CITY OF BLOOMINGTON BOAR DF ZONING PPFALS

August 22, 2024 @ 5:30 p.m. City Hall, 401 N. Morton Street Common Council Chambers, Room #115

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI nWGROTU43dEpXdz09

Meeting ID: 824 4898 3657 Passcode: 319455

CITY OF BLOOMINGTON BOARD OF ZONING APPEALS (Hybrid Meeting)

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

August 22, 2024 at 5:30 p.m.

Virtual Meeting:

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDInWGROTU43dEpX dz09

Meeting ID: 824 4898 3657 Passcode: 319455

Petition Map: <u>https://arcg.is/1HvrqG</u>

ROLL CALL

APPROVAL OF MINUTES: July 25, 2024

PETITIONS CONTINUED TO: September 19, 2024

AA-17-22 **Joe Kemp Construction, LLC & Blackwell Construction, Inc.** Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr. Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009... Request: Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022. <u>Case Manager: Jackie Scanlan</u>

V-27-22 Cutters Kirkwood 123, LLC

113 E. Kirkwood Ave.

Parcel: 53-05-33-310-062.000-005 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). <u>Case Manager: Jackie Scanlan</u>

V-26-24 **Elisha Spier** 2110 E. Covenanter Drive Parcel: 53-08-03-407-027.000-009, 53-08-03-409-002.000-009 Request: Conditional use request to allow a home occupation in the home and variances from use-specific standards related to the number of employees and on-site sales in the Residential Medium Lot (R2) zoning district. Case *Manager: Jackie Scanlan*

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call <u>812-349-3429</u> or *E-mail <u>human.rights@bloomingto.in.gov</u>.*

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa

Hirtzel at hirtzelm@bloomington.in.gov and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

PETITIONS:

CU-17-24 Bloomington Builders, LLC & Latitude 39 North Properties, LLC 506 E. Wylie Street Parcel: 53-08-04-113-095.000-009 Request: Conditional Use approval to allow a duplex in the Residential Lot (R3)

zoning district. <u>Case Manager: Eric Greulich</u>
 CU/V-20-24 **Tabor Bruce Architecture** 1020 W. 6th Street
 Parcel: 53-05-32-409-013.000-005
 Request: Conditional use approval to allow a duplex in the Residential Small Lot (R3) zoning district. Also requested is a variance from front and side vard

(R3) zoning district. Also requested is a variance from front and side yard building setback standards to allow a second story addition to a building in the Residential Small Lot (R3) zoning district. <u>Case Manager: Eric Greulich</u>

V-22-24 Sam Heale/American Storage, LLC

2401 N. Walnut St

Parcel: 53-05-28-200-040.000-005

Request: Variance from development standards to allow side setbacks along the north property line; a development standards variance from pedestrian facility standards along N Old State Rd 37; and a determinate sidewalk variance for 140 feet of N Walnut St, to allow a new self-service storage building in the Mixed Use Corridor (MC) zoning district. <u>Case Manager: Katie Gandhi</u>

V-24-24 Storage Express Holdings, LLC

221 W. Dodds St Parcel: 53-08-04-305-002.000-009, 53-08-04-305-007.000-009, 53-08-04-305-006.000-009, 53-08-04-305-015.000-009 Request: Variance to allow a driveway wider than 24 feet on a non-classified road. <u>Case Manager: Jackie Scanlan</u>

V-25-24 Clearpath Services/Cutters Kirkwood 123, LLC

115 E. Kirkwood Ave Parcel: 53-05-33-310-062.000-005 Request: Variance from height standards in the Mixed-Use Downtown zoning district in the Courthouse Square Downtown Character Overlay (MD-CS.) <u>Case Manager: Jackie Scanlan</u>

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Memo

То:	Bloomington Board of Zoning Appeals
From:	Gabriel Holbrow, Zoning Planner
Date:	August 22, 2024
Re:	Previously granted variance V-02-24 / VAR2024-02-0022, 2214 E Maxwell Ln

Earlier this year on March 21, 2024, this Board granted variance V-02-24 / VAR2024-02-0022 from some of the riparian buffer standards for the property at 2214 East Maxwell Lane.

After additional review and consideration of the circumstances, the Planning and Transportation Department made a determination on July 12, 2024 that the stream running parallel to and south of Maxwell Lane, east of High Street and west of Nota Drive, shall not be considered an "intermittent stream", as that term is defined in the City of Bloomington's Unified Development Ordinance. There is not sufficient evidence to comfortably assert that the stream flow is composed substantially of groundwater, and only supplemented by surface stormwater, as required by the UDO definition. As the Department is not considering the stream to be an intermittent (or perennial) stream, the UDO's riparian buffer standards are not applicable on properties along or contiguous to the stream.

This determination has rendered variance V-02-24 / VAR2024-02-0022 unnecessary, because the riparian buffer standards that the variance granted relief from do not apply to the property. The conditions of the variance approval shall not be enforced.

This memo is provided for your information and for the record. No action by the Board is necessary.

BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT – Second Hearing LOCATION: 506 E. Wylie Street

PETITIONER: Bloomington Builders LLC & Latitude 39 North Properties, LLC PO Box 67 Bloomington, IN 47402

REQUEST: The petitioner is requesting Conditional Use approval to allow a "Dwelling, duplex" use in the Residential Small Lot (R3) zoning district.

FIRST HEARING SUMMARY: This petition was heard at the May 23, 2024 hearing and was continued to allow the petitioner the opportunity to address comments from the neighbors and Board of Zoning Appeals members. Comments expressed at the first hearing included a desire to reduce the number of bedrooms, reduce the size of the structure to match existing homes along Wylie, and consider adding additional parking. The petitioner did meet with some members of the neighborhood after the hearing, however there were no changes submitted with the petition.

REPORT: The property is located at 506 E. Wylie Street and is zoned Residential Small Lot (R3). All surrounding properties are zoned Residential Small Lot (R3) and have been developed with single family residences. The property is currently vacant and within the Bryan Park Neighborhood Association area.

The petitioner is proposing to develop the site with a new duplex. The residence would face Wylie Street and be accessed by a driveway along the east side of the residence. Each unit would have its own entry facing Wylie Street with a sidewalk connecting the residence to Wylie Street. There is no sidewalk along this property frontage or sidewalks along adjacent properties. This petition would not be required to install a sidewalk along the property frontage, however new street trees are required and have been shown. The new residence will be two-stories with three bedrooms in each unit.

This petition was presented to both the Bryan Park and Elm Heights Neighborhood Associations. At those meetings neighbors expressed concerns regarding the amount of parking provided, the location of the driveway on the property, tree preservation, and potential for future home ownership of the units. In response to those comments the petitioner has adjusted the location of the driveway on the property to relocate it away from the residence to the west, and extended the length of the driveway. Unfortunately the location of a large Sycamore tree in the center of the property cannot be avoided. Each individual unit in the duplex will have its own entrance and separate utility connection to enable the possibility of future ownership through a condominium design.

