

CITY OF BLOOMINGTON



May 24, 2023 @ 2:00 p.m.
Kelley Conference Room #155 and Zoom

Virtual Link:

<https://bloomington.zoom.us/j/82312061816?pwd=MTFsSVpKZ1daL0xia28zbUIVL09lUT09>

Meeting ID: 823 1206 1816

Passcode: 622893

**CITY OF BLOOMINGTON
HEARING OFFICER (Hybrid Meeting)
May 24, 2023 at 2:00 p.m.**

**City Hall, 401 N. Morton Street
Kelly Conference Room #155**

❖Virtual Link:

<https://bloomington.zoom.us/j/82312061816?pwd=MTFsSVpKZ1daL0xia28zbUIVL09lUT09>

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PETITION MAP: <https://arcg.is/090nTO>

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:

- V-15-23 **Brownfields IV LLC**
229 W. 1st Street
Parcel(s): 53-08-04-200-112.000-009
Request: Variance from front yard parking setback standards to allow the construction of a new parking area in the Mixed-Use Downtown, Downtown Gateway District.
Case Manager: Eric Greulich
- CU-16-23 **Michael Fowler dba Everbowl**
518 E. Kirkwood Avenue
Parcel(s): 53-05-33-405-032.000-005
Request: Conditional use approval to allow a standardized business in the Mixed-Use Downtown within the University Village Overlay (MD-UV).

****Next Meeting: June 7, 2023**

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
LOCATION: 229 W. 1st Street

CASE #: V-15-23
DATE: May 24, 2023

PETITIONER: Brownfields IV, LLC
 220 E. Wylie Road, Bloomington, IN

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

REQUEST: The petitioner is requesting a variance from front yard parking setback standards to allow a new parking area in the Mixed-use Downtown within the Downtown Gateway Overlay (MD-DGO) zoning district.

REPORT: This 0.97 acre site is located at the southeast corner of W. 1st Street and S. Morton Street. The property is within the Downtown Gateway (DG) Overlay of the Mixed-use Downtown (MD) zoning district. Surrounding land uses include a Kroger store to the north, with office and industrial uses to the east, west, and south. The B-Line Trail runs along the west side of this property. The property has been developed with a one-story warehouse building and gravel parking lot. There were also several above and below ground storage tanks on the property associated with the former business that have all been removed or remediated by the petitioner.

The property has been developed with a 14,170 square foot building that is located at the far south side of the property. The building was previously used as a warehouse and storage facility and is rated as a “Contributing” structure in the Bloomington Historic Sites and Structures Survey. The petitioner is proposing to renovate the building and property for a new 14,170 sq. ft. restaurant and banquet facility. As part of the planned site improvements, the petitioner proposes to install a new parking area for 36 parking spaces, new landscaping throughout the property, and a new patio in front of the restaurant for outdoor seating. A decorative wall and fence will be constructed around the patio area. Bike racks will be installed along the B-Line Trail and placed near the building to provide bicycle parking for patrons. There is an existing monolithic sidewalk along 1st Street that is required to be removed to establish a 5’ tree plot and new 6’ wide concrete sidewalk along the property frontage. The City will be performing a series of improvements along the 1st Street corridor that would include this property frontage and include the installation of sidewalks and tree plots with street trees. The existing drivecut along 1st Street will be relocated east approximately 50’ to provide access to the new parking area and this will be incorporated in the City’s improvements as well. The petitioner will be required to install the improvements along their frontage as required by the UDO and will work with the City on the timing and manner of installation of improvements.

Since the property has been developed with a historic building that is located at the southern-most portion of the site, it is not possible to install sufficient parking on the site that would meet the 20’ setback requirement from the front of the building. The petitioner is requesting a variance from the 20’ front parking setback requirement to allow the proposed 36 parking spaces. The Plan Commission approved the site plan (SP-13-23) contingent upon the granting of this variance.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

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

PROPOSED FINDING: No injury is found with this petition. The proposed site plan will still provide safe pedestrian access to the building and site through a sidewalk connection to both 1st Street to the north and also to the B-Line Trail to the west. The location of the parking area will not be injurious to the public health, safety, morals, or general welfare.

- 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.*

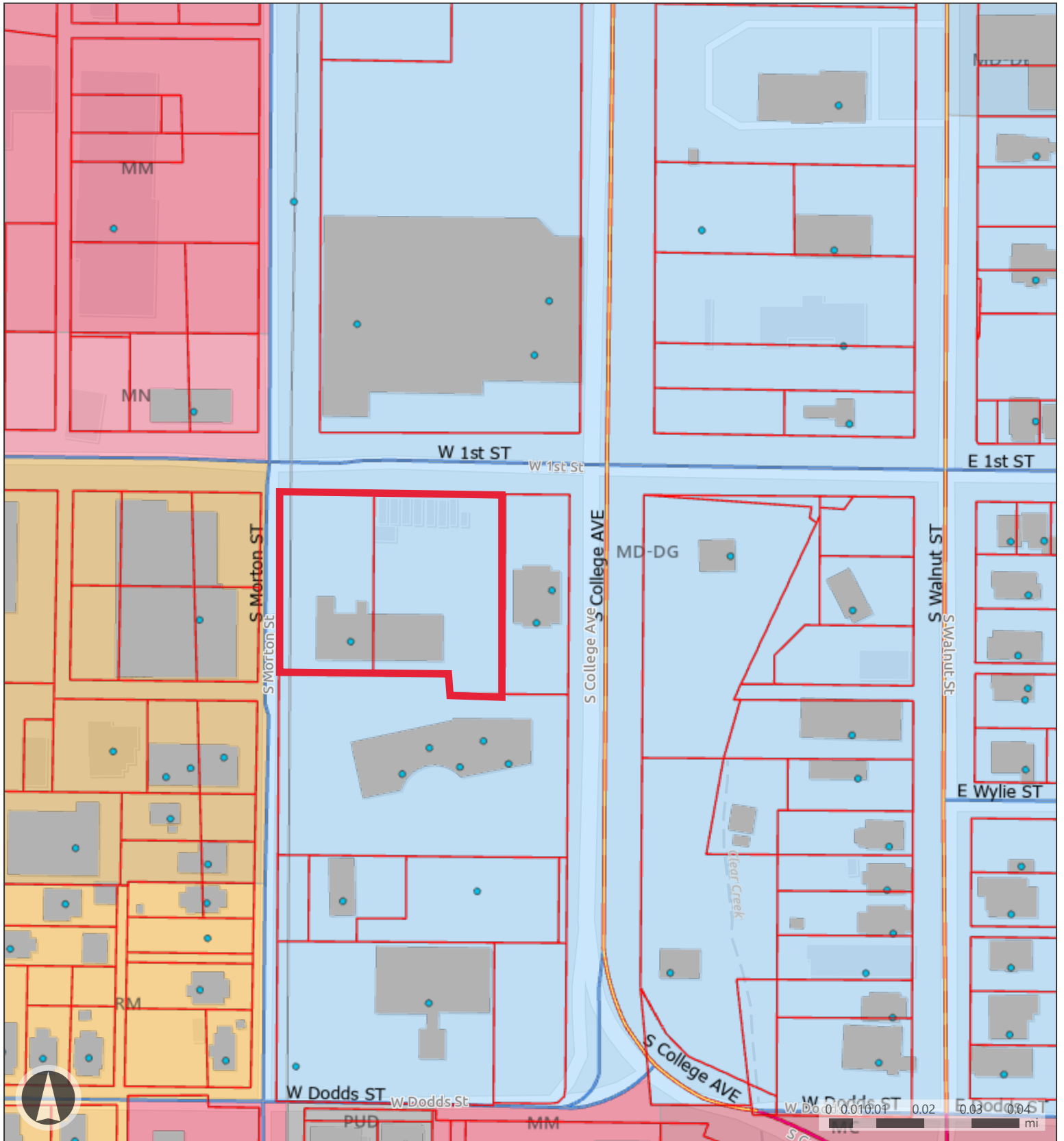
PROPOSED FINDING: No negative effects from this proposal on the areas adjacent to the property are expected. The granting of the variance to allow the proposed parking area in the required setback is not expected to affect the use or value of the adjacent properties in a substantially adverse manner, as that area has been used as staging and parking in the past with no known ill effects.

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

PROPOSED FINDING: Practical difficulty is found in that the location of the existing historic building at the far south end of the property does not allow for sufficient parking to be installed on the property that would meet the required setback. The petitioner is proposing to reuse the former warehouse and storage building for a new restaurant and does need some vehicular parking to make the use viable. Peculiar condition is again found in the location of the existing building at the far south side of the site which would not allow for any parking plan on the site that would meet setback requirements. The granting of the variance would allow for a parking area to be installed on the site to allow for the historic building and property to be redeveloped while also still providing safe pedestrian access to the building.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-15-23 with the following conditions:

1. This variance applies to the location and number of parking spaces proposed with this petition only. Any new or alternate parking arrangement will require a separate variance approval.
2. Approved per terms and conditions of Plan Commission case #SP-13-23.
3. A grading permit is required prior to any site disturbance.

