

CITY OF BLOOMINGTON



July 20, 2022 @ 2:00 p.m.
Kelly Conference Room #155 and Zoom-

Virtual Link:

<https://bloomington.zoom.us/j/83114599363?pwd=OVVVVvFPYXlvVTivK1JENjMxcDJmUT09>

Meeting ID: 831 1459 9363
Passcode: 174139

**CITY OF BLOOMINGTON
HEARING OFFICER (Hybrid Meeting)
July 20, 2022 at 2:00 p.m.**

***Kelly Conference Room #155**

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Meeting ID: 831 1459 9363

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PETITION MAP: <https://arcg.is/1fy4ji>

PETITIONS:

CU-21-22 **Michael Klingl (Sweetgreen)**
210 E. Kirkwood Ave.
Request: Conditional Use approval to allow a standardized business in the Mixed-Use
Downtown (MD) zoning district.
Case Manager: Eric Greulich

****Next Meeting: July 20, 2022**

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

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 210 E Kirkwood Ave**

**CASE #: CU-21-22
DATE: July 20, 2022**

PETITIONER: Michael Klingl (Sweetgreen)
210 E. Kirkwood Ave.

REQUEST: The petitioner is requesting conditional use approval to allow a standardized business within the University Village Overlay in the Commercial Downtown district.

REPORT: This property is located at 210 E. Kirkwood Ave. and is within the University Village Overlay (UVO) District of the Commercial Downtown (CD) zoning district. Surrounding land uses include a bank to the east and west, offices and a church to the north, and a church to the south. The property was developed in 2018 with a five-story, mixed-use hotel. The petitioner is proposing to move into the ground floor of the building and is requesting conditional use approval to allow a standardized business, “Sweetgreen”, at this location. The petitioner is proposing a 21 square foot projecting sign for the business. There is a projecting sign for Orange Theory Fitness adjacent to this site and the proposed projecting sign for this use will meet the minimum 100’ separation requirement for projecting signs on the same façade.

The UDO lists Standardized Businesses as a conditional use in the University Village Overlay District and a conditional use approval is required for the use to be permitted.

The UDO defines a Standardized Business as:

Any type of commercial establishment located in the Courthouse Square Downtown Overlay or University Village Downtown Character Overlay, that 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. This use does not include “Office” uses located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage that is visible to a street.

The Planning and Transportation Department determined that the proposed Sweetgreen is a Standardized Business based on the following facts:

- Sweetgreen has locations across the United States that share the same name, logos, products, and signage.
- The proposed location will sell the same types of services and merchandise as the other locations, thus meeting the “...maintain standardized services, merchandise...or exterior design” aspect of the definition.

CRITERIA AND FINDINGS

The Hearing Officer or Board of Zoning Appeals shall review the conditional use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d)(7)), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria), and the following specific approval criteria:

20.06.040(d)(6)(B) General Compliance Criteria

i. Compliance with this UDO

Proposed Finding: The proposed use of the property and the size of the associated proposed sign meet UDO requirements.

ii. Compliance with other applicable regulations

Proposed Finding: Besides internal remodeling, there are no other changes to the building that are proposed with this use. No changes to the exterior are proposed. Only new signage is proposed. The existing building was approved by the Plan Commission and was reviewed for compliance with all applicable UDO provisions at that time.

iii. Compliance with Utility, Service, and Improvement Standards

Proposed Finding: There are no changes to utilities needed with this use.

iv. Compliance with prior approvals

Proposed Finding: There are no changes to the exterior of the building proposed with this use besides the addition of signage. The hotel was approved by the Plan Commission (SP-14-14) and was reviewed for compliance with all of the applicable UDO regulations in place at that time.

20.06.040(d)(6)(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans

Proposed Finding: The Comprehensive identifies this area as “Downtown.” The use of the property as a mixed-use building with this new permitted use, restaurant, will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

ii. Provides Adequate Public Services and Facilities

Proposed Finding: This site is adequately served by public services and facilities.

iii. Minimizes or Mitigate Adverse Impacts

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

Proposed Finding: There are no natural, scenic, or historical features associated with the use of this interior tenant space.

- 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.*

Proposed Finding: There are no expected significant adverse impacts on surrounding

properties as a result of this proposed use of an existing tenant space.

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

Proposed Finding: The hours of operation, outside lighting, and trash and waste collection are not expected to 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: No concerns of adjoining property owners have been expressed.

iv. *Rational Phasing Plan*

Proposed Finding: The petitioner will be utilizing an existing tenant space and all work will be completed at one time.

20.03.010(E)(2) Standardized Businesses

In the MD-CS and MD-UV character areas a standardized business shall require conditional use permit review in accordance with Section 20.06.050(b) (Conditional Use Permit), and shall comply with the following standards:

- (A) *The proposed standardized business 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:*
 - i. *Architecture;*
 - ii. *Scale;*
 - iii. *Façade; and*
 - iv. *Signage.*

Proposed Finding: The petitioner has worked to create an exterior projecting sign that will be unique to this location and will also reflect existing signage at the Graduate Hotel. The sign will utilize a perforated metal panel as backing for the projecting sign, as opposed to Sweetgreen's typical 'cabinet mount reverse channel letters on solid background.' This results in a custom designed sign for this location that is different than the typical franchise sign package. This sign is intended to also reflect existing signage in the area.

