

CITY OF BLOOMINGTON



January 18, 2018 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: None at this time

PETITIONS CONTINUED TO: 2/15/18

- V-37-17 **Dwellings, LLC**
1353 W. Allen St.
Request: Variance from maximum parking standards to allow 67 parking spaces for a multi-family complex.
Case Manager: Eric Greulich

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

1. Election of Officers:

- Current President: Sue Aquila
- Current Vice-President: Barre Klapper

PETITIONS:

- RS-36-17 **City of Bloomington**
Request: Amendment to the Board of Zoning Appeals (BZA) Rules of Procedure to expand petition sign requirements to include all BZA petitions.
Case Manager: Jackie Scanlan
- V-32-17 **Jeff Meyer (Culver's)** – continued from 12/21/17 meeting
1914 W. 3rd St.
Request: Variances from development standards including parking setback, maximum number of parking spaces, and tree preservation requirements in the Commercial Arterial (CA) zoning district.
Case Manager: Jackie Scanlan
- V-34-17 **David Howard**
608 N. Dunn St.
Request: Variance from density standards to allow a new multi-family structure.
Case Manager: Eric Greulich

Case # RS-36-17 Memo

To: Bloomington Board of Zoning Appeals

From: Jackie Scanlan, AICP Senior Zoning Planner

Date: January 11, 2018

Re: Amendment to the Board of Zoning Appeals Rules of Procedure to Expand Sign Posting Requirements

The Planning and Transportation Department proposes to amend the Board of Zoning Appeals Rules of Procedure for all petitions appearing before the Board of Zoning Appeals or Hearing Officer. The proposal requires all petitions to post a sign on the property, indicating that a zoning petition has been filed for the property.

Mailed notification will continue to be sent to property owners (two properties deep) within 300 feet of the petition site. The addition of posted signs will help other neighbors, including residential and commercial renters, in the area to be aware of petitions. The signs will include the Department phone number, so that anyone interested can call for more information.

The purpose of the amendment is to improve public notification by identifying petition sites on-site so that any passerby can be aware. Signs shall be placed at least 21 days prior to the hearing of the Board of Zoning Appeals, or at least 10 days prior to the hearing of the Hearing Officer. The change will require an addition to Article IV – Notices.

A draft showing the proposed changes is attached.

CITY OF BLOOMINGTON

Last Revised: November 21, 2013

BOARD OF ZONING APPEALS

RULES OF PROCEDURE

Article I - Meetings:

- A. Meetings of the Board of Zoning Appeals shall be held one evening per month as scheduled in a calendar published by the Planning Department and approved by the Board at the first meeting of each year.
 - B. All meetings shall be held at 5:30 p.m. in the Council Chambers of Showers Center City Hall - Room #115, unless otherwise publicly announced.
 - C. All meetings shall adjourn at 9 p.m. and no new cases shall be heard after 8:30 p.m. Any cases remaining shall be rescheduled for hearing at a special meeting to be held within one week of the original meeting.
 - D. A majority of the voting membership shall constitute a quorum. No vote of the Board shall be official unless authorized by the affirmative vote of a majority of the total membership of the Board.
 - E. All decisions on petitions shall be by roll call. The vote of each member of the Board shall be recorded and placed in the minutes of the meeting as a matter of permanent record.
 - F. No member of the Board shall participate in the hearing or decision of the Board involving any matter in which that person is directly or indirectly interested in a financial sense. In the event that any member disqualifies himself or that any member's eligibility is challenged by a member of the public, such fact shall be entered on the records of the Board and shall appear in the minutes of the Board. Members who intend to disqualify themselves from a vote on a particular petition due to direct or indirect financial interest or for any other reason should notify the Planning Department staff of this fact a minimum of five business days prior to the hearing in order to provide staff and the Board of Zoning Appeals Chairperson adequate time to arrange the attendance of an alternate member, if applicable, and to make other arrangements as necessary. Alternate members may act at meetings as specified by the Bloomington Municipal Code.
 - G. As soon as possible after a regular meeting a summary of minutes of the proceedings
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shall be made available to each member of the Board.

- H. All minutes of the proceedings, findings of fact, tape recordings of the hearings and all exhibits submitted by the petitioners, remonstrators and staff shall be public records and shall be filed in the Planning Department office. These materials shall become a part of the case and all such materials shall be held by the Planning Department for a period of at least one-year. At the end of the one year time period, all materials held by the Board may be placed in a 'back filing' system for preservation of city records.
- I. The final disposition of any request, petition, or resolution before the Board shall be in the form of a motion, adopted according to proper parliamentary procedures. Said motion may be to grant, deny, continue, modify, or table the petitioner's request. Additionally, the members of the Board may attach such conditions to a motion as are deemed necessary for the furtherance of the public health, safety, or convenience, or to achieve consistency with the City Master Plan or Bloomington Municipal Code.