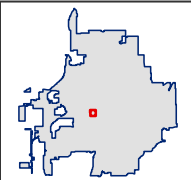


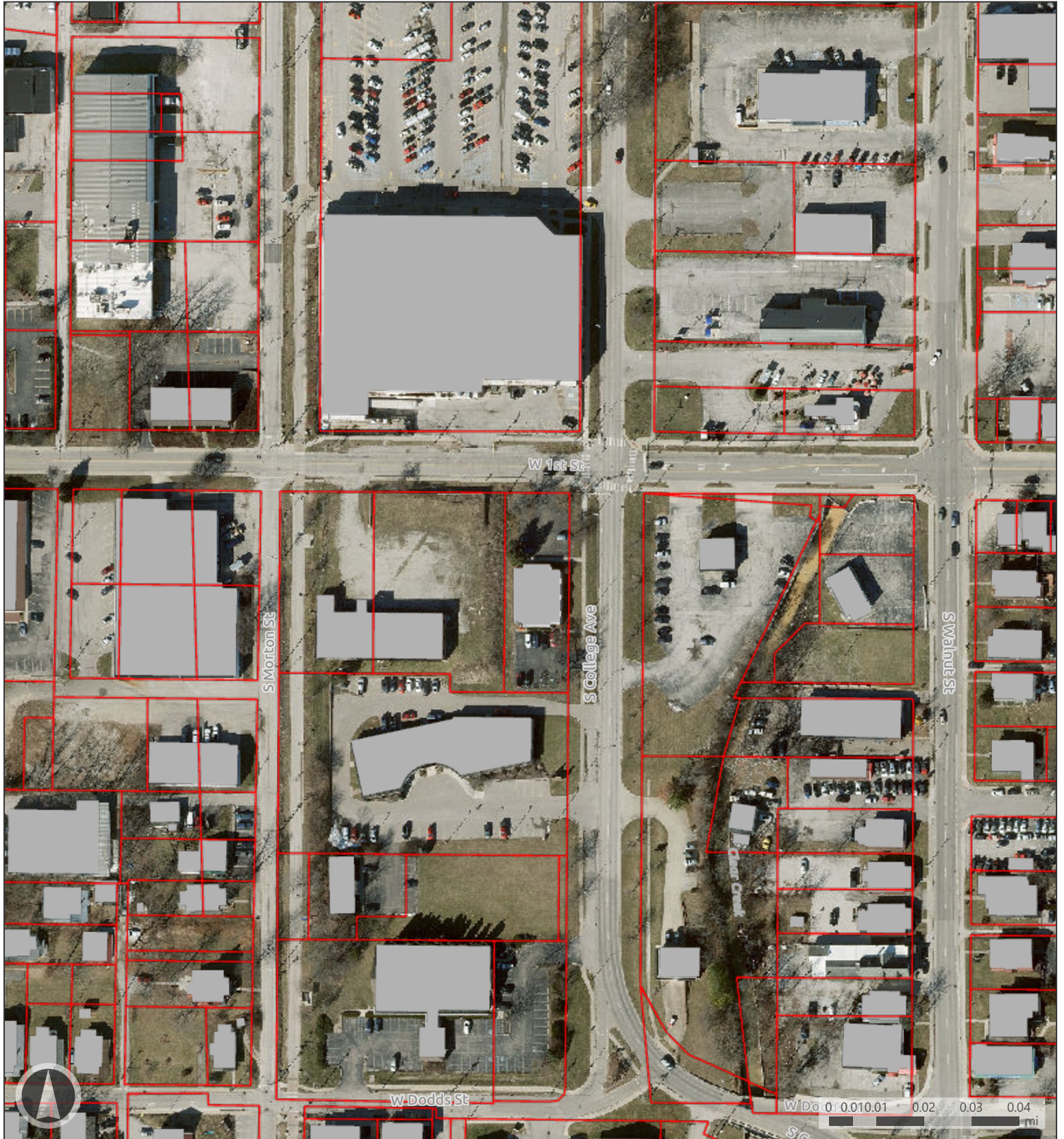
Map Legend

- Parcels
- Address Points
- Buildings

- Street Typology**
- General Urban
 - Main Street

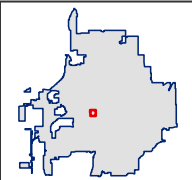
- Functional Classification**
- Neighborhood Residential
 - Primary Arterial





Map Legend

- Parcels
- Buildings





BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

April 10, 2023

Eric Greulich
City of Bloomington Planning Department
401 N. Morton Street
Bloomington, Indiana 47404

RE: Monroe Oil Site
Major Site Plan Approval Petitioner's Statement

Eric Greulich or To Whom It May Concern:

Our client, Brownfields IV, LLC, respectfully request major site plan approval for the referenced project and to be placed on the next Plan Commission agenda.

Project Narrative:

The proposed development of the old Monroe Oil Site consists of the renovating and remodeling of the existing brick building located on the property approximately 150' west of the intersection of S. College Ave. and W. First St. in Bloomington, Indiana. This refurbished building will be used as a event center/restaurant with outdoor dining included. This includes 14,170 sq. ft. of usable gross floor area.

The site is 0.97 acres and is located in the MD-DG zoning district at the southern side of the Downtown Gateway Overlay District. Our proposed design includes 36 paved parking spaces and outdoor paved dining area which increases the site impervious area to 73% (0.71 acres). The proposed site plan also includes 8 class I bicycle parking spots.

See attached 'Letter of Intent' from the owner to further portray the extent of work and intent of this project.

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

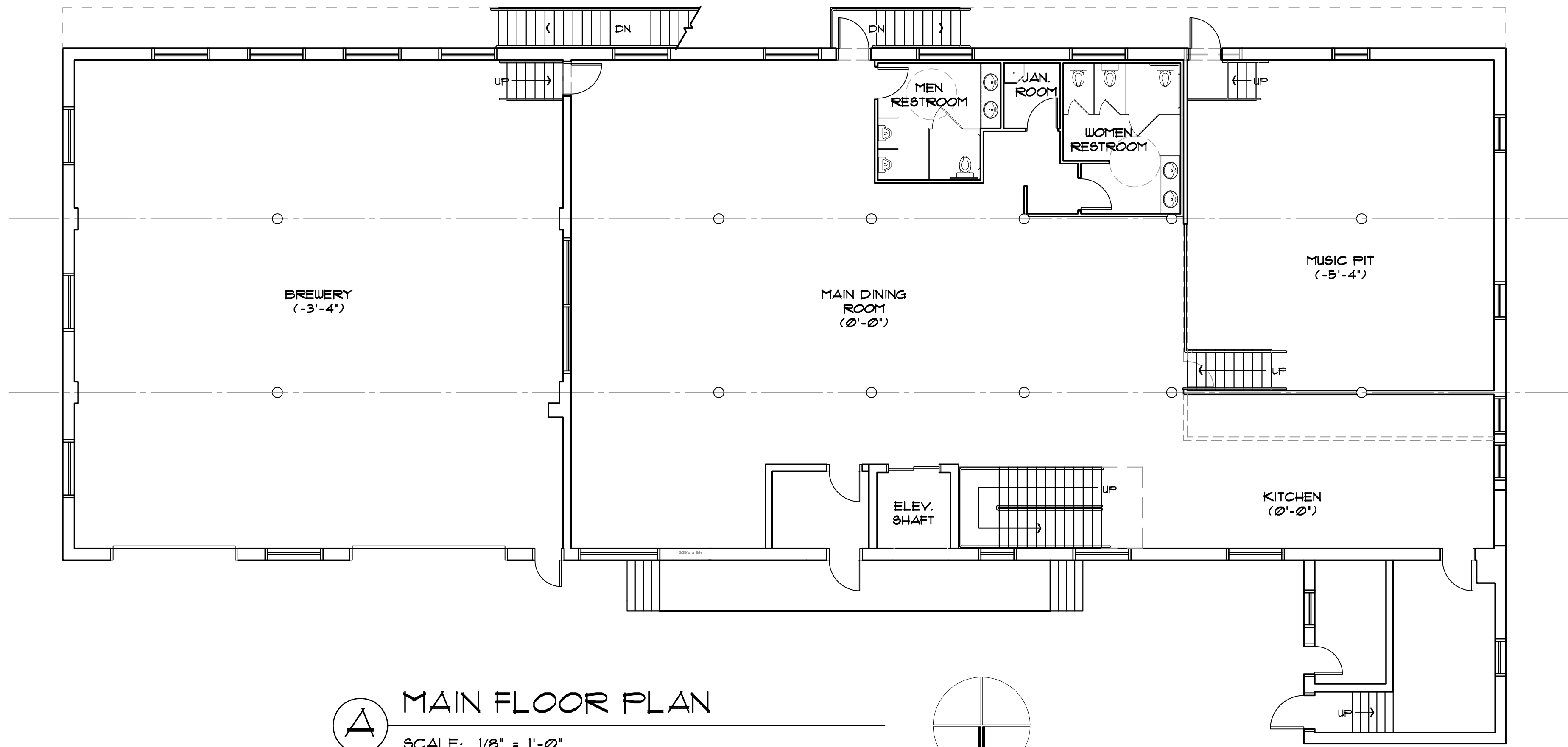
Sincerely,
Bynum Fanyo & Associates, Inc.