- (B) *If the use is proposed for a site that 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.*

Proposed Finding: The existing building is not historic and was constructed in 2018.

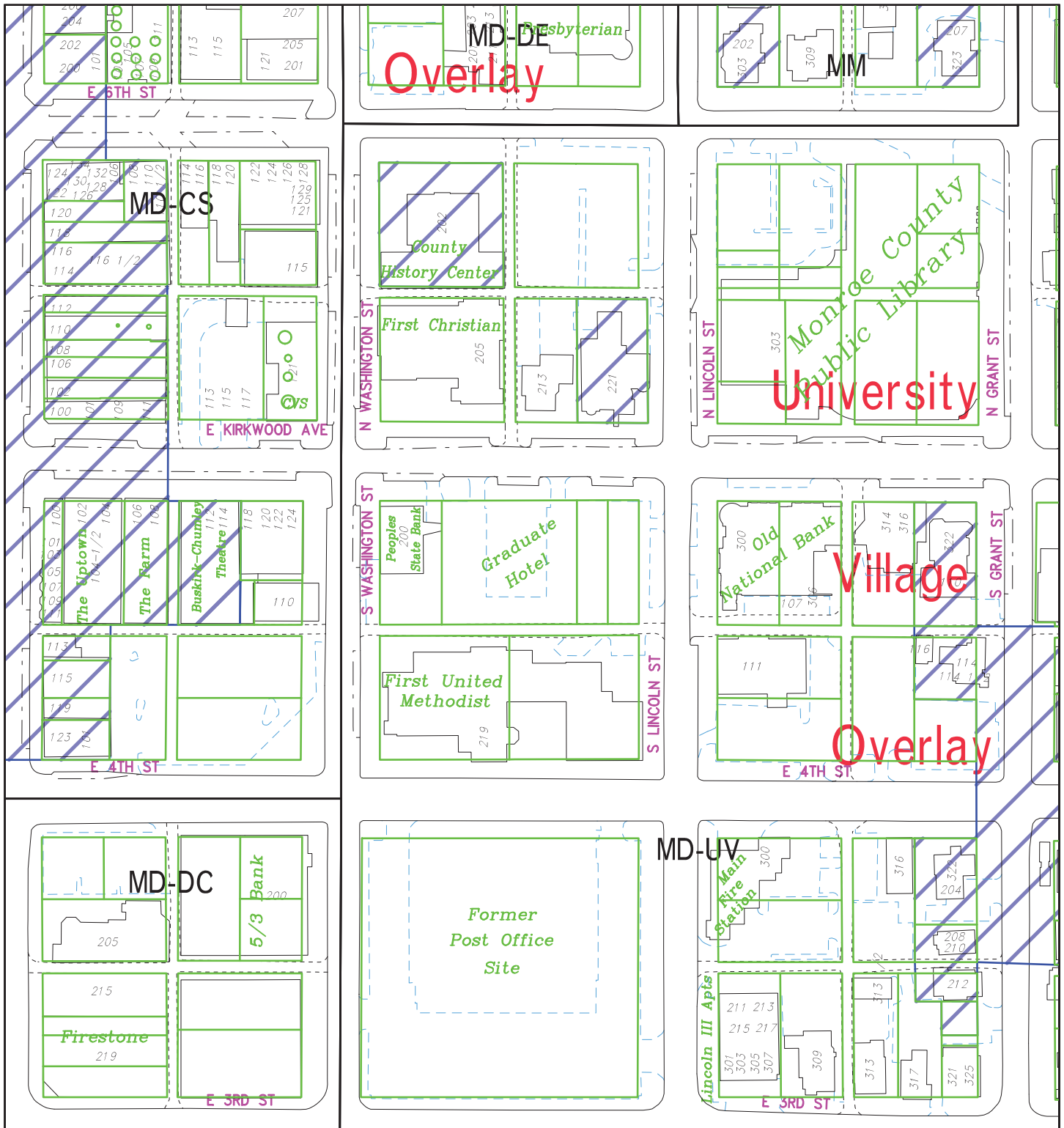
- (C) *Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University,*

may be considered.

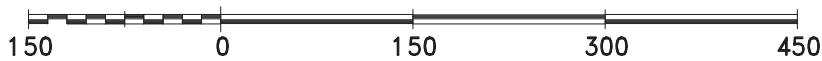
Proposed Finding: No specific signage for the interior is proposed and since it is not intended to be seen by users outside the building is not specifically regulated. No additional changes to the outside of the existing building are proposed.