Article II - Officers:

- A. The Board shall, at its first hearing in each year, elect from among its members a chairperson and vice-chairperson.
- B. The chairperson shall preside over Board meetings and shall supervise over the determination of points of order and procedure, and shall be responsible for the signing of all official documents. The vice-chairperson shall have authority to act as chairperson of the Board during the absence or disability of the chairperson. In the case of the death or resignation of the chairperson, the vice-chairperson shall succeed to the chairmanship and a new vice-chairperson shall be elected from the membership.
- C. The Planning Department secretary shall be responsible for supervising the keeping of an accurate and complete record of all Board proceedings, including the keeping of records and minutes, findings of fact, and preservation of all papers and documents of the Board and the maintenance of a current roster with the qualifications of members.
- D. The Board shall request the City Attorney to serve as Counsel for the Board.
- E. The City's Director of Planning or his/her designate shall appear at all meetings and assist the Board presenting factual opinion on significant issues raised by the petition.

Article III - Filing of Petitions:

- A. All requests to the Board or Hearing Officer shall be by petition and petitioners shall be required to follow these procedures:
1. All petitioners shall use the uniform petition forms approved by the Plan Commission, which are available upon request in the Planning Department.
 2. All petitions shall be filed no later than the deadlines established on the calendar of meetings to be adopted by the Board each year.
- B. Appeals:
1. Appeals of administrative decisions or from Hearing Officer decisions shall be filed with the Planning Department on forms available in the Planning Department.
 2. Appeals of administrative decisions or from Hearing Officer decisions must be filed with the Planning Department within (5) days of the administrative decision or Hearing Officer decision.
 3. Appeals of administrative decisions or from Hearing Officer decisions will be heard de novo by the Board of Zoning Appeals and following the testimony limits noted in Article V of these Rules of Procedures.

Article IV - Notices:

- A. All petitioners for any BZA or Hearing Officer approval shall inform the persons affected by their petitions (interested parties) by sending a copy notice of public hearing to their residences or the last known address of the property owners at least twenty-one (21) days before the date of the BZA hearing and ten (10) days before the date of the Hearing Officer hearing. Such notice may be sent using regular first class mail.
- B. Such notice shall state:
1. The general location by address or other identifiable geographic characteristic of the subject property.
 2. The name of the petitioner.
 3. The times and places the petition has been set for hearing.
 4. That the petition and file may be examined in the office of the Planning
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Department.

5. That the addressee may voice an opinion at the hearing and/or file written comments with the Board and/or Hearing Officer.
 6. If the petition is to be considered by the Hearing Officer, the notice shall state that the Hearing Officer may, at his/her discretion, transfer the petition to the full Board and that in such case the hearing would be held at the next regular Board of Zoning Appeals meeting, unless continued, and shall include the date of the next regular Board meeting.
- C.
1. Interested parties shall be defined as all persons owning land adjacent and contiguous to the site as well as all persons owning land abutting the aforementioned immediately adjacent property (i.e., “two properties deep”). Notices shall be provided “two properties deep” only if the interested parties are located within 300 linear feet of the subject site. However, notices shall not be provided “two properties deep” if the interested parties property location exceeds 300 linear feet from the subject site for which the petition is being requested. Intervening public rights-of-way shall not be considered in determining what lands are adjacent or contiguous. Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner, and owners of property adjacent and contiguous to said parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.
 2. In order to determine the names and addresses of property owners to whom notice must be sent under this rule, staff shall consult either the current Plat Book and computerized ownership records located in the office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name and address of each adjacent property owner. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owners were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.
 3. Proof of notice to interested parties shall be submittal of the following items to the Planning Department in the following manner:
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- a. A copy of the Notice of Public Hearing to be mailed to the interested parties.
- b. A list of interested parties with addresses.
- c. An Affidavit of Notice to Interested Parties in a form approved by the Planning Department including: name of person preparing and mailing the notice; name of petitioner; location of petition; and a statement that notice was mailed at least ten (10) days prior to the public hearing of the Hearing Officer or at least twenty-one (21) days prior to the public hearing of the Board of Appeals, whichever applies.
- d. A map showing interested parties' property as generated by the Planning Department.

The Planning Department shall retain the proof of notice within the petition file.

- D. The Planning Department shall cause a legal notice to be published in a daily newspaper published and distributed in the City (10) days prior to the hearing. The petitioner shall bear the expense of said advertisement.
- E. All petitioners for any Board of Zoning Appeals or Hearing Officer approval shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property per street frontage per block. Signs, of a design approved by the Board of Zoning Appeals, shall be available in the City Planning and Transportation Department. Signs shall be placed at least 21 days prior to the initial public hearing of the Board of Zoning Appeals or 10 days prior to the initial public hearing of the Hearing Officer. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.
- F. If the Hearing Officer, at a lawfully convened meeting, transfers a petition to the Board of Zoning Appeals, said petition shall be placed on the agenda for the next regular meeting of the Board. The decision of the Hearing Officer to transfer the petition shall constitute due notice to interested parties.

