CITY OF BLOOMINGTON



September 21, 2023 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chamber, Room #115

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pL VDInWGROTU43dEpXdz09

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

September 21, 2023 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: https://arcg.is/1ni8DL

ROLL CALL

APPROVAL OF MINUTES: May 25, 2023

PETITIONS CONTINUED TO: October 19, 2023

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. Case Manager: Jackie Scanlan

PETITIONS:

V-27-23 Bryan Rental, Inc., & Crane of Indiana, LLC

123 S. Kingston Drive

Parcel: 53-05-35-300-020.000-005

Request: Variance from max parking standards to allow 267 parking spaces for

"retail sales, large" use in the Mixed-Use Corridor (MC) zoning District.

Case Manager: Eric Greulich

V-28-23 Hoosier Commons, LLC

1450 North Willis Drive

Parcel: 53-05-29-400-094.000-005

Request: Variance from tree and forest preservation standards to allow clearing of a closed canopy wooded area in the Mixed-Used Medium Scale (MM) zoning

district. Case Manager: Gabriel Holbrow

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.

^{**}Next Meeting: October 19, 2023

V-30-23 Scott Andrews

122 E. Miller Drive

Parcel: 53-08-09-204-003.000-009

Request: Variance from maximum parking standards to allow 31 parking spaces for a "fitness center, small" use in the Mixed-Used Medium Scale (MM) zoning

district. Case Manager: Eric Greulich

V-31-23 Red Truck Bloomington, LLC

116 N. Grant Street

Parcel: 53-05-33-310-021.000-005

Request: Variance from minimum primary structure standards to allow a one story addition in the Mixed-Use Downtown within the University Village Overlay (MD-UV) zoning district. Case Manager: Eric Greulich

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>.

**Next Meeting: October 19, 2023

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.

BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-27-23

STAFF REPORT DATE: September 21, 2023

Location: 123 S. Kingston Drive

PETITIONER: Bryan Rental Inc. & Crane of Indiana LLC

1440 S. Liberty Drive, Bloomington, IN

CONSULTANTS: Thomas Densford

608 W. 3rd Street, Bloomington

REQUEST: Variance from maximum parking standards to allow 267 parking spaces for a "retail sales, large" use in the Mixed-Use Corridor (MC) zoning District.

REPORT: This 5.23 acre property is located at 123 S. Kingston Drive and is zoned Mixed-Use Corridor (MC). Surrounding land uses include a multi-tenant shopping center to the east, undeveloped land to the north, multi-family residences to the west, and commercial uses to the south. The property has been developed with a 51,268 square foot building that was previously used by Marsh supermarkets. The previous use of the building by Marsh as a "Grocery or supermarket" was removed several years ago and the building has since remained vacant. A new tenant, Academy Sports and Outdoors, is proposing to use the building for a new use of "Retail sales, large".

Since the previous use within the building was removed and the building has been vacant for more than 12 months, the establishment of any use is considered a change in use and triggers compliance with the limited compliance standards of Section 20.06.090(f)(2)(B). One of the requirements of compliance with this section includes the removal of parking spaces over the maximum number of spaces allowed. The maximum number of parking spaces allowed for a "Retail sales, large" use is 3.3 spaces per 1,000 square feet of building square footage. Based on the size of the building, a total of 169 parking spaces are allowed. The site currently has 267 parking spaces and therefore 98 parking spaces would be required to be removed to bring the site into compliance.

The petitioner is requesting a variance from the maximum number of parking spaces allowed to allow all of the existing 267 parking spaces to remain. To support their request the petitioner has submitted information from three other locations showing the amount of available parking spaces at each location, however this information does not provide any documentation regarding the actual usage of available parking at each location.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE 20.06.080(b)(3)(E) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

PROPOSED FINDING: The granting of the variance will be injurious to the public health, safety, morals, or general welfare of the community as it would allow excess asphalt and parking spaces above the maximum allowed which increases environmental impacts, reduces the amount of landscaping on the property, does not promote the use of alternative transportation options, and is contrary to many of the goals and principals outlined in the Comprehensive Plan regarding site design guidelines.

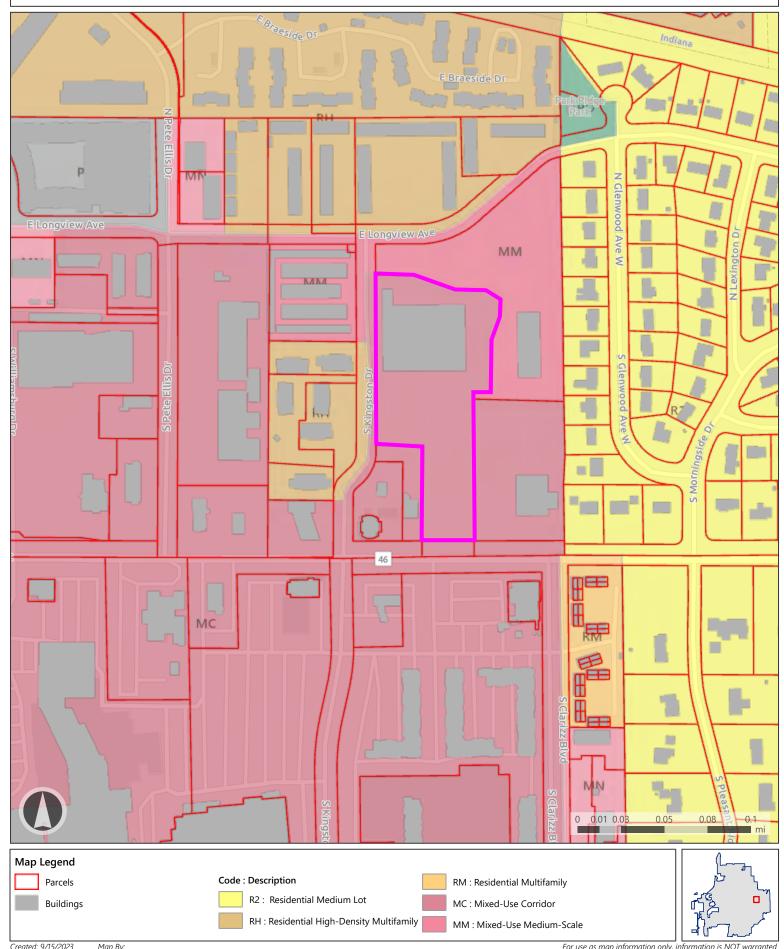
- 2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.
 - **PROPOSED FINDING:** While no direct adverse impacts to the use and value of surrounding properties as a result of the requested variance is found, the presence of the excess asphalt and parking between the building and two adjacent public roads does create an undesired streetscape along the two frontages. In addition, the removal of the excess asphalt and parking would allow substantial landscaping improvements on the property which would increase the value and appearance of this 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.

PROPOSED FINDING: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property as there has not been a demonstrated need brought forward justifying the excess parking. In addition, the petitioner owns an immediately adjacent commercial property with extra parking spaces above the maximum allowed that could be utilized in a shared parking arrangement. There do not appear to be any practical difficulties that are peculiar to the property in question that prevent the excess parking spaces from being removed.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny V-27-23.



Planning and Transportation Department





Planning and Transportation Department













John Kranyak SVP Real Estate & Construction john.kranyak@academy.com

August 8, 2023

Re: Academy Sports and Outdoors, 123 S. Kingston Drive, Bloomington, Indiana

To Whom It May Concern:

Academy Sports and Outdoors ("ASO") is responding to a request for information regarding our parking requirements and parking usage across our retail footprint.

Typical Store Size: Approximately 60,000 square feet

Typical Number of Parking Spaces Available: Approximately 275 - 295 parking spaces

Desired Parking Ratio: Approximately 5 parking spaces for every 1,000 square feet of store space. This includes an allowance of approximately 20 additional parking spaces needed for use by customers and employees cross parking into Academy's parking spaces. Stores smaller than 60,000 square feet require a higher parking ratio due to customer counts remaining at a similar level across all store sizes.

Regional Examples (actual spaces available & predicted number for peak days):

Terre Haute, IN: 62,943 square foot store; 314 parking spaces available; Parking ratio of 5/1000; Approximately 267 - 314 parking spaces used for peak days.

Evansville, IN: 72,248 square foot store; 340 parking spaces available; Parking ratio of 4.7/1000; Approximately 289 – 340 parking spaces used for peak days.

Owensboro, KY: 58,475 square foot store; 292 parking spaces available. Parking ratio of 5/1000; Approximately 248 – 292 parking spaces used for peak days.

Our typical peak utilization occurs on Fridays, Saturdays and Sundays when our parking spaces available are used at more than approximately 228 parking spaces. However, our busiest months are November, December; August; and June, respectively. During these busy months, Academy's parking is at approximately 85% to 100% utilized, sometimes requiring Academy's customers to cross park in the areas of the neighboring retailers.

Our proposed Bloomington, Indiana store will be 51,268 square feet. This is smaller than our typical store; and will require a slightly larger parking ratio as explained above. As such, Academy is seeking approval to utilize the existing 267 parking spaces for a parking ratio of 5.2 per 1,000 square feet.

If you require any additional information, please do not hesitate to contact me.

Thank you for your review and consideration.

Respectfully.

John Kranyak

John Kranyak

SVP - Real Estate & Construction

August 22, 2023

City of Bloomington 401 N. Morton St. Bloomington, IN 47404

Re: Academy Sports + Outdoors – Bloomington

Maximum Vehicle Parking Allowance Variance

123 South Kingston Drive

Bloomington, IN

Dear BZA Members,

On behalf of Academy Sports and Bryan Rental Inc. & Crane of Indiana LLC, we respectfully request the acceptance of the attached Maximum Vehicle Parking Allowance variance application and supporting documents for the proposed occupancy of Academy Sports + Outdoors ("Academy").

About Academy Sports + Outdoors:

Academy is the second largest sporting goods retailer in the US, with 270 stores across 18 states and growing. Academy employs 22,000 people nationally and takes pride in its localized merchandising strategy along with its value proposition to consumers. Academy Sports will bring a variety of merchandise across thousands of brands that no other retailer in Bloomington has to offer. Academy will expand on Bloomington's existing economic activity, which will resonate throughout the community. Academy takes pride in the communities that they do business in and has a dedicated Community Relations team to make sure that they support their communities where they can best add value. Academy looks forward to being a part of the Bloomington community.

Project Narrative:

Academy is proposing to lease the former Marsh Grocery building located at 123 South Kingston Dr. The existing property includes 267 parking spaces, which Academy intends to consistently fully use during numerous periods. The current vacant building is leased by Kroger and is zoned Mixed Use Commercial. It is proposed that the BZA approve the already existing 267 designated parking spaces to remain with the property, as a necessity to support Academy's retail activities.

We respectfully request variance from: <u>Bloomington Indiana Unified Development</u> <u>Ordinance, 20.04.060 Parking and Loading, Table 04-10 Maximum Vehicle Parking Allowance for a "Retail sales, big box"</u>

The petitioner requests to be permitted to utilize the existing 267 parking spaces, which exceeds the defined maximum allowable parking spaces. The proposed use by Academy will provide approximately 51,268 square feet of interior retail space. Per the UDO, a large retailer, such as Academy, is allowed to provide 3.3 spaces for every 1,000 square feet of gross floor area. Given the UDO 3.3 spaces requirement, Academy would be

permitted to provide 169 parking spaces to its customers and employees. We are requesting that Academy be permitted to provide 267 parking spaces, which is the number of parking spaces in existence today.

There are several key reasons why we believe the proposed increase in the permissible parking is necessary. Academy fits the mold of a traditional retail use, meaning traffic to the store increases depending on the time of day and the season of the year. Typical of a non-food brick & mortar retailer, Academy sales peak during the weekend in addition to weekday after school/work peaks. Across all 270 Academy stores, typical peak weekend utilization reaches in excess of 228 parking spaces, while the months of November and December completely fills parking lots in excess of 295 parking spaces. These peak times require sufficient parking to cater to all customers. Academy's value proposition draws customers from surrounding towns, which makes adequate parking crucial. As you'll see from our parking studies, customers drive to the store consistently, and peak seasons constantly fill the entire parking lots to over 100% capacity, causing customers to cross park in other adjacent parking lots.

At a parking ratio of 3.3 spaces for every 1,000 square feet, Academy will not be able to properly serve all of its customers. Academy's business model requires having the ability to serve customers during peak times as is consistent for many retailers. Our parking ratio request of 5.2 parking spaces for every 1,000 square feet fulfills our projected parking needs.

Development Standards Variance Criteria:

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

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the additional parking will provide enough parking spaces to safely accommodate the public. Academy has stores in areas that are incredibly dense, where parking spaces are competitive. Competition for parking spaces is a hazard and will be avoided with approval of this variance. Additionally, the adjacent properties may be adversely impacted by a parking overflow that will create lasting problems. The existing parking layout which was previously engineered for retail use, worked well and was sufficient for the two previous retailers on this site; Service Merchandise originally and Marsh Supermarkets more recently. Variance approval will also lead to less congestion/backups on Kingston Dr. and East 3rd Street, safer walking conditions and alleviate the need for cars to park on adjacent properties. Academy bringing more jobs and tax revenue to the community enhances the general welfare of the community. A crucial benefit from this development is alleviating the problems associated with the vacant building, including homeless camps, theft, graffiti and break-ins.

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:

Without additional parking, there will be an adverse impact to the adjacent properties. The variance will reduce potential vehicles backing up into Kingston Drive and on East 3rd Street. If cars can't park, they tend to circle parking lots, sit and wait, or, park on adjacent parking lots. Backups will be a burden to the Kingston Shoppes to the east, as customers can only get to these retailers through access points from the subject property. We need to ensure the adjacent Davita dialysis center maintains available parking for their many patients.

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:

Given the large size of the building and its proximity to other retailers in the trade area, it would be difficult to meet the high parking demands required for any future retail use given the strict application of the UDO. A large retailer, such as Academy, not only attracts local customers, but customers from surrounding areas. The closest Academy store is 58 miles away in Terre Haute, which presents a large customer pool from every direction. This proximity attracts a higher number of commuters which will result in higher peak volumes. The access to this site is very attractive to cars and pedestrians alike, as there's three access points from Kingston Dr., and one access point on East 3rd Street. With so many access points, a lack of parking will lead to further maneuvering to capture parking spaces, which will be a hazard. An adequately sized parking lot will be safer as a result.

Variance approval will not only help Academy thrive, but it also benefits the Park Ridge housing addition located to the east by having a quality retailer located nearby, as opposed to the current problems associated with the vacant building now. Academy prides itself in being a beneficial partner to the communities it opens stores in and Bloomington is no exception.