RECOMMENDATION: The Department recommends that the Hearing Officer adopts the proposed findings and recommends approval of CU-21-22 with the following condition:

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

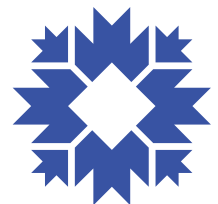


By: greulice
15 Jul 22

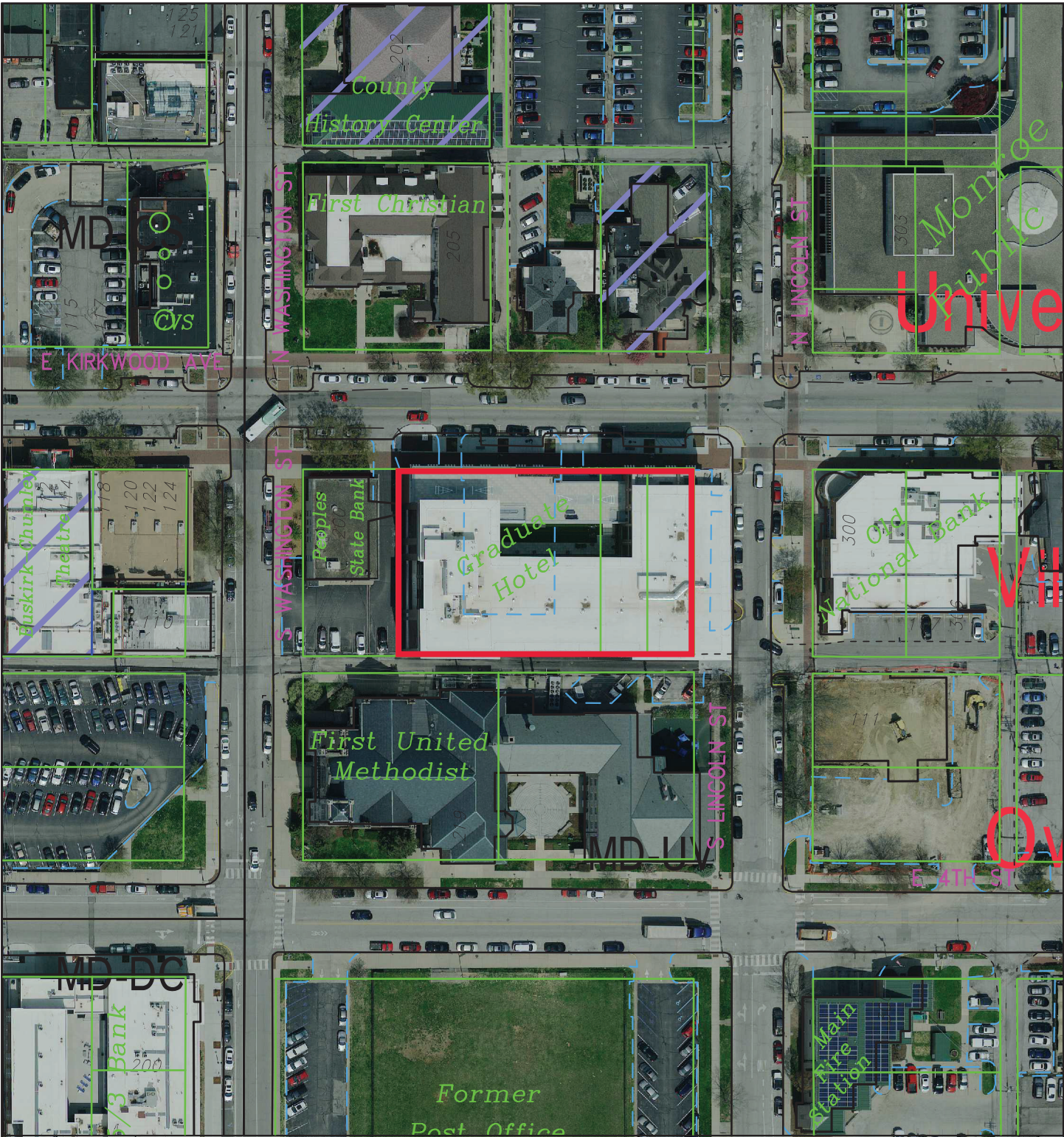


For reference only; map information NOT warranted.

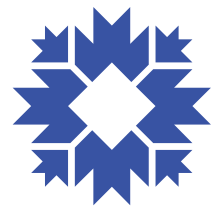
City of Bloomington
Planning



Scale: 1" = 150'



City of Bloomington
Planning



Scale: 1" = 100'

By: greulice
15 Jul 22



For reference only; map information NOT warranted.



June 13, 2021

Planning Department
City of Bloomington
401 N Morton St
Suite 130
Bloomington, IN 47404

Subject ***Conditional Use Permit – Standardized Business
Graduate Bloomington, 210 E Kirkwood Ave, Bloomington, IN 47408
JSD Project No. 21-10906***

Description of Request

Per Chapter 20.07, a Standardized business means "any type of commercial establishment located in the Courthouse Square Downtown Character Overlay or University Village Downtown Character Overlay, that 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" is required to pursue a Conditional Use Permit from the City of Bloomington.

