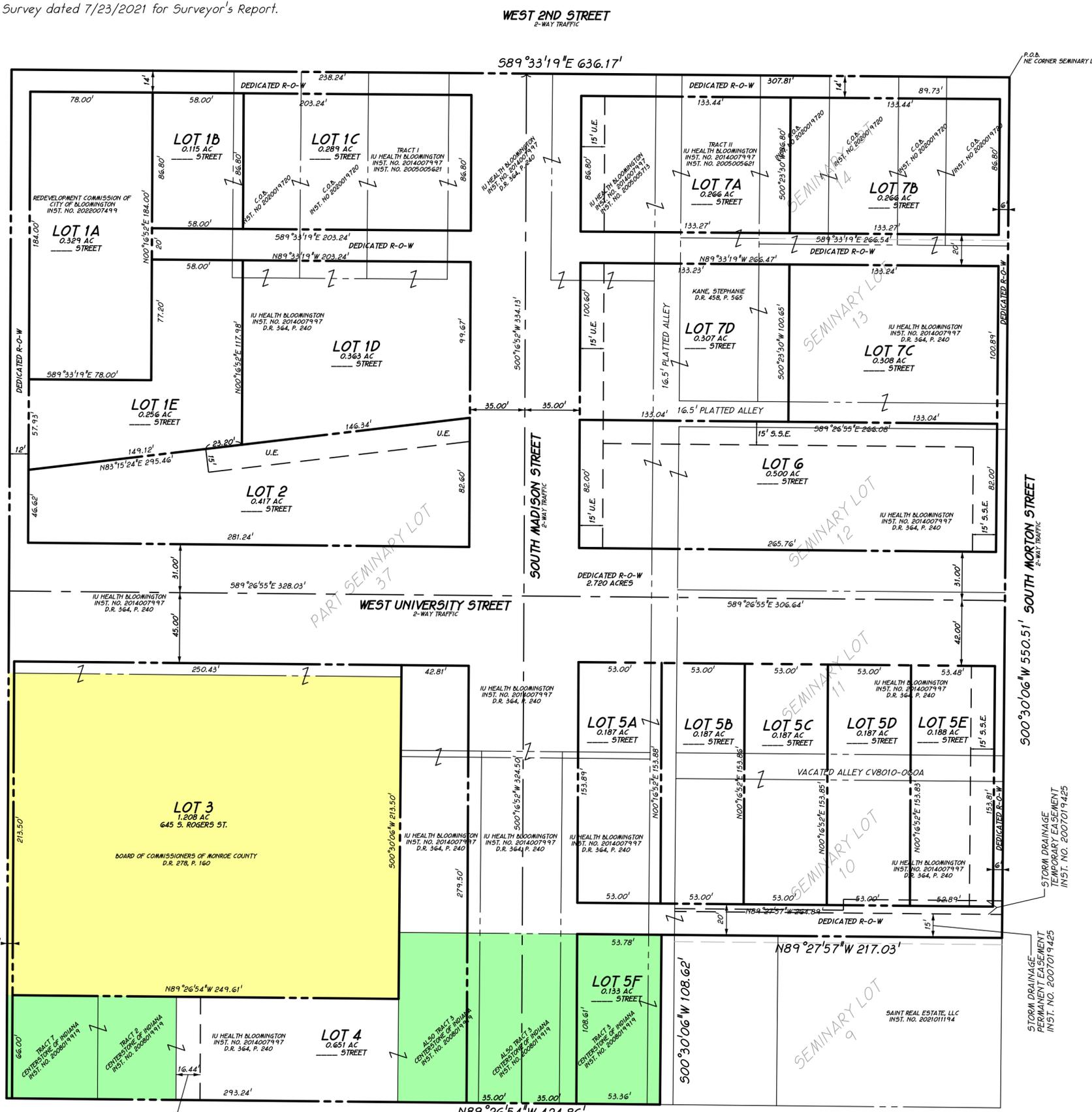
LEGAL DESCRIPTION

A part of Seminary Lots 37 and 10 and all of Lots 11, 12, 13 and 14 in the City of Bloomington, County of Monroe, State of Indiana, more particularly described as follows:

beginning at the northeast corner of said Lot 14, said point being on the west right-of-way of South Morton Street; Thence on and along the east lines of Lots 14, 13, 12, 11 and part of 10 and the west right-of-way of South Morton Street South 00 degrees 30 minutes 06 seconds East 550.51 feet; Thence leaving said east and west lines North 89 degrees 27 minutes 57 seconds West 208.78 feet to the east line of a platted alley; Thence on said east line South 00 degrees 30 minutes 06 seconds West 108.62 feet to the north right-of-way line of West 1st Street; Thence on said north line and on and along the south line of Lot 37 North 89 degrees 26 minutes 54 seconds West 424.86 feet to the east right-of-way of South Rogers Street; Thence leaving said north and south lines and on and along said east line North 00 degrees 16 minutes 52 seconds East 658.02 feet to the south right-of-way line of West 2nd Street and the north line of Lot 37; Thence on and along said north and south line South 89 degrees 33 minutes 19 seconds East 636.17 feet to the Point of Beginning, containing within said bounds 9.058 acres (394,573.9 sq. ft.).

**Variance Application
Property Exhibit 1**

HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

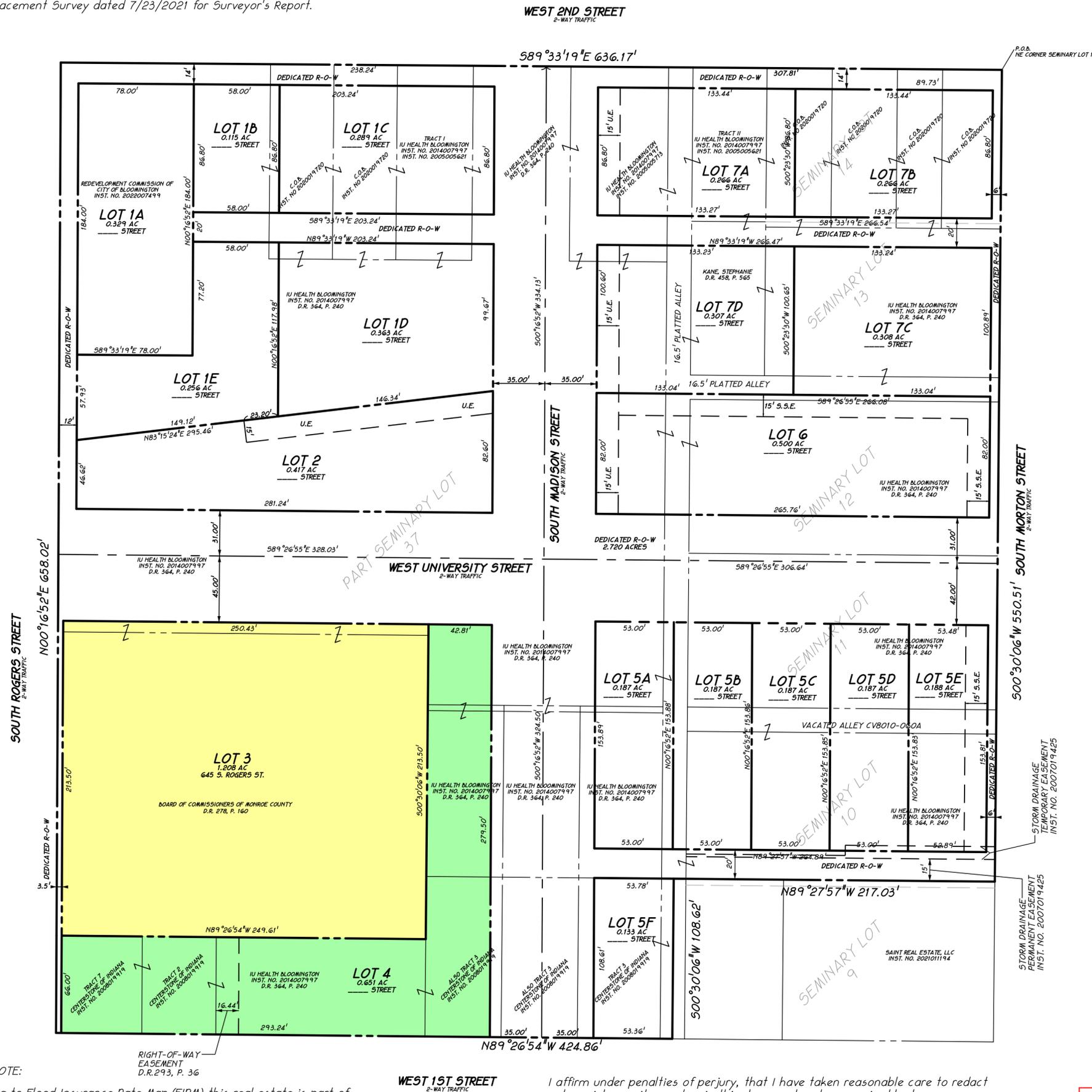
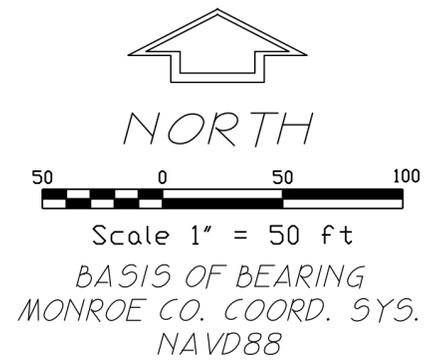


FLOOD NOTE:
According to Flood Insurance Rate Map (FIRM) this real estate is part of
Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.
This property is located in Zone X, an area of minimal flood hazard.
Source: FEMA

I affirm under penalties of perjury, that I have taken reasonable care to redact
each social security number in this document, unless required by law.
Charles D. Graham
This instrument prepared by Charles D. Graham

NOTE:
See Retracement Survey dated 7/23/2021 for Surveyor's Report.