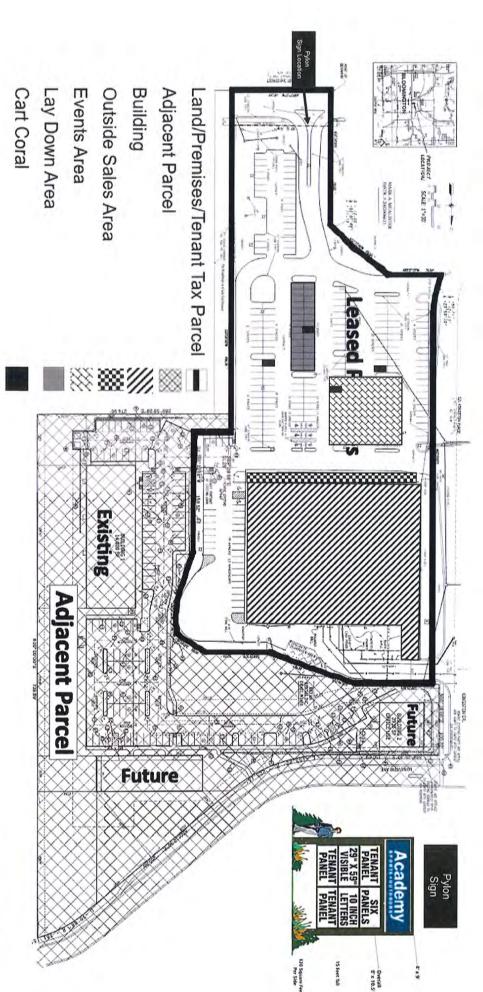
We sincerely thank you for your time and consideration. Please feel free to contact us should you have any additional questions.

Sincerely,

Academy Sports + Outdoors & Bryan Rental Ir

Academy Sports + Outdoors & Bryan Rental Inc./Crane of Indiana LLC





BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-28-23 / VAR2023-08-0008 STAFF REPORT DATE: September 21, 2023

Location: 1450 North Willis Drive

PETITIONER: Hoosier Commons LLC /OWNER:

470 North Indiana Avenue

Sellersburg, IN

CONSULTANTS: Bunger & Robertson

211 South College Avenue

Bloomington, IN

Smith Design Group 1467 West Arlington Road

Bloomington, IN

REQUEST: Variance from tree and forest preservation standards to allow clearing of a closedcanopy wooded area in the Mixed-Use Medium Scale (MM) zoning district

REPORT: The property is located on the west side of North Willis Drive immediately north of the intersection with West Westfield Road, which is a private drive. The property is located in the Mixed-Use Medium Scale (MM) zoning district and contains a six-unit multifamily dwelling structure. The adjacent property to the south across Westfield Road as well as adjacent properties to the west and southwest across Willis Drive are also located in the MM district. Adjacent land uses in the MM district include warehouses and indoor recreation (bowling alley). Adjacent properties to the north and east are part of the Arlington Valley Manufactured Home Community and are located in the Manufactured/Mobile Home Park (RMH) zoning district.

The petitioner seeks a variance from tree and forest preservation standards to legitimize tree removal that the petitioner conducted in May 2023. Planning and Transportation Department staff first received an inquiry from the petitioner in February 2023, including asking whether tree removal on the property would be allowed. Staff responded to the initial inquiry by stating the answer would depend on plan research and a site visit to determine how tree and preservation standards in the Unified Development Ordinance (UDO) apply to the property. Staff conducted a site visit on February 13, 2023 and observed a closed-canopy wooded area in the northwest portion of the property as well as other large healthy individual trees in the northeast portion of the property, all of which are subject to protections in the UDO's tree and preservation standards. Staff did not receive any communication from the petition in the months directly after the site visit.

Planning and Transportation Department staff was contacted on May 8, 2023 with a concern that tree removal was occurring at the property. Staff inspected the site on May 9, May 11, May 12, and May 16, and found that trees had been cut down on the north side of the property. Staff issued a Notice of Violation (NOV) to the petitioner on May 26, 2023 for violations including failure to comply with the UDO's tree and forest preservation standards. The petitioner filed the current variance petition on August 24, 2023, seeking a resolution to the violation.

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: Removal of the small closed-canopy wooded area and other large healthy trees has been injurious to public health, ecology, and welfare by removing habitat for plants and animals, reducing shade and local cooling, and eliminating the natural carbon-sequestration effect of growing trees, beyond what would be allowed by the UDO.

(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: Removal of the small closed-canopy wooded area and other large healthy trees has resulted in substantial adverse impacts to the use and value of surrounding properties by reducing visual buffer, shade, cooling, natural drainage management and ground stabilization.

(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.

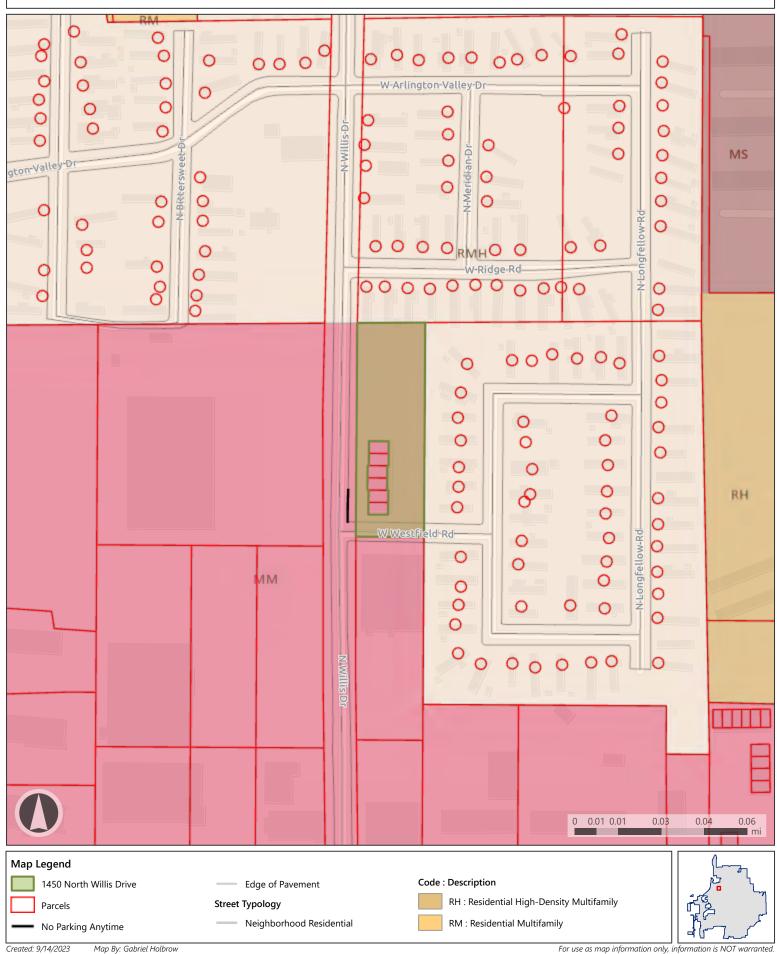
PROPOSED FINDING: There are no practical difficulties in the use of the property because there remains substantial developable area on the property outside the closed-canopy wood area, including the location of the existing multifamily dwelling structure and parking lot. There is nothing peculiar to the property in relation to tree and forest preservation that would require the relief offered by variance approval.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-28-23 / VAR2023-08-0008 and deny the requested variance.



1450 North Willis Drive

Location Map





1450 North Willie Drive

Context Aerial



Map Legend

1450 North Willis Drive



Parcels





Katherine E. Stein, P.E. Don J. Kocarek, R.L.A. Stephen L. Smith, Founder

August 24, 2023

Gabriel Holbrow City of Bloomington Planning and Transportation Department 401 N. Morton Street Bloomington, IN. 47404

RE: Hoosier Commons LLC BZA Submittal for Tree Canopy Removal

Dear Gabriel and BZA Members,

On behalf of our client, Ryan Chanley, we respectfully request to be placed on the September Board of Zoning Appeals agenda for consideration of a variance from tree canopy requirements under UDO Section 20.04.030(i). The owner was unaware of the tree canopy requirements and removed the trees from the north side of the property. Per the tree canopy exhibit dated 2-13-23, the approximate area of tree canopy was 5,600 SF of canopy removal.

The site is 1.104 acres in size with seven 1 story condo units with basements. There is a 26-car parking lot on the north side of the building. The project was built in 2008–2010 time frame.

Location

The property is located at 1450 N. Willis Drive Bloomington Indiana 47404, at the northeast corner of North Willis Drive and West Westfield Drive.

Access

The site is accessed from W. Westfield Drive, which is along the south side of the site. There is a 26 car parking lot.

Environmental

The site has no environmental features. There was approximately 5,600 sf of canopy trees removed from the property.

Drainage

The building and parking lot drain to an existing drainage basin on the southeast corner of the property. The north portion of the site where the trees and brush were removed drain offsite to the east.



Todd M. Borgman, P.L.S. Katherine E. Stein, P.E. Don J. Kocarek, R.L.A. Stephen L. Smith, Founder

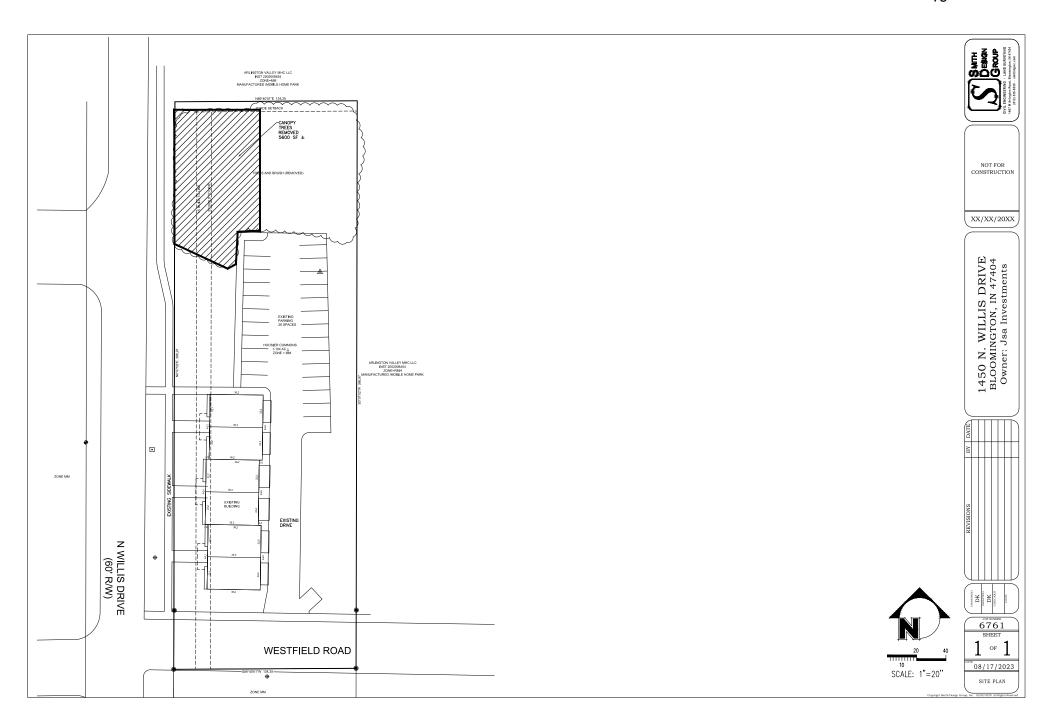
Other existing features are shown on the attached plan. An application and filing fee are enclosed. Please let me know if you need any additional information from me or the owner. We appreciate your consideration for this variance.

Sincerely,

Don Kocarek

Smith Design Group, Inc. dkocarek@smithdginc.com

Dan Mocamb





Closed-canopy wooded area at 1450 North Willis Drive observed on February 13, 2023



Map Legend

Parce

Note: Other large healthy individual trees were also observed outside the closed-canopy wooded area.

Approximate area of the closed-canopy wooded area observed on February 13, 2023

2021 Aerial Imagery





City of Bloomington Planning and Transportation Department

May 26, 2023

Hoosier Commons LLC 470 N Indiana Avenue Sellersburg, IN 47172

JSA Investments Willis LLC 1600 A Street NE – Ste. 18 Linton, IN 47441

Re: Notice of Violation

Siltation and Erosion Prevention
Failure to Obtain a Grading Permit
Tree and Forest Preservation
Failure to Comply with Grading Permit/CZC C08-309

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with CZC C08-309 (attached) at 1450 N Willis Drive. Specifically, UDO Section 20.04.030 (d) [Development Standards & Incentives; Environment; Siltation and Erosion Prevention]; UDO Section 20.06.050(e) [Administration & Procedures; Development Permits and Procedures; Grading Permit]; UDO Section 20.04.030(i) [Development Standards & Incentives; Environment; Tree and Forest Preservation]; UDO Section 20.06.100(b) [Administration & Procedure; Enforcement and Penalties; Penalties and Remedies for Violations]. Records show that you are the owner or other responsible party of this property.

The City of Bloomington Planning and Transportation Department was contacted with a concern that non-permitted work was occurring at 1450 N Willis Drive on 05/08/2023. Staff inspected the site on 05/09/2023, 05/11/2023, 05/12/2023, and 05/16/2023 (photographs enclosed) and found that trees had been cut down on the north side of the property and that disturbance of earth had occurred in an area greater than 2,500 square feet without a permit. Additionally, no erosion controls were observed on the site during any site visit. Staff found that the current state of the site is not compliant with the site plan on file for the previously approved grading permit, Certificate of Zoning Compliance (CZC) C08-309, at 1450 N Willis Drive (site plan enclosed).

Conditions of CZC C08-309 are as follows: "Approved per terms and conditions of Board of Zoning Appeals case #UV-22-07."; "This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This Certificate does not constitute the issuance of any required permit nor exempt the property from compliance with any other requirements."

Staff received previous communications from a representative of Hoosier Commons LLC in February 2023 regarding this site. At which time, staff conducted a site visit on 02/13/2023 and observed the previously wooded area to the north of the property (photographs enclosed). Staff confirmed on 05/19/2023 that some of this area was considered a closed canopy wooded area based on the 02/13/2023 site visit.

According to Unified Development Ordinance (UDO) Section 20.04.030(d) [Development Standards & Incentives; Environment; Siltation and Erosion Prevention];

(3) Erosion and Pollutant Control Requirements

(A) Current Preferred Practices

All sites undergoing land disturbing activities, regardless of size, shall prevent the erosion of sediment or any other contaminant off site or conveyed into any bodies of water, either by wind or water. All land disturbing activities shall be protected by current preferred practices (CPP) including, but not limited to silt or erosion-control fences, filter socks, straw bales, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.

According to Unified Development Ordinance (UDO) Section 20.06.050(e) [Administration & Procedures; Development Permits and Procedures; Grading Permit]:

(1) Purpose

The grading permit procedure is intended to mitigate the environmental impact of site development and to protect the water quality of the City of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all grading activities.

(2) Applicability

No land-disturbing activity shall occur on platted or unplatted lands in any zoning district, unless a grading permit for such activity has been issued.

(A) Exemptions

i. Land-disturbing activity covering an area less than 2,500 square feet;

According to Unified Development Ordinance (UDO) Section 20.04.030(i) [Development Standards & Incentives; Environment; Tree and Forest Preservation];

(1) Applicability

This section shall apply to all land-disturbing activities on properties containing closed-canopy wooded areas.

(2) Retention of Existing Canopy

The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

Table 04-8: Minimum Required Vegetation Canopy

Baseline Canopy Cover	Retained Canopy Cover	
80-100%	0.50 × Baseline canopy cover	
60—79%	0.60 × Baseline canopy cover	
40—59%	0.70 × Baseline canopy cover	
20—39%	0.80 × Baseline canopy cover	
0—19%	0.90 × Baseline canopy cover	

Example:

For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least seven acres (10 acres × 0.70) of canopy cover.