The proposed project will be for sweetgreen, a national fast-casual salad restaurant, that uses standardized services, menus, employee uniforms, logos, signs, and exterior design. Based on the code we will be required to make changes to the proposed signage in order to meet the City's requirements. The typical sweetgreen signage is as follows:

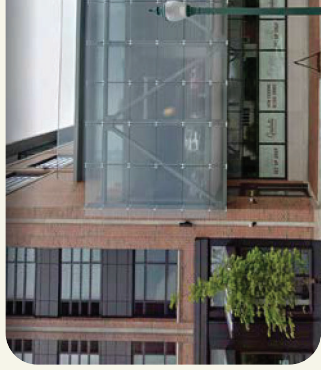
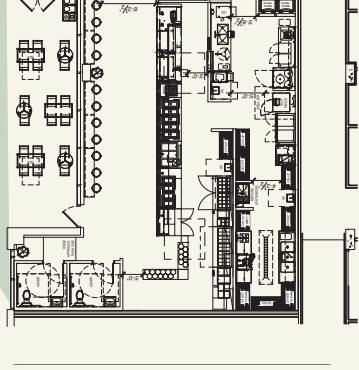
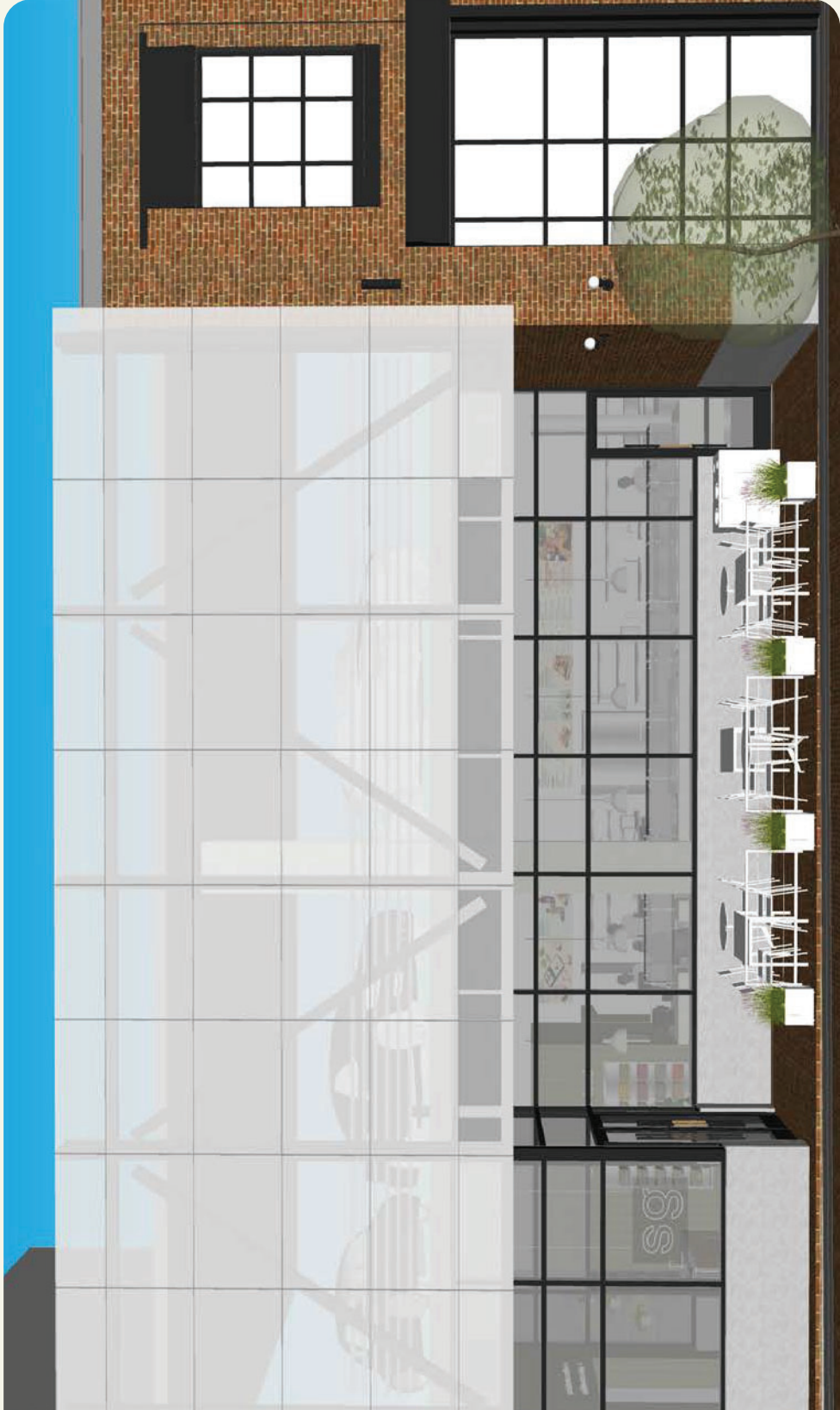
- Horizontal typeface
- Pin or cabinet mount reverse channel letters on solid background
- White acrylic face with internal or exposed illumination

In order to meet the Planning Departments requirements, sweetgreen's proposed signage for this site will deviate from their prototypical signage in the following manner:

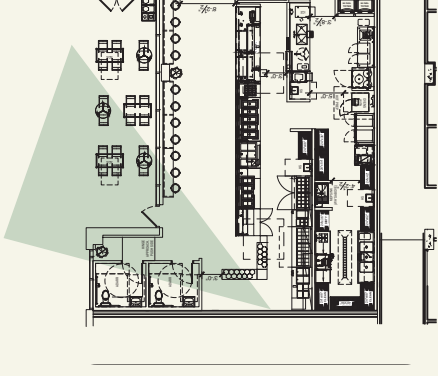
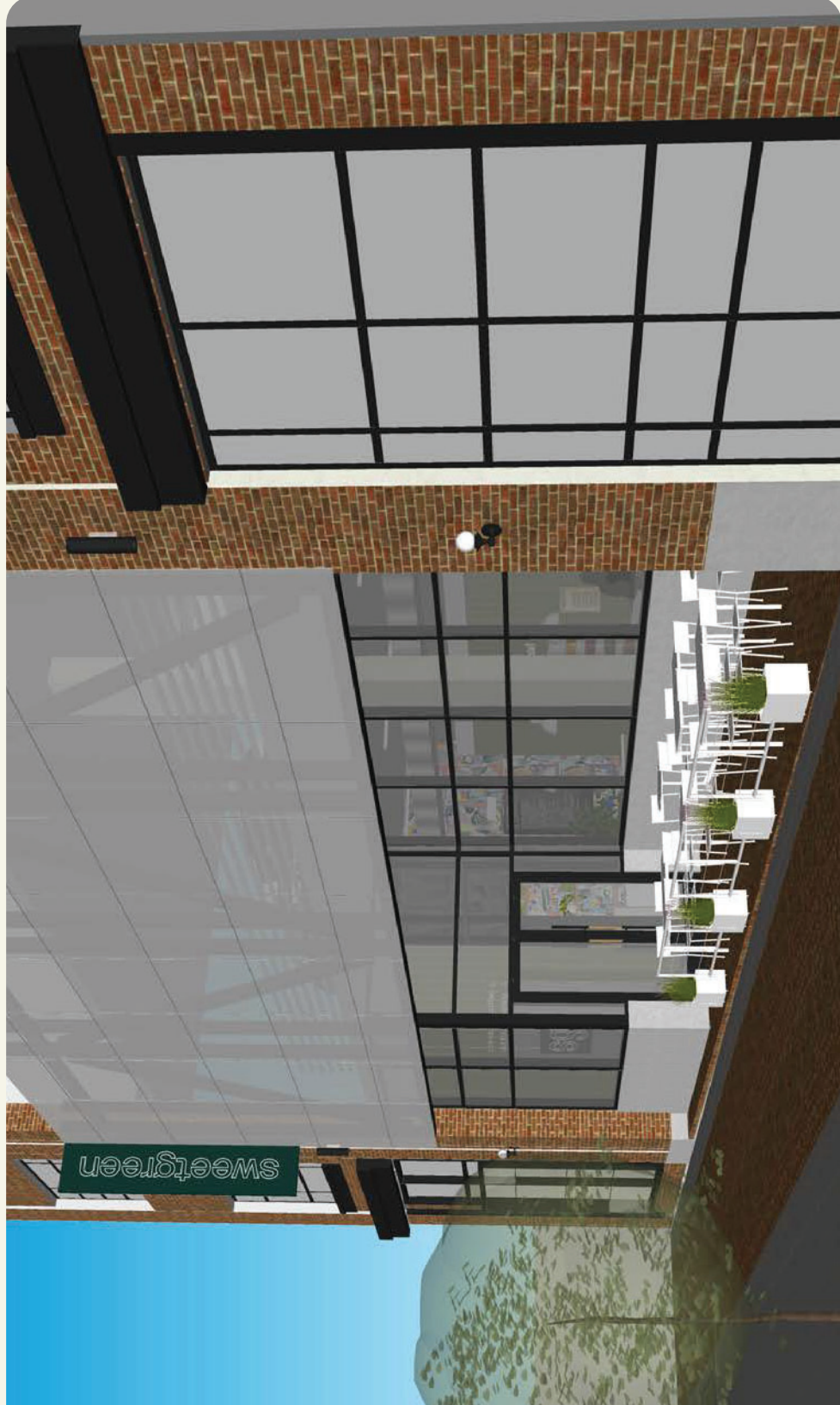
- Shift the typeface from horizontal to vertical
- Use a perforated metal panel to mount letters
- Mount the sign perpendicular to the building facade
- Exposed double-stroke neon to coincide with the Graduate Hotel's existing signage.

Additionally, Eric Gruelich cited a need for a "blade sign" to be located more than 100 linear feet from another blade sign. Orangetheory to the west of Tenant space possesses such a sign and based on the available plans will be located 120'+ from our proposed sign.

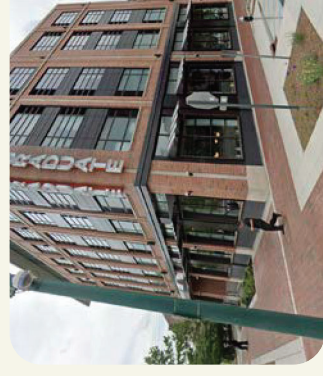
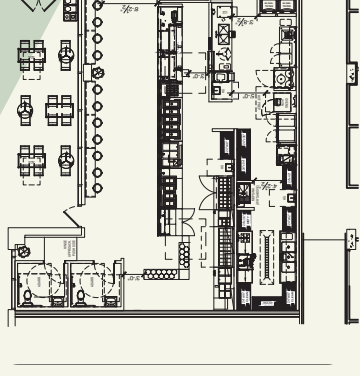
OR STROKE NEON MARQUEE BLADE ON PERFORATED METAL CABINET