HOPEWELL SUBDIVISION
PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP



LEGAL DESCRIPTION

A part of Seminary Lots 37 and 10 and all of Lots 11, 12, 13 and 14 in the City of Bloomington, County of Monroe, State of Indiana, more particularly described as follows:

beginning at the northeast corner of said Lot 14, said point being on the west right-of-way of South Morton Street; Thence on and along the east lines of Lots 14, 13, 12, 11 and part of 10 and the west right-of-way of South Morton Street South 00 degrees 30 minutes 06 seconds East 550.51 feet; Thence leaving said east and west lines North 89 degrees 27 minutes 57 seconds West 208.78 feet to the east line of a platted alley; Thence on said east line South 00 degrees 30 minutes 06 seconds West 108.62 feet to the north right-of-way line of West 1st Street; Thence on said north line and on and along the south line of Lot 37 North 89 degrees 26 minutes 54 seconds West 424.86 feet to the east right-of-way of South Rogers Street; Thence leaving said north and south lines and on and along said east line North 00 degrees 16 minutes 52 seconds East 658.02 feet to the south right-of-way line of West 2nd Street and the north line of Lot 37; Thence on and along said north and south line South 89 degrees 33 minutes 19 seconds East 636.17 feet to the Point of Beginning, containing within said bounds 9.058 acres (394,573.9 sq. ft.).

**Variance Application
Property Exhibit 2**

HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

FLOOD NOTE:
According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010. This property is located in Zone X, an area of minimal flood hazard. Source: FEMA

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

Charles D. Graham
This instrument prepared by Charles D. Graham

Date: 8-24-22Page: 1 of 2Description: CENTERSTONE OF INDIANARecorded By: M. WALLACE Date: 8-24-22

Checked By: _____ Date: _____

shrewsberry

• LOT COVERAGE:

1. TOTAL LOT AREA:

LOT 3 (MONROE CO. COMM.) = 1.208 ac.

LOT 4 (CENTERSTONE) = 0.651 ac.

TOTAL = 1.859 ac.

2. IMPERVIOUS AREAS:

A. EXISTING BUILDINGS = 0.703 ac.

B. PROPOSED ASPHALT = 0.565 ac.

C. PROP. & EXIST. CONCRETE = 0.129 ac.

TOTAL = 1.397 ac.

3. TOTAL COVERAGE = $\frac{1.397}{1.859}$

= 75.1%



shrewsberry

Date: 8-24-22

Page: 2 of 2

Description: CENTERSTONE OF INDIANA

Recorded By: M. WALLACE Date: 8-24-22

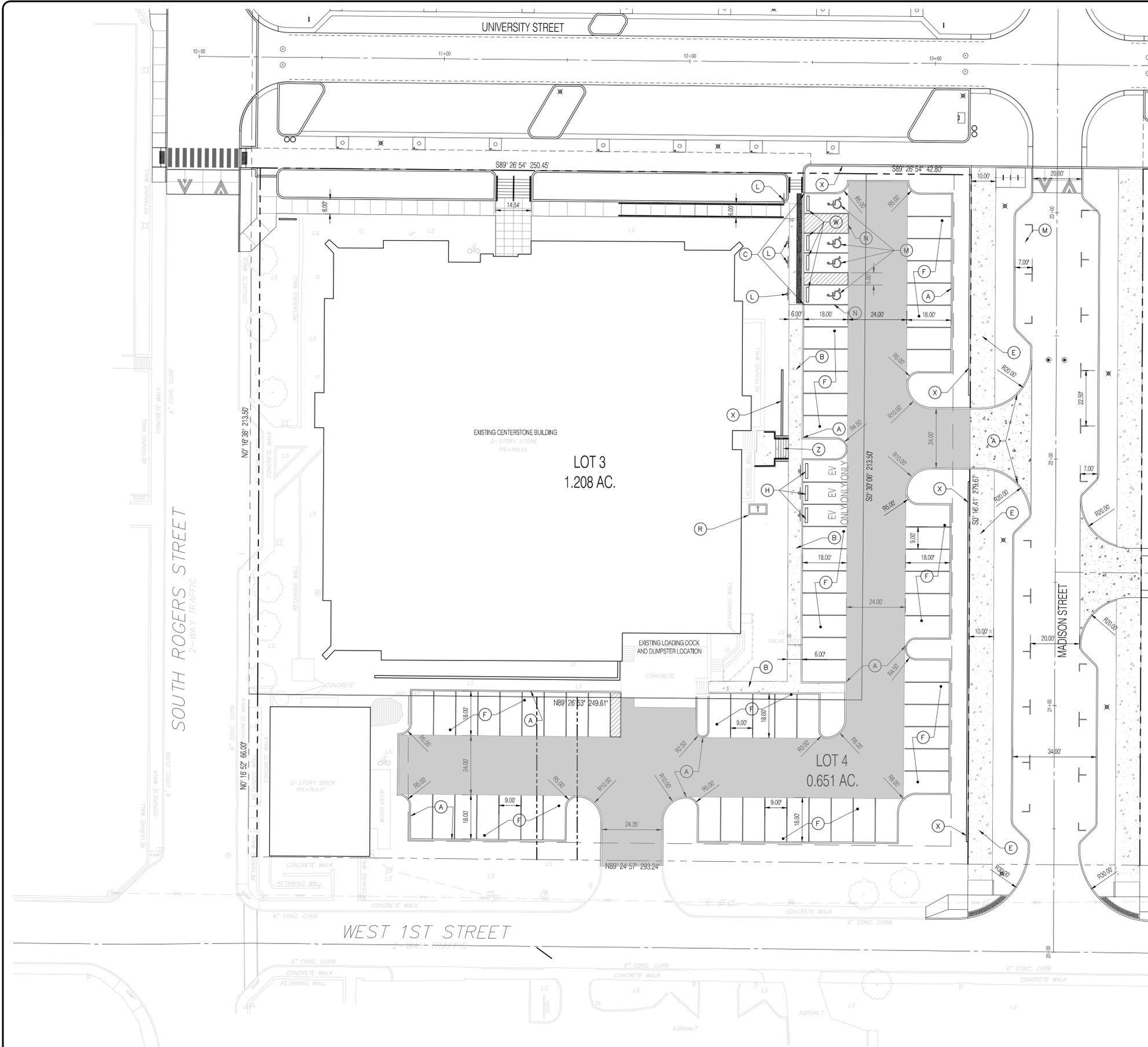
Checked By: _____ Date: _____

$$\begin{aligned} 4. \text{ LANDSCAPE AREA} &= 1.859 \text{ ac.} \\ \text{(INCLUDES LAWN)} &- 1.397 \text{ ac.} \\ &\hline &0.462 \text{ ac.} \end{aligned}$$

$$\begin{aligned} A. \text{ AREA OF LAWN} &= 6,496 \text{ SF} \\ &= 0.149 \text{ ac.} \end{aligned}$$

$$\begin{aligned} \therefore \text{ LANDSCAPE AREA} &= 0.462 \text{ ac} \\ &- 0.149 \text{ ac.} \\ &\hline &0.313 \text{ ac.} \end{aligned}$$

$$\begin{aligned} 5. \text{ LANDSCAPE AREA} &= 0.313 / 1.859 \\ &= 16.8\% \end{aligned}$$



LEGEND:

- RIGHT OF WAY LINE (EXISTING RW)
- EASEMENT LINE
- CENTER LINE
- RIGHT OF WAY LINE (NEW RW)
- PARKING STRIPING
- (A) 6' STRAIGHT CURB
- (B) CURB AND WALK
- (C) FLUSH CONCRETE CURB
- (D) CONCRETE WALK
- (E) 10' CONCRETE PATH
- (F) LIGHT DUTY ASPHALT PAVEMENT
- (G) HEAVY DUTY ASPHALT PAVEMENT
- (H) ELECTRIC VEHICLE PARKING SPACE
- (K) A.D.A. RAMP - SEE DETAIL SHEET ###
- (L) ADA PARKING SIGN
- (M) ADA PARKING SYMBOL
- (N) 4' BLUE PAVEMENT MARKINGS
- (P) CONCRETE LIGHT POLE BASE - FOR REFERENCE ONLY
- (R) CONCRETE TRANSFORMER PAD - SEE MEP PLANS FOR DETAILS
- (X) PARKING BUMP STOP
- (Z) RETAINING WALL
- (Z) CONCRETE STEPS - SEE SHEET ###