According to Unified Development Ordinance (UDO) Section 20.06.100(b) [Administration & Procedure; Enforcement and Penalties; Penalties and Remedies for Violations];

- (1) For the purposes of this UDO, a violation shall be defined as violation of or failure to comply with:
 - (B) Any condition, requirement or commitment established with the approval of a variance, conditional use, site plan, Planned Unit Development, subdivision, certificate of zoning compliance, or other development approval under this UDO

It is a violation of the UDO to perform land disturbing activities without installing erosion control measures to the standard of current preferred practices.

In accordance with UDO Section 20.06.100, a violation of Failure to comply with development standards may result in a one hundred dollar (\$100) fine. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

It is a violation of the grading permit (CZC C08-309) to fail to follow the plans approved specifically by that grading permit. In this case, that is the removal of trees that were to remain on site.

In accordance with UDO Section 20.06.100, a violation of Failure to Comply with a CZC may result in a two hundred and fifty-dollar (\$250) fine. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

It is a violation of the UDO to perform earth-disturbing activities covering an area of 2,500 square feet or more of land without first receiving a grading permit (certificate of zoning compliance).

In accordance with UDO Section 20.06.100, a violation of Failure to obtain CZC may result in a five hundred dollar (\$500) fine. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

It is a violation of the UDO to remove a closed canopy wooded area on a property outside of the limitations of 20.04.030(i).

In accordance with UDO Section 20.06.100, a violation of environmental standards may result in a two thousand five hundred dollar (\$2,500) fine. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

Your options for resolution of the violations listed above are below. If the violations remain unresolved, fines will begin to accrue daily on 06/12/2023 in accordance with above referenced UDO Section 20.06.100 [Enforcement and Penalties] until such a time as the violation is remedied. You have the following options to remedy the situation.

- 1. Submit a remediation plan, including specifications of number and species of trees to be replanted on or before 06/09/2023; **OR**
- 2. Make a phone appointment with a Planner to occur on or before 06/09/2023 to discuss filing a variance request for the closed canopy requirement if you are not planning to re-plant the trees and to discuss a new site plan filing for the property. You will also have to file for the variance on or before 06/22/2023 for the 07/20/2023 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within ten (10) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

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

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

Sincerely,

Jennifer Burrell

genrifer Burrell

Senior Zoning Compliance Planner, Planning and Transportation Department

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

Enclosure (11): (9) Photographs, (1) CZC, (1) Landscape Site Plan



Photo 1: Earth disturbance, absence of erosion control measures, and trees removed on the northern side of 1450 N Willis Drive on 05/16/2023.



Photo 2: Earth disturbance, absence of erosion control measures, and trees removed on the northern side of 1450 N Willis Drive on 05/16/2023.



Photo 3: Earth disturbance, absence of erosion control measures, and trees removed on the northern side of 1450 N Willis Drive on 05/12/2023.



Photo 4: Earth disturbance, absence of erosion control measures, and trees removed on the northern side of 1450 N Willis Drive on 05/11/2023.



Photo 5: Earth disturbance, absence of erosion control measures, and trees removed on the northern side of 1450 N Willis Drive on 05/09/2023.



Photo 6: Earth disturbance, absence of erosion control measures, and trees removed on the northern side of 1450 N Willis Drive on 05/09/2023.



Photo 7: Closed canopy wooded area and wooded area on the northern side of 1450 N Willis Drive on 02/13/2023.



Photo 8: Closed canopy wooded area on the northern side of 1450 N Willis Drive on 02/13/2023.



Photo 9: Wooded area on the northern side of 1450 N Willis Drive on 02/13/2023.

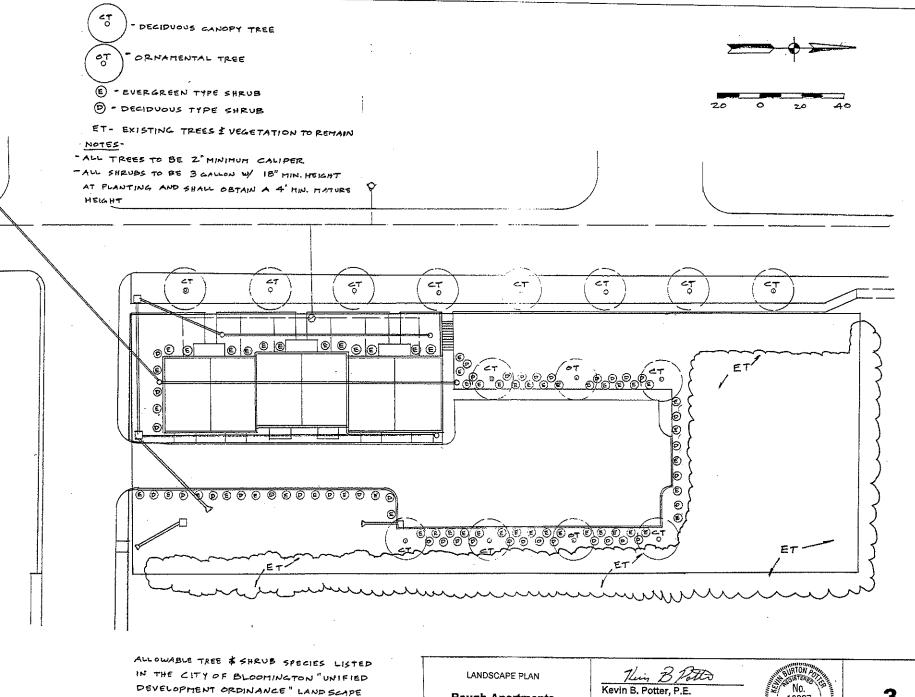


Certificate of Zoning Compliance

Application #:	C08-309		
Date:	Friday, July 11, 2008		
Property Address:	1450 N. Willis Drive	Bloomington Township	29SE Section #
Zoning:	MH		
Proposed Use:	Multi-family Residential - grading - "Baugh Apartments"		
Ordinance, and conform	been reviewed for compliance with applicable provisions of Title lance with the terms of any approvals which have been granted ds the plans to be in compliance:	20, Bloomington Unified Devunder authority of the Ordina	velopment ince. The
As submitted	·		
With modification	tions or conditions as follows:		
2.Occupancy of units is 3.Six (6) bicycle parkin 4.No signage is authoriz 5.All landscaping must 6.Outdoor trash recepta effectively screened on or exterior building mat incorporate a movable gcontents of the enclosur 7.The numerical street a eight (8) inches in heig 8.No lighting is approve 9.Tree protection fencin This Certificate of Zonin	and conditions of Board of Zoning Appeals case #UV-22-07. Ilmited to not more than five (5) unrelated adults. [BMC 20.02.03] g spaces are required to be placed prior to the issuance of an occupated with this permit. Any future signage must first receive a subset be installed prior to the issuance of an occupancy permit. In cles, dumpsters, compactors and similar containers shall be placed all sides by a fence or wall that is constructed of wood, brick, store terials similar to those used on the primary structure. At least one (gate for access. Enclosure shall be a minimum of six (6) feet, and see are not visible from adjacent parcels or public rights-of-way. [Baddress shall be displayed on the front of the residence and mailboth to [BMC 20.05.078(g)(11)] and with this permit. Any future lighting plans must be submitted for g shall be installed and inspected prior to start of grading and shall g Compliance pertains only to the attached plans and the specific te does not constitute the issuance of any required permit nor exert	pancy permit, per submitted sequent sign permit. If on a paved slab and shall be ne, chain link with opaque slat (1) side of such fence or wall shall be high enough to ensure (1) MC 20.05.066] Ox in Arabic numerals no less to review for complaince with all remain throughout construct use proposed, exactly as submitted.	ts, shall that the than the UDO. tion.
	<i>;</i>		

James Roach, AICP Senior Zoning Planner City of Bloomington Planning Department





Baugh Apartments

Bloomington, Indiana 47404

NE Corner Willis and Westfield

STANDARDS CHAPTER 20.05

369 East Cunningham Street

Martinsville, Indiana 46151

Phone (812) 331-7981

BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-30-23

STAFF REPORT DATE: September 21, 2023

Location: 122 E. Miller Drive

PETITIONER: Scott Andrews

232 N. Almont Drive, Beverly Hills, CA

CONSULTANTS: Bynum Fanyo & Associates, Inc.

528 N. Walnut Street, Bloomington

REQUEST: Variance from maximum parking standards to allow 31 parking spaces for a "Fitness center, small" use in the Mixed-Use Medium scale (MM) zoning District.

REPORT: This 0.89 acre property is located at 122 E. Miller Drive and is zoned Mixed-Use Medium scale (MM). Surrounding land uses include retail (Bender Lumber) to the north, offices to the west and east, and the bus dispatch and parking for MCCSC to the south. The property has been developed with a 7,000 square foot building that was previously used by the Iron Pit gym. A new tenant, Royalty Fitness, is proposing to use the building for a new use of "Fitness center, small".

Since the building had been vacant for more than 12 months, the establishment of any use is considered a change in use and triggers compliance with the limited compliance standards of Section 20.06.090(f)(2)(B). A staff level minor site plan approval (SP-24-23) was approved allowing the change in use of the building and approved all of the required site improvements. A building permit (C23-246) was also issued allowing for the necessary interior remodeling. One of the requirements of the limited compliance section included the removal of parking spaces over the maximum number of spaces allowed, which was shown on the approved site plan.

The maximum number of parking spaces allowed for a "Fitness Center, Small" use is 3.3 spaces per 1,000 square feet of building square footage. Based on the size of the building, a total of 23 parking spaces are allowed and were shown on the approved site plan. The petitioner is concerned that the limited number of parking spaces allowed is substantially lower than what is needed for their unique business. The proposed use is different than a typical fitness center use in that the daily programs and training offered are specifically done through registered classes for students, are consistently filled, and have high staffing needs for each class. In addition, there are overlaps in class time for drop offs and pickups, as well as events that are held on a regular basis which create a need for more spaces. The petitioner has submitted a parking study showing their daily and weekly number of students and staffing which shows a consistent need for at least 33 parking spaces with class sizes ranging from 18-48 staff and students, with an average size of 33 students and staff. There is no on-street parking allowed on Miller Drive or adjacent roads and no publicly available shared parking within the immediate area to help provide supplemental parking.

The petitioner is requesting a variance from the maximum number of parking spaces allowed to allow 31 parking spaces.

20.06.080(b)(3)(E) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - **PROPOSED FINDING:** The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community as it would allow an appropriate amount of parking on the site while still meeting all of the required landscaping, maximum impervious surface coverage, parking setbacks, and minimum landscape area standards.
- 2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.
 - **PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. The installation of the requested parking spaces provides an appropriate number of spaces based on the demonstrated need of the petitioner. The parking is located to the side of the building and meets all parking setback requirements. There is a sidewalk connection directly from the front of the building to the adjacent sidewalk which allows for direct access to the building from the sidewalk without pedestrians being forced through the parking area.
- 3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.
 - **PROPOSED FINDING:** The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property since it would not allow for the number of parking spaces needed for this unique use. The petitioner has provided detailed information regarding their number of students, staffing, and events which shows a consistent demonstrated daily need. The low number of parking spaces allowed would not serve the needs of this particular use. Information regarding their existing location and amount of parking needed, especially for the frequent events hosted also demonstrates the additional need. Peculiar conditions are found in the lack of on-street parking, lack of adjacent publicly owned or available parking available for shared use, and unique use of this business.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-30-23 with the following condition:

1. This variance is valid for this use and user as presented only. Any new use or change in use must meet all standards of the UDO, which includes removal of parking spaces over the allowed maximum.



Planning and Transportation Department





Planning and Transportation Department



Parcels
Buildings

From: Angie Collins, Owner of Royalty Elite LLC

To: City of Bloomington Board of Zoning Appeals

AII,

Attached is our current parking use assessment based on how we are operating right now in our existing building. This parking doesn't take into account any of the growth I plan for in the gym when we have double the gym square feet after we move to 122 E Miller Dr.

Approving a variance to allow for more parking spaces at 122 E Miller Drive for Royalty Elite does not cause harm or injury.

All requirements with respect to parking setbacks, landscaping specifications, and handicap accessibility are being complied with fully. There is existing parking for 38 total spaces at 122 E Miller Dr. Our request for a variance above the 23 allotted spaces, does not create any new asphalt in the City of Bloomington, nor does allowing us to use the existing spaces adversely affect transportation decisions by my customer base. My business is an all-star competitive cheerleading facility, with a primary service area that spans a 60-mile radius around Bloomington. We are the only facility offering the breath and scope of teams and classes in the area. Our customers bring their minor children, ages 3-18, to us for competitive cheerleading training. In addition to drawing from all parts of the City of Bloomington, our families drive from as far South as Paoli, Mitchell, and Bedford, as far West as Gosport, Spencer, and Ellettsville, as far North as Martinsville and Mooresville, and as far East as Nashville and Columbus. These are families that multiple times every week are bringing their business into the City of Bloomington - and they need to drive here to do that.

Our current facility is completely inadequate in terms of the parking that my enrollment needs. Every day, we fill our parking lot and use the following as overflow parking: our loading dock, Indiana Oxygen's parking lot and their loading dock after 5pm, Overhead Door's parking lot after 5pm, Aunt Millies bakery's parking lot after 5pm, PennyLane daycare's parking lot behind us after 6pm, and unfortunately all up and down the road (where there is not supposed to be parking). The pictures I have provided attest to this "mess" in our current facility parking lot. When we move to 122 E Miller Dr, we need each and every space that exists after all parking setback and landscaping requirements are met. It is my understanding that we can accomplish all of this and still have xx parking spaces that are currently in existence right now. My current competitve team and class enrollment will necessitate the use all of these spaces each and every day. This was the deciding factor in choosing this location for our new gym home more parking. Additionally, there is no option of street parking at/around 122 E Miller Drive, no public parking lots/garages, nor are there crosswalks that would allow for my customers (who are minors) to safely cross the street in front of our building. Please remember this is a youth-based business and their safety is my utmost concern.

Approving this variance also does not set any dangerous precedent for the city as additional businesses walk through these same steps. The facts and circumstances of this variance request are unique since this is an existing parking lot - no one is asking to

remove trees, greenspace, etc to pave a new parking lot surface. In fact, more greenspace and landscaping is being added than exists today - and these additions comply with the applicable rules. All we are asking is to use what is already there to support the demonstrated needs of a thriving business - the only business of its kind in the entire city of Bloomington.

The attached demonstrated parking use assessment has been observed each day since June 5, 2023 through to present day (minus the 4th of July Holiday). This is when our new season began with our new teams and classes schedules.

Thank you,

Angie Collins

--

Royalty Elite L.L.C.

3905 W. Farmer Ave. Bloomington, IN 47403

E: <u>info@royalty-elite.com</u>
W: <u>www.royalty-elite.com</u>

Petitioner's Statement

122 E MILLER DRIVE

Attention: City of Bloomington Board of Zoning Appeals

Petitioner: Scott Andrews

Property Description

The property at 122 E Miller Drive contains a 7000 sf steel commercial building that was extensively renovated a few years ago and is currently being remodeled into a fitness center for a new tenant. The tenant, Royalty Elite, is a competitive cheerleading gym that offers classes and training as well as competition events for groups of young children and their families from across the South Central Indiana region. The tenant selected the location and building to better accommodate its growing clientele, namely a larger space and ample parking within the City of Bloomington. Currently the property contains 38 parking spaces that were utilized by the former fitness tenant (Iron Pit Gym) and these were viewed as desirable and necessary amenities for the new tenant and its anticipated use.