OR E-STROKE NEON MARQUEE BLADE ON PERFORATED METAL CABINET



OR
STROKE NEON ON PERFORATED METAL PANEL



ORANGE THEORY

Occupancy: A-3

sweetgreen
Occupancy: A-2

CORRIDOR 104

SERVICE CORRIDOR 21

RECEIVING 108

MAINT OFFICE 109

MECHANICAL 140

ELECTRICAL 111

SALES & ACCOUNTING OFFICE 114

DATA 112

DIR. SALES 115

DIR. HSKP 116

GM 117

STAFF LOCKERS / BREAK 118

TOILET 118A

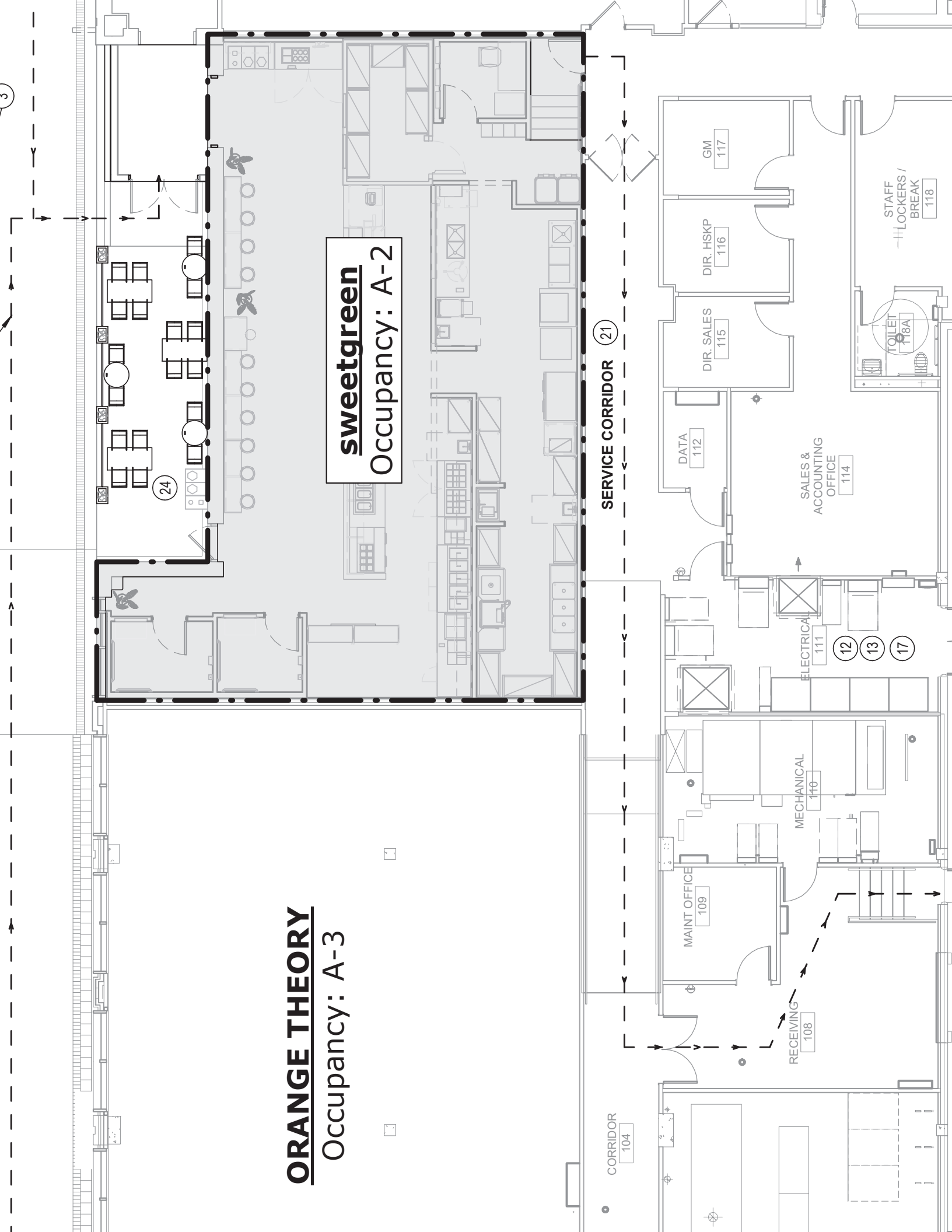
24

12

13

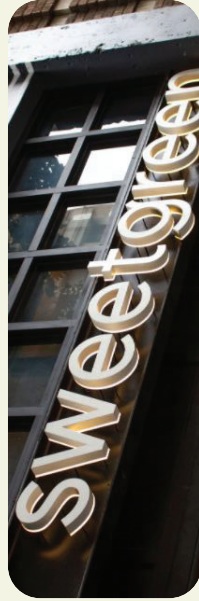
17

3



Storefront Signage: Sign Types

Follow link to Master Signage deck is [here](#)