GENERAL SITE NOTES

1. THE CONTRACT DOCUMENTS CONSIST OF THESE DRAWINGS AND SEPARATELY BOUND PROJECT MANUAL, INCLUDING INTRODUCTORY INFORMATION, BIDDING REQUIREMENTS, CONTRACT PROVISIONS, GENERAL CONDITIONS, AND TECHNICAL SPECIFICATIONS.
2. TOPOGRAPHIC AND SURVEY BASE INFORMATION REPRESENTATIVE OF EXISTING SITE CONDITIONS HAS BEEN OBTAINED FROM A TOPOGRAPHIC SURVEY FROM BYRAN FAYO AND ASSOCIATES. SHREWSBERRY AND ASSOCIATES CLAIMS NO RESPONSIBILITY FOR THE ACCURACY OF THE BASE INFORMATION PROVIDED BY OTHERS.
3. VERIFY DRAWING INFORMATION WITH EXISTING SITE CONDITIONS. PROMPTLY REPORT CONCEALED CONDITIONS, DISCREPANCIES, AND DEVIATIONS IN EXISTING CONDITIONS FROM INFORMATION SHOWN IN CONTRACT DOCUMENTS. THE OWNER SHALL NOT BE RESPONSIBLE FOR UNAUTHORIZED CHANGES OR EXTRA WORK REQUIRED TO CORRECT UNREPORTED DISCREPANCIES.
4. SECURE AND PAY FOR PERMITS, FEES AND INSPECTIONS NECESSARY FOR PROPER EXECUTION OF THE WORK. COMPLY WITH CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION APPLICABLE TO THIS WORK.
5. CONTRACTOR SHALL NOTIFY OWNERS REPRESENTATIVE AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION OPERATIONS.
6. ANY MATERIALS REMOVED FROM THE SITE SHALL BE DISPOSED OF IN A PROPER AND LEGAL MANNER AS REQUIRED BY AUTHORITIES HAVING JURISDICTION, AND LOCAL LAWS AND ORDINANCES.
7. DAMAGES TO EXISTING IMPROVEMENTS, EXCAVATION AND / OR REMOVAL OF ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION SHALL BE KEPT TO A MINIMUM. EXISTING IMPROVEMENTS TO REMAIN DAMAGED DURING CONSTRUCTION SHALL BE RESTORED, RECONSTRUCTED, OR REPLACED BY CONTRACTOR, WITH NO ADDITIONAL PAYMENT MADE.
8. PROVIDE SMOOTH TRANSITION FROM NEW CONSTRUCTION TO EXISTING CONSTRUCTION TO REMAIN AS INDICATED ON DRAWINGS AND AS NECESSARY.
9. ALL CONSTRUCTION METHODS AND MATERIALS MUST CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF AUTHORITIES HAVING JURISDICTION.
10. ALL CONSTRUCTION ACTIVITY ON THIS SITE SHALL BE PERFORMED IN COMPLIANCE WITH APPLICABLE O.S.H.A. STANDARDS FOR WORKER SAFETY.
11. CONTRACTOR SHALL INSPECT AND CLEAN SITE DAILY AND REMOVE ALL MUD, DIRT, GRAVEL, AND LOOSE MATERIALS TRACKED, DUMPED, SPILLED OR BLOWN FROM THE CONSTRUCTION SITE ONTO OTHER SITES, RIGHT OF WAYS, PUBLIC OR PRIVATE STREETS OR ROADS, DRIVEWAYS, YARDS, OR SIDEWALKS. THE CONTRACTOR SHALL SPRAY WITH A FINE MIST WATER SPRAY AS NEEDED TO REDUCE AIRBORNE DUST DURING CONSTRUCTION.
12. CONTRACTOR SHALL PROVIDE AT THEIR EXPENSE, VEHICULAR AND PEDESTRIAN CONTROL DEVICES AND METHODS AS REQUIRED TO MAINTAIN TEMPORARY TRAFFIC CONTROL MEETING REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. CONTRACTOR SHALL MAINTAIN MINIMUM ACCESS REQUIREMENTS FOR EMERGENCY VEHICLES DURING CONSTRUCTION AS DETERMINED BY AUTHORITIES HAVING JURISDICTION. THIS SHALL INCLUDE PROVISIONS FOR UNINTERRUPTED EMERGENCY ACCESS DURING CONSTRUCTION TO EACH ACCESSIBLE BUILDING ENTRY.

LAYOUT NOTES

1. DO NOT SCALE DRAWINGS TO DETERMINE LAYOUT INFORMATION.
2. THE CONTRACTOR SHALL VERIFY DIMENSIONS AND ELEVATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ELEVATIONS AND DIMENSIONS THROUGHOUT CONSTRUCTION. IF DISCREPANCIES ARE FOUND BETWEEN THE CONSTRUCTION DOCUMENTS AND EXISTING FIELD CONDITIONS, THE CONTRACTOR SHALL CONTACT THE OWNERS REPRESENTATIVE IMMEDIATELY FOR INSTRUCTION BEFORE PROCEEDING.
3. CONTRACTOR SHALL STAKE AND VERIFY DIMENSIONS IN FIELD PRIOR TO INITIATING CONSTRUCTION ACTIVITIES. OBTAIN OWNERS REPRESENTATIVE APPROVAL BEFORE STARTING CONSTRUCTION. REVIEW ANY DISCREPANCIES BETWEEN DRAWINGS AND ACTUAL FIELD DIMENSIONS IMMEDIATELY WITH THE OWNERS REPRESENTATIVE FOR RESOLUTION. NO ADDITIONAL PAYMENT WILL BE MADE FOR ADJUSTMENTS NECESSARY TO CORRECT WORK NOT CONSTRUCTED AS DRAWN.
4. CONTRACTOR SHALL MAINTAIN LAYOUT STAKES DURING CONSTRUCTION. NO ADDITIONAL PAYMENT WILL BE MADE TO REPLACE BROKEN, MISSING OR DISLOCATED LAYOUT STAKES.
5. DIMENSIONS TO CURBS OR GUTTERS SHALL BE TO THE FACE OF CURB. DIMENSIONS TO PAVEMENTS SHALL BE TO THE EDGE OF PAVEMENT.
6. ROADWAYS AND DRIVES SHALL BE MEASURED FROM THE FACE OF CURB OR EDGE OF PAVEMENT.
7. DIMENSIONS ARE PARALLEL OR PERPENDICULAR TO BASE LINES, PROPERTY LINES OR BUILDING LINES UNLESS NOTED OTHERWISE.
8. RADII SHALL BE FORMED AS CIRCULAR ARCS. ALL CURVES AND ARCS SHALL INTERSECT OTHER CURVES AND LINES AT POINTS OF TANGENCY TO FORM SMOOTH TRANSITIONS UNLESS NOTED OTHERWISE.
9. PROVIDE LAYOUT STAKES MAXIMUM OF 10' ON-CENTER ALONG LARGE ARCS WITH INACCESSIBLE RADIUS POINTS.
10. STRIPING ASSOCIATED WITH PARKING STALLS AND LOADING ZONES SHALL BE THE FOLLOWING: ACCESSIBLE PARKING STALLS - 4' WIDE PAINTED BLUE, PARKING STALLS AND LOADING ZONES - 4' WIDE PAINTED WHITE

NO.	DATE	DESCRIPTION
1	05/16/22	SEEDING/MULCHING LIMITS
2	05/20/22	PLAN REVISIONS
3	07/20/22	GRADING PERMIT PLAN REVISIONS
4	08/22/22	GRADING PERMIT PLAN REVISIONS

CLIENT:

Bloomington, IN 47403

DESIGN TEAM

ARCHITECTURAL
CIVIL ENGINEERING
PLANNING
LAND SURVEYING

REGISTERED PROFESSIONAL ENGINEER

Matthew D. Wall, P.E.
No. PE-10302418
STATE OF INDIANA

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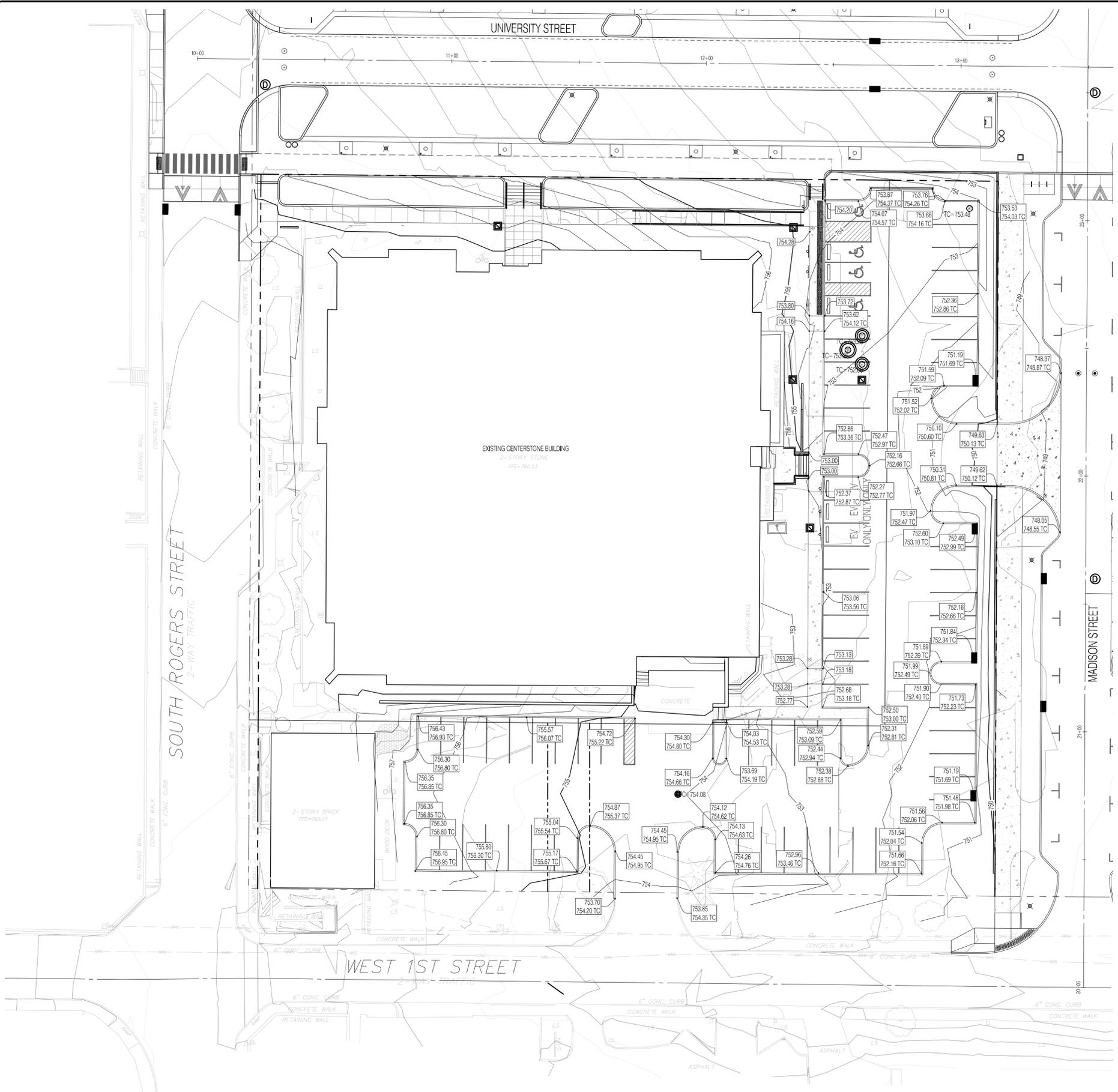
HOPEWELL INFRASTRUCTURE & SITE ENGINEERING
PHASE 1 EAST