Variance Request

Because the building sat vacant for the past couple of years (in part due to Covid) the new tenant improvement triggered a Limited Site Compliance review by the City. As part of that review, it was determined that the site would need to meet all of the parking standards, including the parking maximum as dictated by use. The current UDO only allows for 23 maximum parking spaces based on the proposed use (fitness center small), however, given the anticipated demand by the new tenant this will not be adequate (see tenant-provided parking assessment study). There is no nearby on-street or public parking available and the tenant hosts regular classes and competitions with visiting clientele that increases parking demand well beyond the allowed maximum. The owner would like to provide as much parking as possible while still meeting the other requirements of the UDO including bike parking, landscaping and parking setbacks and islands. Per the proposed site plan (provided by Bynum Fanyo) this would allow for 8 additional parking spaces for a total of 31 parking spaces.

Thank you for your consideration of this petition.

Matt Ellenwood, AIA (on behalf of the petitioner)

	DOM	MONDAY - Facility Hours 2:00 - 9:30pm		
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
4:00	4:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:15	4:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:30	4:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:45	4:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
2:00	5:00 Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	88	10	43
5:15	5:15 Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	88	10	43
5:30	5:30 Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	88	10	43
5:45	5:45 Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	88	10	43
00:9	6:00 Tiny Novice Team, 3 Tumbling Classes	30	10	40
6:15	6:15 Tiny Novice Team, 3 Tumbling Classes	08	10	40
6:30	6:30 Tiny Novice Team, 3 Tumbling Classes	30	10	40
6:45	6:45 Tiny Novice Team, 3 Tumbling Classes	08	10	40
7:00	7:00 Jumps Class, Flight School Flexibility Class	43	10	53
7:15	7:15 Jumps Class, Flight School Flexibility Class	43	10	53
7:30	7:30 3 Tumbling Classes	34	10	44
7:45	7:45 3 Tumbling Classes	34	10	44
8:00	8:00 3 Tumbling Classes	34	10	44
8:15	8:15 3 Tumbling Classes	34	10	44
8:30	8:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
8:45	8:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:00	9:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:15	9:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
	HIGH PARKING USED			53
	MEDIAN (TYPICAL) PARKING USED			40

	TUESDAY -	TUESDAY - Facility Hours 2:00 - 9:30pm		
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
3:00	3:00 South Cheer Practice	30	4	34
3:15	3:15 South Cheer Practice	30	4	34
3:30	3:30 South Cheer Practice	30	4	34
3:45	3:45 South Cheer Practice	30	4	34
4:00	4:00 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:15	4:15 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:30	4:30 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:45	4:45 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
2:00	5:00 Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
5:15	5:15 Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
5:30	5:30 Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
5:45	5:45 Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
00:9	6:00 Youth 2 Elite Team, 1 Tumbling Class	31	10	41
6:15	6:15 Youth 2 Elite Team, 1 Tumbling Class	31	10	41
6:30	6:30 Youth 2 Elite Team, 1 Tumbling Class	31	10	41
6:45	6:45 Youth 2 Elite Team, 1 Tumbling Class	31	10	41
7:00	7:00 Youth 2 Elite Team, Jumps Class, Flight School Flexibility Class	29	10	39
7:15	7:15 Youth 2 Elite Team, Jumps Class, Flight School Flexibility Class	29	10	39
7:30	7:30 3 Tumbling Classes	34	10	44
7:45	7:45 3 Tumbling Classes	34	10	44
8:00	8:00 3 Tumbling Classes	34	10	44
8:15	8:15 3 Tumbling Classes	34	10	44
8:30	8:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
8:45	8:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:00	9:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:15	9:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
	HIGH PARKING USED			47
	MEDIAN (TYPICAL) PARKING USED			43

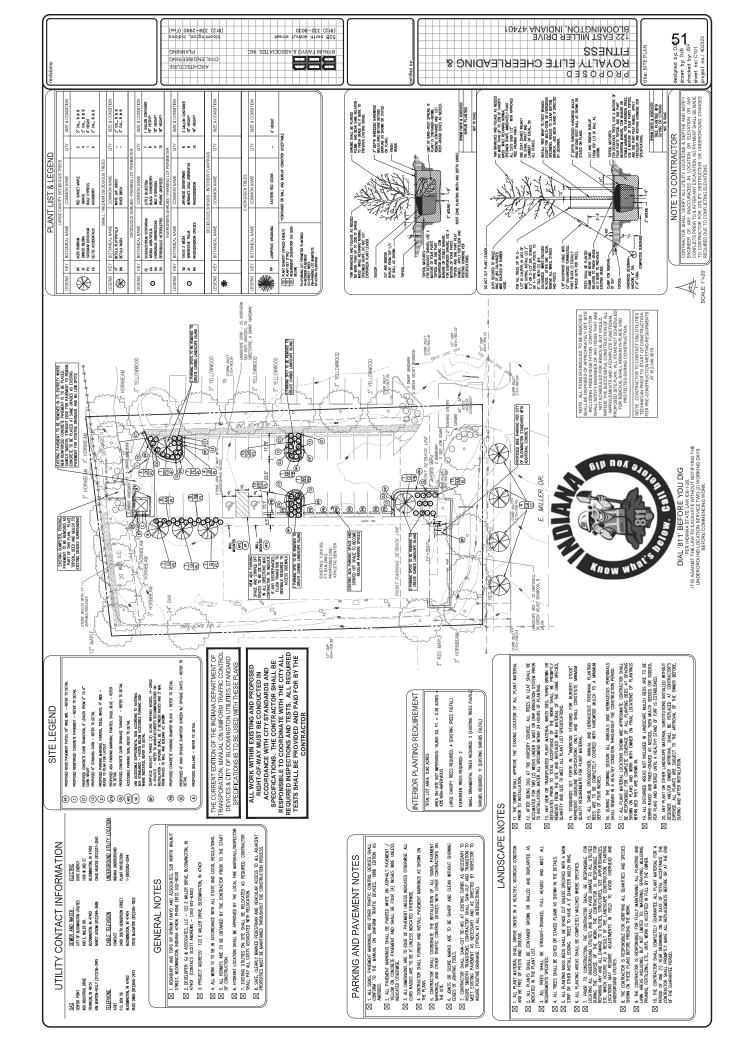
WEDNESDAY - Facilit	WEDNESDAY - Facility Hours 2:00 - 9:30pm		
ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
4:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
5:00 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42
5:15 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42
5:30 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42
5:45 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42
6:00 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42
6:15 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42
6:30 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	88	10	48
6:45 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48
7:00 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48
7:15 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	88	10	48
7:30 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48
7:45 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	88	10	48
8:00 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	88	10	48
8:15 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48
8:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
8:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
HIGH PARKING USED			48
MEDIAN (TYPICAL) PARKING USED			42

	THURSDAY -	THURSDAY - Facility Hours 2:00 - 9:30pm		
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
3:00	3:00 South Cheer Practice	30	4	34
3:15	3:15 South Cheer Practice	30	4	34
3:30	3:30 South Cheer Practice	30	4	34
3:45	3.45 South Cheer Practice	30	4	34
4:00	4:00 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:15	4:15 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:30	4:30 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:45	4:45 South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
2:00	5:00 Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
5:15	5:15 Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
5:30	5:30 Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
5:45	5:45 Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
00:9	6:00 Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
6:15	6:15 Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
08:90	6:30 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
6:45	6:45 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:00	7:00 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:15	7:15 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:30	7:30 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:45	7:45 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
8:00	8:00 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
8:15	8:15 Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	98	10	46
8:30	8:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
8:45	8:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:00	9:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
9:15	9:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
	HIGH PARKING USED			47
	MEDIAN (TYPICAL) PARKING USED			46

	FRIDAY - F	FRIDAY - Facility Hours 4:00 - 9:30pm		
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
4:00	4:00 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:15	4:15 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:30	4:30 Private Tumbling Lessons, Stunt Group Privates	9	13	19
4:45	4:45 Private Tumbling Lessons, Stunt Group Privates	9	13	19
2:00	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
5:15	5:15 Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
5:30	5:30 Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
5:45	5:45 Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
00:9	6:00 Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
6:15	6:15 Open Gym Ages 5-9, Private Tumbling Lessons	77	8	30
6:30	6:30 Open Gym Ages 10-17, Private Tumbling Lessons	77	8	30
6:45	6:45 Open Gym Ages 10-17, Private Tumbling Lessons	77	8	30
7:00	7:00 Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
7:15	7:15 Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
7:30	7:30 Open Gym Ages 10-17, Private Tumbling Lessons	77	8	30
7:45	7:45 Open Gym Ages 10-17, Private Tumbling Lessons	77	8	30
8:00	8:00 Open Gym Ages 18+, IU Open Gym	30	4	34
8:15	8:15 Open Gym Ages 18+, IU Open Gym	30	4	34
8:30	8:30 Open Gym Ages 18+, IU Open Gym	30	4	34
8:45	8:45 Open Gym Ages 18+, IU Open Gym	30	4	34
9:00	9:00 Open Gym Ages 18+, IU Open Gym	30	4	34
9:15	9:15 Open Gym Ages 18+, IU Open Gym	30	4	34
	HIGH PARKING USED			34
	MEDIAN (TYPICAL) PARKING USED			30

	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
9:30	9:30 Tumble Tots, Stunt Group Privates	14	8	22
9:45	9:45 Tumble Tots, Stunt Group Privates	14	8	22
10:00	10:00 Tumble Tots, Stunt Group Privates	14	8	22
10:15	10:15 Preschool Tumbling, Private Tumbling Lessons	18	8	26
10:30	10:30 Preschool Tumbling, Private Tumbling Lessons	18	8	26
10:45	10:45 Preschool Tumbling, Private Tumbling Lessons	18	8	26
11:00	11:00 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32
11:15	11:15 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32
11:30	11:30 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32
11:45	11:45 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32
12:00	12:00 2 Tumbling Classes, Private Tumbling Lessons	56	8	34
12:15	12:15 2 Tumbling Classes, Private Tumbling Lessons	56	8	34
12:30	12:30 2 Tumbling Classes, Private Tumbling Lessons	56	8	34
12:45	12:45 2 Tumbling Classes, Private Tumbling Lessons	56	8	34
1:00	1:00 Birthday Parties	30	2	32
1:15	1:15 Birthday Parties	30	2	32
1:30	1:30 Birthday Parties	30	2	32
1:45	1:45 Birthday Parties	30	2	32
2:00	2:00 Birthday Parties	30	2	32
2:15	2:15 Birthday Parties	30	2	32
2:30	2:30 Birthday Parties	30	2	32
2:45	2:45 Birthday Parties	30	2	32
3:00	3:00 Private Tumbling Lessons, Stunt Group Privates	9	12	18
3:15	3:15 Private Tumbling Lessons, Stunt Group Privates	9	12	18
3:30	3:30 Private Tumbling Lessons, Stunt Group Privates	9	12	18
3:45	3:45 Private Tumbling Lessons, Stunt Group Privates	9	12	18
4:00	4:00 Private Tumbling Lessons, Stunt Group Privates	9	12	18
4:15	4:15 Private Tumbling Lessons, Stunt Group Privates	9	12	18
	HIGH PARKING USED			34
	MEDIAN (TYPICAL) PARKING USED			32

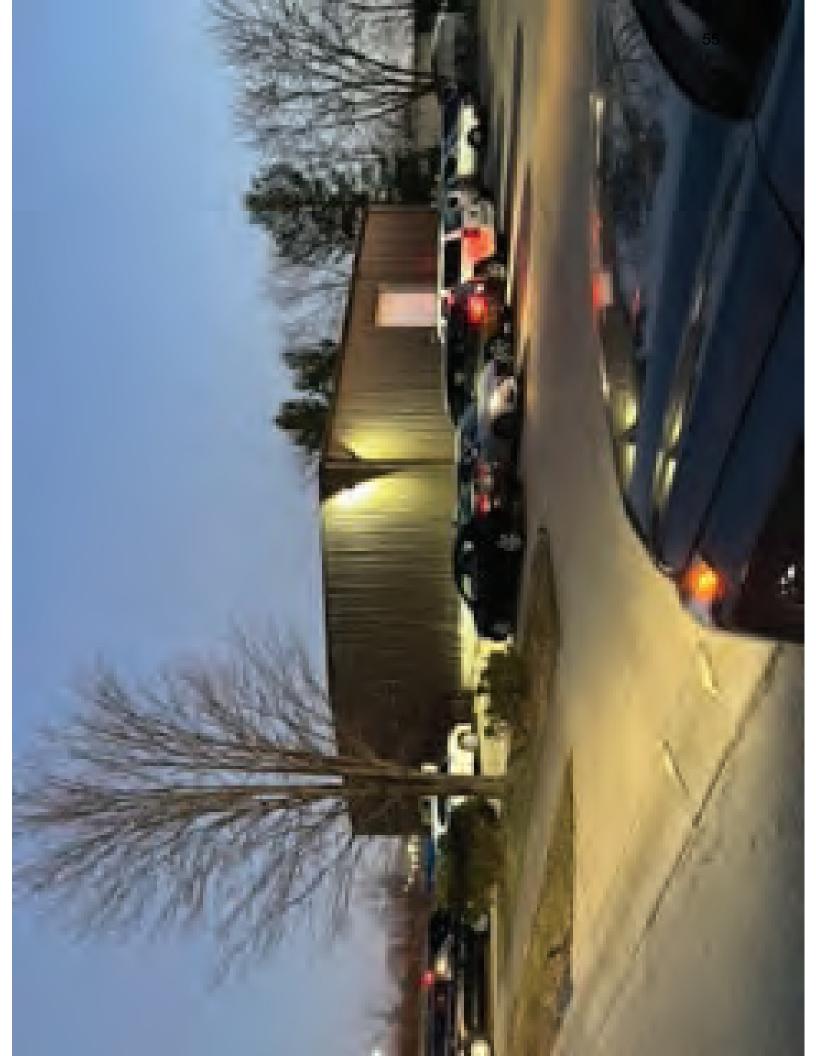
	SUNDAY - Faci	SUNDAY - Facility Hours 10:30am - 9:00pm		
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
10:30	10:30 Private Tumbling Lessons, Stunt Group Privates	9	12	2
10:45	10:45 Private Tumbling Lessons, Stunt Group Privates	9	12	2
11:00	11:00 Private Tumbling Lessons, Stunt Group Privates	9	12	2
11:15	11:15 Private Tumbling Lessons, Stunt Group Privates	9	12	18
11:30	11:30 Cheerabilities Team/Disabled Athletes & Caregivers	32	10) 42
11:45	11:45 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	0 42
12:00	12:00 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	0 42
12:15	12:15 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	
12:30	12:30 Mini Prep Team, Youth 2 Elite Team	30	3	38
12:45	12:45 Mini Prep Team, Youth 2 Elite Team	30		38
1:00	1:00 Mini Prep Team, Youth 2 Elite Team	30	8	38
1:15	1:15 Mini Prep Team, Youth 2 Elite Team	30	3	
1:30	1:30 Mini Prep Team, Youth 2 Elite Team	30		38
1:45	1:45 Mini Prep Team, Youth 2 Elite Team	30		38
2:00	2:00 Mini Prep Team, Youth 2 Elite Team	30	8	38
2:15	2:15 Mini Prep Team, Youth 2 Elite Team	30	8	38
2:30	2:30 Mini Prep Team, Youth 2 Elite Team	30	8	
2:45	2:45 Mini Prep Team, Youth 2 Elite Team	30	~	38
3:00	3:00 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38
3:15	3:15 Youth 1 Elite Team, Junior 3 Elite Team	30	~	
3:30	3:30 Youth 1 Elite Team, Junior 3 Elite Team	30	3	38
3:45	3:45 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38
4:00	4:00 Youth 1 Elite Team, Junior 3 Elite Team	30	~	38
4:15	4:15 Youth 1 Elite Team, Junior 3 Elite Team	30	~	38
4:30	4:30 Youth 1 Elite Team, Junior 3 Elite Team	30	~	
4:45	4:45 Youth 1 Elite Team, Junior 3 Elite Team	30		38
2:00	5:00 Youth 1 Elite Team, Junior 3 Elite Team	30		38
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8:45	8:45 Private Tumbling Lessons, Stunt Group Privates	9	13	3 19
	HIGH PARKING USED			42
	MEDIAN (TYPICAL) PARKING USED			38