SGXXBL - Backlit channel letters



SGXXFL RPT RW - Channel letters on a raceway, raceway to match background



SGXX neon CB180 - Rear box with dbi stroke neon over



SGXXFL RPT - Facelit with white acrylic face & col. returns



SGXXFL neon CB180 - Open face-lit channel letters with neon on raceway



SG XX painted



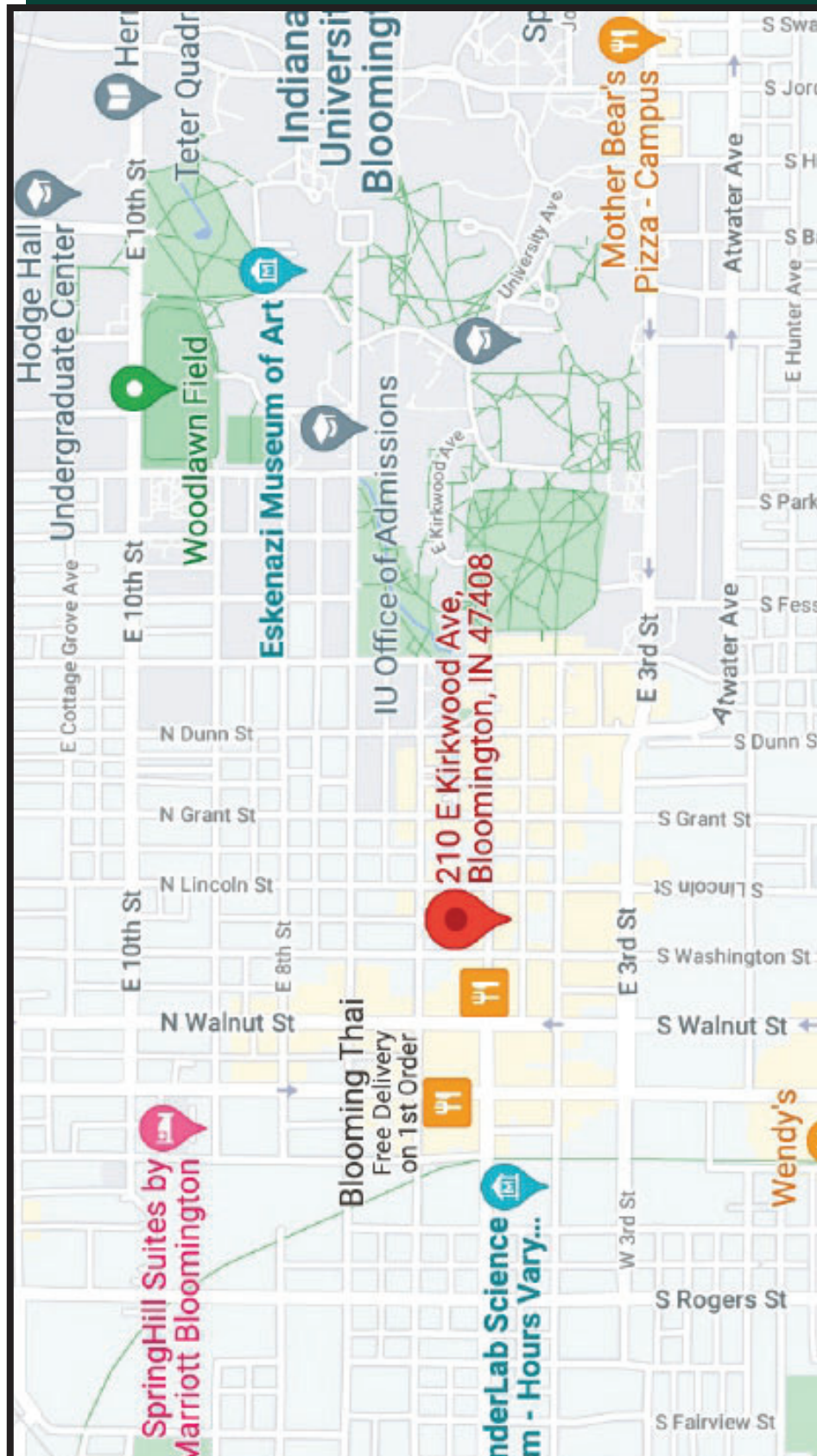
SGXXFL DN - Facelit with day/night film on face to match return color