CITY OF BLOOMINGTON
BLOOMINGTON, INDIANA 47403

DATE: 08/05/2022 PROJECT NO.: 21-0049
DRAWN BY: RDR CHECKED BY: MDW
DRAWING STATUS: 100% PROGRESS SET
SHEET TITLE: CENTERSTONE LOT SITE PLAN
SHEET NO.: C201



SITE PLAN
Scale: 1" = 20'-0"



LEGEND:

- RIGHT OF WAY LINE (EXISTING RW)
 - - - EASEMENT LINE
 - CENTER LINE
 - RIGHT OF WAY LINE (NEW RW)
 - LOT LINE
 - PARKING STRIPING
-
- PI0
 - 65.84
 - 65.59
 - 65.59 TC
- PAD GRADE
 - SPOT ELEVATION
 - PAVEMENT AND CURB ELEVATION

GRADING & DRAINAGE NOTES

1. CONSTRUCTION EQUIPMENT MAY CAUSE SOIL DAMAGE SUCH AS PUMPING AND GENERAL DETERIORATION OF SHALLOWER SOILS IF EXCESS SURFACE WATER IS PRESENT. TAKE PRECAUTIONARY STEPS DURING CONSTRUCTION TO PREVENT SOIL DAMAGE.
2. CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM TO REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
3. PROMPTLY NOTIFY OWNERS REPRESENTATIVE IF UNSATISFACTORY SUB-GRADE CONDITIONS OR MATERIALS ARE ENCOUNTERED. NO PAYMENT WILL BE MADE FOR ADDITIONAL WORK INITIATED WITHOUT PRIOR WRITTEN AUTHORIZATION BY THE OWNERS REPRESENTATIVE.
4. CONTRACTOR SHALL TAKE PARTICULAR CARE WHEN EXCAVATING IN AND AROUND EXISTING UTILITY LINES AND EQUIPMENT. VERIFYING FIELD LOCATIONS OF EXISTING UTILITIES ARE THE RESPONSIBILITY OF THE CONTRACTOR. FIELD LOCATIONS OF EXISTING UTILITIES SHALL BE DETERMINED EITHER BY AN AUTHORIZED REPRESENTATIVE OF THE UTILITY OR A PRIVATE UNDERGROUND UTILITY LOCATER SERVICE PRIOR TO THE START OF EXCAVATING. VERIFY MINIMUM UTILITY COVER REQUIREMENTS BY THE UTILITY. MAINTAIN MINIMUM UTILITY COVER REQUIREMENTS DURING CONSTRUCTION WITHOUT DAMAGING UTILITIES.
5. SMOOTHLY FEATHER PROPOSED GRADES AT CONSTRUCTION LIMITS OR GRADING BOUNDARIES WITH EXISTING GRADES.
6. FINE GRADE ALL SURFACES TO ACHIEVE POSITIVE DRAINAGE WITH MINIMUM 2% CROSS SLOPE ON WALKS AND PAVEMENTS UNLESS NOTED OTHERWISE.
7. CONTRACTOR SHALL BACKFILL AND PLACE ENGINEERED FILL MATERIAL FOR PAVEMENT AREAS AS REQUIRED TO ACHIEVE FINISH GRADES AS SHOWN ON THE DRAWINGS.
8. CONTRACTOR SHALL BACKFILL AND PLACE TOPSOIL AND PLANTING SOIL BACKFILL FOR LAWN AREAS TO DEPTH OF 6" AS REQUIRED TO ACHIEVE PROPOSED FINISH GRADES SHOWN ON DRAWINGS. CONTRACTOR SHALL BACKFILL AND PLACE TOPSOIL AND PLANTING SOIL BACKFILL FOR PLANTING BEDS TO DEPTH OF 12" AS REQUIRED TO ACHIEVE PROPOSED FINISH GRADES SHOWN ON DRAWINGS.
9. CONTRACTOR SHALL REMOVE AND DISPOSE OF EXCESS EXCAVATED SOIL MATERIALS OFF-SITE IN ACCORDANCE WITH REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

REVISIONS	
NO.	DESCRIPTION
1	05/16/22 SEEDING/MULCHING LIMITS
2	05/20/22 PLAN REVISIONS
3	07/20/22 GRADING PERMIT PLAN REVISIONS
4	08/22/22 GRADING PERMIT PLAN REVISIONS

CLIENT:

CITY OF BLOOMINGTON
Bloomington, IN 47403

DESIGN TEAM

shrewsberry REA
ARCHITECTURAL, CIVIL, ENGINEERING, PLANNING, LAND SURVEYING

BEE
BRYAN, EMMETT & ASSOCIATES, INC.
509 North Walnut Street
Bloomington, Indiana 47404 (317) 333-8030

CERTIFICATION

MATTHEW D. WALLACE
REGISTERED PROFESSIONAL ENGINEER
No. PE-10302416
STATE OF INDIANA
509 North Walnut Street
Bloomington, Indiana 47404 (317) 333-8030

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HOPEWELL INFRASTRUCTURE & SITE ENGINEERING
PHASE 1 EAST

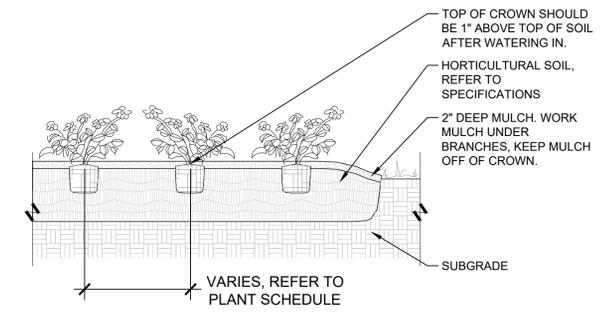
CITY OF BLOOMINGTON
BLOOMINGTON, INDIANA 47403

DATE: 09/06/2022	PROJECT NO.: 21-0049
DRAWN BY: RDR	CHECKED BY: MDW
DRAWING STATUS: 100% FINAL PLANS	
SHEET TITLE: CENTERSTONE LOT GRADING PLAN	
SHEET NO.: C202	

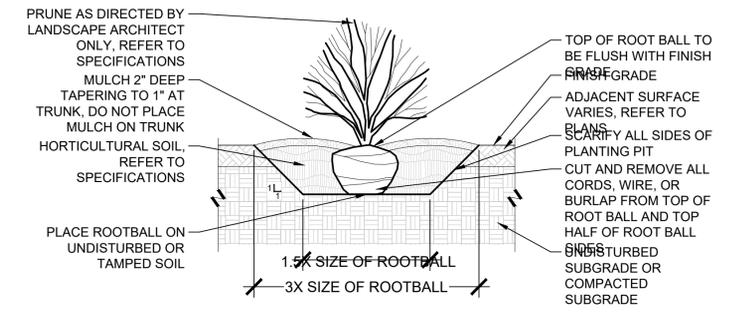


PLANT SCHEDULE

TREE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
GS	6	GLEDITSIA TRIACANTHOS 'INERMIS' / SKYLINE HONEY LOCUST	2" CAL. B&B	
LE	7	LIRIODENDRON TULIPIFERA 'JFS-OZ' / EMERALD CITY® TULIP POPLAR	2" CAL. B&B	
QB	3	QUERCUS BICOLOR / SWAMP WHITE OAK	2" CAL. B&B	
QM	4	QUERCUS MACROCARPA / BURR OAK	2" CAL. B&B	
TM	10	TAXODIUM DISTICHUM 'MICKELSON' / SHAWNEE BRAVE™ BALD CYPRESS	2" CAL. B&B	
TB	8	TILIA AMERICANA 'BOULEVARD' / BOULEVARD AMERICAN LINDEN	2" CAL. B&B	
DECIDUOUS SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
AA	24	ARONIA MELANOCARPA 'AUTUMN MAGIC' / AUTUMN MAGIC BLACK CHOKEBERRY	3 GAL.	48" o.c.
CS	32	CEPHALANTHUS OCCIDENTALIS 'SMCOSS' / SUGAR SHACK® BUTTONBUSH	3 GAL.	48" o.c.
DN	22	DEUTZIA GRACILIS 'NIKKO' / NIKKO DEUTZIA	3 GAL.	36" o.c.
HA	32	HYDRANGEA ARBORESCENS 'ANNABELLE' / ANNABELLE HYDRANGEA	3 GAL.	48" o.c.
IV	24	ITEA VIRGINICA 'HENRY'S GARNET' / HENRY'S GARNET SWEETSPIRE	3 GAL.	48" o.c.
PD	29	PHYSOCARPUS OPULIFOLIUS 'DONNA MAY' / LITTLE DEVIL™ DWARF NINEBARK	3 GAL.	48" o.c.
EVERGREEN SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
IS	51	ILEX GLABRA 'SHAMROCK' / SHAMROCK INKBERRY HOLLY	3 GAL.	48" o.c.
JO	77	JUNIPERUS VIRGINIANA 'GREY OWL' / GREY OWL EASTERN REDCEDAR	3 GAL.	48" o.c.
TC	8	TAXUS CANADENSIS / CANADA YEW	3 GAL.	60" o.c.
TURF	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
TF	6,496 SF	TURF SOD MARATHON III / TURF-TYPE TALL FESCUE	SOD	
PERENNIALS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
LK	171	LIATRIS SPICATA 'KOBOLD' / KOBOLD BLAZING STAR	1 GAL.	18" o.c.
MS	29	MATTEUCCIA STRUTHIOPTERIS / OSTRICH FERN	1 GAL.	36" o.c.
SC	240	SCHIZACHYRIUM SCOPARIUM 'CAROUSEL' / CAROUSEL LITTLE BLUESTEM	1 GAL.	24" o.c.
GROUNDCOVERS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
CP	1,010	CAREX PENNSYLVANICA / PENNSYLVANIA SEDGE	1 QUART	12" o.c.
PB	168	PHLOX SUBULATA 'BLUE EMERALD' / BLUE EMERALD CREEPING PHLOX	1 QUART	12" o.c.