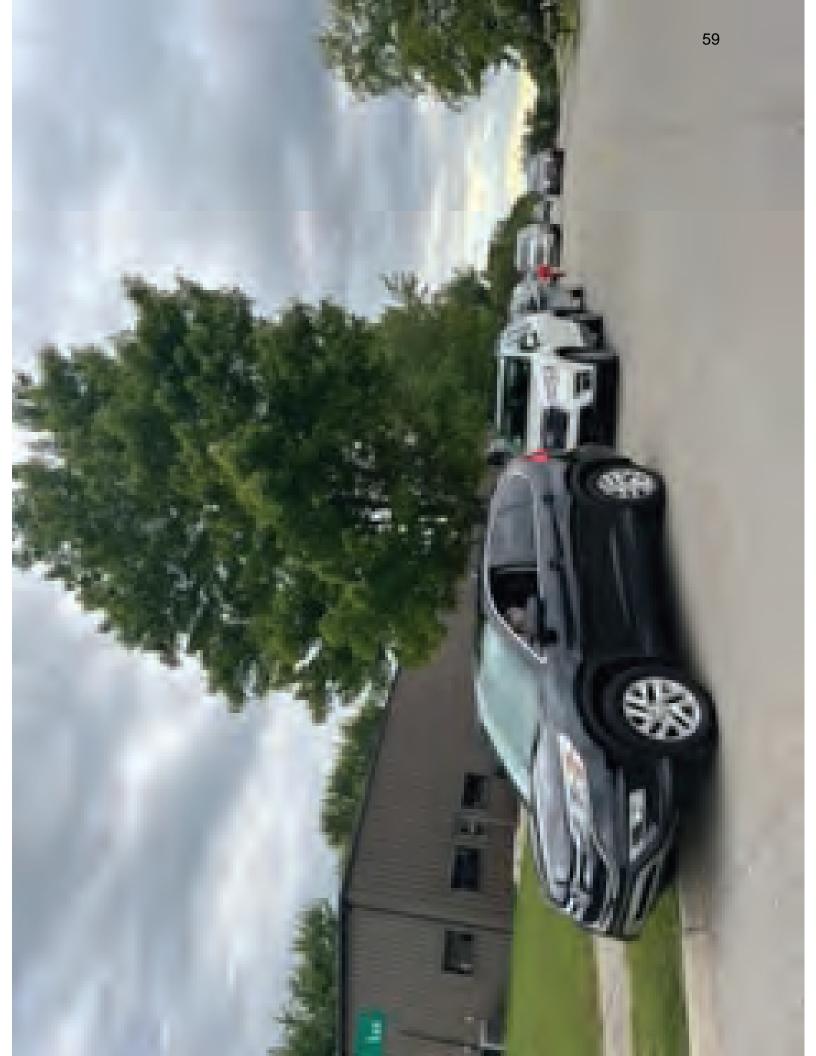






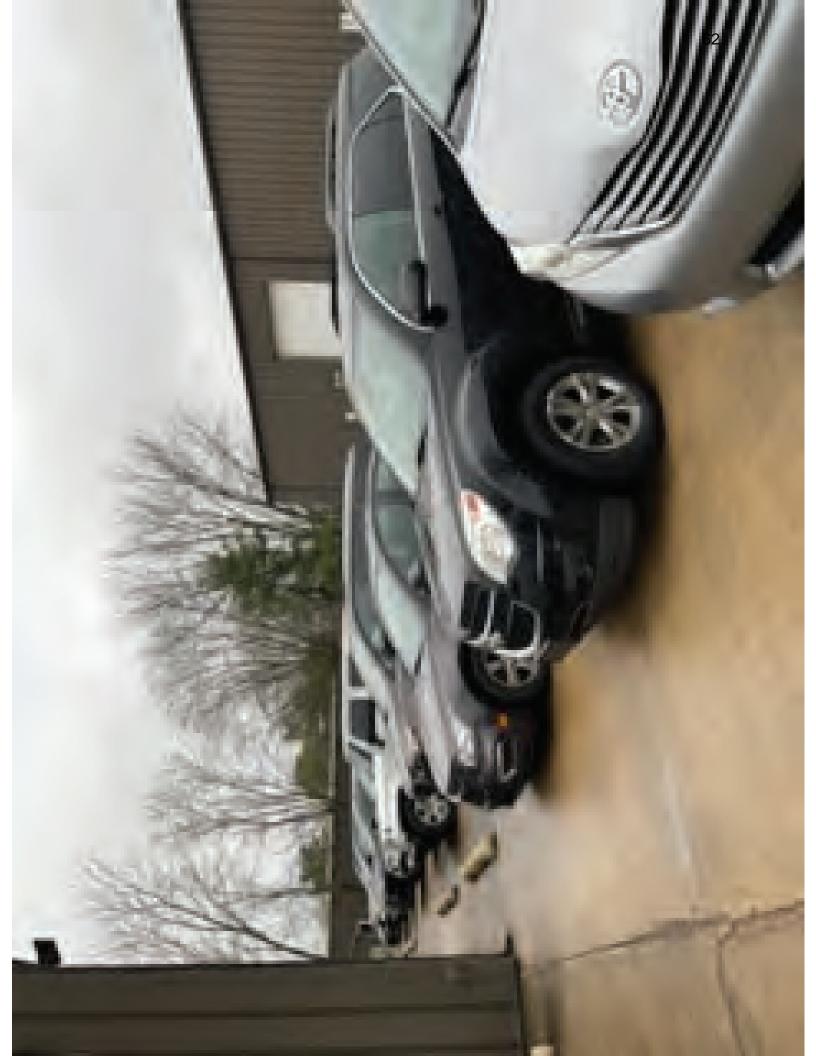




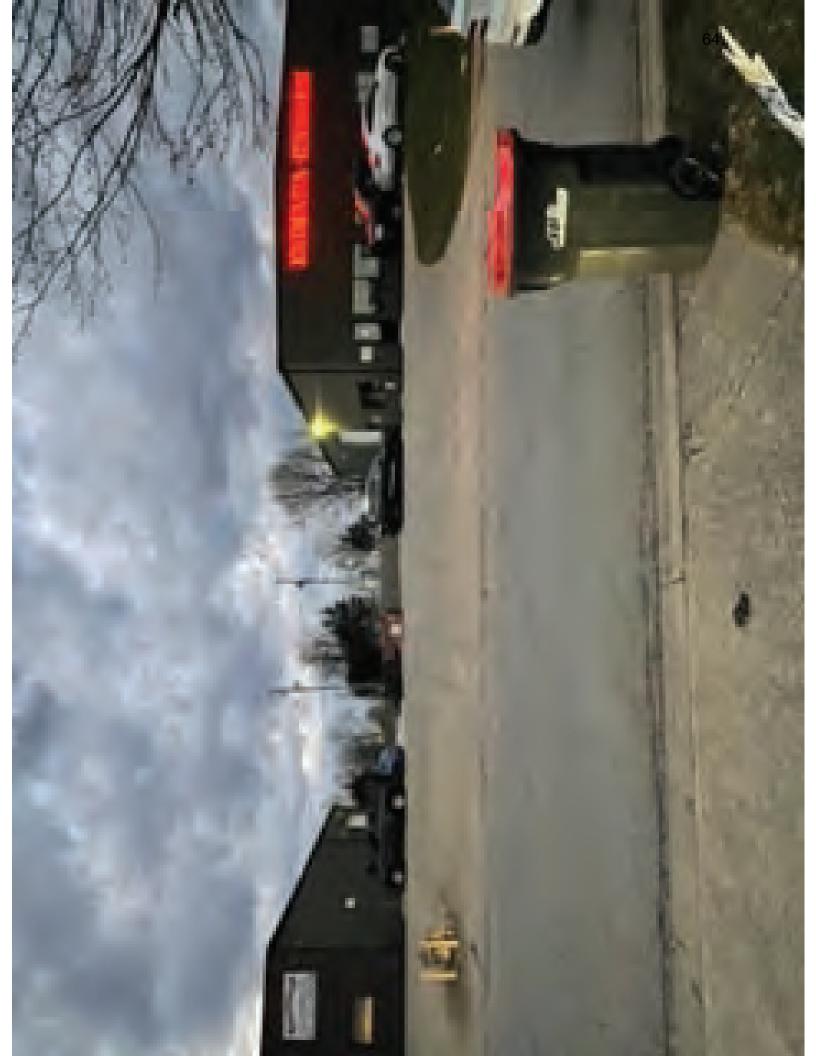


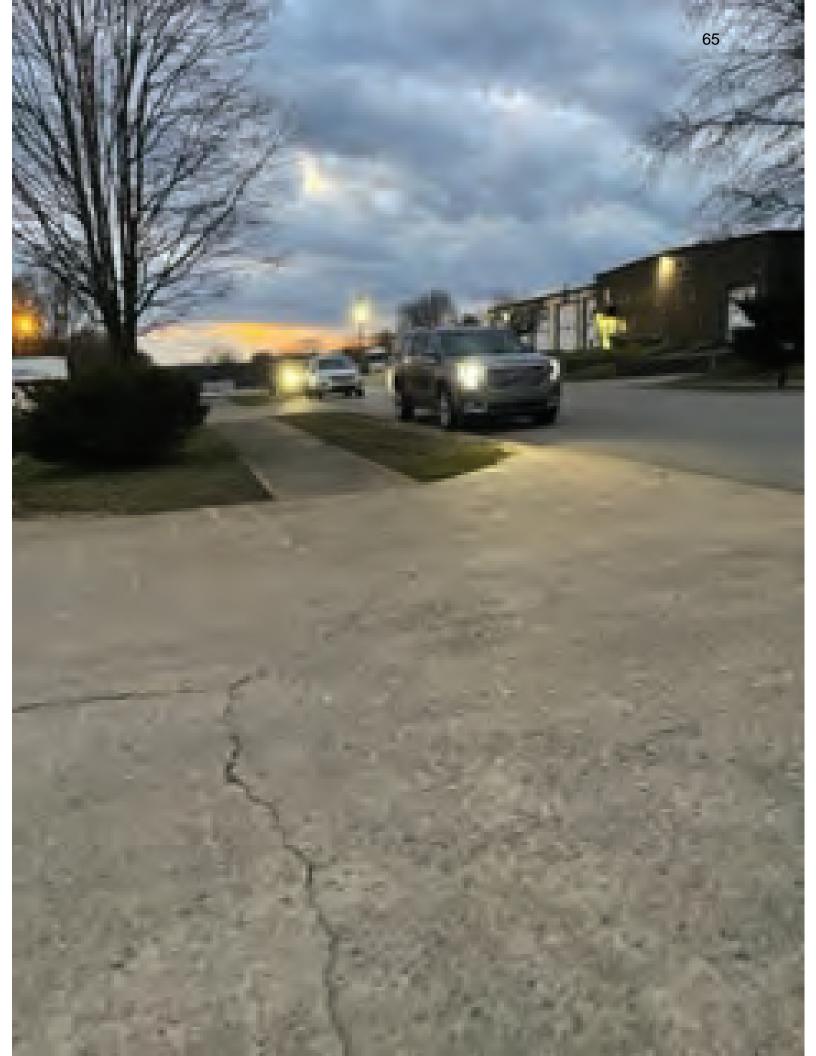


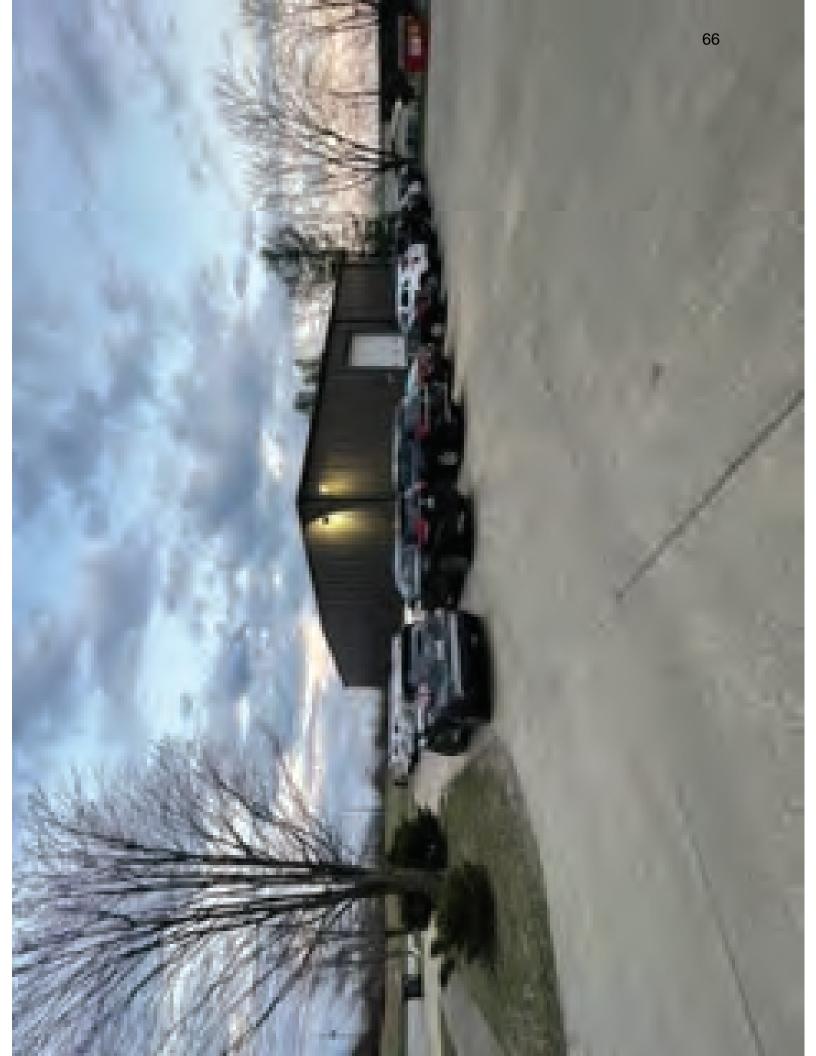


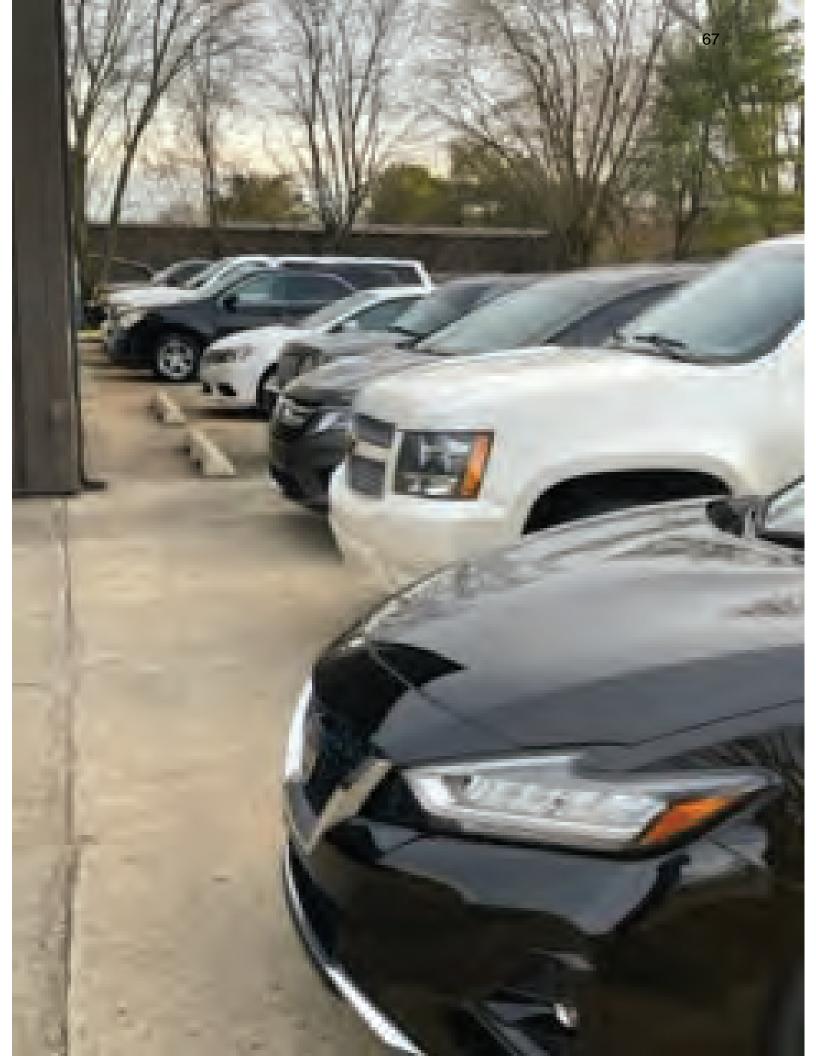




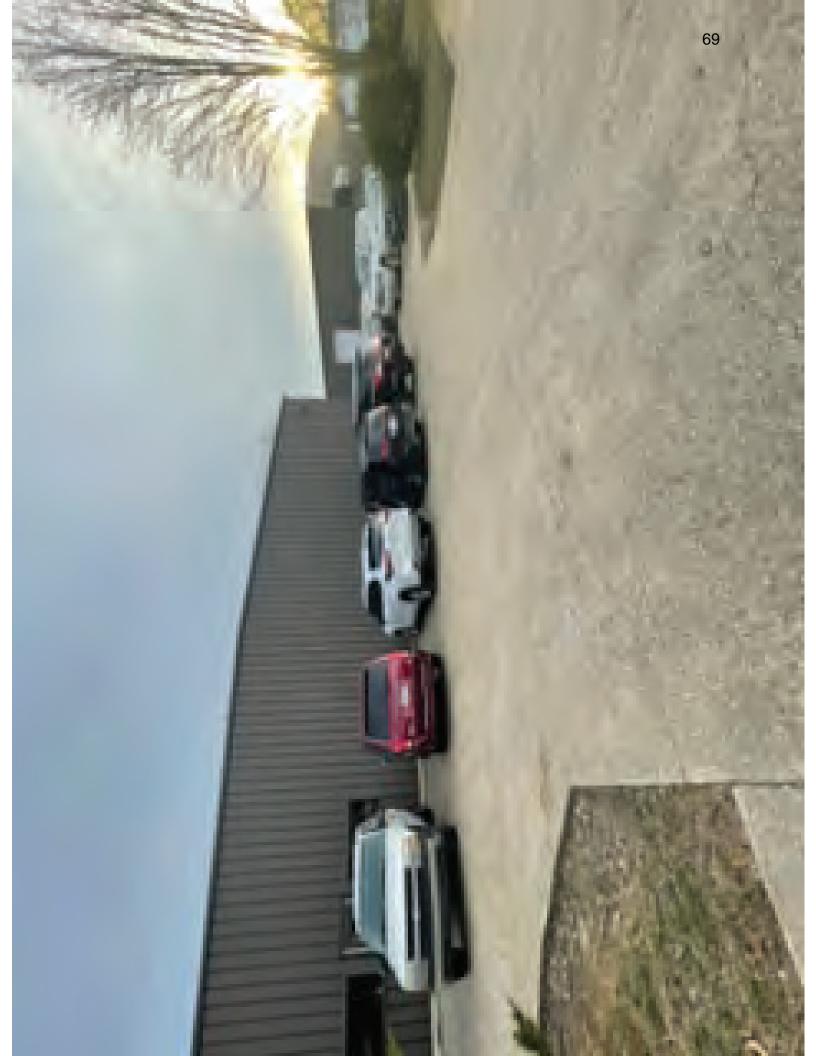


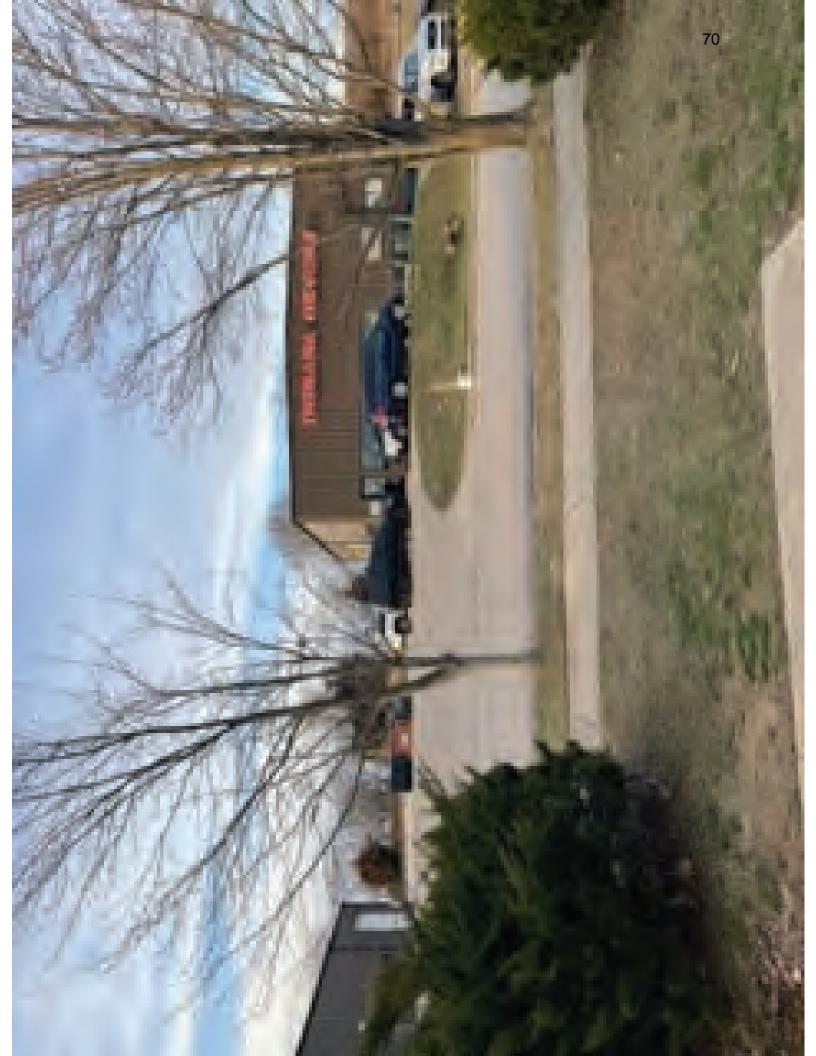




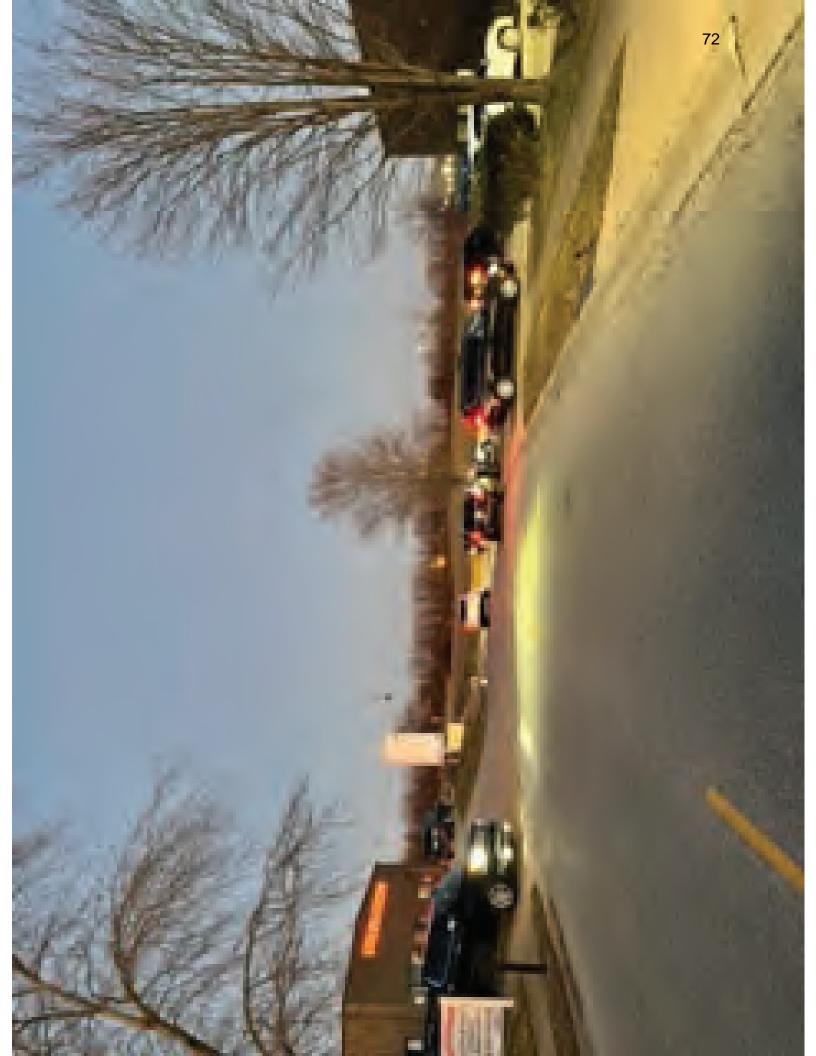












BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-31-23

STAFF REPORT DATE: September 21, 2023

Location: 116 N. Grant Street

PETITIONER: Red Truck Bloomington

PO Box 100, Nashville, IN

CONSULTANTS: Carmin Parker, PC

116 W. 6th Street, Bloomington, IN

REQUEST: Variance from minimum primary structure standards to allow a one story addition in the Mixed-Use Downtown within the University Village Overlay (MD-UV) zoning district

REPORT: This 0.28 acre property is located at 116 N. Grant Street and is zoned Mixed-Use Downtown (MD) and is within the University Village Overlay (UVO). Surrounding land uses include the Monroe County Public Library to the west, multifamily residences to the north and east, and commercial uses to the south. The property has been developed with four buildings: two that contain dwelling units, a 1,992 restaurant and bar, and a 536 square foot outdoor bar and serving area.