The petitioner is requesting conditional use approval to allow the establishment of a "Duplex, dwelling" use on the property.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- *i.* Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- *iii.* Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: There are use-specific standards that apply to the use "dwelling, duplex" within the R3 zoning district and this petition meets those standards. The property owner does not have any notices of violation on file. Each unit has its own separate exterior entrance and the design of the building incorporates many elements similar to surrounding residences on this block face including- pitched roof, covered porches, and building setback. The structure will contain no more than six bedrooms. Each unit will have its own separate utility meters. The petitioner did attend Bryan Park and Elm Heights Neighborhood Association meetings and presented this petition as required. There are no other known applicable regulations for this petition. There are water and sewer connections available in Wylie Street and no conflicts with connecting to those services have been identified. There are no known prior approvals for this site.

20.06.040(d)(6)(C) ADDITIONAL CRITERIA APPLICABLE TO CONDITIONAL USES

i. Consistency with Comprehensive Plan and Other Applicable Plans The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as the "Mixed Urban Residential" land use category. The Comprehensive Plan states that the Mixed Urban Residential land use category is largely in older neighborhoods and that redevelopment should be compatible with surroundings. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units and duplexes. This location is also well served by existing services and utilities. The proposal also accomplishes many of the design goals of the Comprehensive Plan in relation to compatibility with adjacent structures and has a clear relationship with the adjacent public street through the sidewalk connection from the residence to the sidewalk on the street. The proposal is in line with the Comprehensive Plan.

ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties. **PROPOSED FINDING:** The site has existing utility connection and no issues have been identified with the proposed connections.

iii. Minimizes or Mitigates Adverse Impacts

- 1. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
- 2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.
- 3. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.
- 4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

PROPOSED FINDING: There are no regulated natural or scenic features that will be impacted. Although there is one tree in the center of the property that the neighborhood expressed a desired to save, the location of the tree in the center of the property does not allow it to be saved and still develop the lot. The building is not located within a historic district. No significant adverse impacts are expected from the creation of the proposed duplex. No changes to trash and waste collection service are expected. Concerns from adjoining property owners were expressed at the respective Neighborhood Meetings and most have been addressed through the changes mentioned previously.

iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: No phasing is proposed with this plan.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-17-24 with the following conditions:

- 1. This conditional use approval is limited to the design shown and discussed in the packet.
- 2. Street trees not more than 30' from center are required along the property frontage.



Planning and Transportation Department



Created: 5/10/2024 Map By:

For use as map information only, information is NOT warranted.



Planning and Transportation Department



Created: 5/10/2024 Map By:

For use as map information only, information is NOT warranted.

506 East Wylie Street, LLC

PO Box 67, Bloomington, Indiana

Petitioner's Statement

506 East Wylie Street Residence

Petitioner: 506 East Wylie Street, LLC, Bloomington, Indiana

Property Description

506 East Wylie Street is a vacant, residential lot near the intersection of East Wylie Street and South Henderson Street in the Bryan Park Neighborhood. The property is zoned R3 (Residential Small Lot). The property is bounded by single family residential uses on all sides as well as multifamily apartments to the Southeast. Adjacent Zoning is R3 on all sides.

Conditional Use Request

506 East Wylie Street, LLC, is filing a request for Conditional Use per the UDO for Dwelling, Duplex construction in R3 Zoning. The proposal meets the design requirements and the development standards in the UDO. The proposal consists of a new 1.5-story structure that includes two 3 bedroom, 3 bath dwelling units. The design reflects the requirements of the UDO in that separate exterior entrances for each unit face East Wylie Street. Additionally, various gable roof pitches reflect similar roof styles found in the surrounding neighborhood. The combination of horizontal "lap style" and vertical board and batten siding also help differentiate each dwelling unit. The building setback and vehicular access is also consistent with other homes along East Wylie Street. New water and sewer service, separate for each unit, has been coordinated with City of Bloomington Utilities and Engineering, and new electrical service, separate for each unit, will be coordinated with Duke Energy. Upon approval, construction would likely begin in December of 2024 with completion expected in the Summer of 2025.





506 East Wylie Street Duplex Preliminary Plan Set





OWNER: 506 EAST WYLIE STREET, LLC



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Jacqueline Scanlan <scanlanj@bloomington.in.gov>

506 East Wylie Proposed Duplex Construction

Amy Stupka <amyrunswithhorses@gmail.com> To: scanlanj@bloomington.in.gov, planning@bloomington.in.gov

Thu, May 9, 2024 at 3:52 PM

Greetings Jackie and all,

My husband and I live north of the proposed construction site, and have some concerns related to the proposed 6 bedroom, 6 bathroom duplex construction. Our primary concern is for the safety of the neighborhood related to traffic and parking congestion on Wylie. Even now, with that lot currently vacant, cars frequently fill the narrow road creating a one-way street. Our neighbor accross Wylie frequently has difficulty backing out of his driveway, and it is difficult for pedestrians to see what is coming without stepping into the road. We are very concerned that the addition of 6 more cars to this small area of road will create an unsafe situation. Even though 4 parking spaces will be part of the plan, it seems clear that even the addition of a minimum of 2 more cars coming is a concern.

Another major concern is the existence of a magnificent sycamore tree that beautifies the intersection and neighborhood surroundings. Such trees exemplify the beauty of this special neighborhood as well as provide a nesting location for hawks and other wildlife adding to the character. We expressed our concerns to the contractor directly, and feel that he was very receptive to the concerns, but want to make sure that planners are also aware of them.

Is it possible to restrict street parking on Wylie to residents? These restrictions could help alleviate the current problem as well as help prevent worsening the situation with the addition of as many as 6 more drivers.

Thank you very much for your attention to these concerns.

Sincerely,

Amy Stupka 814 South Henderson Street 828-215-6098



Eric Greulich <greulice@bloomington.in.gov>

Fwd: 506 E. Wylie Duplex Proposal

Jacqueline Scanlan <scanlanj@bloomington.in.gov> To: Eric Greulich <greulice@bloomington.in.gov> Fri, May 3, 2024 at 3:16 PM

I'm sure you'll get this from the front, but fyi!

Jackie

------ Forwarded message ------From: **ian woollen** <iwool@hotmail.com> Date: Fri, May 3, 2024 at 2:47 PM Subject: RE: 506 E. Wylie Duplex Proposal To: planning@bloomington.in.gov <planning@bloomington.in.gov>, scanlanj@bloomington.in.gov <scanlanj@bloomington.in.gov>, isabel piedmont <piedmoni@bloomington.in.gov>, caylan.m.evans@gmail.com <caylan.m.evans@gmail.com>

Hi - I was at the BPNA meeting last night and heard the presentation from architect/developer Caylan Evans for a new duplex at 506 E. Wylie.

I just want to register my concern that the arrangement of 6 beds with 6 baths seems obviously aimed at the student market, rather than a family tenant. Cutting the number of bathrooms from 3 down to 2 in each unit would allow for a larger master bedroom and be more likely to attract a family tenant.

Thanks for your time.