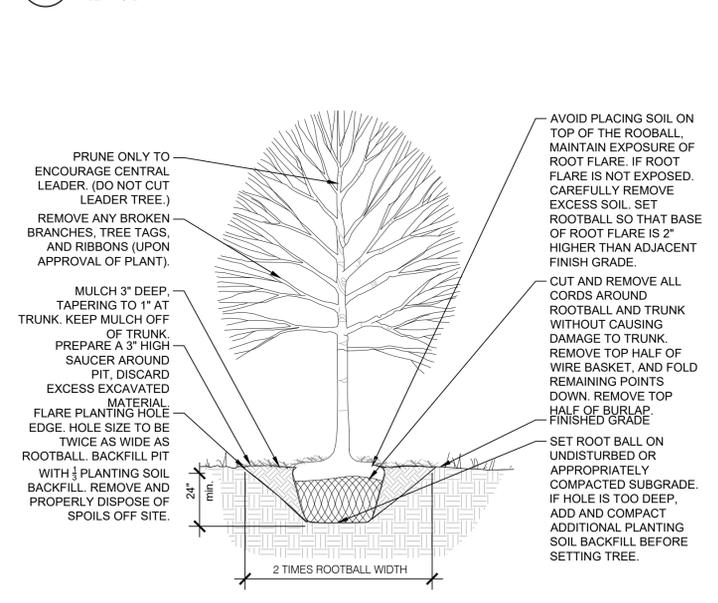


3 SECTION | GROUNDCOVER - DECIDUOUS AND EVERGREEN

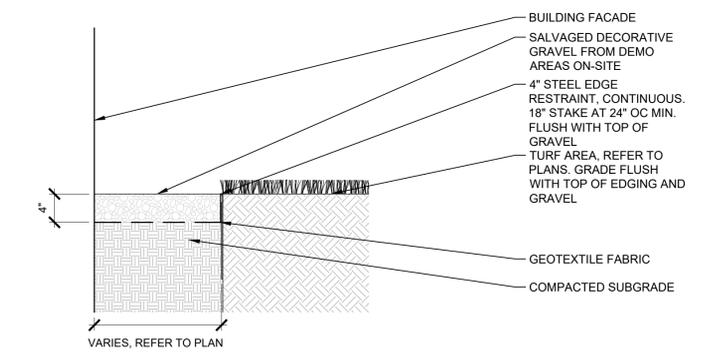


- NOTES:
- TRUNK FLARE TO REMAIN VISIBLE ABOVE SOIL AND MULCH.
 - WATER THOROUGHLY TO ELIMINATE AIR POCKETS AND ENSURE SETTLEMENT OF SOIL. ADD ADDITIONAL TREE PLANTING BACKFILL AS NEEDED.
 - REMOVE TAGS & LABELS.

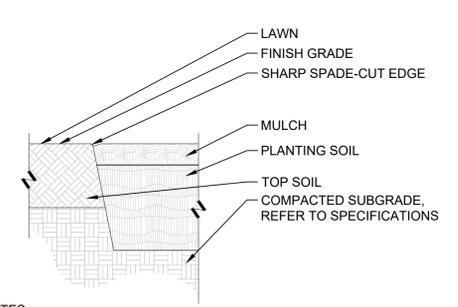
2 SECTION | SHRUB - HERBACEOUS AND WOODY



1 SECTION - DECIDUOUS TREE PLANTING



5 SECTION - DECORATIVE GRAVEL WITH STEEL EDGING



- NOTES:
- SOIL AND MULCH, REFER TO SPECIFICATIONS.
 - SOIL AND MULCH DEPTHS, REFER TO PLANTING PLANS.
 - PROVIDE EDGE TO MATCH GEOMETRIES SHOWN ON PLANS.

4 SECTION | PLANTING EDGE - SPADE



209

NO	DATE	DESCRIPTION
1	05/16/22	SEEDING/MULCHING LIMITS
2	05/20/22	PLAN REVISIONS
3	07/20/22	GRADING PERMIT PLAN REVISIONS
4	08/22/22	GRADING PERMIT PLAN REVISIONS

CLIENT:

Bloomington, IN 47403

DESIGN TEAM

ARCHITECTURAL CIVIL ENGINEERING PLANNING LAND SURVEYING

CERTIFIED BY:

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HOPEWELL INFRASTRUCTURE & SITE ENGINEERING PHASE 1 EAST

CITY OF BLOOMINGTON BLOOMINGTON, INDIANA 47403

DATE: 08/05/2022 PROJECT NO: 21-0049

DRAWN BY: RDR CHECKED BY: MDW

100% PROGRESS SET

SHEET TITLE: LANDSCAPE SCHEDULE AND DETAILS

SHEET NO: L102

NO.	DATE	DESCRIPTION

CLIENT:



CITY OF BLOOMINGTON
Bloomington, IN
47403

DESIGN TEAM:



shrewsberry REA
ARCHITECTURAL, CIVIL, ENGINEERING, PLANNING, LAND SURVEYING
BEE
BYNUM PARTO & ASSOCIATES, INC.
533 North Walnut Street
Bloomington, Indiana 47404 (812) 332-8550

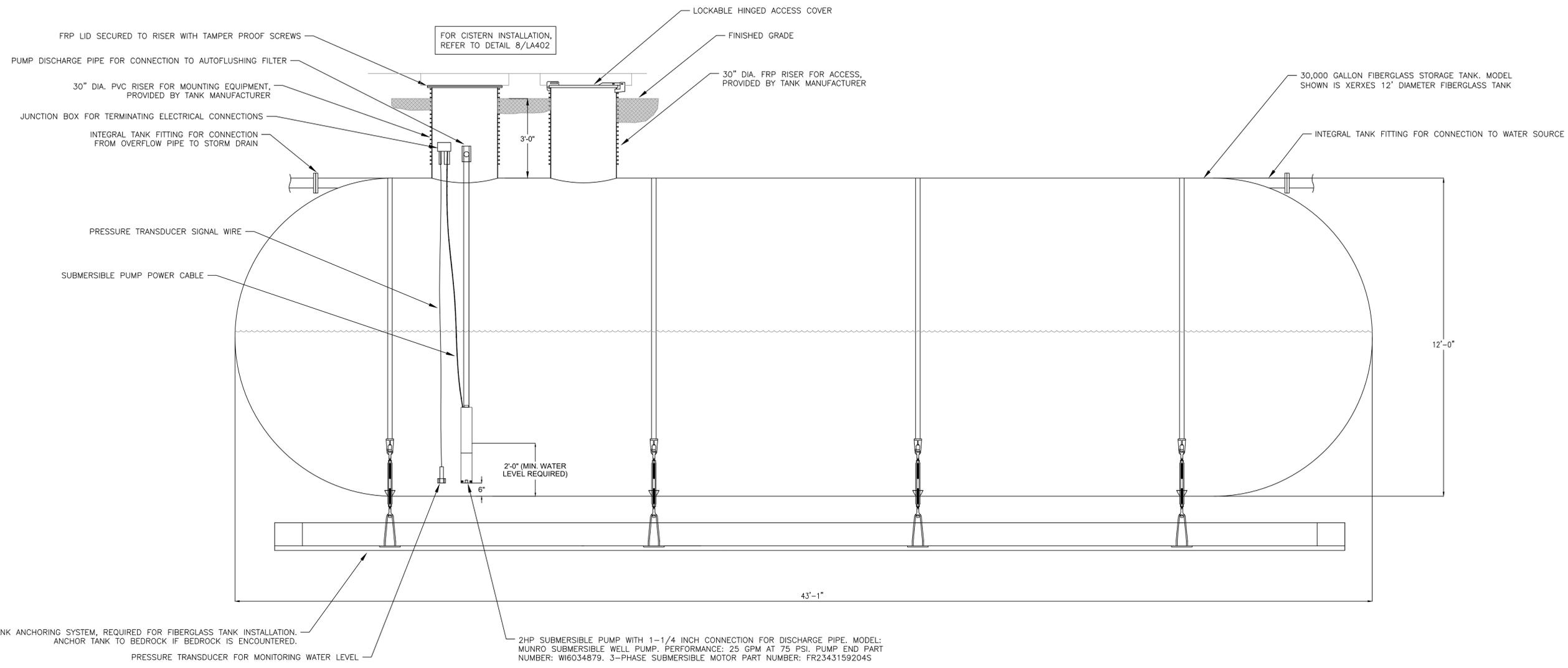
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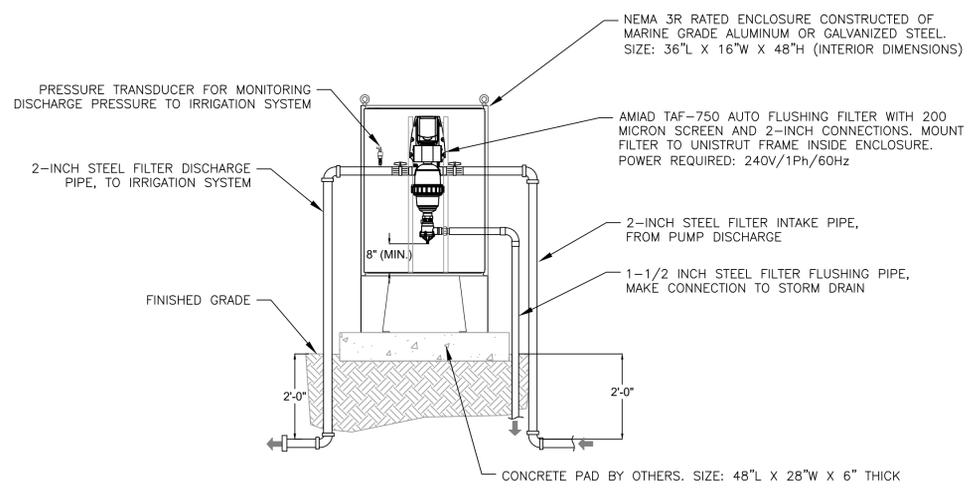
**BLOOMINGTON HOSPITAL RE-USE
INFRASTRUCTURE & SITE ENGINEERING
PHASE 1 EAST**