Daniel Butler, PE, Project Engineer

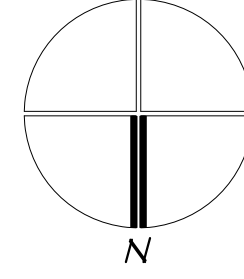
COPY: BFA FILE #401430

528 NORTH WALNUT STREET
812-332-8030

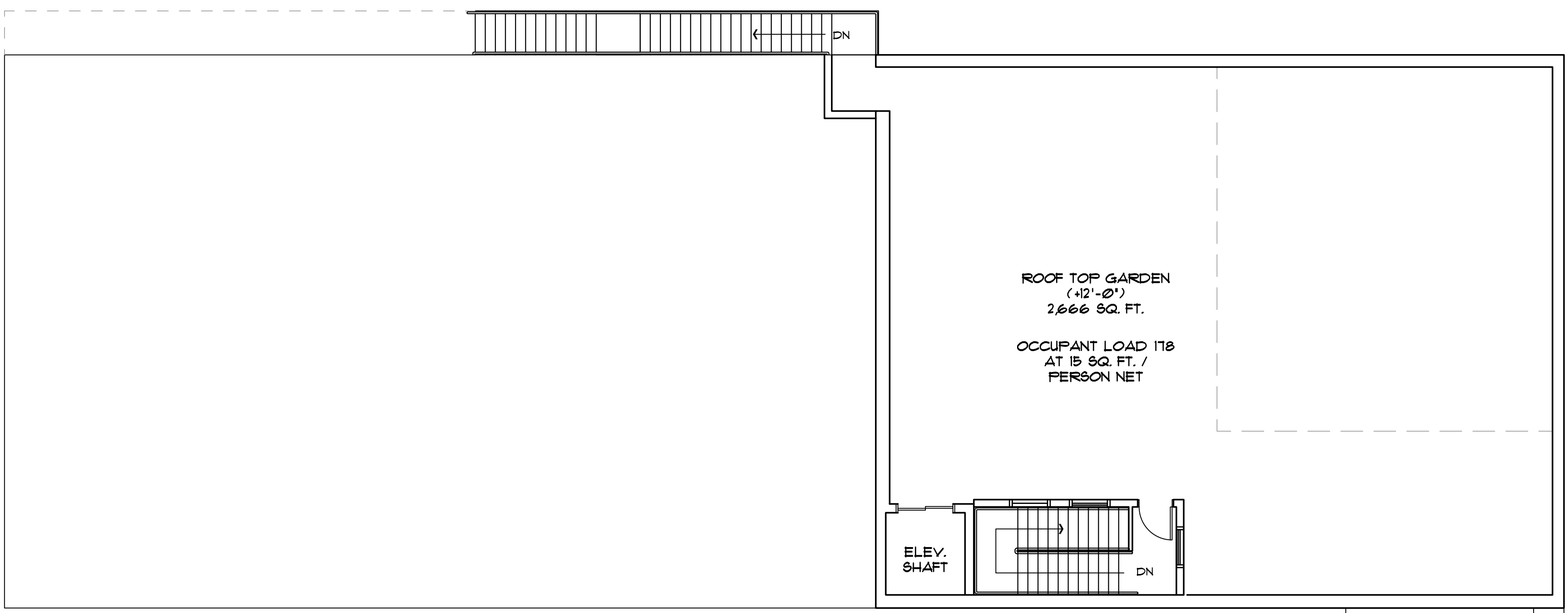
BLOOMINGTON, INDIANA 47404
FAX 812-339-2990



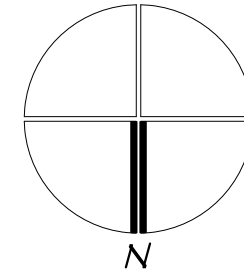
A MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



NOTES:
ALL EXISTING WINDOWS AND DOORS TO BE REPLACED. FRAMING TO BE BLACK. NEW OVERHEAD DOORS TO MATCH.



B ROOF TOP FLOOR PLAN
SCALE: 1/8" = 1'-0"



revisions:

drawn by: yholdship

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
Bloomington, Indiana

BEEB
BYNUM FANNO & ASSOCIATES, INC.
528 north walnut street

certified by:

PROPOSED:
MONROE COUNTY OIL SITE
299 W. 1ST STREET
BLOOMINGTON
INDIANA

title: FLOOR PLANS

A=2.1

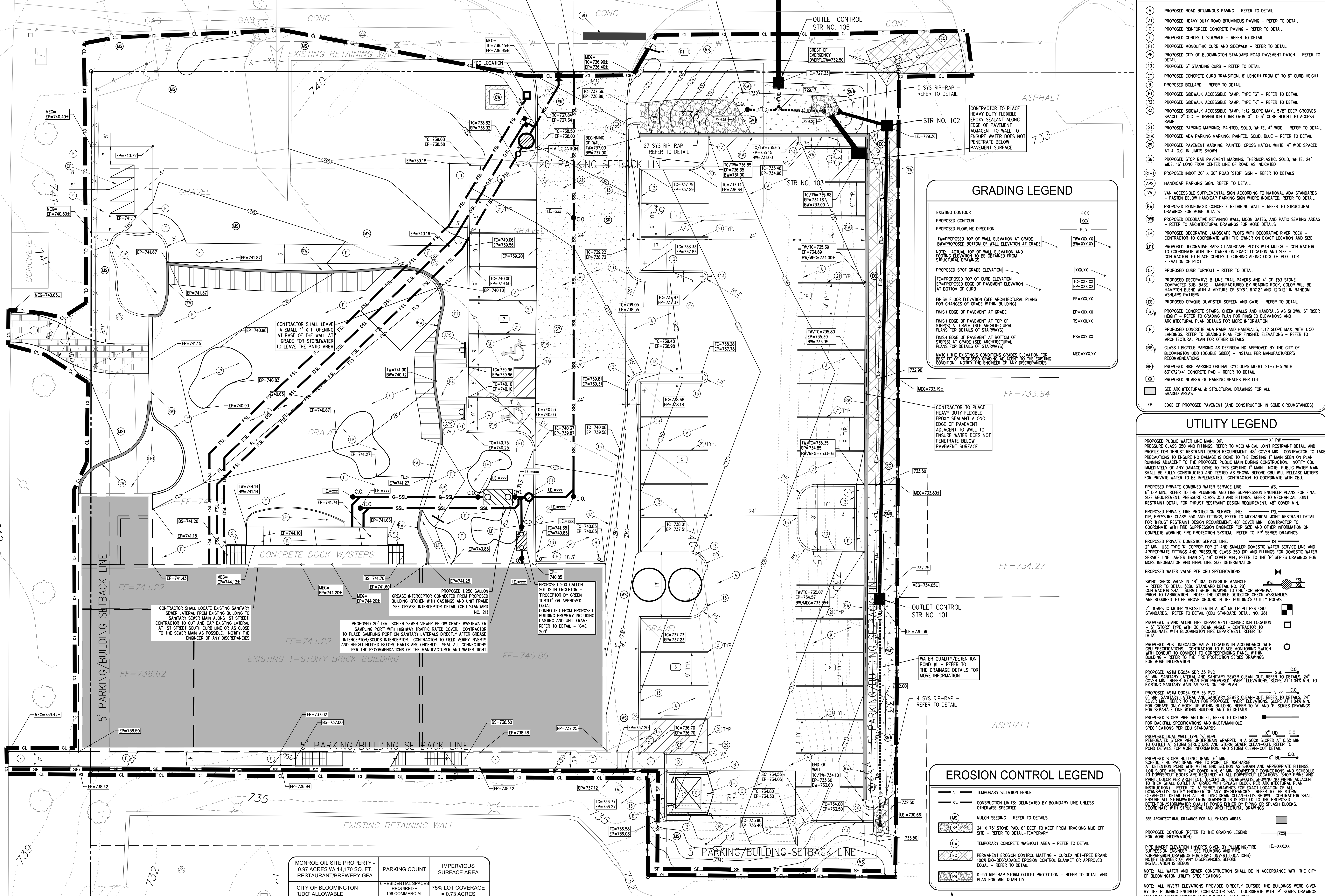
project no.: 201408

WEST FIRST STREET

COLLEGE

SOUTH MORTON STREET

BYNUM FANTO & ASSOCIATES, INC.
528 north walnut street
(812) 332-8030



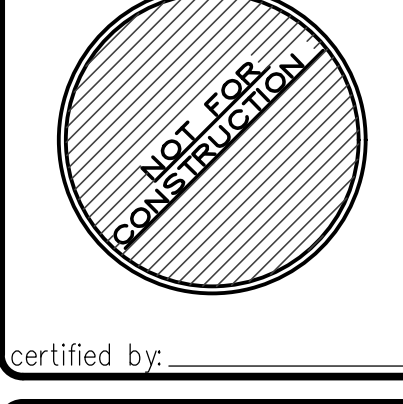
- ### SITE LEGEND
- (A) PROPOSED ROAD BITUMINOUS PAVING - REFER TO DETAIL
 - (AA) PROPOSED HEAVY DUTY ROAD BITUMINOUS PAVING - REFER TO DETAIL
 - (C) PROPOSED REINFORCED CONCRETE PAVING - REFER TO DETAIL
 - (F) PROPOSED CONCRETE SIDEWALK - REFER TO DETAIL
 - (H) PROPOSED MONOLITHIC CURB AND SIDEWALK - REFER TO DETAIL
 - (HP) PROPOSED CITY OF BLOOMINGTON STANDARD ROAD PAVEMENT PATCH - REFER TO DETAIL
 - (I) PROPOSED 6" STANDING CURB - REFER TO DETAIL
 - (CT) PROPOSED CONCRETE CURB TRANSITION, 6" LENGTH FROM 0" TO 6" CURB HEIGHT
 - (B) PROPOSED BOLLARD - REFER TO DETAIL
 - (RI) PROPOSED SIDEWALK ACCESSIBLE RAMP, TYPE "C" - REFER TO DETAIL
 - (R2) PROPOSED SIDEWALK ACCESSIBLE RAMP, TYPE "X" - REFER TO DETAIL
 - (R3) PROPOSED SIDEWALK ACCESSIBLE RAMP, 1:12 SLOPE MAX, 5/8" DEEP GROOVES SPACED 2" O.C. - TRANSITION CURB FROM 0" TO 6" CURB HEIGHT TO ACCESS RAMP
 - (21A) PROPOSED PARKING MARKING, PAINTED, SOLID, WHITE, 4" WIDE - REFER TO DETAIL
 - (21A) PROPOSED ADA PARKING MARKING, PAINTED, SOLID, BLUE - REFER TO DETAIL
 - (26) PROPOSED PAVEMENT MARKING, PAINTED, CROSS HATCH, WHITE, 4" WIDE SPACED AT 4' O.C. IN LIMITS SHOWN
 - (36) PROPOSED STOP BAR PAVEMENT MARKING, THERMOPLASTIC, SOLID, WHITE, 24" WIDE, 16" LONG FROM CENTER LINE OF ROAD AS INDICATED
 - (RT-1) PROPOSED INDOT 301 X 30" ROAD "STOP" SIGN - REFER TO DETAILS
 - (APS) HANDICAP PARKING SIGN, REFER TO DETAIL
 - (VA) VAN ACCESSIBLE SUPPLEMENTAL SIGN ACCORDING TO NATIONAL ADA STANDARDS - FASTEN BELOW HANDICAP PARKING SIGN WHERE INDICATED, REFER TO DETAIL
 - (RW) PROPOSED REINFORCED CONCRETE RETAINING WALL - REFER TO STRUCTURAL DRAWINGS FOR MORE DETAILS
 - (RW) PROPOSED DECORATIVE RETAINING WALL, MOON GATES, AND PATIO SEATING AREAS - REFER TO ARCHITECTURAL DRAWINGS FOR MORE DETAILS
 - (LP) PROPOSED DECORATIVE LANDSCAPE PLOTS WITH DECORATIVE RIVER ROCK - CONTRACTOR TO COORDINATE WITH THE OWNER ON EXACT LOCATION AND SIZE
 - (JPI) PROPOSED DECORATIVE RAISED LANDSCAPE PLOTS WITH MULCH - CONTRACTOR TO COORDINATE WITH THE OWNER ON EXACT LOCATION AND SIZE
 - (CONTRACTOR TO PLACE CONCRETE CURBING ALONG EDGE OF PLOT FOR ELEVATION OF PLOT)
 - (CX) PROPOSED CURB TURNOUT - REFER TO DETAIL
 - (L) PROPOSED DECORATIVE B-LINE TRAIL PAVERS AND 4" OF #33 STONE COMPACTED SUB-BASE - MANUFACTURED BY READING ROCK. COLOR WILL BE HAMILTON BLEND WITH A MIXTURE OF 6"30", 6"312" AND 12"312" RANDOM ASHLARS PATTERN
 - (DE) PROPOSED OPAQUE DUMPSTER SCREEN AND GATE - REFER TO DETAIL
 - (S) PROPOSED CONCRETE STAIRS, CHEEK WALLS AND HANDRAILS AS SHOWN, 6" RISER HEIGHT - REFER TO GRADING PLAN FOR FINISHED ELEVATIONS AND ARCHITECTURAL PLAN DETAILS FOR MORE INFORMATION
 - (R) PROPOSED CONCRETE ADA RAMP AND HANDRAILS, 1:12 SLOPE MAX WITH 1:50 LANDINGS, REFER TO GRADING PLAN FOR FINISHED ELEVATIONS - REFER TO ARCHITECTURAL PLAN FOR OTHER DETAILS
 - (BP) CLASS 1 BICYCLE PARKING AS DEFINED AND APPROVED BY THE CITY OF BLOOMINGTON UDD (DOUBLE SIDED) - INSTALL PER MANUFACTURER'S RECOMMENDATIONS
 - (BP) PROPOSED BIKE PARKING ORIGINAL CYCLOPS MODEL 21-70-5 WITH 63"x72"x4" CONCRETE PAD - REFER TO DETAIL
 - (XX) PROPOSED NUMBER OF PARKING SPACES PER LOT
 - (SEE ARCHITECTURAL & STRUCTURAL DRAWINGS FOR ALL SHADDED AREAS)
 - EP EDGE OF PROPOSED PAVEMENT (AND CONSTRUCTION IN SOME CIRCUMSTANCES)

- ### GRADING LEGEND
- EXISTING CONTOUR - ---XXX---
 - PROPOSED CONTOUR - ---XXX---
 - PROPOSED FLOODED DIRECTION - ---XXX---
 - FIN/PROPOSED TOP OF WALL ELEVATION AT GRADE - TW/XXX.XX
 - PROPOSED BOTTOM OF WALL ELEVATION AT GRADE - BW/XXX.XX
 - NOTE: ACTUAL TOP OF WALL ELEVATION AND FINISH ELEVATION TO BE OBTAINED FROM STRUCTURAL DRAWINGS
 - (PROPOSED SPOT GRADE ELEVATION) - XXX.XX
 - FIN/PROPOSED TOP OF CURB ELEVATION - TC/XXX.XX
 - PROPOSED EDGE OF PAVEMENT ELEVATION AT BOTTOM OF CURB - BC/XXX.XX
 - FINISH FLOOR ELEVATION (SEE ARCHITECTURAL PLANS FOR CHANGES OF GRADE WITHIN BUILDING) - FF/XXX.XX
 - FINISH EDGE OF PAVEMENT AT GRADE - IS/XXX.XX
 - FINISH EDGE OF PAVEMENT AT TOP OF STEPS (SEE ARCHITECTURAL PLANS FOR DETAILS OF STAIRWAYS) - TS/XXX.XX
 - FINISH EDGE OF PAVEMENT AT BOTTOM OF STAIRS (SEE ARCHITECTURAL PLANS FOR DETAILS OF STAIRWAYS) - BS/XXX.XX
 - MEG/XXX.XX
- MATCH THE EXISTING CONDITIONS GRADES ELEVATION FOR BEST FIT OF PROPOSED GRADING ADJACENT TO THE EXISTING CONDITION. NOTIFY THE ENGINEER OF ANY DISCREPANCIES

