CITY OF BLOOMINGTON

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November 15, 2018 @ 5:30 p.m. COUNCIL CHAMBERS #115 CITY HALL

ROLL CALL

APPROVAL OF MINUTES: September 20, 2018

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS WITHDRAWN:

UV-37-18 **Bloomington Co-operative Living, Inc.** 921 W. 9th St. Request: Use variance to allow for a co-operative housing unit in the Residential Core (RC) zoning district.

PETITION CONTINUED TO: December 20, 2018

PETITIONS:

- CU-38-18 **Goodfellas Pizzeria** 427 E. Kirkwood Ave. Request: Conditional Use for a standardized business in the Commercial Downtown (CD) zoning district. <u>Case Manager: Amelia Lewis</u>
- V-40-18 **CSO Architects/MCCSC** 1000 W. 15th St. Request: Variance from entrance drive standards to allow a driveway on 17th St. <u>Case Manager: Jackie Scanlan</u>

*Note: Per BZA Rules, a unanimous vote is needed to hear this petition.

Article VII(F): No zoning petition which has been disapproved by the Board shall again be placed on the docket for hearing within a period of 6 months from the date of the Board's original disapproval, except upon the motion of a member adopted by the unanimous vote of all members present at a regular or special meeting. In all cases involving a rehearing of a zoning petition previously disapproved by the Board, the Board may require the petitioner to demonstrate a material change in circumstances.

**Next Meeting: December 20, 2018

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@bloomington.in.gov</u>.

BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT Location: 427 E. Kirkwood Avenue

PETITIONER:Goodfellas Pizzeria
407 Spring Street, Lexington, KY**CONSULTANT:**Kevin Coppedge, Studio3 Design
9804 Allisonville Rd., Indianapolis

REQUEST: The petitioners are requesting a conditional use approval for a standardized business in the Commercial Downtown (CD) zoning district.

REPORT: The petition site is located on the north side of E. Kirkwood Avenue between N. Grant and Dunn Streets. The building on the site is currently vacant. The petitioners propose to renovate the interior of the existing single story commercial building and open a new *Goodfellas Pizzeria* franchise. The property is zoned Commercial Downtown (CD) and is within the University Village Overlay.

Per BMC 20.11.020 Defined Words, a Standardized Business is:

Any type of commercial business establishment, not including commercial businesses located in such a manner as to be devoid of any building frontage which is visible to a street, located in the Courthouse Square Overlay and University Village Overlays, which are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.

The proposed business is a franchise of a larger national chain with standardized products, logos, signs, etc. and therefore meets the 'standardized business' definition of the Unified Development Ordinance. The use, 'Standardized Business', is listed as a conditional use in the University Village Overlay District. Therefore, a conditional use approval is required for the use to be permitted at this site.

Proposed minor changes to the exterior of the building include a new awning, exterior lights, and signage and the removal of existing wood elements. The petitioners may seek to add outdoor café seating in front of the building, as detailed in the petitioner's statement.

20.05.023 Standards for Conditional Use

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

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

Proposed Finding: The Comprehensive Plan (which replaced the GPP) identifies this area as "Downtown." The Downtown district "serves as the social and economic heart of Bloomington by providing land use choices that accommodate residents, businesses, shoppers, and visitors"

CASE #: CU-38-18 DATE: November 15, 2018

while embodying a "Main Street appeal" with windows, outdoor seating, walkability, human scale buildings. The building that exists is human scale and contains large windows. The installation of a standardized business restaurant will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

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

Proposed Finding: The proposed use will not have any nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. All proposed lighting will need to comply with UDO Standards. Anticipated odors will be those associated with a restaurant, which will not be out of character for the development area.

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

Proposed Finding: The Department finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. The use is completely surrounded by other commercial businesses and restaurants.

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

Proposed Finding: City of Bloomington Utilities has reviewed and approved the plans. Per the petitioner's statement, a 1200 gallon grease interceptor will be required to be installed under the sidewalk in front of the building. This work will require a right-of-way encroachment agreement with the Board of Public Works and right-of-way excavation permit from the Planning and Transportation Department.

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

Proposed Finding: The proposed use will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Restaurants are characteristic of the area and street parking and garage parking are available in the area.

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

Proposed Finding: The petition will reuse an existing building. The building is not on the historic survey, and only minor exterior changes are proposed to the building. There will be no significant natural features lost with this petition.