CITY OF BLOOMINGTON
BLOOMINGTON, INDIANA 47403

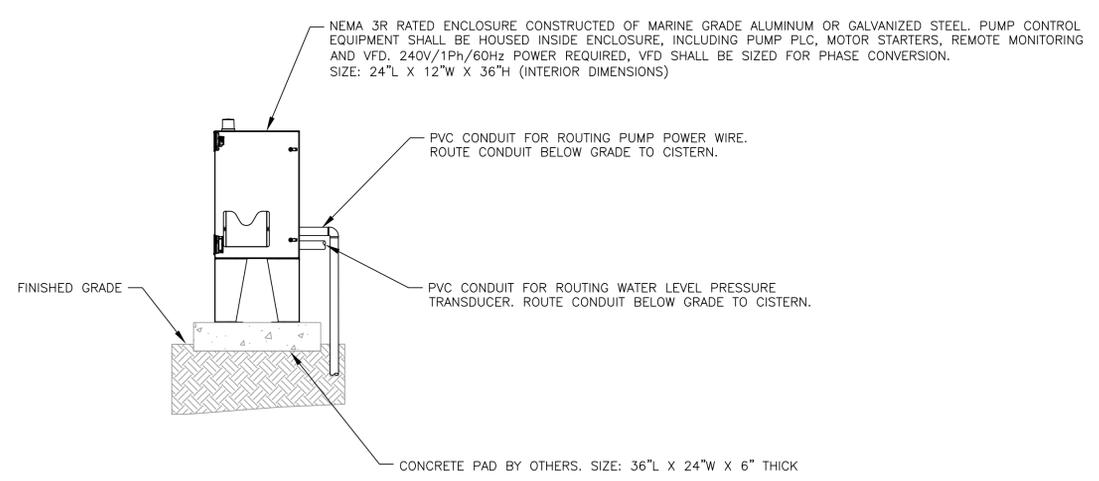
DATE: 06/21/2022	PROJECT NO.: 2021-1623
DRAWN BY: JZ	CHECKED BY: MT
DRAWING STATUS: 100% OWNER REVIEW CONSTRUCTION DOCUMENTATION PLANS	
SHEET TITLE: PUMP AND CISTERN DETAILS	
SHEET NO.: IR203	



1 PUMP STATION AND CISTERN DETAILS
SCALE: 1"=2'-0"



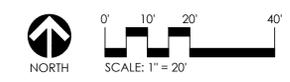
2 AUTOFLUSHING FILTER DETAIL
SCALE: 1"=2'-0"



3 CONTROL PANEL DETAIL
SCALE: 1"=2'-0"



Hines Inc
SITE WATER ENGINEERING SERVICES
323 W. DRAKE RD, SUITE 204
FORT COLLINS, COLORADO 80526
Telephone: 970.282.1800
Web: www.hinesinc.com



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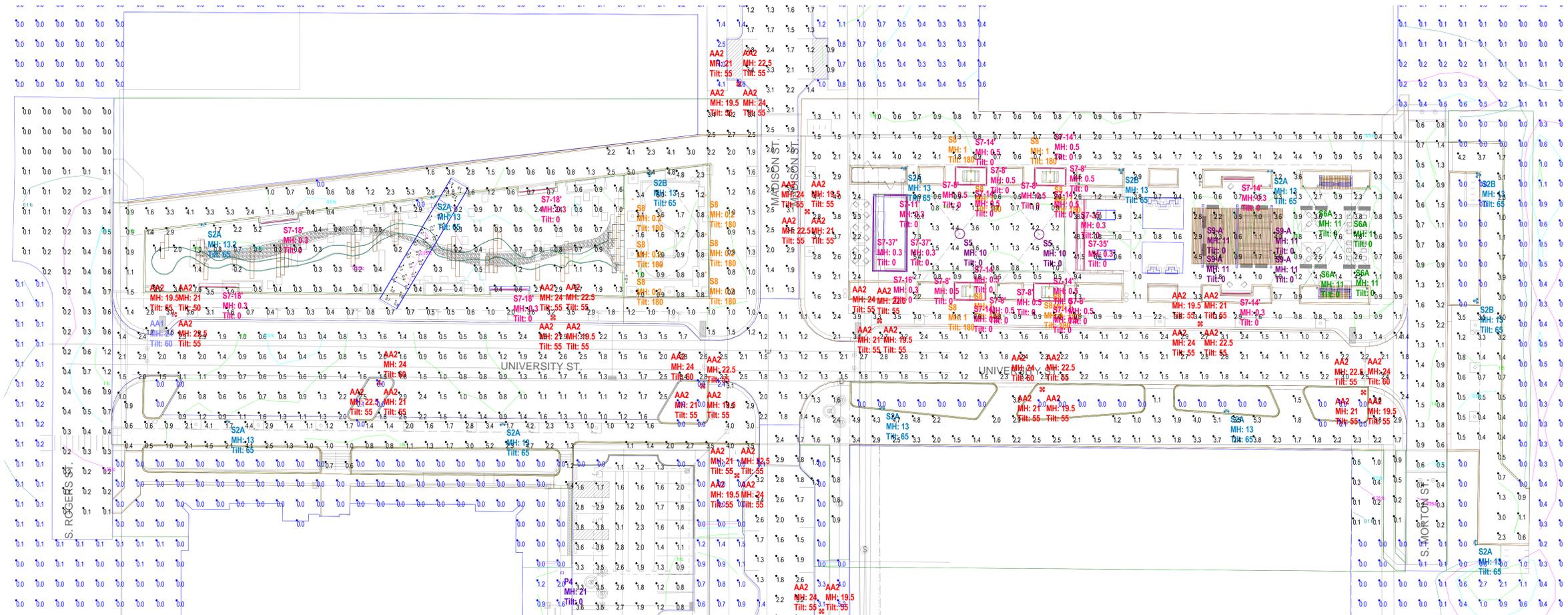
PROJECT NAME: BLOOMINGTON HOSPITAL RE-USE SITE
PROJECT NUMBER: 20210316-SP
DATE: 8-19-22

PHOTOMETRIC PLAN DESIGNED BY ESL-SPECTRUM
WWW.ESL-SPECTRUM.COM
PHONE: 317.951.2300

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Final design and illumination levels must be determined and specified by an electrical engineer.
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IES RECOMMENDED ILLUMINANCE TARGETS USED WHERE APPLICABLE.

ESL / SPECTRUM
LIGHTING / CONTROLS / DESIGN



SITE LIGHTING - PLAN VIEW
Scale: 1 inch= 20 Ft.

PHOTOMETRIC PLAN DESIGNED BY ESL-SPECTRUM
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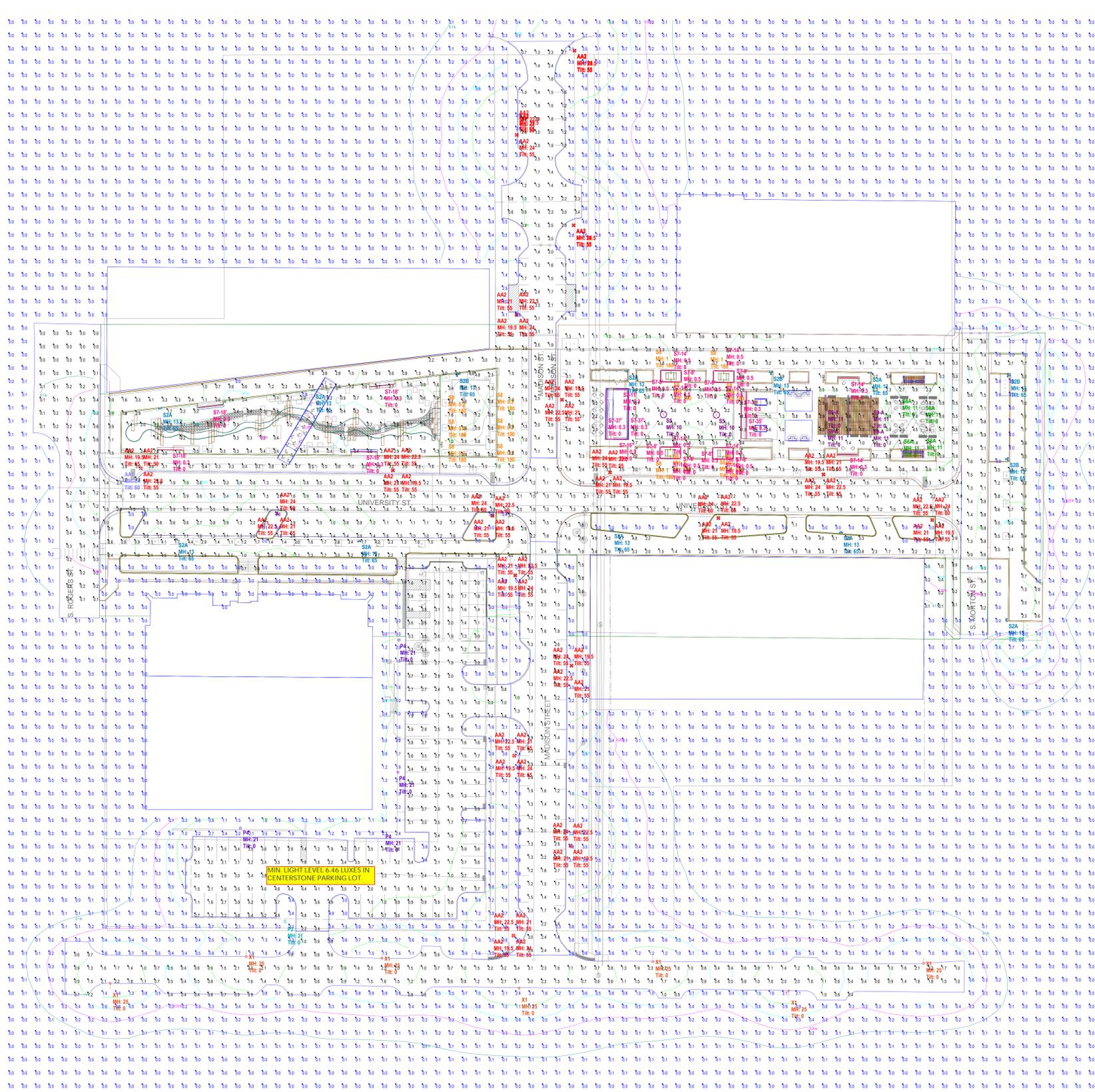
Symbol	Qty	Label	Arrangement	Lum. Watts	Lum. Lumens	LLF	Manufacturer	Description
AA1	40	AA1	Single	4885	0.850	0.850	URSBERNIS	ARV18C2F
AA2	70	AA2	Single	40	4527	0.850	LANDSCAPE	ARV18C2WF - 25' POLE
P2	1	P2	Single	150	21761	0.850	BEACON	VP-2-320L-145-4KT-3 - 20' POLE ON 1" BASE
P4	4	P4	Single	111.9	15931	0.850	BEACON	VP-1-160L-115-4KT-4W - 20' POLE ON 1" BASE
S2A	2	S2A	2 @ 130 DEGREES	4527	0.850	LANDSCAPE	ARV18C2WF - 14' POLE	
S2B	4	S2B	3 @ 120 DEGREES	40	4527	0.850	LANDSCAPE	ARV18C2WF - 14' POLE
S5	2	S5	Single	45.75	3023	0.850	Structura	AURA-RNG-D-5-130MO-S(X)-XX-ST
S7-11	24	S7-11	SINGLE	2,83	309	0.850	TEGAN	EXS-K-C-F5-xx
S7-14	10	S7-14	GROUP	N.A.	N.A.	0.850	KLUS	WPK-40-1220-IP65-24V - 11'-0"
S7-16	1	S7-16	GROUP	N.A.	N.A.	0.850	KLUS	WPK-40-1220-IP65-24V - 16'-0"
S7-18	4	S7-18	GROUP	N.A.	N.A.	0.850	KLUS	WPK-40-1220-IP65-24V - 18'-0"
S7-35	2	S7-35	GROUP	N.A.	N.A.	0.850	KLUS	WPK-40-1220-IP65-24V - 35'-0"
S7-37	2	S7-37	GROUP	N.A.	N.A.	0.850	KLUS	WPK-40-1220-IP65-24V - 37'-0"
S7-8	8	S7-8	GROUP	N.A.	N.A.	0.850	KLUS	WPK-40-1220-IP65-24V - 8'-0"
S8	14	S8	SINGLE	13.6	1010	0.850	KIM LIGHTING	LT183FF-NF-12L4K
S9A	4	S9A	Single	990	0.850	0.850	LIGMAN	UUE-5081-VW-W40
X1	7	X1	Single	50.8	6170	0.850	DUKE	50W LED SANBEL TYPEIII-30K