- ### UTILITY LEGEND
- PROPOSED PUBLIC WATER LINE MAIN, DIP, PRESSURE CLASS 350 AND FITTINGS, REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR THRUST RESTRAINT DESIGN REQUIREMENT, 48" COVER MIN. CONTRACTOR TO TAKE PRECAUTIONS TO ENSURE NO DAMAGE IS DONE TO THE EXISTING 1" MAIN SEEN ON PLAN RUNNING ADJACENT TO THE PROPOSED PUBLIC MAIN DURING CONSTRUCTION. NOTIFY CBU IMMEDIATELY OF ANY DAMAGE DONE TO THIS EXISTING 1" MAIN. NOTE: PUBLIC WATER MAIN SHALL BE FULLY CONSTRUCTED AND TESTED AS SHOWN BEFORE CBU WILL RELEASE METERS FOR PRIVATE WATER TO BE IMPLEMENTED. CONTRACTOR TO COORDINATE WITH CBU.
 - PROPOSED PRIVATE COMBINED WATER SERVICE LINE, 6" DIP MIN. REFER TO THE PLUMBING AND FIRE SUPPRESSION ENGINEERS PLANS FOR FINAL SIZE REQUIREMENT, PRESSURE CLASS 350 AND FITTINGS, REFER TO MECHANICAL JOINT RESTRAINT DETAIL FOR THRUST RESTRAINT DESIGN REQUIREMENT, 48" COVER MIN.
 - PROPOSED PRIVATE FIRE PROTECTION SERVICE LINE, DIP, PRESSURE CLASS 350 AND FITTINGS, REFER TO MECHANICAL JOINT RESTRAINT DETAIL FOR THRUST RESTRAINT DESIGN REQUIREMENT, 48" COVER MIN. CONTRACTOR TO COORDINATE WITH THE FIRE SUPPRESSION ENGINEER FOR SIZE AND OTHER INFORMATION ON COMPLETE WORKING FIRE PROTECTION SYSTEM. REFER TO TP" SERIES DRAWINGS.
 - PROPOSED PRIVATE DOMESTIC SERVICE LINE, 2" MIN. USE TYPE "K" COPPER FOR 2" AND SMALLER DOMESTIC WATER SERVICE LINE AND APPROPRIATE FITTINGS AND PRESSURE CLASS 350 DIP AND FITTINGS FOR DOMESTIC WATER SERVICE LINE LARGER THAN 2". 48" COVER MIN. REFER TO THE TP" SERIES DRAWINGS FOR MORE INFORMATION AND FINAL LINE SIZE DETERMINATION.
 - PROPOSED WATER VALVE PER CBU SPECIFICATIONS
 - SMING CHECK VALVE IN 48" DIA CONCRETE MANHOLE
 - REFER TO DETAIL (CBU STANDARD DETAIL NO. 28)
 - CONTRACTOR SHALL SUBMIT SHOP DRAWING TO CBU FOR APPROVAL
 - PRIOR TO FABRICATION. NOTE: THE DOUBLE CHECK VALVE ASSEMBLY ARE REQUIRED TO BE ABOVE GROUND IN THE BUILDING'S UTILITY ROOMS
 - 2" DOMESTIC WATER YOKES/TEETER IN A 30" METER PIT PER CBU STANDARDS. REFER TO DETAIL (CBU STANDARD DETAIL NO. 28)
 - PROPOSED STAND ALONE FIRE DEPARTMENT CONNECTION LOCATION
 - REFER TO DETAIL (CBU STANDARD DETAIL NO. 20)
 - CONTRACTOR SHALL SUBMIT SHOP DRAWING TO CBU FOR APPROVAL
 - PRIOR TO FABRICATION. NOTE: THE DOUBLE CHECK VALVE ASSEMBLY ARE REQUIRED TO BE ABOVE GROUND IN THE BUILDING'S UTILITY ROOMS
 - PROPOSED POST INDICATOR VALVE LOCATION IN ACCORDANCE WITH CBU SPECIFICATIONS. CONTRACTOR TO PLACE MONITORING SWITCH WITH CONDUIT TO CONNECT TO CORRESPONDING PANEL WITH BUILDING - REFER TO THE FIRE PROTECTION SERIES DRAWINGS FOR MORE INFORMATION
 - PROPOSED ASTM A304 50# 35 PVC, 6" MIN. SANITARY LATERAL AND SANITARY SEWER CLEAN-OUT, REFER TO DETAILS 24" COVER MIN. REFER TO PLAN FOR PROPOSED INVERT ELEVATIONS. SLOPE AT 1/4% MIN TO EXISTING SANITARY MAIN AS SHOWN ON THE PLAN
 - PROPOSED ASTM A304 50# 35 PVC, 4" MIN. SANITARY LATERAL AND SANITARY SEWER CLEAN-OUT, REFER TO DETAILS 24" COVER MIN. REFER TO PLAN FOR PROPOSED INVERT ELEVATIONS. SLOPE AT 1/4% MIN FOR GREASE ONLY HOODS WITHIN BUILDING. REFER TO TP" AND TP" SERIES DRAWINGS FOR SEPARATE LINE WITHIN BUILDING AND TO DETAILS
 - PROPOSED STORM PIPE AND INLET, REFER TO DETAILS FOR MANHOLE SPECIFICATIONS AND MANHOLE SPECIFICATIONS PER CBU STANDARDS
 - PROPOSED DUAL WALL TYPE "S" HOOD, 6" MIN. SANITARY LATERAL AND SANITARY SEWER CLEAN-OUT, REFER TO DETAILS 24" COVER MIN. REFER TO PLAN FOR PROPOSED INVERT ELEVATIONS. SLOPE AT 1/4% MIN TO OUTLET AT STORM STRUCTURE AND STORM SEWER CLEAN-OUT, REFER TO PLAN DETAILS FOR MORE INFORMATION AND STORM CLEAN-OUT TO DETAIL
 - PROPOSED STORM BUILDING DRAIN POINT OF DISCHARGE, 4" MIN. SANITARY LATERAL AND SANITARY SEWER CLEAN-OUT, REFER TO DETAILS 24" COVER MIN. REFER TO PLAN FOR PROPOSED INVERT ELEVATIONS. SLOPE AT 1/4% MIN TO OUTLET AT STORM STRUCTURE AND STORM SEWER CLEAN-OUT, REFER TO PLAN DETAILS FOR MORE INFORMATION AND STORM CLEAN-OUT TO DETAIL
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- ### EROSION CONTROL LEGEND
- SF - TEMPORARY SILTATION FENCE
 - CL - CONSTRUCTION LIMITS, DELINEATED BY BOUNDARY LINE UNLESS OTHERWISE SPECIFIED
 - MS - MULCH SEEDING - REFER TO DETAILS
 - SP - 24" X 75" STONE PAD, 6" DEEP TO KEEP FROM TRACKING MUD OFF SITE - REFER TO DETAIL - TEMPORARY
 - CW - TEMPORARY CONCRETE WASHOUT AREA - REFER TO DETAIL
 - PM - PERMANENT EROSION CONTROL MATTING - COULEX NET-FEED BRAND 100% BIO-DEGRADABLE EROSION CONTROL, BLANKET OR APPROVED EQUAL - REFER TO DETAIL
 - RS - 6" SIP-RAP STORM OUTLET PROTECTION - REFER TO DETAIL AND PLAN FOR MIN. QUANTITY

CITY OF BLOOMINGTON 'UDO' ALLOWABLE	PARKING COUNT	IMPERVIOUS SURFACE AREA
EXISTING	NO PARKING	0.21 ACRES = 22%
PROPOSED	36 SPACES	0.72 ACRES = 74%

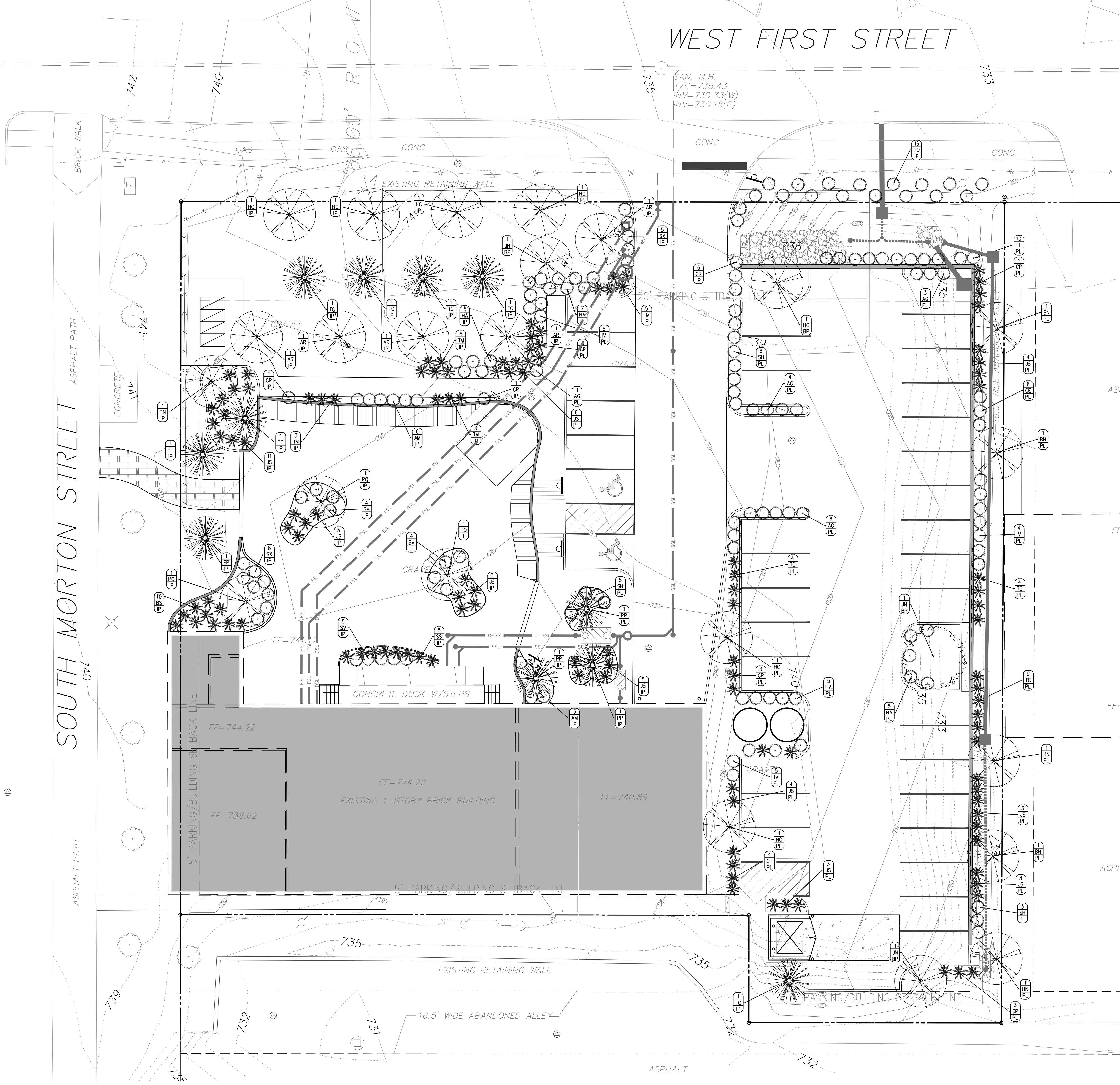


PROPOSED MONROE OIL SITE
W. 1ST STREET
BLOOMINGTON, INDIANA

title: PHASE I SITE, UTILITY, GRADING & DRAINAGE PLAN
designed by: DJB
drawn by: DJB
checked by: JSF
sheet no.: C301
project no.: 401430

SCALE: 1"=10'