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

Proposed Finding: No special lighting or waste collection needs are proposed. This use is located among similar uses in a mixed-use, urban neighborhood. The building is located near

similar uses which have been able to function without nuisance to the surrounding neighborhood. As previously mentioned, any new lighting will be required to meet UDO Standards.

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

Proposed Finding: The proposed signage is similar to what is shown in the packet. The proposed signage is not identical to that of the typical corporate Goodfellas logo- with the skyline and man's profile, but rather clean capital internally illuminated letters spell out the name of the business. The proposed signage is similar to other signage in the downtown such as Grazie and King Dough. The Department believes that the proposed signage reflects the existing character found on Kirkwood Avenue.

- 9. The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.
 - (a) The proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: architecture, scale, façade, and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's façade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion.

Proposed Finding: The proposed use will take place within an existing building and only minor exterior modifications are proposed. The existing building will remain in its current form, and does not hold special historical, cultural, or architectural significance though it is characteristic of the main street feel along Kirkwood Avenue. The petitioner has proposed signage that meets current UDO standards and is not out of character for the Downtown. The proposed use will activate an existing vacant building without any anticipated negative impacts and advance the Comprehensive Plan's desire for walkable commercial opportunities.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the findings of fact and approve CU-38-18 with the following condition:

1. This approval is for the *Goodfellas Pizzeria* proposal, which includes only the exterior changes permitted as outlined in the petitioner's statement including a new awning, signage characteristic of the downtown, lighting, and the removal of the exterior wood paneling. Any significant changes to the building, deviating from this staff report or the petitioner's statement shall require further Conditional Use approval.

- 2. If the awning or lights extend into the right-of-way they shall receive encroachment approval from the Board of Public Works.
- 3. The proposed location of the grease interceptor will require a right-of-way encroachment agreement with the Board of Public Works and right-of-way excavation permit from the Planning and Transportation Department.
- 4. All proposed exterior lighting shall meet Lighting Standards in the UDO.
- 5. This approval applies to the proposed signage in the submitted sign application as well and any changes shall require further approval to this Conditional Use.
- 6. A building permit is required prior to any construction and a sign permit is required prior to any sign installation.





Scale: 1'' = 40'

For reference only; map information NOT warranted.



October 18, 2018

Board of Zoning Appeals City of Bloomington Planning Department 401 N. Morton Street Bloomington, IN 47404

Attn: Ms. Amelia Lewis

RE: Request for Conditional Use Approval Goodfellas Pizzeria 427 E. Kirkwood Avenue Bloomington, Indiana 47408

PETITIONERS STATEMENT

Dear Ms. Lewis,

Studio 3 Design is pleased to submit this request for conditional use approval for your consideration. We are requesting conditional use approval to allow Goodfellas, which is classified as a standardized business, to locate within the University Village Overlay in the Commercial Downtown district. We believe the project complies with the requirements of the 2018 Comprehensive Plan, and therefore should be granted conditional use approval.

Project Overview:

The project is located in the heart of downtown Bloomington at the northwest corner of Kirkwood Avenue and Dunn Street, in the University Village Overlay. Goodfellas is a pizzeria that mainly serves pizza by the slice and bread sticks. The space is 1,492 square feet and is located in a building with 3 tenants and a total of 4,147 square feet. The Goodfellas space has a large open front area that features an open pizza kitchen, service counter, seating for 16 patrons, as well as seating for 6 outside. The back of house consists of 2 toilet rooms, a prep kitchen, storage, and a walk-in cooler. The materials used in the front public area include white subway tile, exposed brick, checkerboard stained concrete floors, tin-look ceilings, and wood countertops.

The building is one story with a limestone façade of indeterminate age. It is not believed to be of historic, cultural, or architectural significance. At some point in time decorative red painted wood elements were added to the façade of this tenant space, which seem out of place with the character of the building, as well as the character of the surrounding businesses. The current signage is incorporated into an awning and lit with goose neck lights. We are proposing to remove the decorative wood elements, the awning, and the exterior lights. This project will update the façade with a new black fabric awning across the full width of the storefront, the size and shape of which will match the adjacent tenant. Above the canopy will be a new illuminated sign. The wood trim around the windows will be painted black.