CALCULATIONS ARE MAINTAINED HORIZONTAL ILLUMINANCE FIGURES IN FOOT-CANDELS
POINTS SHOWN ARE AT GRADE
FIXTURE MOUNTING HEIGHTS ARE SPECIFIED NEXT TO FIXTURES AS "MH"

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
1ST STREET Grade	ILLUMINANCE	Fc	1.16	3.4	0.4	2.90	8.50
BRIDGE Ground 1	ILLUMINANCE	Fc	0.68	0.8	0.6	1.13	1.33
BRIDGE Ground 2	ILLUMINANCE	Fc	0.29	0.7	0.2	1.45	3.50
BRIDGE Ground 3	ILLUMINANCE	Fc	4.03	6.1	2.2	1.83	2.77
EAST GRASS 1 Grade	ILLUMINANCE	Fc	0.55	1.5	0.1	5.90	15.00
EAST GRASS 2 Grade	ILLUMINANCE	Fc	1.89	4.5	0.7	2.70	6.43
EAST SIDEWALK 1 Grade	ILLUMINANCE	Fc	2.26	5.3	0.1	22.80	53.00
EAST SIDEWALK 2 Grade	ILLUMINANCE	Fc	1.11	5.1	0.4	4.29	12.75
EAST SIDEWALK 3 Grade	ILLUMINANCE	Fc	2.36	48.3	0.3	7.87	161.00
GREENWAY STREET Grade	ILLUMINANCE	Fc	1.60	3.4	0.3	5.33	11.33
MADISON ST NORTH Grade	ILLUMINANCE	Fc	1.92	3.5	0.6	3.20	5.83
MADISON ST SOUTH Grade	ILLUMINANCE	Fc	1.96	3.4	1.0	1.96	3.40
PARKING LOT Grade	ILLUMINANCE	Fc	2.38	5.7	0.6	3.97	9.50
PERIMETER Grade	ILLUMINANCE	Fc	0.25	5.4	0.0	N.A.	N.A.
S MORTON STREET Grade	ILLUMINANCE	Fc	0.98	3.2	0.1	9.80	32.00
S ROGERS STREET Grade	ILLUMINANCE	Fc	0.26	1.2	0.0	N.A.	N.A.
WEST GREEN 1 Grade	ILLUMINANCE	Fc	1.06	7.6	0.2	5.30	38.00
WEST GREEN 2 Grade	ILLUMINANCE	Fc	1.67	5.0	0.8	2.09	6.25
WEST GREEN 3 Grade	ILLUMINANCE	Fc	3.12	4.2	2.5	1.25	1.68
WEST SIDEWALK 2 Grade	ILLUMINANCE	Fc	2.06	5.2	0.4	5.15	13.00

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Symbol	Qty	Label	Arrangement	Lum. Watts	Lum. Lumens	LLF	Manufacturer	Description
AA1	40	AA1	Single	4885	0.850		URBIDEORUS	AR-P1622P
AA2	40	AA2	Single	4827	0.850		LANDSCAPE	AR-P1622WF-25' POLE
P2	190	P2	Single	21761	0.850		BEACON	VP-2.30L-145-4K7.3 - 20' POLE ON T BASE
P4	19931	P4	Single	111.9	0.850		BEACON	VP-1-160L-115-4K7.4W - 20' POLE ON T BASE
S2A	4527	S2A	2 @ 130 DEGREES	40	0.850		LANDSCAPE	AR-P1622WF - 14' POLE
S2B	4627	S2B	3 @ 120 DEGREE	40	0.850		LANDSCAPE	AR-P1622WF - 14' POLE
S5	45.75	S5	SINGLE	3023	0.850		Structura	AURA-RNG-D-5-L30MO-SXX-XX-ST
S6A	2.83	S6A	Single	309	0.850		TEGAN	EX-K-C-FG-xx
S7-11'	N.A.	S7-11'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 11'-0"
S7-14'	N.A.	S7-14'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 14'-0"
S7-16'	N.A.	S7-16'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 16'-0"
S7-18'	N.A.	S7-18'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 18'-0"
S7-35'	N.A.	S7-35'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 35'-0"
S7-37'	N.A.	S7-37'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 37'-0"
S7-8'	N.A.	S7-8'	GROUP	N.A.	0.850		KLUS	WPK-40-1220-IP65-24V - 8'-0"
S8	13.6	S8	SINGLE	1010	0.850		KIM LIGHTING	LTV83FF-NF-12L4K
S8-A	15	S8-A	Single	860	0.850		LIGMAN	LUE-5501-WH-W40
X1	50.8	X1	Single	6170	0.850		DUKE	50W LED SANBELT TYPEIII-30K