WEST FIRST STREET

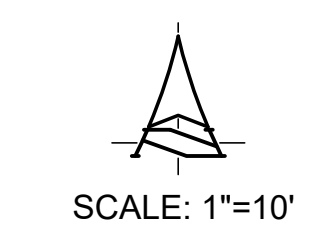
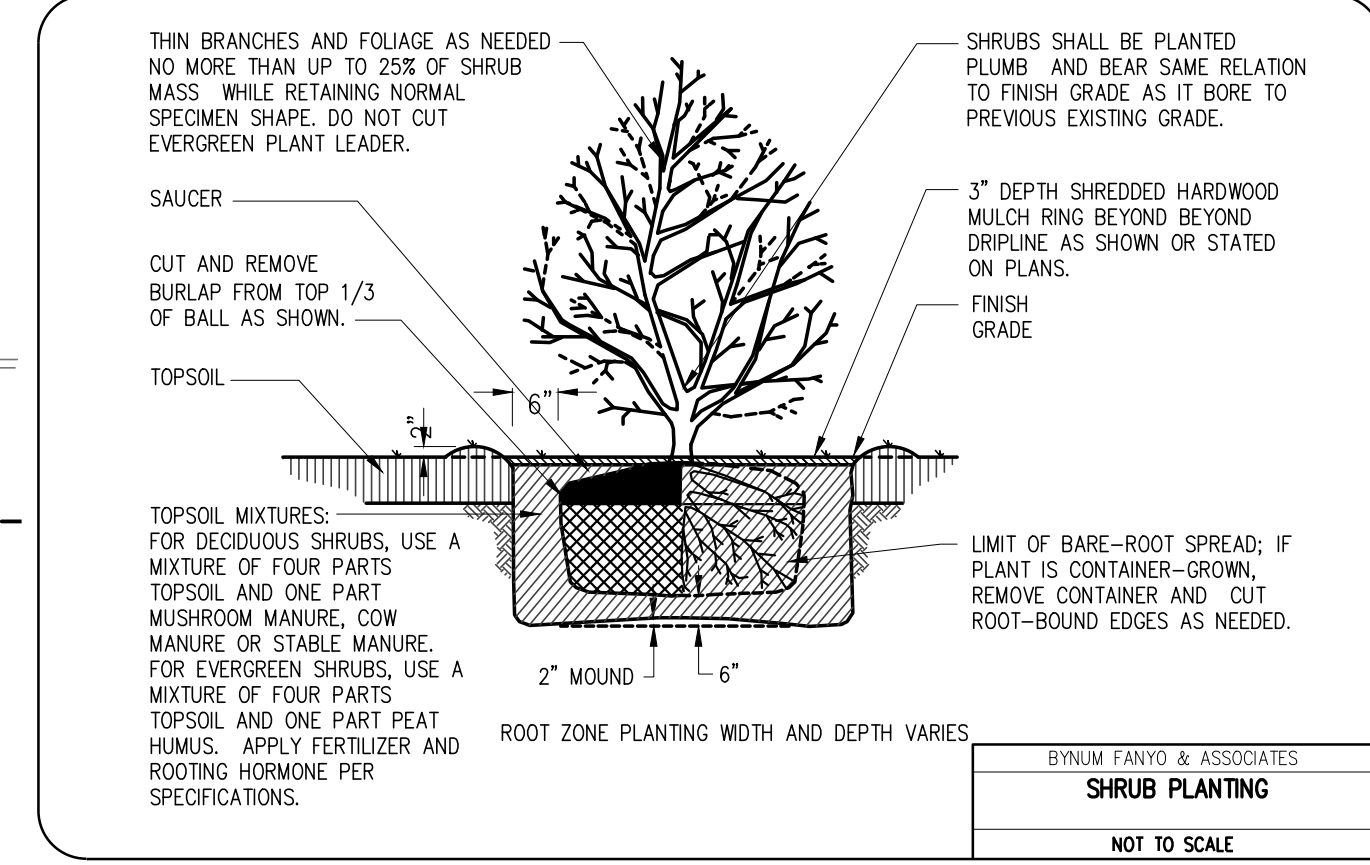
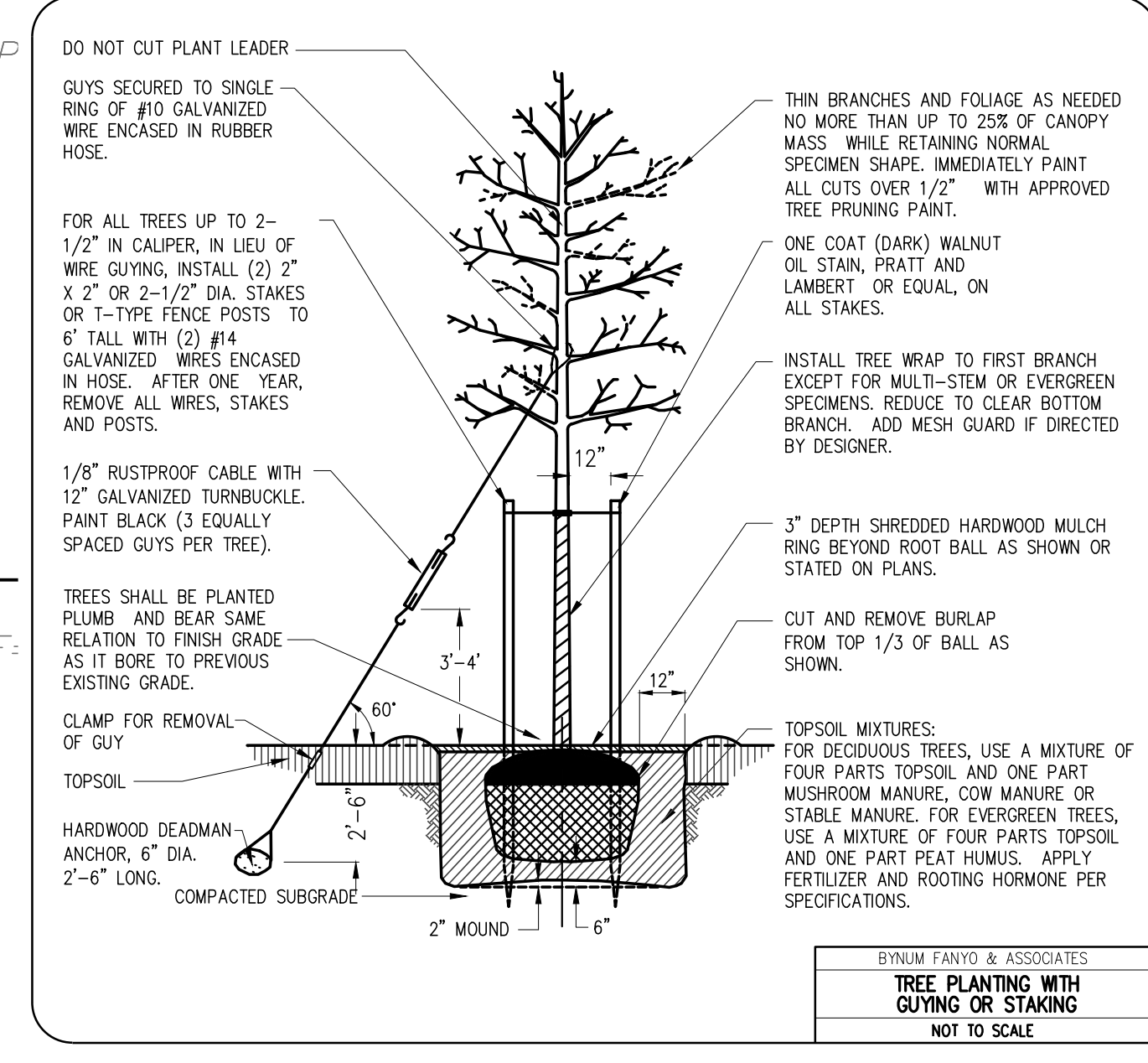