SGXX neon CB180 - Rear box with dbi stroke neon over

Wetgreen

210 E KIRKWOOD AVE
BLOOMINGTON, IN 47408





A

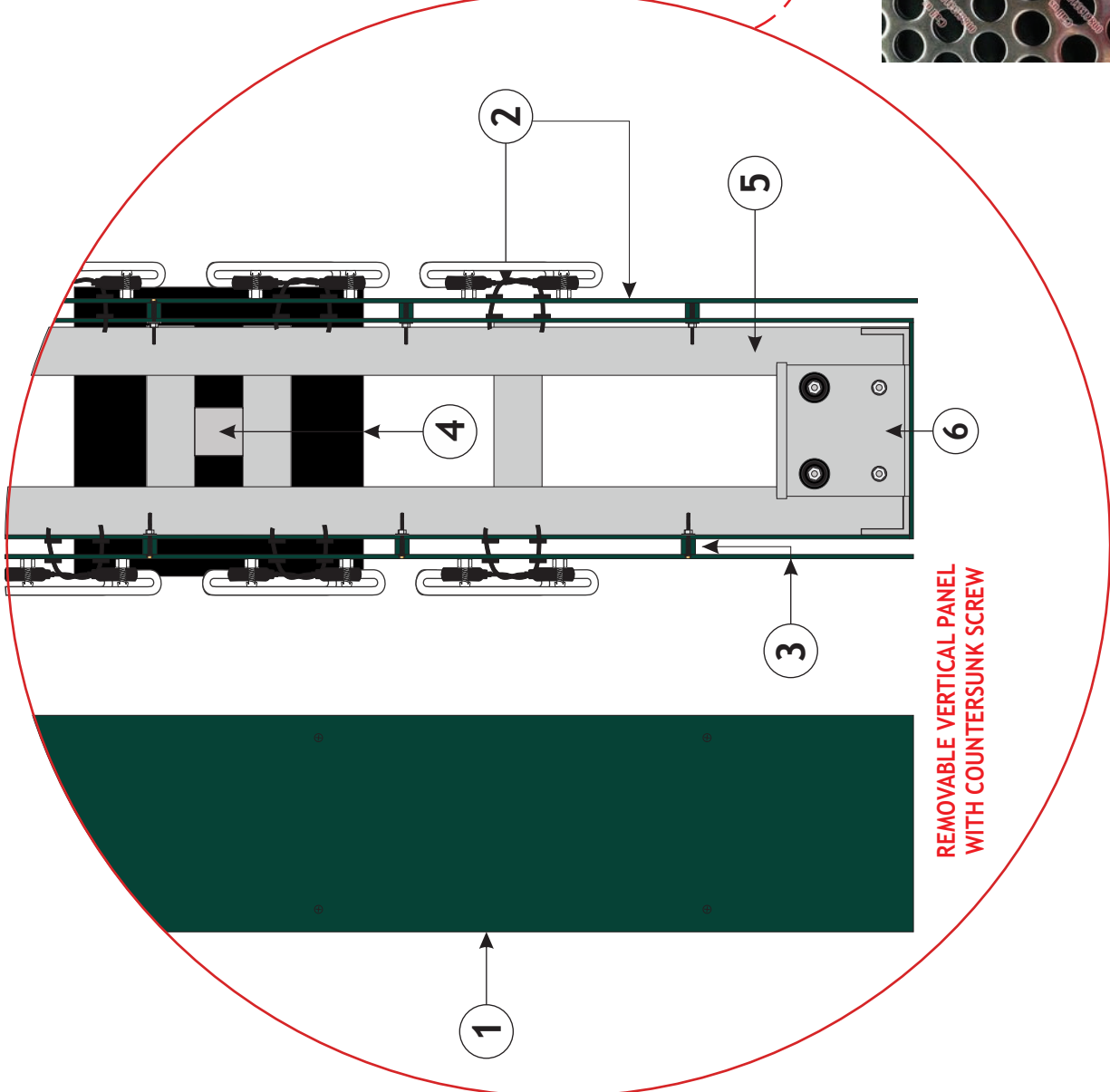
Sweetgreen



9"

20.65 SQ FT

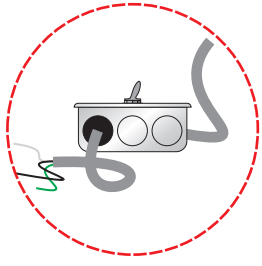
8'-3 1/8"



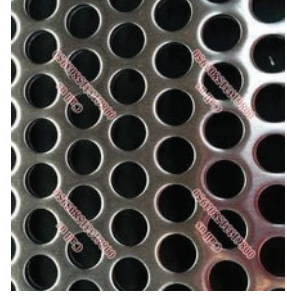
REMOVABLE VERTICAL PANEL WITH COUNTERSUNK SCREW

SIGN - DETAILS

- ① 9" DEEP ALUMINUM EXTRUSION CABINET, PAINTED PMS 3305 C "GREEN", VERTICAL PANEL NEON REMOVABLE FOR SERVICE WITH COUNTERSUNK SCREWS
- ② 10mm EXPOSED WHITE NEON 5000K, BLACK NEON BOOTS AND GTO WIRE WRAPPED WITH VINYL TO MATCH PMS 3305C "GREEN"
- ③ PERFORATED METAL PANEL 11 GAUGE WITH 1/2" HOLE AT 11/16" STAGGARED CENTERS, STOOD OF BLADE 1" (SPACERS TO MATCH) AND SECURED WITH POP RIVET ANS THREADED ROD WITH WIZ NUT ON BACK SIDE. ALL PAINTED PMS 3305 C.
- ④ 2" ALUMINUM INTERNAL FRAMING, SECURED TO 12" X 12" X 1/2" THICK STEEL MOUNTING PLATE AND 2" FRAME/SUPPORT PAINTED TO MATCH MAP N923SP SATIN BLACK. EXACT ATTACHMENT PENDING SURVEY



DEDICATED PRIMARY SIGN CIRCUIT AND DISCONNECT PROVIDED BY ELECTRICIAN



PERFORATED METAL PANEL 11 GAUGE WITH 1/2" HOLES AT 11/16" STAGGARED CENTER