Regards,

Ian Woollen

1106 S. Washington

Dear Members of the Bloomington Zoning Appeals:

I am writing to ask you to reject the proposed infill project at 506 E. Wylie. The project is too big to maintain a consistency of style with the existing mid-century style houses on Wylie. It's a a challenge to fit 6 bedrooms and 6 bathrooms in any house. Also, the proposed project does not meet design mandates of the UDO (see below).

The proposed, large, multi-gabled roof lines, vertical roof pitch and orientation of the building does not resemble the established style of the established houses on Wylie. The houses on Wylie, from Henderson to Lincoln, were built in the early 1950s and are exceptionally consistent and harmonious in the roof pitch, porch depth, front building setbacks, massing, shape, size, and design with the broad side of the house facing Wylie. In this letter I have included images of all the houses on the south side of Wylie.

At our last Bryan Park Neighborhood Assocition meeting, the developer was asked how he was going to address this design issue. He did say it was a problem but did not offer a solution. At the Elm Heights neighborhood meeting, the developer said he was going to revise the plans. Several neighbors requested a readable digital file because the document he brought was so small that many of the numbers were unreadable. At this date, we have not received any.

The Bryan Park houses are generally more affordable than most of the neighborhoods in Bloomington. We have seen an uptick of developers purchasing property in the neighborhood for the land itself. The developer said that the price range for the duplex was going to be approximately \$1,000 per bedroom.

One of the goals for infill projects in the Comprehensive Plan is to ensure all land development activity makes a positive and lasting community contribution. This project will not meet this goal.

Sincerely, Jan Sorby

From the UDO:

Pg. 89: Chapter 20.03, Use Regulations Design: In the R1, R2, R3, and R4 zoning districts the following shall apply: Each unit in a newly constructed duplex dwelling shall have a separate exterior entrance facing a public or private street. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex structures on the same block face on which it is located: Roof pitch; Front porch width and depth; Front building setback; and Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area). No duplex dwelling structure shall contain more than six bedrooms total. Each individual dwelling unit shall have separate utility meters.

Pg. 18: R3: Residential Small Lot Purpose: The R3 district is intended to protect and enhance established residential neighborhoods by increasing the viability of owner-occupied and affordable dwelling units through smalllot subdivisions, accessory dwelling units, and property improvements compatible with surrounding development patterns. The conversion of existing housing stock to more intense land uses is discouraged.

From the Comprehensive Plan

Pg. 16: Housing & Neighborhoods Objective: Overall this chapter supports the following Vision Statement principles: 11. Ensure all land development activity makes a positive and lasting community contribution.

Pg. 60: Housing Trends and Issues: Most core neighborhoods are stable but are trending towards a lower percentage of new single-family homes. With greater density in the city comes the challenge to preserve neighborhood character and the opportunity to strengthen neighborhoods by developing small commercial nodes as community gathering places. Existing core neighborhoods should not be the focus of the city's increasing density.

Pg. 62: Many neighborhoods in Bloomington were developed during a span from the late 1800s through the 1950s. These older homes are generally well built and have distinctive architectural features. They also often have smaller footprints compared to more modern homes. As seen in communities across the nation, this can lead to the phenomenon of people purchasing these homes purely for their desirable urban locations and tearing down the existing structure to make way for a brand-new home, which often features an excessively large footprint and a contemporary architectural style. Such homes may not fit into the period context of their surround-ings and can negatively impact the fabric of the entire neighborhood. Unchecked, this practice can lead to the large-scale loss of a community's historic integrity and also the loss of affordable housing stock.

All the Houses located on the South side of East Wylie, from Henderson to Lincoln



430 E Wylie



424 E Wylie



414 E Wylie



400E Wylie



318 E Wylie

The block faces of east Wylie from Henderson to Lincoln streets consist of split-level and small ranch style houses, built in the early 1950s.

The houses are exceptionally consistent in shape, size, and design with the broad side of the house facing the street. The roof pitches, porch depths and widths, front building setbacks, and massing are uniform and harmonious.

Bloomington, IN 47401

PETITIONER:	R&NP Investments, LLC PO Box 8 Smithville, IN 47458
CONSULTANT:	Doug Bruce 1101 S. Walnut Street

REQUEST: The petitioner is requesting Conditional Use approval to allow a "Dwelling, duplex" use in the Residential Small Lot (R3) zoning district. Also requested are variances from front and side building setback requirements to allow a 2^{nd} story addition.

REPORT: This 6,892 square foot (0.158 acre) property is located at 1020 W. 6th Street and is zoned Residential Small Lot (R3). Surrounding properties are all zoned Residential Small Lot (R3) and have been developed with single family residences. The property has been developed with a single-story residence as a "Dwelling, duplex". There are no known sensitive environmental features on the site. There are 12' wide platted alleys that run along the north and east property lines. The site is located in the Near West Side Historic District and a Certificate of Appropriateness was approved for the proposed addition under COA-24-14.

The petitioner is proposing to construct a second-story addition on the building to increase the number of bedrooms within the building and add additional living space. The new residence will be two-stories with three bedrooms in each unit. The existing siding, windows, and doors along the exterior of the existing building will be removed for the proposed work. The south wall of the building will be removed to allow the construction of a recessed porch. The building would face 6th Street with each unit having an entrance facing 6th Street. A sidewalk connection has been shown connecting the front of the residence to the existing sidewalk along 6th Street. There is an existing parking area on the east side of the site adjacent to the alley that must be modified to be no more than 20' wide and 20' deep to provide a parking area for two parking spaces.

This petition was presented to the Near West Side Neighborhood Association as well as to the Design Review Committee for the Neighborhood as part of the review for the Certificate of Appropriateness. The building has been designed to meet all of the requirements of the Historic District and a Certificate of Appropriateness has been approved.

The existing building is 9.1' from the east property and the side yard setback for a two-story structure is 10'. A variance from the side yard building setback requirement is therefore required for the proposed second-story since it will be placed even with the existing wall of the building and not meet the required 10' setback. The front yard setback requirement is 15' from the front property line or the median front setback of abutting residential structures, whichever is less. The two adjacent structures are closer than the 15' setback and therefore define the setback requirement. The existing building is setback slightly further from the street than the two adjacent

structures, however the petitioner is proposing to add a new covered porch that would extend 7' from the structure. Since both adjacent structures are closer than 15', the median setback would apply and any addition would have to match the existing adjacent structures. The proposed front porch of the structure will be 3' closer to the street than the adjacent structures and therefore requires a variance. The porch will be approximately 5' from the front property line.