PLANT LIST & LEGEND

LARGE CANOPY DECIDUOUS OR STREET TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
[Symbol]	AR	ACER RUBRUM	RED SUNSET MAPLE	5	2" CAL. B & B
	TD	TAXODIUM DISTICHUM 'MCKELSON'	BALD CYPRESS - SHAWNEE BRAVE	-	2" CAL. B & B
SMALL / MEDIUM DECIDUOUS TREES					
[Symbol]	BN	BETULA NIGRA	RIVER BIRCH	6	2" CAL. B & B
	PD	PRUNUS	FLOWERING CHERRY	7	2" CAL. B & B
	HC	HALESIA CAROLINA	SILVERBELL	7	2" CAL. B & B
	AN	EREGIA CANADENSIS	EASTERN REDBUD	3	2" CAL. B & B
EVERGREEN TREES					
[Symbol]	PP	PICEA PLANGENS 'BABY BLUE SPIRES'	DWARF BLUE SPRUCE	6	4' HEIGHT
	TC	TSUGA CANADENSIS	EASTERN HEMLOCK	5	6' HEIGHT
DECIDUOUS SHRUBS - PARKING LOT PERIMETER					
[Symbol]	DE	CEANOTHUS AMERICANUS	NEW JERSEY TEA	6	18" HEIGHT*
	HA	HYDRANGIA ARBORESCENS	WILD HYDRANGIA	17	18" HEIGHT*
	IV	ILEX VERTICILLATA	WINTERBERRY HOLLY	14	18" HEIGHT*
	SH	PANICUM VIRGATUM	SWITCH GRASS	16	18" HEIGHT*
	AD	ANDROPOGON GERARDI	GRASS DOGWOOD	7	18" HEIGHT*
	IT	IRIDA VIRGINICA	BIG BLUESTEM	10	18" HEIGHT*
EVERGREEN SHRUBS - PARKING LOT PERIMETER					
[Symbol]	TC	TAXUS CANADENSIS	CANADIAN YEW	17	18" HEIGHT*
	CP	JUNIPER SPECIES	COMMON JUNIPER	23	3 GALLON CONTAINER
	CP	TSUGA CANADENSIS 'PENDULA'	WEeping HEMLOCK	20	3 GALLON CONTAINER
DECIDUOUS SHRUBS - INTERIOR PLANTINGS					
[Symbol]	HA	HYDRANGIA ARBORESCENS	WILD HYDRANGIA	5	18" HEIGHT*
	PD	PRUNUS SPALANZANI	NINEBARK	16	18" HEIGHT*
	SV	SYRINGA VILGARSII	LILAC	13	18" HEIGHT*
	AM	ARONICUM MELANOCARPUM	BLACK CHOKERBERRY	13	3 GALLON CONTAINER
	CR	CORNUS RACEMOSA	GRAY DOGWOOD	7	18" HEIGHT*
	SV	SYRINGA VILGARSII	WIDOW'S WEEPING	7	18" HEIGHT*
	SS	SCHIZACHYRIUM SCOPARIUM	UTILE BLUESTEM	8	3 GALLON CONTAINER
	SS	SCHIZACHYRIUM SCOPARIUM	UTILE BLUESTEM	8	3 GALLON CONTAINER
EVERGREEN SHRUBS - INTERIOR PLANTINGS					
[Symbol]	IM	TAXUS MEDIA 'BROWNI'	BROWN'S YEW	16	3 GALLON CONTAINER
	JS	JUNIPER SPECIES	COMMON JUNIPER	26	3 GALLON CONTAINER
	BS	BUXUS SPECIES	BOXWOOD	10	18" HEIGHT*

[XX] PLANT QUANTITY
 [XX] PLANT KEY (P/R)
 [XX] REQUIREMENT DESIGNATION (AS SEEN BELOW)
 P=PARKING LOT PERIMETER PLANTINGS
 R=INTERIOR PLANTINGS
 S=STREET TREES
 PB=PARKING LOT BIPOUTS

*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE
 NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.05 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.



NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BFB
BYNUM FANTO & ASSOCIATES, INC.
528 north walnut street
(812) 332-8030

certified by:

PROPOSED MONROE OIL SITE
W. 1ST STREET
BLOOMINGTON, INDIANA

title: PHASE I SITE LANDSCAPE PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C401
project no: 401430

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 518 E Kirkwood Ave**

**CASE #: CU-16-23
DATE: May 24, 2023**

PETITIONER: Michael Fowler (Everbowl)
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 518 E. Kirkwood Ave. and is within the University Village Overlay (UVO) District of the Commercial Downtown (CD) zoning district. Surrounding land uses include various retail uses. The property was developed with a two-story, multi-tenant commercial center. The petitioner is proposing to move into one of the tenant spaces on the upper floor of the building and is requesting conditional use approval to allow a standardized business, “Everbowl”, at this location. The petitioner is proposing a 12 square foot wall sign for the business.

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 allowed at this location.

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 Everbowl is a Standardized Business based on the following facts:

- Everbowl 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.

iii. *Compliance with Utility, Service, and Improvement Standards*

Proposed Finding: Any changes to utility service would be reviewed with a building permit. At this time there are no changes to utilities expected 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 and no known prior approvals.

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 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 sign that will be unique to this location and complement existing surrounding signage. The sign will utilize a custom black backer with white oval trim as backing for the projecting sign as well as revised logo placement, as opposed to Everbowl's typical cabinet mount 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 not within a historic district.

- (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.

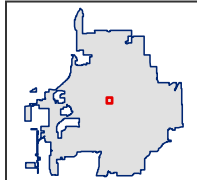
RECOMMENDATION: The Department recommends that the Hearing Officer adopts the proposed findings and recommends approval of CU-16-23 with the following condition:

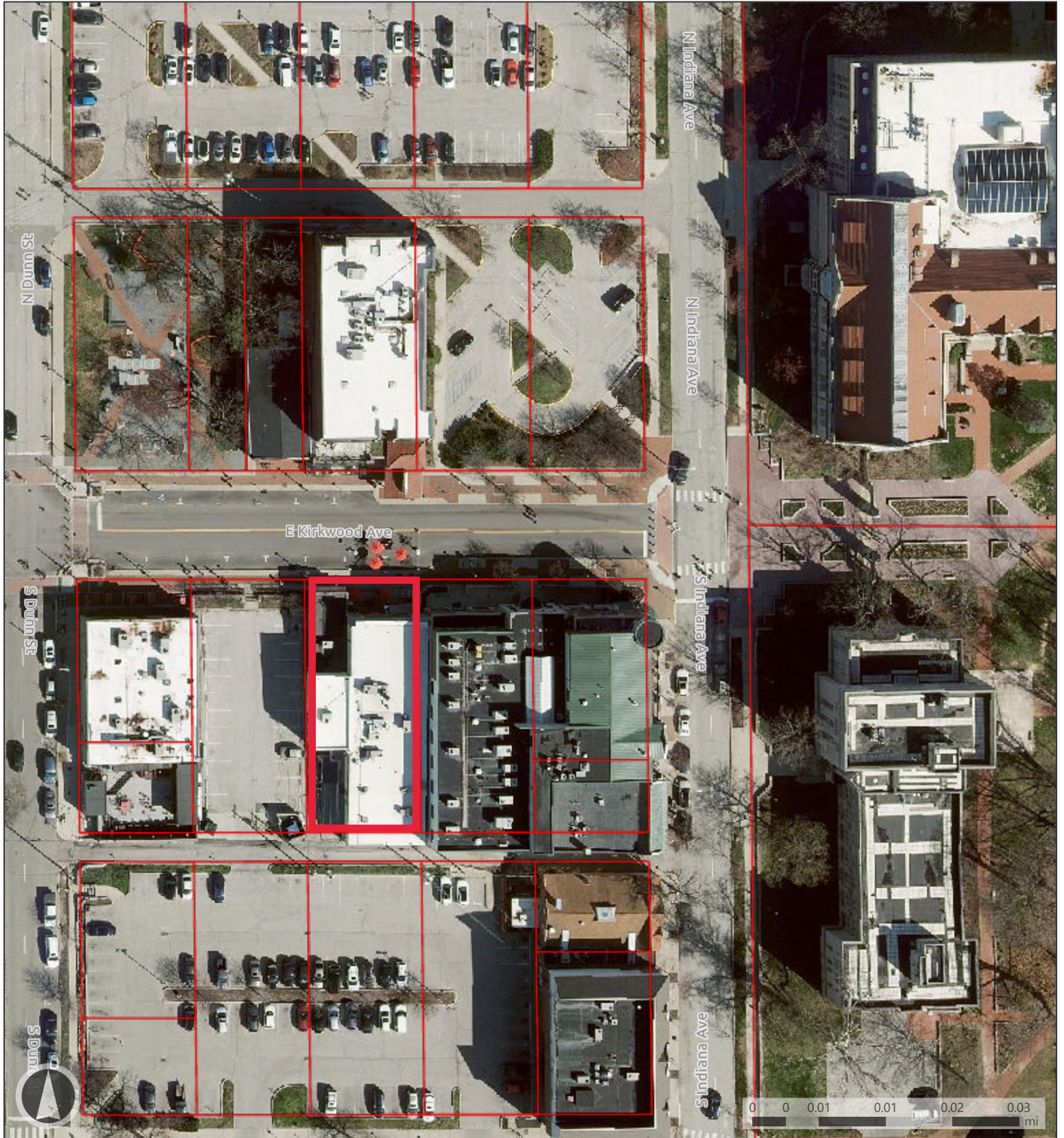
1. A sign permit is required prior to installation of the sign.



Map Legend

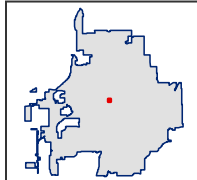
- | | | | |
|----------------|------------------------|----------------------------------|---------------------|
| Parcels | Street Typology | Functional Classification | BikeRec1 |
| Address Points | General Urban | Secondary Arterial | Bike Lane |
| Buildings | Shared Street | City Maintained Streets | Protected Bike Lane |





Map Legend

 Parcels



Petitioner's Statement

Michael W. Fowler, Co-Owner Fresh Perspective, LLC
Everbowl Signage Proposal – 518 E. Kirkwood Avenue

Mat 3, 2023

On behalf of Fresh Perspective, LLC (DBA Everbowl) I am requesting permission to install a permanent sign on the second floor of 518 E. Kirkwood Avenue stating the name and logo of the business (Everbowl). See figure 1 for the sign location on the building.

Established in 2016, Everbowl is a Southern California-based quick-serve restaurant chain with over 50 locations in California, Arizona, Florida, Georgia, Indiana, Missouri, Nevada, Oregon, South Carolina, Texas, and Utah with plans to open an additional 130+ locations over the next 36 months. Everbowl offers a menu of build-your-own craft superfood bowls featuring acai, pitaya, vanilla, chia pudding, coconut, and cacao as the base ingredient options along with unlimited fresh fruit toppings and healthy superfood add-ins. The Bloomington store will be the fourth Everbowl store in the state of Indiana. The other stores are located in Noblesville, West Lafayette (Purdue) and Brownsburg. My wife Lori and I are excited to bring Everbowl, their healthy products and the “*Unevolve*” lifestyle to the students at Indiana University and the surrounding community of Bloomington, Indiana.