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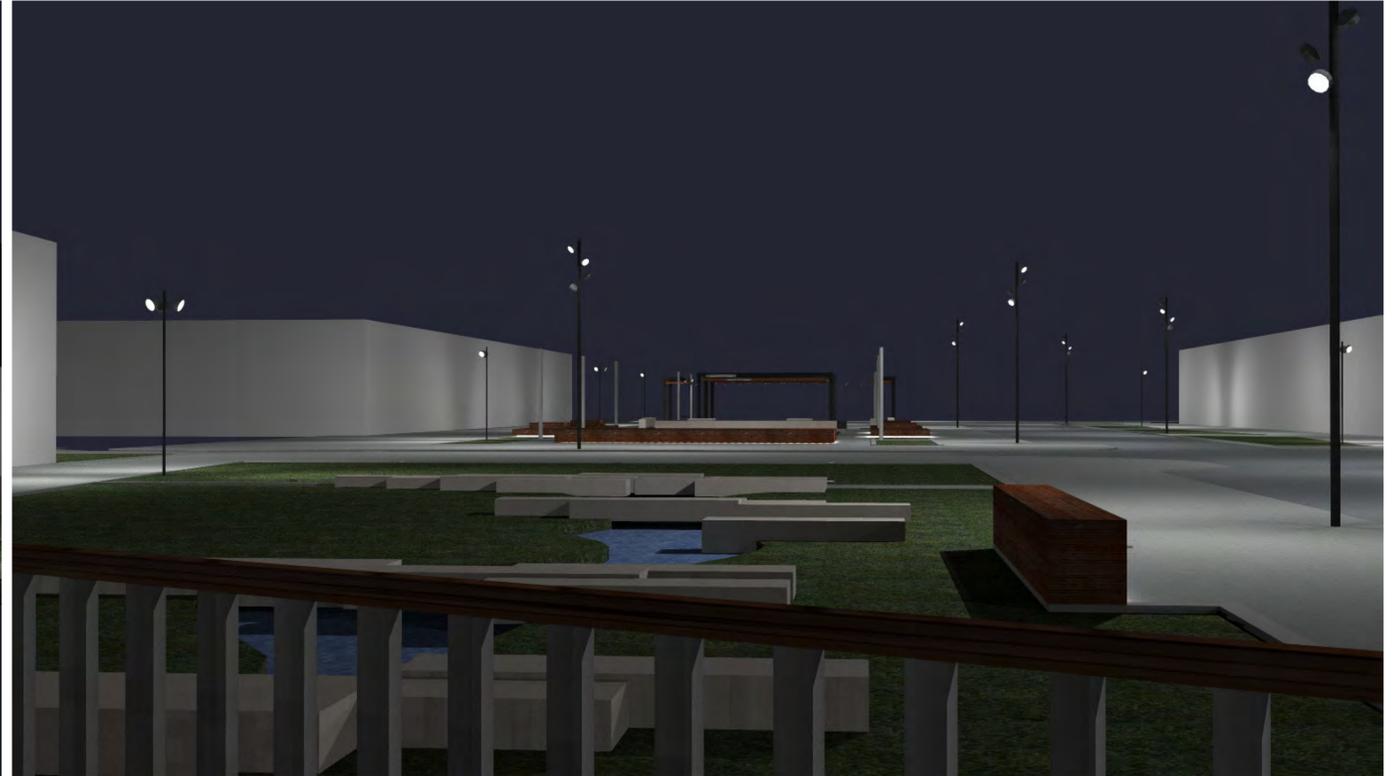
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BRIDGE, Ground 1	Illuminance	Fc	0.68	0.8	0.6	1.13	1.33
BRIDGE, Ground 2	Illuminance	Fc	0.29	0.7	0.2	1.45	3.50
BRIDGE, Ground 3	Illuminance	Fc	4.03	6.1	2.2	1.83	2.77
EAST GRASS 1, Grade	Illuminance	Fc	0.55	1.5	0.1	5.50	15.00
EAST GRASS 2, Grade	Illuminance	Fc	1.89	4.5	0.7	2.70	6.43
EAST SIDEWALK 1, Grade	Illuminance	Fc	2.26	5.3	0.1	22.50	53.00
EAST SIDEWALK 2, Grade	Illuminance	Fc	1.71	5.1	0.4	4.28	12.75
EAST SIDEWALK 3, Grade	Illuminance	Fc	2.36	48.3	0.3	7.87	161.00
GREENWAY STREET, Grade	Illuminance	Fc	1.60	3.4	0.3	5.33	11.33
MADISON ST NORTH, Grade	Illuminance	Fc	1.92	3.5	0.6	3.20	5.83
MADISON ST SOUTH, Grade	Illuminance	Fc	1.96	3.4	1.0	1.96	3.40
PARKING LOT, Grade	Illuminance	Fc	2.38	5.7	0.6	3.97	9.50
PERIMETER, Grade	Illuminance	Fc	0.25	5.4	0.0	N.A.	N.A.
S MORFON STREET, Grade	Illuminance	Fc	0.98	3.2	0.1	9.80	32.00
S ROBERS STREET, Grade	Illuminance	Fc	0.26	1.2	0.0	N.A.	N.A.
WEST GREEN 1, Grade	Illuminance	Fc	1.06	7.6	0.2	5.30	38.00
WEST GREEN 2, Grade	Illuminance	Fc	1.67	5.0	0.8	2.09	6.25
WEST GREEN 3, Grade	Illuminance	Fc	3.12	4.2	2.5	1.25	1.68
WEST SIDEWALK 2, Grade	Illuminance	Fc	2.06	5.2	0.4	5.16	13.00

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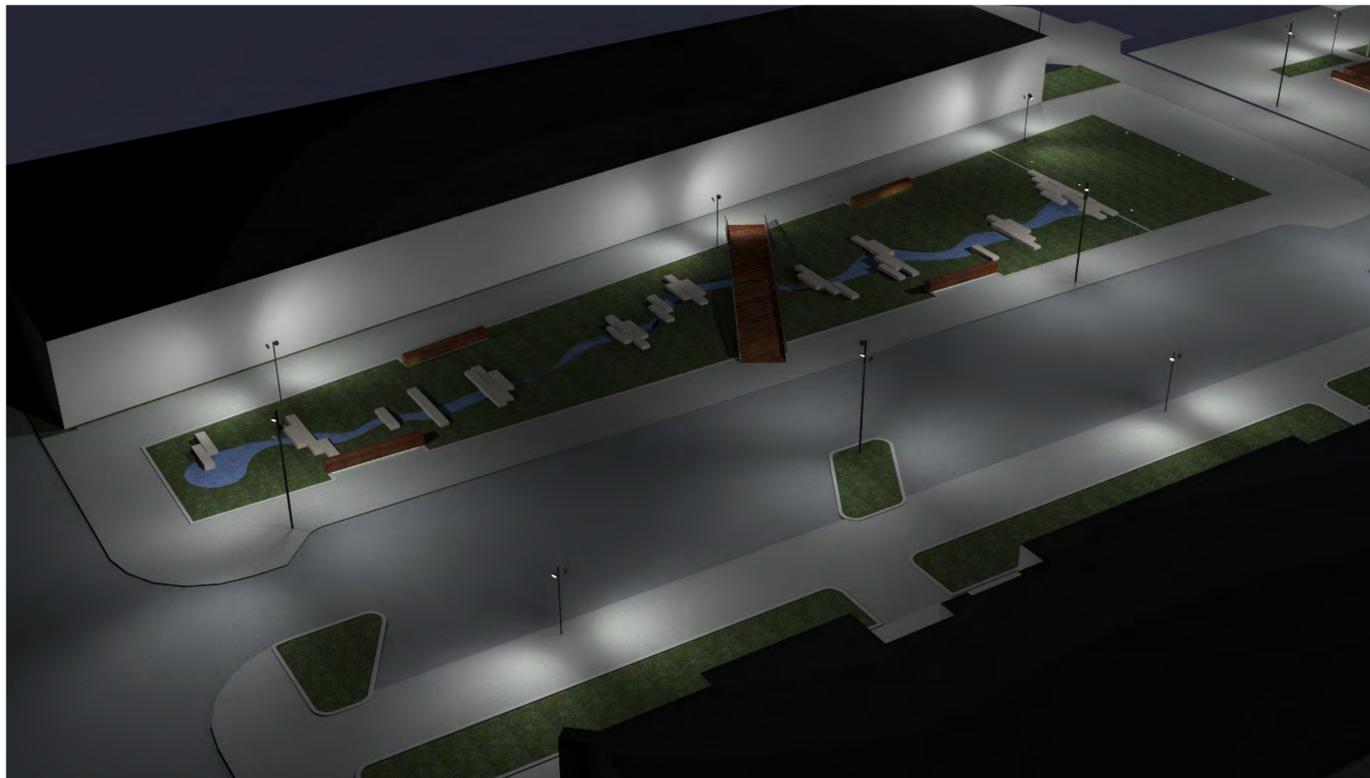
SITE LIGHTING - OVERALL PLAN VIEW
 Scale: 1 inch= 30 Ft.



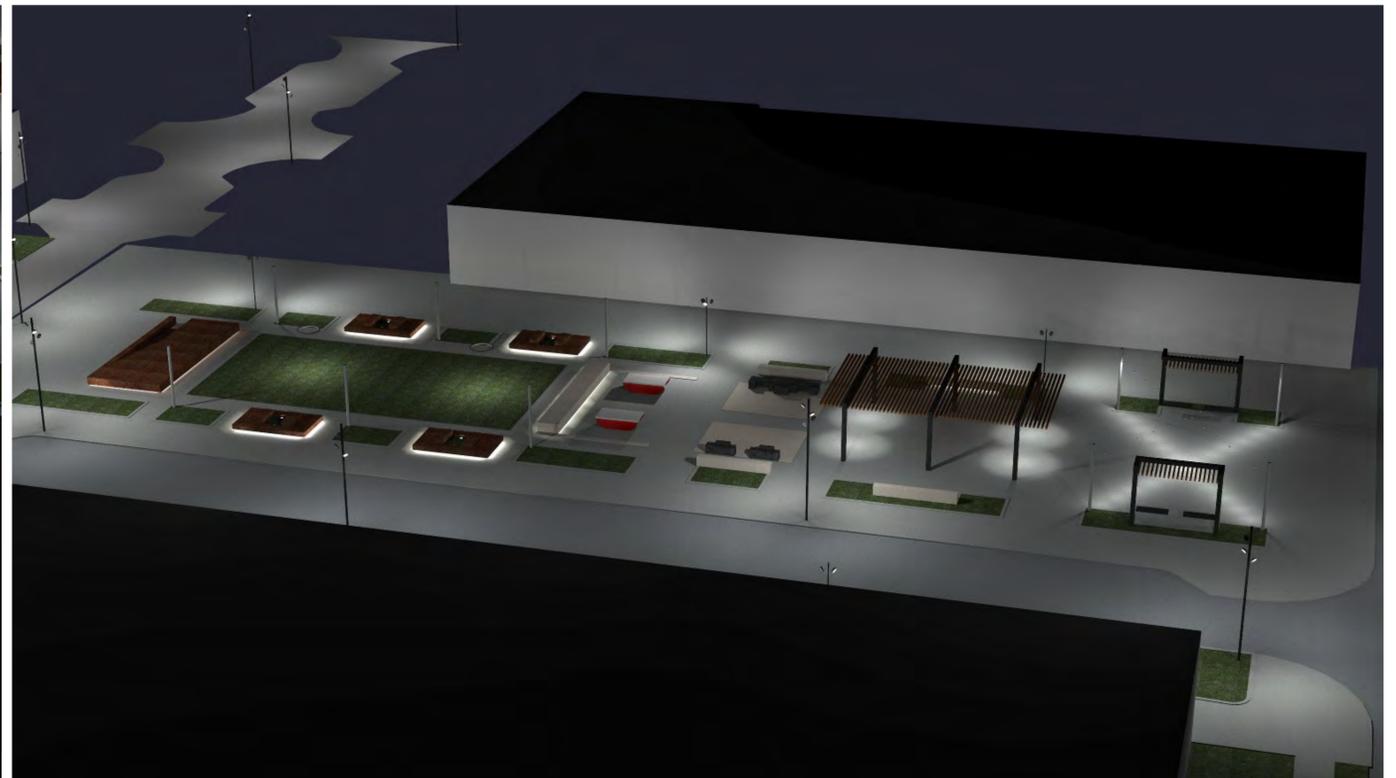
RENDER IMAGE 1: NTS



RENDER IMAGE 2: NTS



RENDER IMAGE 3: NTS



RENDER IMAGE 4: NTS