The petitioner is also requesting conditional use approval to allow the establishment of a "Duplex, dwelling" use on the property. Also requested is a variance from the required 10' side yard building setback to allow a 9.1' setback and a variance from the front yard setback to allow a 3' encroachment.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- *i.* Compliance with this UDO
- *ii.* Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: There are use-specific standards that apply to the use "dwelling, duplex" within the R3 zoning district and this petition meets those standards. The property owner does not have any notices of violation on file. Each unit has its own separate exterior entrance and the design of the building incorporates many elements similar to surrounding residences on this block face including- pitched roof, covered porch, and building setback. Although the petitioner is requesting a variance from the front building setback, the requested variance to allow a 3' encroachment into the front setback is to allow the addition of a covered front porch to match several surrounding residences and is appropriate. The structure will contain no more than six bedrooms. Each unit will have its own separate utility meters. The petitioner did attend the Near West Side Neighborhood Association meeting and presented this petition as required. There are no other known applicable regulations for this petition. There are water and sewer connections available in 6th Street and the existing building is already connected to those services. There are no known prior approvals for this site.

20.06.040(d)(6)(C) ADDITIONAL CRITERIA APPLICABLE TO CONDITIONAL USES

i. Consistency with Comprehensive Plan and Other Applicable Plans The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as the "Mixed Urban Residential" land use category. The Comprehensive Plan states that the Mixed Urban Residential land use category is largely in older neighborhoods and that redevelopment should be compatible with surroundings. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units and duplexes. This location is also well served by existing services and utilities. The proposal also accomplishes many of the design goals of the Comprehensive Plan in relation to compatibility with adjacent structures and has a clear relationship with the adjacent public street through the sidewalk connection from the residence to the sidewalk on the street. The proposal is in line with the Comprehensive Plan.

ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: The site has existing utility connection and no issues have been identified with the proposed connections.

iii. Minimizes or Mitigates Adverse Impacts

- 1. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
- 2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.
- *3. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*
- 4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

PROPOSED FINDING: There are no regulated natural or scenic features that will be impacted. The building is not located within a historic district. No significant adverse impacts are expected from the creation of the proposed duplex. No changes to trash and waste collection service are expected. No concerns from adjoining property owners were expressed at the Neighborhood Meeting.

iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: No phasing is proposed with this plan.

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.*

Side yard building setback:

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 portion of the proposed addition that does not meet the required setback is adjacent to a platted alley, which reduces the impact of the building's presence within the required setback and provides the desired open space between structures on adjacent properties.

Front yard building setback:

PROPOSED FINDING: The granting of the variance to allow the reduced front yard setback will not be injurious to the public health, safety, morals, or general welfare of the community. The reduction to allow a 3' encroachment will still provide a 5' setback from the right-of-way line and there will be 17' from the structure to the sidewalk. The granting of the variance to allow the addition to be 3' closer to the structure that will encroach into the setback is a one-story, open-sided porch and therefore will have little visual impact.

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.

Side yard building setback:

PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to allow the proposed addition are found. The presence of the alley along the side of the property line that would not meet the 2^{nd} story setback mitigates the impact from the slight reduction.

Front yard building setback:

PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to allow the proposed addition are found. As mentioned, the front building will still have 17' to the sidewalk and will not be visually impactive. In addition, the portion of the building that encroaches into the setback is a one-story, open-sided porch and therefore has little massing impact.

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.

Side yard building setback:

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 it would require the building to be completely removed in order to meet setback requirements in order to allow a second story addition as there is not a practical manner to only remove a portion of the building to meet the required setbacks. The property is peculiar in that there are platted alleys along both the east and north sides of the site that provide the light and open space that would be achieved with the required setbacks. The granting of the variance to allow the addition would allow for redevelopment on this property with an addition that is found to be compatible with adjacent structures.

Front yard building setback:

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 it would require the building to be completely removed in order to meet setback requirements in order to allow the addition as there is not a practical manner to only remove a portion of the building to meet the required setbacks and incorporate the architectural features desired by the Neighborhood Association and Historic Preservation Commission in regards to the incorporation of a front porch. The property is peculiar in that there is an existing building on the site that presents difficulty in constructing an addition to and meet the required setbacks. The granting of the variance to allow the addition will allow for the existing building to be modified to be compliant with existing historical guidelines for the neighborhood and improve the building design to be compatible with the neighborhood.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU/V-20-24 with the following conditions:

- 1. This conditional use approval is limited to the design shown and discussed in the packet.
- 2. The 3 walls shown to be preserved must be maintained during construction.
- 3. Existing parking area must be brought into compliance with the UDO and be no more than 20' wide and 20' deep.





Planning and Transportation Department





Bloomington Board of Zoning Appeals

Petitioner's Statement for 1020 West 6th Street

Overview-Existing site

The site as it exists is a small, 1,128 square foot, single story ranch duplex that is listed as non-contributing within the Near Westside Historic District. It shows that it was constructed back in 1971. The existing site is opposite to everything we like to see in a historic neighborhood. As a matter of fact, the NWS design subcommittee said that they have had their eyes on this structure for some time. The property itself is a smaller lot of .16 acres, less than the typical .2 acre lot.

Issues with the existing structure

The existing duplex has no doors or windows facing 6th Street. The entry is gained through the east side deck that faces an unimproved alley. No connection to the existing street sidewalk or it's neighbors. The front façade is only 8 feet from the south or 6th street property line. This leaves very little room to address the street facing façade without a need for a variance to meet the neighborhood guidelines and renovate the existing structure. Because the existing foundation and first floor structure will remain, but the reuse of the foundation and first floor walls requires the client to seek the needed setbacks as the existing house sits at a bit of an angle to the property lines.

Changes proposed Explained

The proposed design will add a second story to the structure, still keeping it as a duplex, but will completely change the character of the structure. The vinyl siding will be replaced with cement board siding, new windows and a steeper roof will be provided. The proposed changes will meet all of the items as required in the NWS guidelines. The neighborhood design committee as well as the Bloomington Historic Preservation Commission have endorsed the proposed changes-the largest being the need for a street façade with a porch

and entry with a sidewalk connecting to the street.

Because the unique nature of this existing structure that was built decades ago with no porch or street façade, and the closeness of the existing south wall to the property line and Northeast sideyard that exists too close to that property line, it leaves little room for changes to this blank front wall. It is for this reason we are seeking a variance from the requirements for the front yard and sideyard setbacks. Although we are an existing duplex in an R3 zone, and the number of units will not change, we are also required to ask for a conditional use to allow for a duplex in the R3 zoning district.

We thank you for considering our request.

Doug Bruce NCARB-LEED AP TABOR/BRUCE ARCHITECTURE & DESIGN, Inc. 1101 S Walnut Street Bloomington, IN 47401 (812) 332-6258




















BLOOMINGTON BOARD OF ZONING APPEALSCASE #: V-22-24/VAR-2024-05-0035STAFF REPORTDATE: August 22,2024

Location: 2401 N Walnut St (parcel #53-05-28-200-040.000-005)

APPLICANT:	Sam Heale 405 N Rogers St
OWNER:	American Storage LLC PO Box 40 Bloomington, IN 47402
CONSULTANT:	Matt Ellenwood, AIA (Matte Black Architecture) 2021 E Wexley Rd, Bloomington, IN 47401

REQUEST: Development standards variance from side building setbacks along the north property line; a development standards variance from pedestrian facility standards along N Old State Rd 37; and a determinate sidewalk variance for 140 feet of N Walnut St, to allow a new self-service storage building in the Mixed-Use Corridor (MC) zoning district.