The petitioner is proposing to construct a 652 square foot, one-story addition to the outdoor bar and serving area building for an expanded seating area. The University Village Overlay district has a minimum primary structure height of 25'. The proposed addition will be only 11'9" and therefore requires a variance. All of the existing buildings on the site are one-story. The addition would also be more than 10% of the existing footprint of the existing building and would trigger compliance with the Limited Compliance section of the UDO under Section 20.06.090(f)(2)(B) and require a staff level minor site plan approval if this variance is approved. The proposed addition would meet all other UDO standards.

The petitioner is requesting a variance from the minimum primary structure height standards to allow the one-story addition.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE 20.06.080(b)(3)(E) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

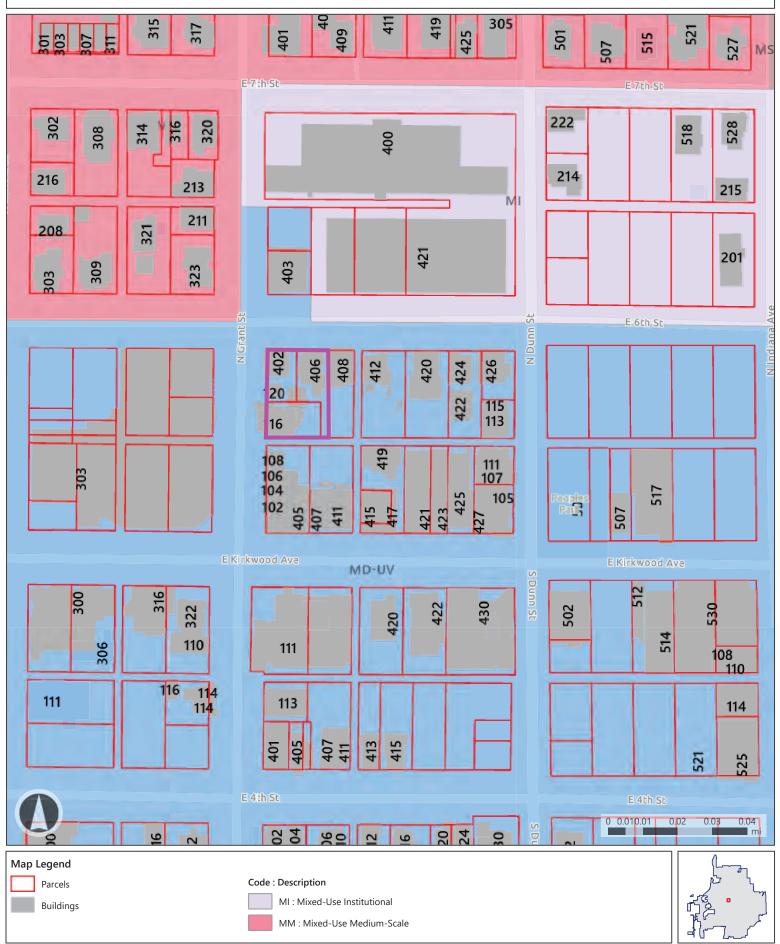
PROPOSED FINDING: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. No variances from building or fire codes would be involved and the addition would meet all other applicable standards.