Justification for Approval:

1. The proposed use of the property is a restaurant, which is consistent with a majority of the surrounding uses. The development is consistent with the Comprehensive Plan and does not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

- 2. The proposed use and development does not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. The only odors will be those associated with a restaurant.
- 3. The proposed use and development does not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare. The new design is simple and timeless and complements the character of the original building, and blends better with the adjacent tenant space than the existing tenant. The new façade treatments also visually complement the character and scale of the other surrounding businesses and overlay district.
- 4. The proposed use requires the installation of a 1200 gallon grease interceptor underneath the sidewalk area, but other than that the use and development will be served adequately by essential public facilities and services such as streets, public utilities, storm water management structures, and other services.
- 5. The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets. The use is surrounded on all sides by commercial business, and it is reasonable to assume that the traffic will remain the same.
- 6. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance. The only exterior demolition associated with the construction of this project is the removal of the vertical decorative wood elements on the façade of the building. These existing elements are not historic and detract from the character of the overall building.
- 7. The hours of operation, outside lighting, and trash and waste collection will not pose a hazard, hardship, or nuisance to the neighborhood. There are no changes to the outside lighting, other than the removal of existing goose neck sign lights. There are no special trash needs associated with this use. This project is surrounded by similar use buildings.
- 8. The signage for the proposed use is appropriate to both the property under consideration and to the surrounding area and complies with the UDO.
- 9. The proposed use and development complies with any additional standards imposed upon that particular use by *Chapter 20.05; SCU: conditional Use Standards*.

In summary, the proposed use aligns with the intent of the University Overlay District, improves the esthetic of the existing facade, visually complements surrounding businesses, and complies with the standards for conditional use permits. Although Goodfellas is considered a Standardized Business due to its multiple locations, there are only 6 other locations, this being the only one in Bloomington. The restaurant has the feel of a local business and will strive to incorporate photographs and memorabilia particular to the Bloomington area to enhance that feel. For this reason and the reasons outlined above, we believe the conditional use approval should be granted.

Respectfully submitted,

STUDIO 3 DESIGN, INC

ein R. Coppede

Kevin L. Coppedge



GOODFELLAS PIZZERIA

BLOOMINGTON, IN 47408 427 E. KIRKWOOD AVE.



81/91/01



BLOOMINGTON, IN 47408



h ILLUMINATED CHANNEL LETTERS BY SIGN VENDOR. PROVIDE JUNCTION BOX FOR ELECTRICAL CONNECTION. 5 NEW BLACK FABRIC ANVING WITH ALUMINJM FRAME. MATCH HEIGHT AND DEPTH OF EXISTING AWNING AT ADJACENT TENANT SPACE. MATCH WIDTH OF OPENING. .

PROPOSED EXTERIOR ELEVATION

GOODFELLAS PIZZERIA

BLOOMINGTON, IN 47408 427 E. KIRKWOOD AVE.

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DESIGNA BESIGNA BESIGNA BESIGNA Phone: (317) 572.1236 Fax: (317) 572.1236







BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT Location: 1000 W. 15th Street

CASE #: V-40-18 DATE: November 15, 2018

PETITIONER:	Jim Funk CSO Architects (MCCSC) 8831 Keystone Crossing, Indianapolis
CONSULTANT:	William Riggert Bledsoe, Riggert, Cooper, and James 1351 W. Tapp Road, Bloomington

REQUEST: The petitioner is requesting a variance from entrance drive standards to allow a driveway on 17th Street.

SITE DESCRIPTION: This property is located at 1000 W. 15th Street and is zoned Institutional (IN). The site contains the existing Tri-North Middle School. The site maintains frontage on 15th Street to the south, 17th Street to the north, and Monroe Street to the west. Surrounding land uses include industrial uses and a City park to the west, commercial across 17th Street to the north, Mills Pool and residential to the south, and residential to the east.

The middle school on site is aging, and the Monroe County Community School Corporation has been working on a plan to replace the existing structure. The current building will need to remain in place and operational during construction.

The petitioner received variances from the front yard parking setback standards and tree preservation requirements at the October 2018 Board of Zoning Appeals hearing. The petitioner requested the variance listed in this petition, which was denied. The petitioner has gathered more information and refiled the request for a driveway on 17th Street.