REPORT:

This property is located at 2401 N Walnut St and consists of two parcels totaling 4.46 acres. The property is zoned Mixed-Use Corridor (MC). Surrounding zoning districts are Mixed-Use Corridor (MC) to the north, Residential Medium Lot (R2) to the east, and Parks and Open Space (PO) to the south and west. Surrounding land uses include commercial to the north, detached single-family residential use to the east, commercial to the south, and park to the west. The future land use designation for this property is Urban Corridor.

The petitioner is proposing to construct a new 6,050 square foot storage and office building and parking lot along the front property line on N Walnut St. The new structure and parking lot would replace the existing 3,000 square foot front office building and a surface parking lot along N Walnut. Title 20 of the Bloomington Municipal code requires that a site be brought into full compliance with Title 20 with any petition for the demolition of existing and construction of new buildings.

In the process of bringing this site into full compliance, the petitioner would like to request three variances:

Variance 1: variance from side setbacks for the existing buildings along the north property line. Full compliance requires that a site meet all setback standards; however, existing buildings on the site encroach into the side property line at the northern edge of the lot. The petitioner requests a variance from side setbacks for these existing buildings so that the existing buildings may remain in place.

Variance 2: variance from pedestrian facility standards along N Old State Rd 37. Full compliance requires the installation of pedestrian facilities, including all trails and connector paths, as indicated in the Transportation Plan, on all street frontages. This property has street frontage along

N Old State Rd 37, so the installation of a sidewalk along this road is required by code. The petitioner is requesting a variance from the requirement to install a sidewalk along the entire length of N Old State Rd 37.

Variance 3: A determinate sidewalk variance for 140 feet of N Walnut St. Full compliance requires the installation of pedestrian facilities, including all trails and connector paths, as indicated in the Transportation Plan, on all street frontages. This property has street frontage along N Walnut, so pedestrian facilities along this road are required, according to code. The Transportation Plan calls for a multi-use path along N Walnut. Planning & Transportation (P&T) staff have determined that the path should be placed along the west side of N Walnut. As a result, full compliance requires that the petitioner install a multi-use path along their entire frontage along N Walnut St. The petitioner is requesting a variance from installing the multi-use path within the southern 140' feet of street frontage along N Walnut, from where the guardrail begins to the southern-most 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.

Variance 1: variance from side setbacks for the existing buildings along the north property line.

PROPOSED FINDING: The granting of this variance will not be injurious to the public health, safety, morals, or general welfare of the community. The existing buildings along this property line have been in place for at least 10 years and have not caused any known issues with public health, safety, morals or general welfare of the community or the adjacent lot.

Variance 2: variance from pedestrian facility standards along N Old State Rd 37.

PROPOSED FINDING: The granting of this variance will not be injurious to the public health, safety, morals, or general welfare of the community. While sidewalk infrastructure is desired in Cascades Park in the future and would contribute to the welfare of the community, the Parks & Recreation and Planning & Transportation Departments have not yet decided on the best approach for bike and pedestrian routes for Cascades Park, and do not foresee this location as viable.

Variance 3: A determinate sidewalk variance for 140 feet of N Walnut St.

PROPOSED FINDING: The granting of this variance will not be injurious to the public health, safety, morals, or general welfare of the community. While it would be beneficial to community welfare to have a multi-use path along the entire length of this property's frontage, the difficult extension of the path to the property's southern property line is not necessary at this time because there is not yet a path on the property to the south to which to connect the path.

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.

Variance 1: variance from side setbacks for the existing buildings along the north property line.

PROPOSED FINDING: 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 by the approval of this variance. The existing buildings along this property line have been in place for at least 10 years and have not caused any known issues with public health, safety, morals or general welfare of the community or the adjacent property.

Variance 2: variance from pedestrian facility standards along N Old State Rd 37.

PROPOSED FINDING: 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 by the approval of this variance. Since part of N Old State Rd 37 is steep slopes, not placing a sidewalk along that road will maintain the environmental integrity of the adjacent Cascades Park property.

Variance 3: A determinate sidewalk variance for 140 feet of N Walnut St.

PROPOSED FINDING: 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 by the approval of this variance. Until there is a path to connect to south of this property, not extending pedestrian facilities to the edge of this property will not affect the adjacent 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.

Variance 1: variance from side setbacks for the existing buildings along the north property line.

PROPOSED FINDING: The Department does find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property and that these practical difficulties are peculiar to the property in question. The UDO's setback standards would require the buildings along the north property line to be completely removed in order to meet setback requirements and allow a new building at the front of the property. The setbacks in question are adjacent to a parking area open space on the property to the north, so they are not high visibility and there is no crowding with buildings on the property to the north. There is not a practical manner to only remove a portion of the building to meet the required setbacks. The granting of this variance would allow the proposed new building construction along the more visible, public frontage of the lot, which will both increase the density in the use of the land and move parking behind the

building front, which are both improvements desired by the UDO.

Variance 2: variance from pedestrian facility standards along N Old State Rd 37.

PROPOSED FINDING: The Department does find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property and that these practical difficulties are peculiar to the property in question. This property is unique because over one-third of its property lines are wooded and adjacent to a large parks and open space area. The property line along N Old State Rd 37 contains dense vegetation and steep slopes, and the vegetated portion of this property buffers the use of this property from the parks and open space use to the west. The implementation of a sidewalk along the N Old State Rd 37 property line will reduce the buffer between the property's use and the parks and open space use. There is still further planning required by the Parks & Recreation and Planning & Transportation Departments before such a significant amount of work and cost is spent for a sidewalk in this location. The granting of this variance would allow UDO-desired improvements to be made to the site now, along the property's public frontage, without being delayed by a costly sidewalk that is not desired in the Cascades Park at this time.

Variance 3: A determinate sidewalk variance for 140 feet of N Walnut St.

Determinate Sidewalk Variance Approval Criteria:

20.06.080(b)(3)(E)(i)(3): While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

- a) That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
- b) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
- *c)* The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or
- *d)* The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or
- *e)* Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

PROPOSED FINDING: The Department does find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property and that these practical difficulties are peculiar to the property in question. The southern 140 feet of N Walnut that would receive a determinate sidewalk variance has topography that becomes steep, dropping off away from the road and a guardrail has been

placed between this area and the road. The topography and relation to the guardrail and bridge near the property create practical difficulties for installing a portion of a multi-use path. This property is unique as it is the first to construct the multi-use path desired by the Transportation Plan along N Walnut. The property to the south does not yet have pedestrian facilities, so constructing the multi-use path all the way to the south property line is not critical at this time, and would be better served to be done in one comprehensive project with the property to the south. As a determinate sidewalk variance, the property owner would be required to build the rest of the path when the city desires, likely when the path is ready to be installed to the south, as well. The granting of this variance would allow UDO-desired improvements to be made to the site now, without being delayed by a costly improvement that will not result in a connection to the adjacent property at this time.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and *approve variance 1, variance 2 and variance 3* for case V-22-24/VAR-2024-05-0035, with the following conditions:

- 1. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued.
- 2. The building setback variance is approved for the submitted site design only. Further development of the lot will require compliance with the UDO or additional variance approval.