- 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:** While no adverse impacts to the use and value of immediately surrounding properties as a result of the requested variance are found, the granting of the variance to allow a one-story addition to an existing one-story building does not promote the general design and development guidelines envisioned for the Downtown. The Comprehensive Plan, Downtown Vision and Infill Strategy Plan, and standards within the UDO were written to accomplish a compact urban form within the Downtown through reduced setbacks, reduced impervious surface coverage, and minimum building heights to promote vertical development and more efficient use of land. One-story buildings are not inkeeping with those standards and community policies.
- 3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.
 - **PROPOSED FINDING:** The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property since the UDO would allow the petitioner to construct an addition to the building, just not in the smaller one-story scale proposed. The granting of the variance would perpetuate a situation that is not desired by the adopted policies and standards of the UDO by furthering one-story development on a property in the Downtown. If the variance is not granted, the property can still continue to be used in the same manner it currently is. There do not appear to be any peculiar conditions about the property that prevent the petitioner from constructing a two-story addition and meeting the minimum primary structure height standards that are required.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny V-31-23.

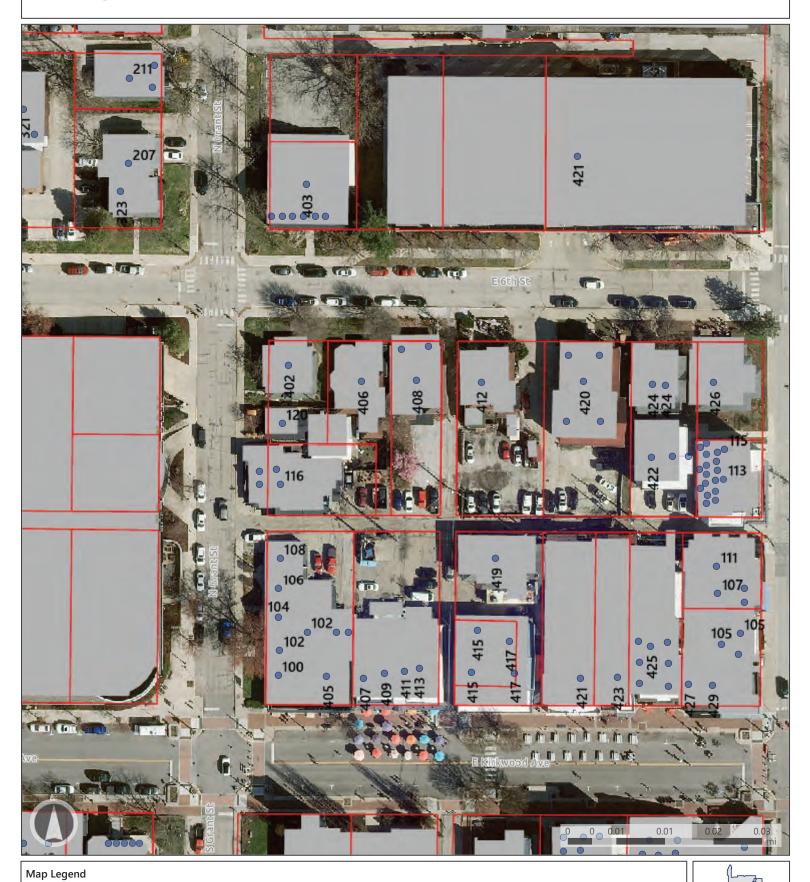


Planning and Transportation Department





Planning and Transportation Department



Addresses
Parcels
Buildings



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

August 22, 2023

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

RE: Request for Variances for Red Truck Bloomington LLC/Big Woods Bloomington

Renovation and Addition at 116 N Grant Street

Our File No.: 24016.3

BZA Members:

Big Woods Bloomington ("Big Woods") operates a restaurant on property owned by a related entity, Red Truck Bloomington, LLC ("Red Truck") located at 116 N. Grant Street in Bloomington, Indiana. The business has operated from the property since 2014, taking over from a previous restaurant owner at that location. Big Woods erected a temporary tent on the property on 2018 to accommodate needed, additional seating under cover, due to the popularity of the restaurant and lack of alternatives at this site (e.g., city street closure to expand capacity as nearby businesses benefit or available parklets). To best accommodate the company's growth and establish appropriate year-round customer seating and service areas, Red Truck has created a site plan to erect a permanent structure extending from the one-story garage building into the area that now has the temporary tent. The permanent structure is proposed to adapt with and extend directly from the one-story garage building located on the property, at the same height and level. Creating a permanent structure, as proposed, requires a single variance from the UDO dimensional standards regarding the minimum height of the building. The UDO 20.02.020(g)(6)(B) Table 02-18 sites to a minimum height in this zoning district (MD-UVO) of 25 feet. There are practical difficulties in meeting this UDO requirement, as noted below.

Red Truck Bloomington, LLC respectfully requests your consideration of a variance from the Unified Development Ordinance (UDO) in support of the expansion of the long-established restaurant operation:

The applicable zoning district, mixed use- university overlay (MD-UVO) includes a dimensional standard requiring minimum building height of 25 feet. In order to expand its operation and eliminate the temporary tent in exchange for a permanent structure, extending from the one-story current garage that is on-site and used for a service area, a reduction in the minimum height from 25 feet to 12 feet is appropriate. Architectural sheets are submitted as part of this variance request. Petitioner also submits pictures of the site for reference.

Criteria and Findings for Development Standards Variance:

City of Bloomington UDO 20.09.130(e) standards for granting variances from development standards include:

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

PROPOSED FINDINGS:

The granting of the variance to allow a building height at 12 feet from the required 25-foot height will not be injurious to the public health, safety, morals and general welfare of the community. The adaptation of the existing one-story garage with the extended structure for the intended restaurant use is in keeping with its current set-up and the temporary structure that has been on site since 2018. The temporary structure is limited by exposure to weather and the business's inability to serve in inclement weather, meaningfully reducing the number of patrons that can frequent this business. The proposed addition to the structure is entirely interior to the property and is not immediately adjacent to Grant Street or any other public-facing street. The proposed change in height does not present safety hazards or concerns or otherwise endanger public health 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 FINDINGS:

There are no adverse impacts to the use and value of surrounding properties that would result from the height variance. The height variance is entirely interior to the property and is unseen and visible to surrounding properties. Conversely, requiring a 25-foot addition in the middle of this block would create a bizarre result visually and is not in keeping with the character of the neighborhood in this older downtown area immediately adjacent to older structures. Allowing the height variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.

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

PROPOSED FINDINGS:

The adaptation and reuse of the existing one-story garage includes an extension of the roof-line to create a structure to replace the current temporary structure which is limiting in many respects. The building roofline heights aligns with the existing building that is proposed for adaptation and expansion is a one-story building. The ability to build on the property is constrained by the overhead power line that would require relocation if the building height was required to be 25 feet (or even 20 feet as would be allowed on Restaurant Row). The cost of relocating the power line is estimated to be \$20,000. The 12-foot height is both reasonable and essential for the adaptation and reuse of the existing one-store building. There are practical difficulties with the adaptation and full use of the building without the variance to allow for a building height less than 25 feet. It is sound public policy to promote the preservation, adaptation of structures, particularly to promote the success and growth of our local business community.

Conclusion:

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 the adaptation and expansion of the existing property; that the variance requested will relieve the practical difficulties and will not create prejudice or harm to adjacent properties or be a detriment to the value of the adjacent properties. The addition, as proposed, does not offend the public health, safety, moral or general welfare of the community.

Based on that above and foregoing, Petitioner respectfully requests approval of a variance of this dimensional standard to allow the minimum height of the building addition to be 12 feet.

Very truly yours,

Angela F. Parker

Enclosures

cc: Red Truck Bloomington, LLC

444378 / 24016.3

Addition to One-Story Garage to Expand Service Area BZA Variance Request



One-story garage on north-side of property



Red Truck Bloomington, LLC (Big Woods Bloomington 116 N Grant Street)

Walk-way between one-story garage and main building (restaurant)



View of main building and garage from Grant Street



View of main building from southwest corner



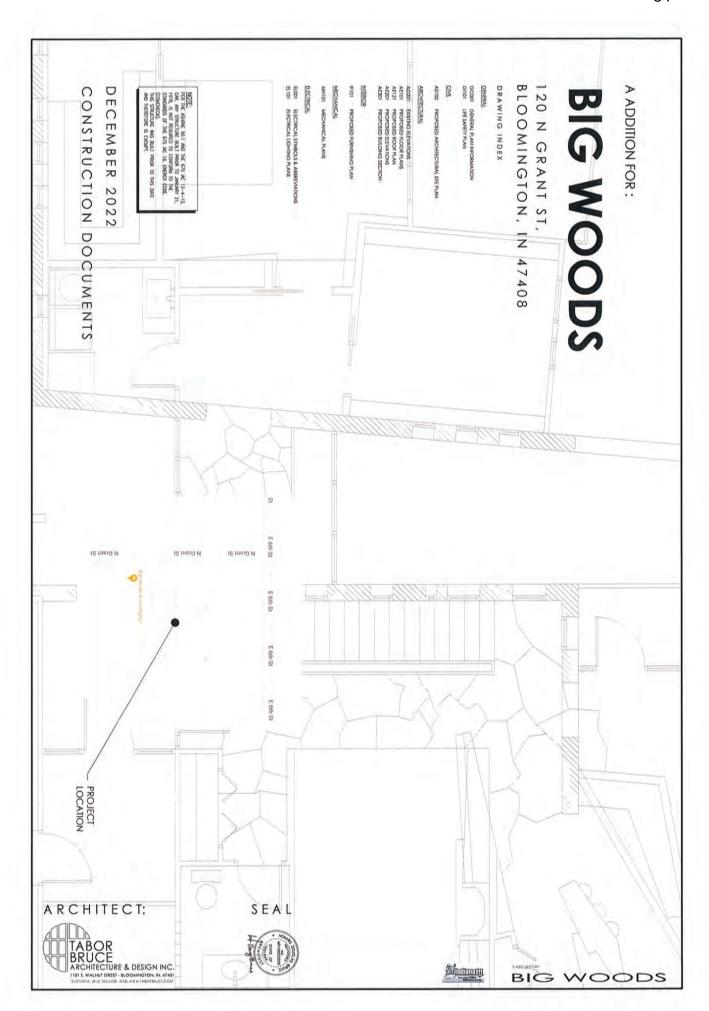
Temporary tent to seat patrons on North east side of property.



View of one-story garage and patio showing also low power line



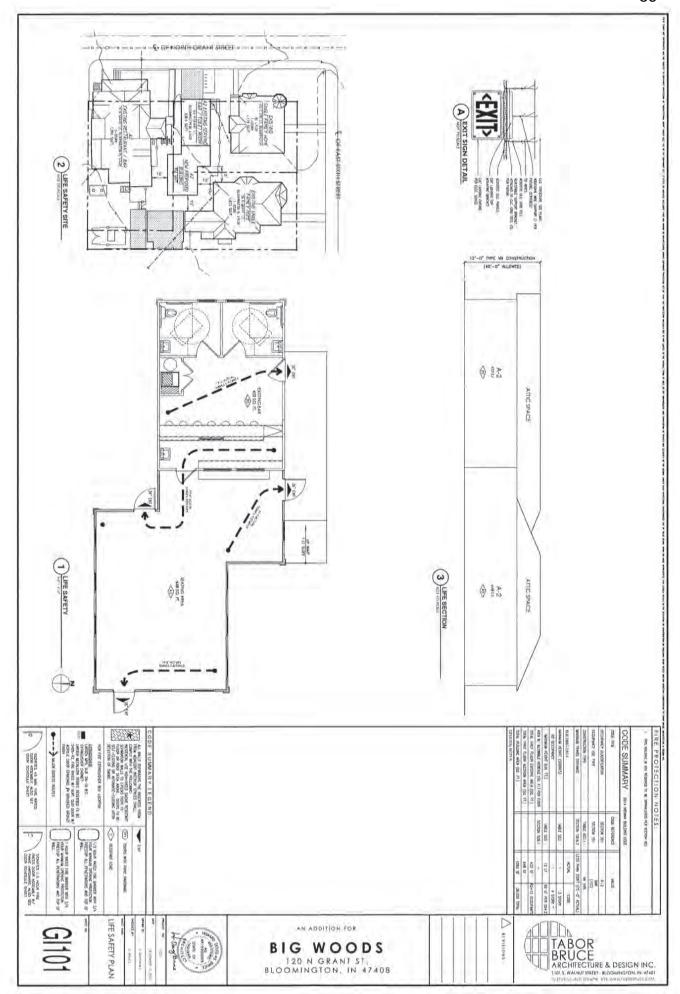
One-story garage structure from which permanent structure is proposed to extend