To comply with the standardized business ordinance process for franchise signage we have made changes to the standard Everbowl exterior signage package. The standard package for Everbowl exterior signage (Figure 2) has the logo centered above the word “Everbowl”. The signage proposed for the location at 518 E. Kirkwood Avenue. Is different from the standard signage in two ways:

- 1) The sign will have the logo in front of the word “Everbowl” instead of above the word “Everbowl”.
- 2) The logo and letters (LED lit channel) will be mounted to a custom black backer instead of having the letters and logo being attached directly to the building. (See Figure 3 that shows a sampling of Everbowl signage and how this one will be different.
- 3) The black background will have white oval around the

Figure 1: Proposed location and signage at 518 E. Kirkwood Avenue

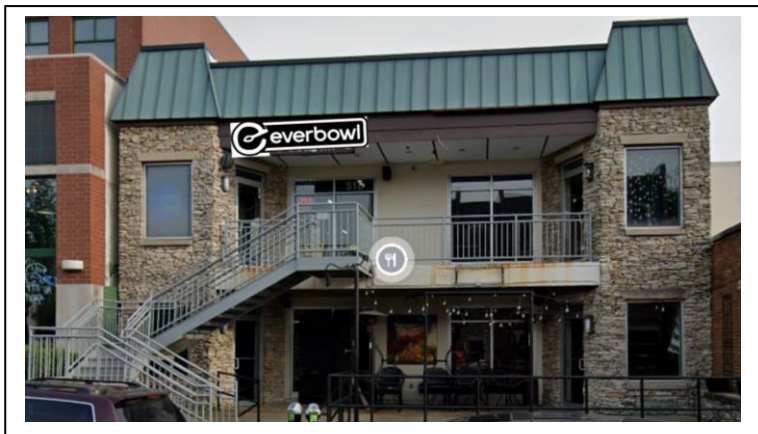


Figure 2: Standard Everbowl signage package

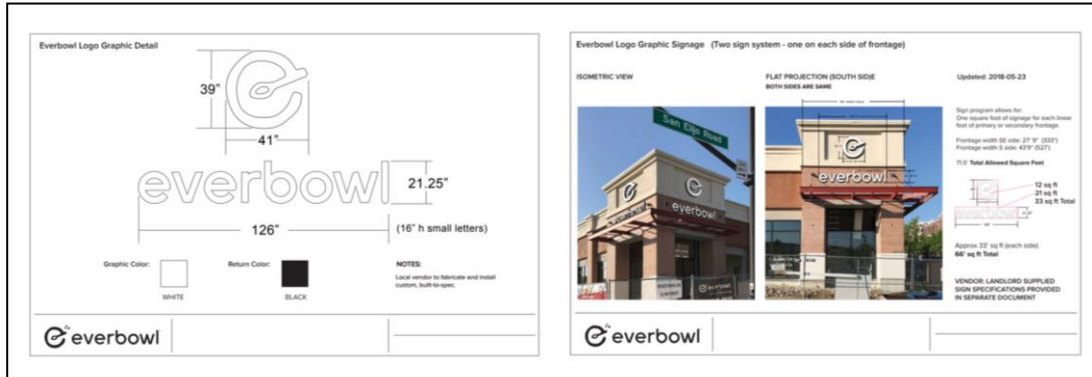
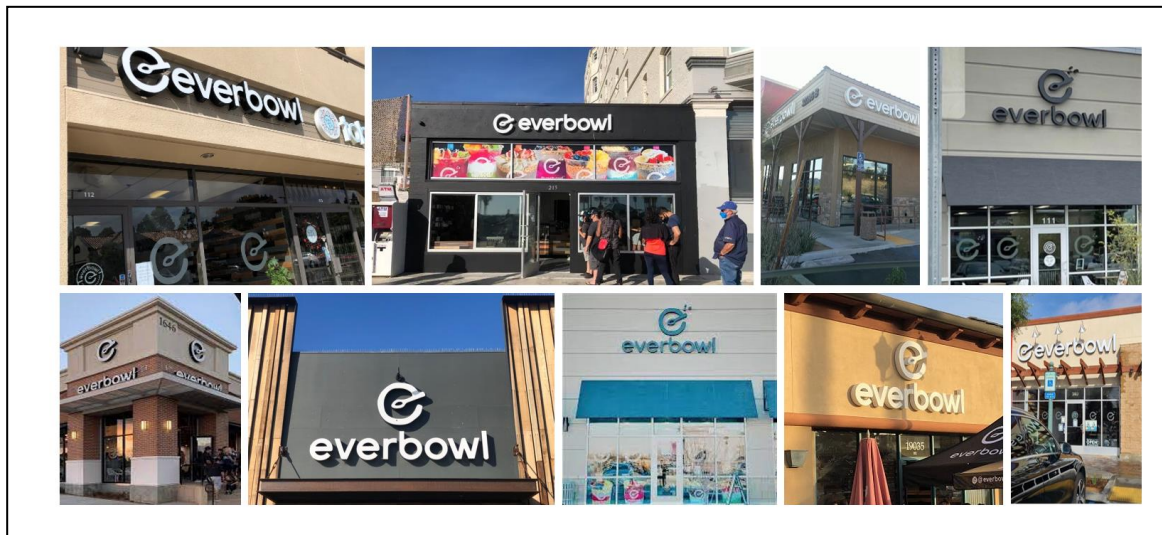


Figure 3: Sampling of Everbowl signs at other locations



Thank you for your assistance in this matter.

Michael Fowler
 Fresh Perspective, LLC (DBA Everbowl)
 317-306-9328 (m)

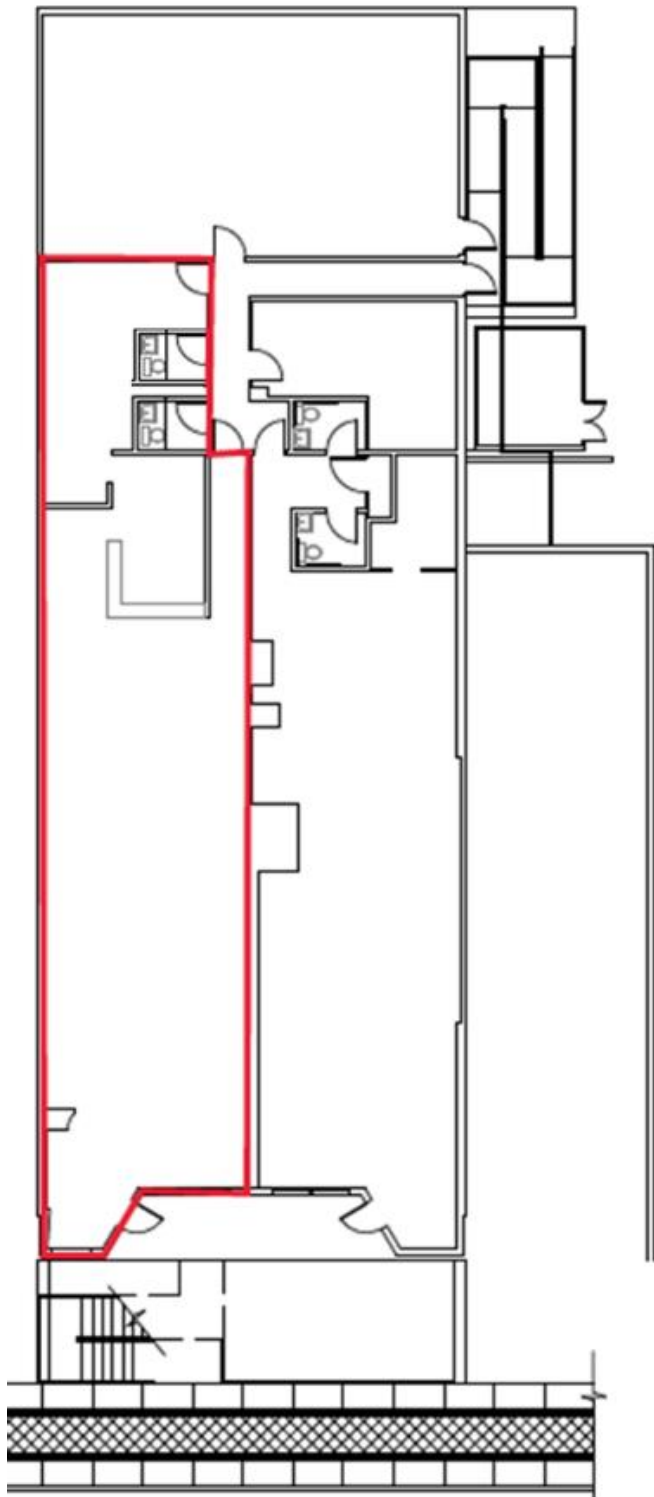
New Everbowl sign unique to Bloomington





518 E. KIRKWOOD SECOND FLOOR

Everbowl leased area is outlined in red.



Note:
The other side of the second floor and the entire main floor is occupied by Lennie's Restaurant.

BL005R
IUB
518 Kirkwood
2nd Floor
East side

INDIANA UNIVERSITY
SPACE INFORMATION



E. Kirkwood Avenue