2401 N Walnut St (case #V-22-24/VAR2024-05-0035





Context Aerial

2401 N Walnut St (case #V-22-24/VAR2024-05-0035



Bloomington Municipal Boundary

For use as map information only, information is NOT warranted.

Petitioner's Statement

2401 N Walnut St Storage



Attention: City of Bloomington Planning Department Petitioner: Sam Heale, First Capital Group

Property Description

The property at 2401 N Walnut contains several existing 1 & 2-story storage buildings as well as a 1-story commerical & storage building and a 1-story office building (along Walnut St). The **petitioner is planning to build a new 3-story storage and office structure** where the existing 1-story office building is currently located. **Two existing 1-story storage buildings along the north side of the property are actually within the side setback** (see site plan). These buildings will remain and aren't part of the new proposed development but require a **variance to remain in place**.

The current Transportation Plan calls for a multi-use path along the west side of North Walnut St which should be included with any new development. At the southern portion of this property there is an **existing guardrail and steep slope that prohibits the inclusion of this multi-use path** (see google street and aerial views along with GIS topography map). Because of this condition a **determinate variance** is sought for the area along the guardrail and steep slope (approx. 140' of the southernmost street frontage) based on 20.06.080.b.3.E.i.3.a. which notes "the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk."

Additionally, the property also contains frontage along N Old State Road 37 along the west and therefore would require a new sidewalk per the current UDO, however, this is adjacent to the Cascades Park and the **City of Bloomington Parks & Recreation Department does not support a sidewalk at this location at this time**. They have communicated with planning staff on this issue. An additional variance is requested to not include a new sidewalk here.

Thank you for your consideration of this petition.

Matt Ellenwood, AIA (on behalf of the petitioner)









Tim Street <tim.street@bloomington.in.gov></tim.street@bloomington.in.gov>	omington.in.gov> Mon, May 13, 2024 at 9:42 AM
To: David Hittle <david.hittle@bloomington.in.gov> Cc: Katie Gandhi <katie.gandhi@bloomington.in.go <scanlanj@bloomington.in.gov></scanlanj@bloomington.in.gov></katie.gandhi@bloomington.in.go </david.hittle@bloomington.in.gov>	ov>, Jacqueline Scanlan
Thanks all - I think this is be a <i>substantial</i> amount o together to figure out our b	Thanks all - I think this is PUT's decision to make but I support the variance it would be a <i>substantial</i> amount of work to cut that hill, and I think we have more work to do together to figure out our best bike/ped route for that area.
https://mail.google.com/mail/u/0/?ik=620d24acfa	https://mail.google.com/mail/u/0/?ik=620d24acfa&view=pt&search=all&permthid=thread-a:r9123384451204051906&simpl=msg-a:r582092800792251 4/6
6/28/24, 3:06 PM	City of Bloomington, Indiana Mail - question about 2401 N Walnut (2 parcels)
BLOOMINGTON	
. EXPLORE . PLAY . CONNECT .	
Tim Street, MPA, CPRE he/him/his	he/him/his

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Director, Parks & Recreation City of Bloomington, IN tim.street@bloomington.in.gov 812.349.3711









Katie Gandhi

click here to book a meeting

Zoning Planner & GIS Analyst Planning & Transportation Department office: 812-349-3527

bloomington.in.gov

[Quoted text hidden]

Don Kocarek <dkocarek@smithdginc.com>

Thu, Jul 18, 2024 at 4:04 PM

To: Katie Gandhi <katie.gandhi@bloomington.in.gov>, Sam Heale <sheale@firstcapitalusa.com>, "david.hittle@bloomington.in.gov" <david.hittle@bloomington.in.gov> Cc: "matt ellenwood (mattellenwood@gmail.com)" <mattellenwood@gmail.com>

HI Katie,

Attached is the right of way purchase from the recorder's office. It was recorded in 1947. This document says the right of way purchase way varied from 50' to 135' from center line. Both the survey done by LS Doug Curry in 1996 and Smith Design Group survey recently did show the right of way and reference the 1947 document. The acreage on the GIS shows the same as both the Curry Survey and Smith Design group survey which don't include the right of way area. The current recorded deed also references the 1947 right of way document at #5 page two.

I don't think the recorder's office can add anything except that the deed is recorded in their office and the right of way document is recorded in their office. There has never been a subdivision to the property that would have transferred the property to the city. It became the city's

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hen INDOT no longer needed it and turned it over the City.

The acreage on the GIS shows the same as both the Curry Survey and Smith Design group survey which don't include the right of way acreage area.

Attached is a photo of the right of way monument on the south end of the property. This location corresponds with all of the deeds and surveys.

I copied David on this as I would like him to weigh in on this. That might be helpful.

Thankyou for your help with this.

[Quoted text hidden]

4 attachments



Right of way monument.JPG 6595K

Property Survey Mark Up.pdf 1248K

- American Storage, Llc-454-92 Deed.pdf
- NDIANA-1947002493 RW purchace.pdf



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	mission of Indiana. The description from said p	lans of said right of way hereby gran	ted is as follows:	
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		Distance in feet is from cent designed plans to the new Rig	er line as shown on the above ht of Way line hereby granted.	5
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	After completion of project,	Grantor is hereby gran	ted passage not to fast	
	exceed ten (10) feet in wid	th, from R/W line of for	esent S. R. #37 to	
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	be used for cattle passage f	om north end of S true	ture #56 to said land	
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167	45 + 00 = 47 + 15.9 = 47	Icct	feet	
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m Pr	From Station to Station	Left Side of Center Line	nt of Way line hereby granted.	
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	That portion of the following area	lying between the permanen	25 to P.L.	
	following described line is tempore	ry right of way and is to	be used during construction	
	for sloping and sodding and shall- of construction to	revert-topermanent-rightt	of way-line-upon-completion	
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	R.R.I.BLADDAINGTON	J.N.D.		
	It is further understood and agreed that this highway on said lands and to use any material by	(Give address of Payee)		
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	as it may be used for the construction or maintenan No timber shall be cut or removed from said the State Highway Commission through its author	ce of such improved highways. granted right of way except that whic	h from time to time is designated by	
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	The understand the post of		cee, may sen or destroy such timber.	
	being duly sworn, says that he, she (is) or they	(are) the sole owner(s) of the above leases, liens or options of any kind or ch	described property, and said grantors	
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	(Grantor) Maude E. Matloch	(Grantor)	
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	The above grant is hereby accepted. STATE OF INDIANA:	Dated Jen 17	1046	
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450 (Continued from page 449) 2493---State of Indiana, County of Monroe Ss: Monroe Chas Matlock & Maude E. Matlock Had W. Personally appeared before me Annual Chast Matlock Market 17 f January ., 1946. ., 1946day of. facts therein are true, this..... Witness my hand and official seal. My Commission expires Mar. 19-19 49 Derni Notary Public. J. Brown Jesse O 1949 Nov. 19 The undersigned owner of a mortgage and/or lien on the land out of which the right of way, described in the attached grant, is conveyed, hereby releases from said mortgage and/or lien said granted right of way, and do hereby consent to the payment of the consideration therefor as directed in said grant, this Jelucia Act, 19.46 Jenuery (Seal) 2-3day of 23 Jenuery (Seal) Hugh K. Adams State of June State of Andiana . Andiana . County of Monroe Personally appeared before me. ional Bank President Bloomington of the The ...above named and duly acknowledged the execution of the above -la رابسروير High Adams release the 23 day of January Witness my hand and official seal. , 19.46 1946 Jessey J. Brown Notary Public. My Commission expires Nov: 194949 Filed for record: May 20th, 1947 at 1:00 P.M. J. ONA SEMPLE, Recorder



BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT

Location: 221 W Dodds Street

PETITIONER:	Storage Express Holdings LLC 221 W Dodds St Bloomington, IN
CONSULTANT:	Daniel Butler, Bynum Fanyo Associates 528 N Walnut St Bloomington, IN

REQUEST: A request for a variance to allow a driveway wider than 24 feet on a non-classified road.

REPORT: The property is located on the south side of Dunn Street and runs south to the north side of Allen Street. The property is zoned Mixed-Use Medium Scale (MM). The properties to the west are zoned Planned Unit Development (PUD) and contain commercial, multi-family and single-family uses. Property to the east is zoned Mixed-Use Corridor (MC) and property to the south is zoned Mixed-Use Employment (ME). Properties to the north across Dunn Street are zoned Mixed-Use Downtown Downtown Gateway (MD-DG). The site currently contains office buildings, as well as a number of storage structures.

The petitioner has done some work on the site and is required to update the property in order to meet the Limited Compliance requirements of Section 20.06.090(f)(2) in the Unified Development Ordinance (UDO). One requirements of that section reads as follows:

xii. Entrances and Drives

All entrances and drives shall be brought into compliance with Section 20.04.050(c) (Driveways and Access), with the exception of driveway location requirements.

Dodds Street is a non-classified (local) road at this location. As a result, the petitioner needs to meet 20.04.050(c)(3)(B)(ii)(2) which requires that nonresidential uses on local streets cannot have driveways that exceed 24 feet in width. The existing width of the driveway at the right-of-way line is roughly 45 feet.

The petitioner is requesting a variance to allow for the driveway to be amended to a width of 34 feet, which is allowed on arterial and collector classified roads with approval from the City Engineer.

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 for a 34 foot driveway width will not be injurious to the public health, safety, morals, or general welfare of the community. The existing driveway has existed at 45 feet and no adverse impacts have been noted.

(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 34 foot driveway width will not affect the use and value of the area adjacent to the property in a substantially adverse manner. 34 feet will reduce the existing width by more than 10 feet and improve the pedestrian experience at this location while allowing truck traffic to safely utilize this entrance.

(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 strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because the northern entrance to the site is the main entrance for truck traffic and a reduced driveway width of 24 feet would make that utilization impossible. Additionally, the southern entrance is also on a small street with limited space, Allen, and could require surrounding businesses and residents to encounter an increase in interactions with truck traffic if that entrance had to be modified (removal of space-limiting fence) in order to allow truck traffic. The site is peculiar in that it has a parcel that runs on the west side that functions as an alley, but does not provide adequate truck traffic access and can only accept truck traffic from the northern part of the property. Approval of the variance will allow improvement to the entrance while still allowing truck traffic utilization.

RECOMMENDATION: Department recommends that the Board of Zoning Appeals adopts the proposed findings and approves V-24-24 / VAR 2024-07-0041 with the following conditions:

- 1. This variance approval is for a maximum width of 34 feet for the northern driveway.
- 2. The southern entrance may not be expanded in existing with by removal of the fence or any other means.



Planning and Transportation Department



Created: 7/19/2024 Map By:



Planning and Transportation Department



BYNUM FANYO & ASSOCIATES, INC.

Architecture Civil Engineering Planning

June 25th, 2024

Jacqueline Scanlan City of Bloomington Planning Department 401 N. Morton Street Bloomington, Indiana 47404

RE: Storage Express Dodds Entrance Final Plan Approval Petitioner's Statement

Jacqueline Scanlan or To Whom It May Concern:

Our client, Tom Clark, respectfully requests final plan approval for the referenced project and to be placed on the next Plan Commission agenda for the plan to be approved by the Plan Commission members.

Project Narrative:

The proposed development at 221 West Dodds Street consists of reconstructing the northern entrance to the Storage Express property to a 34-foot width to accommodate the traffic of large trucks from a local street.

This proposed development is proposing a variance (1 item) from the current UDO:

1. UDO Section 20.04.050 – Access and Connectivity

Dodds Street is classified as a local street. It is outlined in the City of Bloomington UDO that a driveway entrance from a local street onto a nonresidential property may be a maximum of 24 feet wide. However, the nature of this site requires the acceptance of large vehicles from said northern entrance. We would like to request that a driveway width of 34 feet is allowed to accommodate for the site's intended practice and prevent traffic obstructions on Dodds street itself. Acceptance of large vehicles is restricted to this north entrance by existing conditions between the intersection of College Avenue and Dodds street. This movement restriction is detailed in the exhibit provided with this submission.

After you have had a chance to review our petition please feel free to contact us at anytime questions regarding our submission.

Sincerely, Bynum Fanyo & Associates, Inc.

Daniel Butler, P.E., Project Engineer

Copy: BFA File #402345





BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT

Location: 115 E Kirkwood Ave

PETITIONER:	Clearpath Services 121 E Kirkwood Ave, Suite 302 Bloomington, IN
CONSULTANT:	Christine Bartlett, Ferguson Law 403 E Sixth Street Bloomington, IN

REQUEST: A request for a variance from height standards in the Mixed-Use Downtown zoning district in the Courthouse Square Downtown Character Overlay (MD-CS).

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 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 with a 5-story mixed-use building with a basement for parking below. The building would contain restaurant space on the first floor and part of the second floor. There will be minimal parking included in the rear of the first floor for use by the restaurant, and commercial units for rent will be included on the rear of the second floor.

Three levels of condominiums are included on the 3rd through 5th floors containing 14 dwelling units. The MD-CS zoning district allows building height to 3 stories or a maximum of 40 feet. In a forthcoming site plan petition, the petitioner will utilize the affordable housing and sustainable development incentives. This will allow two additional floors, to a maximum of 5 floors. However, the maximum height allowed for 5 stories with both incentives is 54 feet.

The petitioner is requesting a variance to allow for a building that is 70.5 feet tall.

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 for additional height will not be injurious to the public health, safety, morals, or general welfare of the community. Approval of the variance will allow for redevelopment of a surface parking lot with the addition of required non-residential space, as well as residences above. The effect of the

building massing is ameliorated by the step backs used on the 4th and 5th floors.