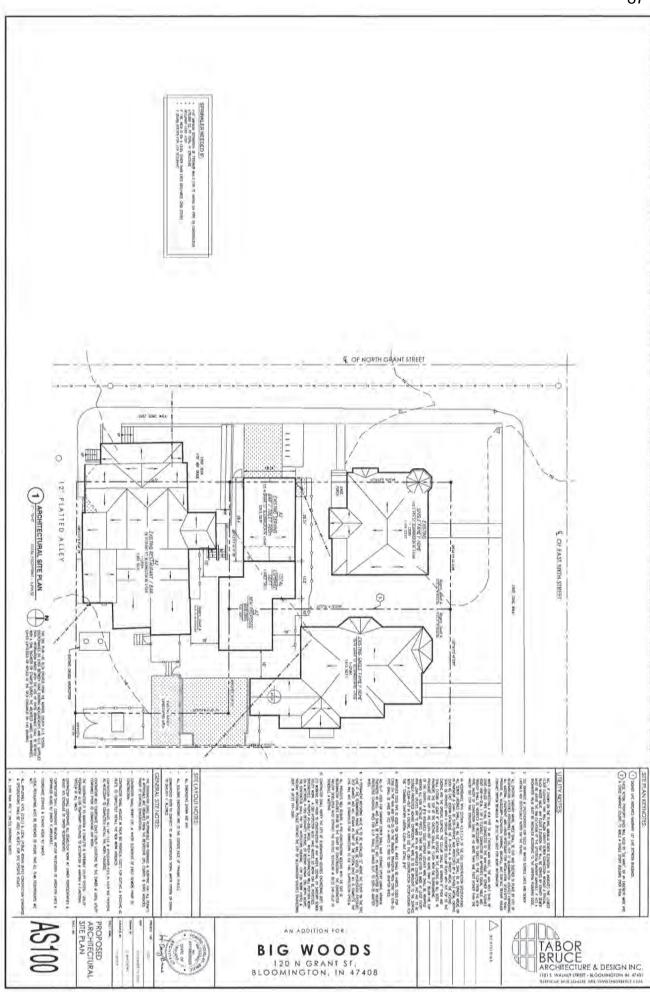


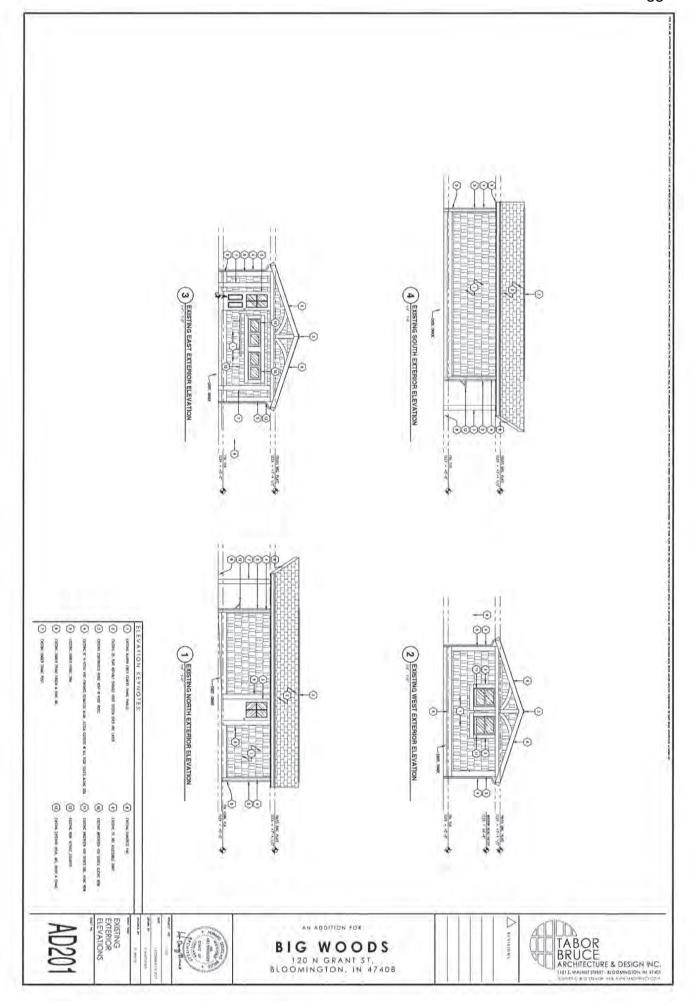
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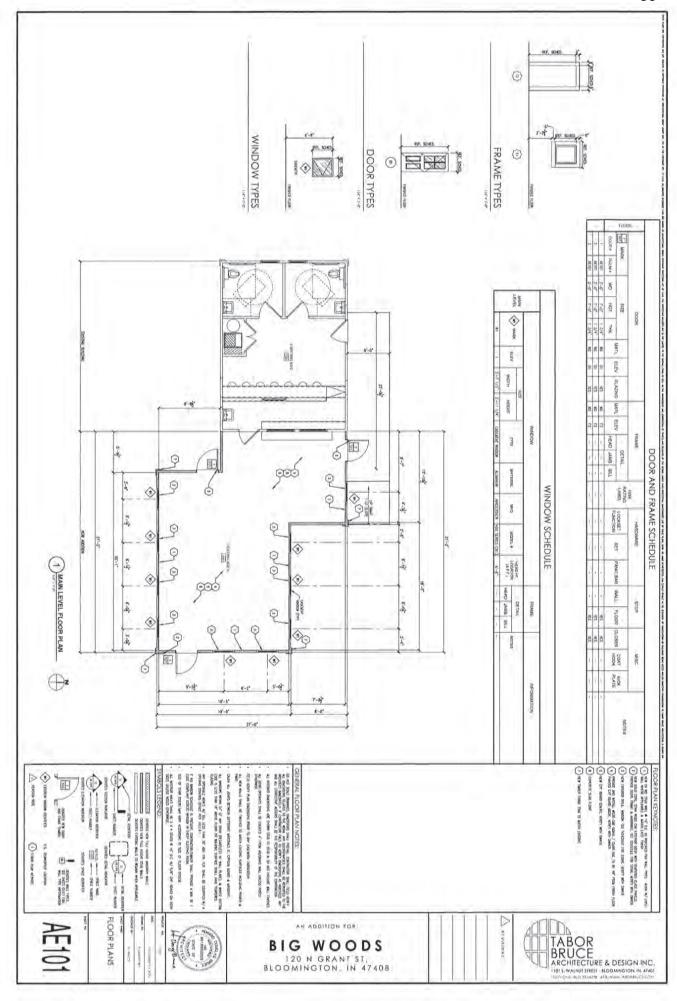
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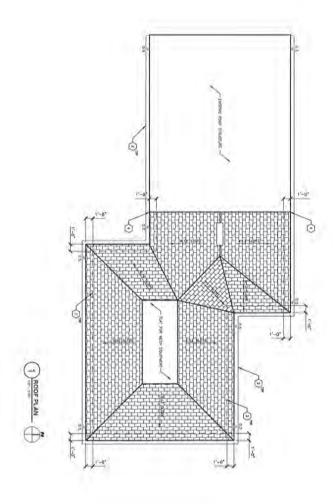












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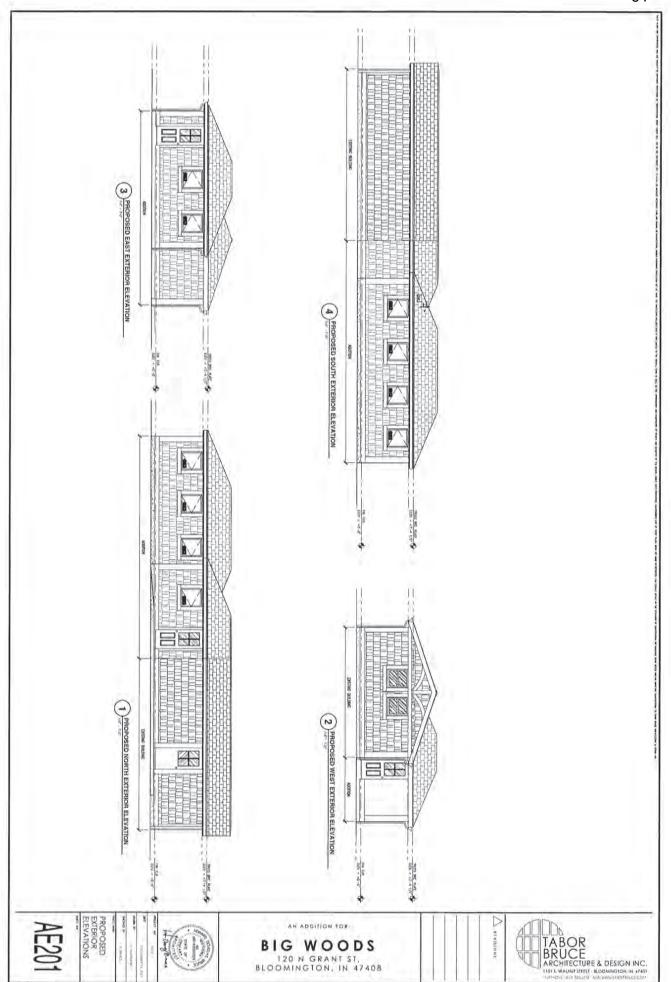
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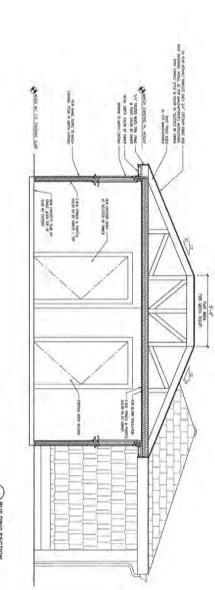


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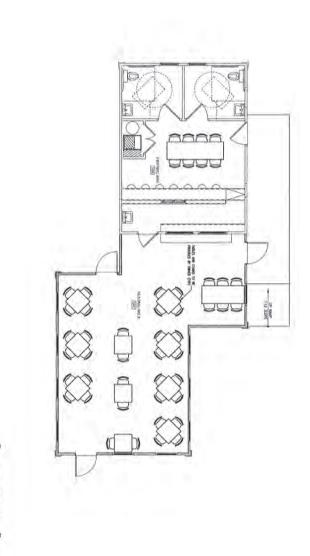
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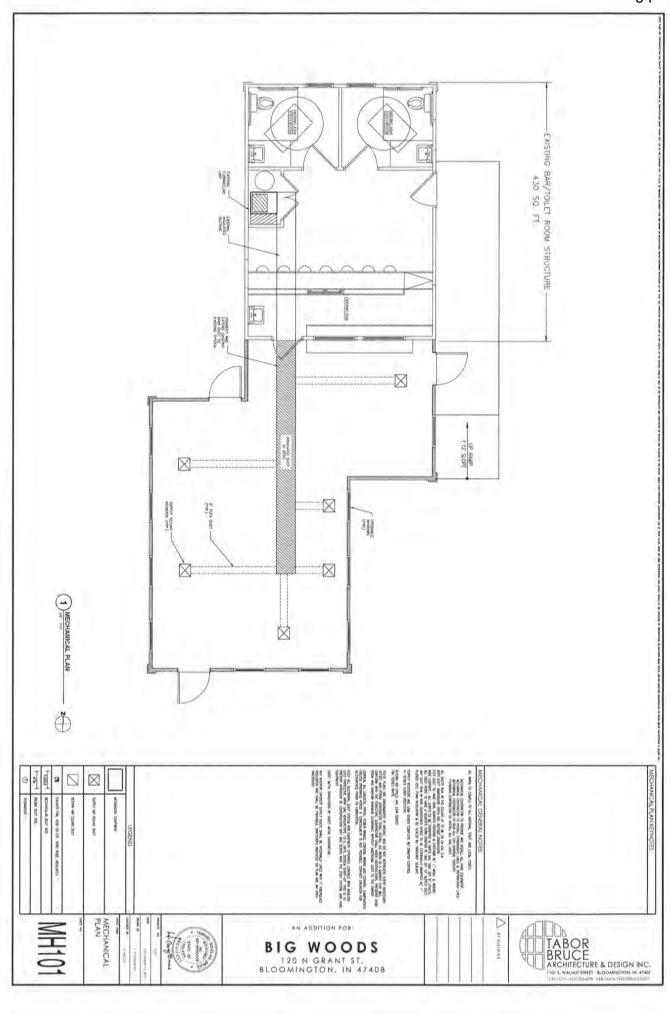
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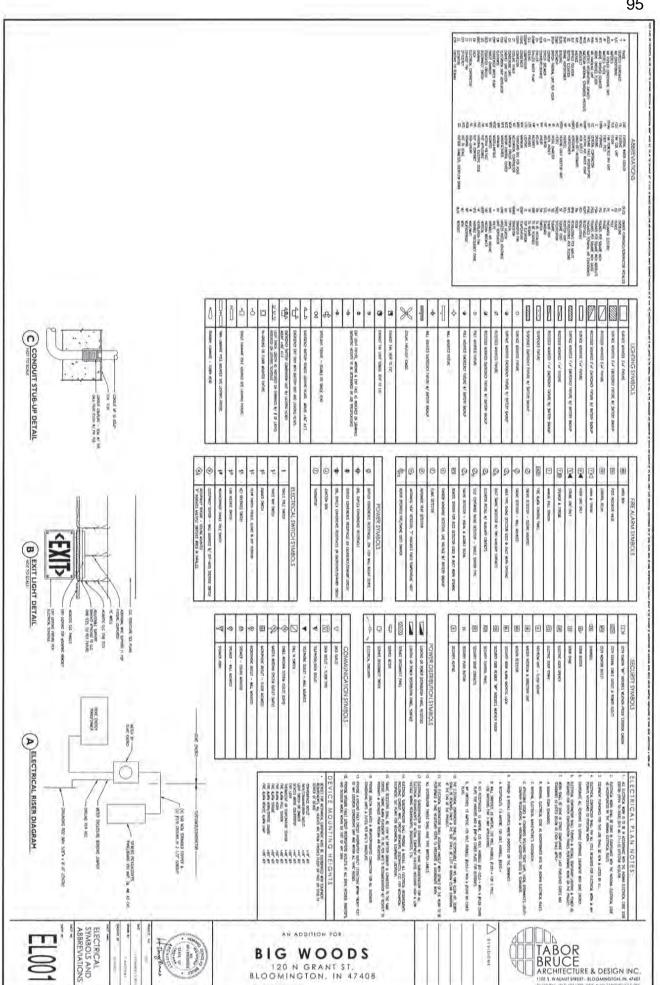
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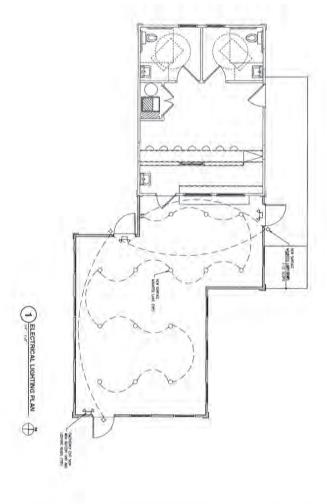
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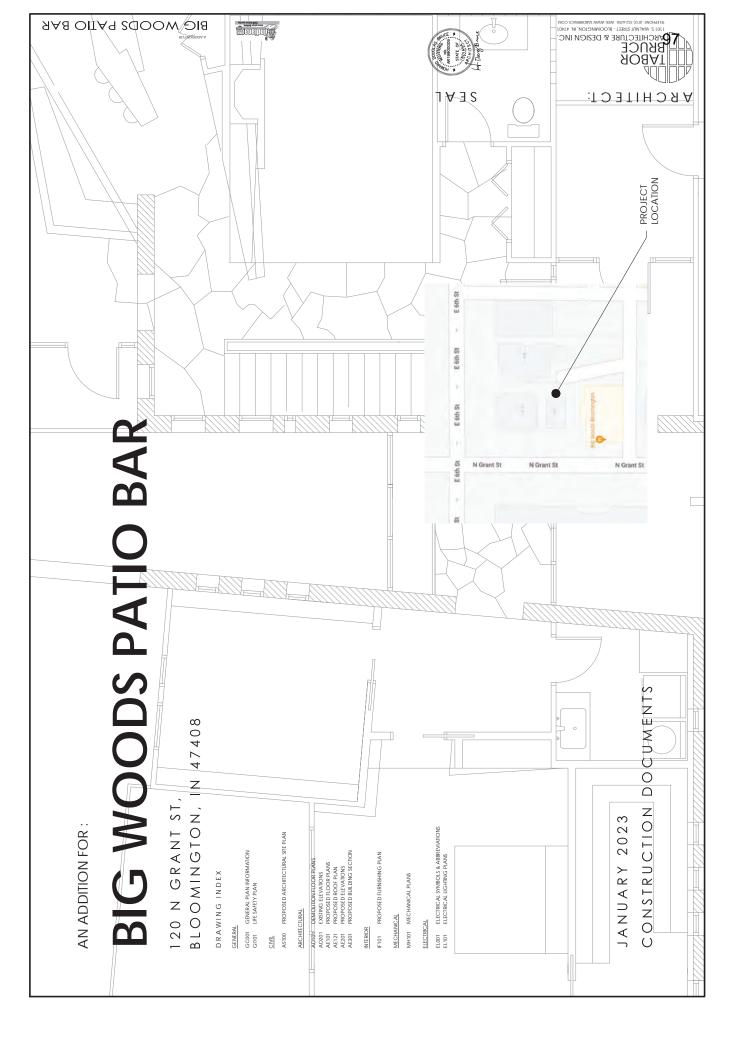


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