SITE PLAN ISSUES:

Location Constraints: The site, while 21 acres in size, is heavily limited in potential development space for the new school. A large part of the northwest portion of the lot was purchased when the roundabout was installed at 17th Street. Much of the northern portion of the lot contains slope of 12 percent or greater. Below is a map with an outline of the property showing existing contour lines, as well as a map indicating excessive slope areas on and around the property. These environmental constraints combined with the existing location of the school dictate the proposed location for the new building. Because the new building location is so limited, entrances and exits that are immediately adjacent to the development area are inherently limited to the southwest portion of the site. The proposed 17th Street driveway allows for some of the exit traffic to be diverted away from that area and the residential neighborhood that is nearby.





Yellow indicates 18% or more of slope and green represents 12%-18% of slope.

Parking: There are 126 parking spaces and 19 bus parking spaces that can be converted to 36 typical parking spaces proposed on the site. Based on current practice for school building and campus design, it is common to separate bus and vehicular traffic on middle school campuses to reduce congestion pressure on site, as well as improve pedestrian safety. As a result, the parking has been programmed to be separated with parking on the north and south sides of the future building. The design proposes a parent drop-off area on the north side of the building connected to a driveway that allows an exit onto 17th Street.

Access: The existing site has two vehicular entrances located on the south side of the property, with all parking located on the south side, as well. These entrances dictate that all traffic, both bus and vehicular, drive through the residential neighborhoods to the south to access campus. The proposal alters those entrances so that they are bus traffic only, one entrance and one exit. Two new entrances on Monroe Street are proposed for regular vehicle traffic and delivery traffic. A fifth driveway is proposed on 17th Street, BMC 20.05.035(g) requires that "for nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Master Thoroughfare Plan." 17th Street is listed as a Secondary

Arterial in the Plan and Monroe Street is listed as a Secondary Collector. Monroe Street is a lower classification, meaning that drive access cannot be located on 17th Street without a variance. The driveway would allow users of the site to leave the property to the north, which is not a current option, and may relieve some congestion in the neighborhoods to the south. The Department proposes that the driveway be used as an exit-only so that it can help alleviate traffic congestion at peak times by taking pressure off of the roads to the south and west, while mitigating the effect of an extra drive cut on 17th Street by requiring exit only.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE Entrance Driveway Location – BMC 20.05.035(g)

20.09.130 e) Standards for Granting Variances from Development Standards: A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

PROPOSED FINDING: The request is not injurious to the public health, safety, morals, or general welfare of the community. The driveway on 17th Street will provide an additional egress from the site, allowing less pressure on the neighborhoods to the south.

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

PROPOSED FINDING: No adverse impacts are found in the use and value of the surrounding area associated with the proposed variance. The driveway on 17th Street will provide an additional egress from the site, allowing less pressure on the neighborhoods to the south.

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

PROPOSED FINDING: Peculiar condition is found in the size of the lot, number of driveways, and its immediate relation to the residential neighborhood to the south. Modern design of school campuses are often geared toward separating regular vehicular traffic and bus traffic, as is the case in the new proposal. An exit on 17th Street will improve circulation on the site as well as decrease traffic in the residential neighborhood to the south by allowing a direct egress from the parent drop-off area that funnels cars to 17th Street.

RECOMMENDATION: The Department recommends adoption of the proposed findings and approval of the V-40-18 with the following conditions:

1) The driveway entrance on 17th Street will be used as an exit only.

MEMORANDUM



TO:	Board of Zoning Appeals
FROM:	Neil Kopper Interim Transportation and Traffic Engineer Planning & Transportation Department
DATE:	11/08/2018
SUBJECT:	MCCSC Tri-North Middle School – Driveway Standards

The purpose of this memo is to convey the transportation engineering recommendations regarding driveway access for this MCCSC development.

Background:

It is generally desirable to restrict driveway access to lower classified streets as required by the City's UDO. Two primary reasons for these restrictions are related to safety and congestion. When motor vehicles on a busy roadway slow or stop to make a turn into a driveway they reduce that road's capacity and also increase the potential for rear end or other crashes. In general, the highest concern for access management is for vehicles making a left turn from a roadway into a driveway and the lowest concern is for vehicles making a right turn from a driveway onto a roadway.

MCCSC desires a driveway access onto 17th Street in addition to Monroe Street to allow school buses to stay separated from other traffic, to minimize traffic on neighborhood streets, and also to allow pick-up and drop-off traffic to circulate through the site without looping back through the parking lot to both enter and exit from Monroe Street.