(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 additional height will not affect the use and value of the area adjacent to the property in a substantially adverse manner. Approval of the variance will allow for redevelopment of a surface parking lot with the addition of required non-residential space, as well as residences above. The effect of the building massing is ameliorated by the step backs used on the 4th and 5th floors, especially with the alignment and step backs used in the module next to the historic structure to the east of the property. Additionally, there is a historic district to the west of the petition site, but it is beyond a 12 foot alley and is the rear of the structures. Step backs are also used on the west side of the south façade to lessen the massing impact.

(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 strict application of the terms of the Ordinance will result in practical difficulties in the use of the property in that this block of Kirkwood Avenue is prime real estate for community-serving uses such as a ground floor restaurant and the UDO calls for those uses here. The proposal is within the maximum number of stories allowed with both incentives, but the need for higher floor-to-ceiling heights in the building necessitates a taller overall height, as two of the stories are being utilized for programmed restaurant space. The existing parcel contains a serious slope change within its boundaries of over 8 feet in its roughly 132 foot depth. The petition calls for excavation and inclusion of parking underground, reducing the potential height of the planned structure. The challenges that the sloped site poses, along with the location in the heart of the pedestrian, commercial-use portion of downtown combine to create a peculiar condition that necessitates a height variance for a reasonably designed building.

RECOMMENDATION: Department recommends that the Board of Zoning Appeals adopts the proposed findings and approves V-25-24 / VAR 2024-07-0042 with the following conditions:

- 1. This variance approval is for the height of the building, 70.5 feet, as submitted with this petition.
- 2. This variance approval is for the design of the building that incorporates, at a minimum, the areas of step back, shown on the building submitted with this petition.


Planning and Transportation Department





Planning and Transportation Department



Created: 7/19/2024 Map By:

For use as map information only, information is NOT warranted.



121 E KIRKWOOD AVE |SUITE 302 | BLOOMINGTON, IN 47408 PHONE: 812.287.8596

R A N D Y @ C L E A R P A T H - S E R V I C E S . C O M

PETITIONER'S STATEMENT

June 28, 2024

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 67,000 square foot mixed-use project on a small urban infill lot located at 115 E Kirkwood Avenue. This project originally came before the Bloomington Plan Commission in 2018. After approval, we were prepared to move forward on construction but got delayed by lengthy negotiations with Duke Energy for the relocation of powerlines/poles in the adjacent east-west and north-south alleys. The situation was further complicated 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. We submitted the project for reapproval in 2022 but now required two variances from the BZA due to changes in the UDO. The BZA granted Clearpath a First Floor Façade Large Display Window variance which remains part of this proposal. The 2nd variance requested was for Ground Floor Nonresidential Use Other Than Parking Garage Use. This variance was denied and subsequently appealed by Clearpath. Under the revised plan, this variance is no longer needed. During the appeal process, we were presented with an opportunity that would permit us to meet the ground floor commercial use requirement if parking and unit counts could economically be maintained through some design changes. After considerable consultation with our project architect, Ben Kunkel, and our designer, Lindsay Taylor Bell, the plan before you balances our development goals with the community's downtown goals. This plan proposes the following additions/changes: 1. Addition of a 13,000 restaurant/bar on the ground and 2nd floors. 2. Addition of lower-level parking containing approximately 26 private parking spaces. 3. Addition of a 5th floor to maintain residential density/count. We are seeking approval of the 4th and 5th floors based on incentives for sustainability and the paymentin-lieu incentive. Due to the market demands for increased floor-to-ceiling heights for commercial and owner-occupied residential units the addition of 5th floor requires an additional variance from height standards.

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 five story, 67,000 SF mixed-use building that includes approximately 11,167 SF secured lower-level parking area with 26 private parking stalls for commercial and residential condominium owners; 13,000 SF of Kirkwood restaurant/bar space of which 8,000 SF is on the Kirkwood ground floor; approximately 6,175 SF of office space on the rear half of the 2nd floor; and approximately 35,000 SF of owner-occupied residential condominiums consisting of 14 units.

We are excited to partner with the long-time owners of The Uptown Café, Michael and Galen Cassady, to bring a new restaurant and bar concept to the project and Bloomington. As envisioned, the ground floor would primarily be the restaurant and kitchen while the 2nd floor will be an intimate bar concept with a large outdoor space along Kirkwood. The bar and restaurant will be connected by an internal architecturally designed stair/atrium and an elevator. The ground floor also will have outdoor seating. Their space is a commercial condominium that also will be owner-occupied.

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 mixeduse 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 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 three through five. 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:

- Solar Panels on Roof
- Car Charging Station
- Recycling Program
- Energy Efficient HVAC Systems
- No/Low VOC Materials
- Locally/Regionally Sourced Materials
- LED Lighting
- Energy Efficient Appliances/Systems
- 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 20,000 SF of commercial space will provide new modern space for the downtown restaurant/office scene. The following is a summary of project per the previous submission including the addition of solar panels and garage entry off Kirkwood.

Residential/Commercial Density and Owner Occupancy: The proposal offers 14 residential condominiums and 1 commercial condominium. The residential units range from 3,402 SF to 1,620 SF. The commercial condominium is approximately 13,000 SF. Additionally, there is approximately 6,200 Sf of office space. This space can be for rent or sold as office condominium space. If the market for office space is soft, we may consider adding up to an additional 4 residential condominium units in lieu of the office space.

Height: Our proposal is for a 5-story building. The design features an average building height 70.5" 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, Ben Kunkel, 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. Additionally, we are committed to working with the City to address the massing along the rear and alley side of the elevations.

Building Height Step Down: The design contains a step-back at the front façade facing Kirkwood and adjacent to the alley at the 4th and 5th floors respectively. 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: 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 the north-south alley. Under our revised proposal, the garage entry will be on the north side of the building across from the Sullivan building. With the addition of lower-level parking we are able to achieve the ramping necessary from this alley access. We currently have two very active curb cuts that serve the surface lot. These will be eliminated. The activity from the garage will be significantly less than current uses as it only serves the residents of the condominiums. Additionally, we plan to provide the restaurant and condominium services through a door located on the north-south alley.

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 5 floors and that is taller than 62 feet. For the additional two floor, we are pursuing the sustainable incentives and the payment-in-lieu incentive. 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 an exciting project that will provide much needed owner-occupied residential condominiums

and allow the continued growth of one of Bloomington's iconic local restaurant groups.. We look forward to our formal meeting to discuss the project and answer any remaining questions.

Variances Sought: We seek one variance from the BZA.

 Variance from Building Height Exceeding Allowable Height. The project as designed, is on average 70.5 feet to the top of the roof deck and 74.5 feet to highest parapet. Per our incentives for the 4th and 5th floors, the UDO permits a height up to 64 feet. The variance will permit us to economically build commercial and residential space with market driven floor-to-ceiling demands and maintain the required density for units and parking as previously proposed.

Respectfully submitted by: Randy Lloyd

































































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