MCCSC and its consultants have provided traffic simulation data demonstrating that the eastbound exit of the Monroe-17th-Arlington roundabout is the most congested leg of the roundabout and will be over capacity during peak periods when assuming that traffic from the school has to exit onto Monroe Street in order to travel east on 17th Street. Based on that analysis it appears to actually be beneficial to the capacity of 17th Street to allow traffic to exit directly onto 17th Street rather than entering it through the roundabout. Vehicles trying to enter 17th Street from a driveway will likely experience delays as they wait for gaps, but they will not be affecting the traffic on 17th Street through the roundabout.

Recommendation:

Planning and Transportation staff recommend that the BZA allow this driveway access onto 17th Street but require it to be exit only. Staff will continue to coordinate with MCCSC to ensure that the driveway layouts work for both the school and the surrounding transportation network.





For reference only; map information NOT warranted.

Bledsoe Riggert Cooper James

LAND SURVEYING . CIVIL ENGINEERING . GIS

November 9, 2018

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

RE: Monroe County Community School Corporation Tri-North Middle School, 1000 W. 15th Street Variance from Entrance and Driveway Standards for a Driveway along 17th Street

Dear BZA Members:

On behalf of the Monroe County Community School Corporation, we respectfully request your continued consideration of our request for a variance from Section 20.05.035 ED-01 – Entrance and Driveway Standards of the City of Bloomington Unified Development Ordinance to allow for a driveway along 17th Street to serve Tri-North Middle School.

As we mentioned before the design team has studied the site extensively to develop a safe, secure, and functional circulation pattern that minimizes traffic congestion on city streets. The school corporation has implemented an initiative to separate cars and busses on all school campuses to minimize congestion and chances of students crossing traffic. This same design concept has been implemented for the new middle school. Keeping these vehicle drive and parking areas separate requires additional access drives.

Attached, for your review, please find site plans illustrating the Tri-North Middle School campus improvements, proposed driveways, and vehicular circulation.

We met with City Engineer, Neil Kopper to discuss the operation of the new middle school campus, separation of cars and busses, and the proposed driveways along Monroe Street and 17th Street. We accept the City's position limiting the 17th Street driveway to exit only.

We believe that the proposed driveway along 17th Street is an essential alternative for parents leaving the campus during morning drop-off and afternoon pick-up, especially for those choosing to turn right onto 17th Street. During those peak traffic times this driveway will reduce the number of exits onto Monroe Street and trips through the roundabout. It will also improve internal campus traffic circulation by eliminating the need for all parents to circle back through the parking lot to exit campus.

There are 519 students that currently attend Tri-North Middle School. The design of the new school will accommodate 700 students. Currently the school has a staff of 80; 37 busses that transport student to and from school; approximately 164 parents that drop-off students in the morning; and approximately 64 parents that pick-up students in the afternoon. And all vehicles that come to campus drive through the neighborhood to arrive as well as depart.

The proposed campus layout separates busses from cars and limits access to the south side of the school – through the neighborhood – to busses only during regular school hours. All other vehicles will access campus from Monroe Street.

A preliminary traffic impact study was performed that considered only two driveway options; either a driveway on 17th Street at Willis Drive or a driveway on Monroe Street at 16th Street. The trip generation model indicates that if the driveway is located on 17th. Street 60% of the vehicles will turn right heading east and the other 40% will turn left heading west. Alternatively, if the driveway is located on Monroe Street 52% will turn left heading south and 48% will turn right heading north in the morning and 45% will turn left and 55% will turn right in the afternoon. Based on this assessment we would anticipate that approximately 50% of parents leaving campus may be heading to a destination toward the east and would consider using a driveway along 17th Street if it was available.

Variance from Entrance and Driveway Standards for a Driveway along 17th Street November 9, 2018 Page 2 of 2

Considering the anticipated redistribution of vehicular trips generated by the proposed improvements associated with the new Tri-North Middle School, we believe that the addition of a driveway along 17th should be considered to reduce the number of vehicles directed to Monroe Street and improve campus circulation during the morning and afternoon peaks.

Sincerely,

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William S. Riggert, PE Principal Engineer



Tri-North Middle School \\ Community Meeting \\ Thursday November 08, 2018







Tri-North Middle School \\ Community Meeting \\ Thursday November 08, 2018