Article V- Hearings:

- A. The order of business at regular meetings shall be as follows:
 - I. Roll Call
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- II. Approval of Minutes
- III. Reports, Resolutions, and Communications
- IV. Hearings
- V. Discussion, Staff proposals, etc.
- VI. Adjournment

B. Limits on Testimony:

1. The general format for each case will be an order and time limit as follows:
 - Staff Report
 - Presentation by Petitioner - 20 minutes total
 - Questions for the Staff and Petitioner by the Board
 - Public Comment – 5 minutes per speaker
 - Back to the BZA for final action

It will be the responsibility of staff to keep time for each speaker wishing to make comment. Staff will inform both the petitioner and speaker when there are 30 seconds left in their presentation time.

2. All speakers, other than staff, shall sign an attendance sheet provided by the Planning Department. Any person who wishes to speak shall first be sworn by the presiding officer. The form of this oath shall be as follows:

From the presiding officer, “Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?”

Speaker, “I do.”

3. If further public discussion is warranted in the opinion of the Board of Zoning Appeals, then the time limit may be increased by a majority vote of the Board.
- C. The Planning Department Secretary shall then compile a detailed report of all the hearing proceedings; setting forth in writing a record of the Board’s final decisions, including findings of fact, and a record of voting of individual members. These minutes shall be available for any interested party upon request.

Article VI - Docket:

- A. Each case to be publicly heard before the Board or Hearing Officer shall be filed in proper form, shall be numbered serially and placed on the docket of the Board or Hearing Officer after determination by the Planning Department that a petition has been presented in proper form with all the required exhibits and supporting documents. The docket numbers shall begin anew on January 1 of each year.
- B. The Planning Department shall also determine and identify whether application for variance is for variance of use or variance from development standards.
- C. The identification of docket numbers shall be as follows:
 - Home Occupation - HO
 - Administrative Appeal - AA
 - Development Standards Variance - V
 - Use Variance - UV
 - Conditional Use – CU
- D. As soon as a petition is received, it shall be place on the docket and a date set for its hearing. On such date it shall come before the Board or the Hearing Officer in the regular order of consecutive numbers.

Article VII - Final Disposition of Petitions:

- A. The final disposition of any petition before the Board or the Hearing Officer shall be recorded in the minutes of the Board or Hearing Officer. The motion shall restate the findings of the Board or of the Hearing Officer for the record.
 - B. The Board or Hearing Officer shall make a decision on any matter it is required to hear at the conclusion of its hearing on that matter. Decision on any matter shall be to approve, deny, or continue the petition.
 - C. Final disposition of an administrative appeal shall be in the form of an order either reversing, affirming, or modifying the requirement, order decision or determination appealed from.
 - D. Findings of Fact shall be adopted concerning each decision made by the Board or by the Hearing Officer. The Findings of Fact form shall be completed by planning staff and shall accurately reflect the Board's findings on each case heard by the BZA. The Findings of Fact form shall be completed by the Hearing Officer on each case heard by
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him/her. The Board or Hearing Officer may elect to adopt the findings recommended by the staff without modification or with partial modification, or to adopt findings which conflict with the staff recommendation. In any case, the Board or Hearing Officer's finding shall be reflected on the Findings of Fact form or other written document.

- E. No petition may be withdrawn by the petitioner after a vote has been ordered by the chairperson. No petition which has been withdrawn by the petitioner shall be placed on the docket again for hearing within a period of six months from the date of said withdrawal, except upon motion to permit redocketing adopted by the unanimous vote of all members present at a regular or special meeting.
- F. No zoning petition which has been disapproved by the Board shall again be placed on the docket for hearing within a period of 6 months from the date of the Board's original disapproval, except upon the motion of a member adopted by the unanimous vote of all members present at a regular or special meeting. In all cases involving a rehearing of a zoning petition previously disapproved by the Board, the Board may require the petitioner to demonstrate a material change in circumstances.
- G. Whenever a zoning petition is continued for three consecutive hearings, any further request for continuance requires a majority vote by the Board. If the Board denies such a request for continuance, the petition shall be treated as a denial unless the petitioner elects to formally withdraw the petition within 24 hours.
- H. In the case of a petition for variance or conditional use, the Board or the Hearing Officer may permit or require the owner of a parcel of property to make a written commitment concerning use or development of that parcel. The Board or the Hearing Officer may specify the form of any commitment and may also specify the termination date, if any. Such commitment, along with a copy of the site plan, shall be recorded in the office of the Monroe County Recorder and the original shall be filed with the records of application for variance or conditional use. The Hearing Officer may not modify or terminate a commitment, whether such commitment was permitted or required by the Board or by the Hearing Officer. A commitment may be modified or terminated only by the Board after notice and hearing in accordance with these rules. The Board, the City, the property owner, and any adjacent property owners shall be entitled to enforce commitments.

Article VIII - Expiration of Order:

Any variance or conditional use permit granted by the Board of Zoning Appeals or the Hearing Officer shall expire:

- A. In the case of new construction or modifications to an existing structure:
1. Two (2) years after the date granted by the Board or Hearing Officer, unless a building permit has been obtained and construction of the structure or structures has commenced; or,
 2. At the date of termination established by the Board or Hearing Officer as a condition or commitment if different from (1) above.
- B. In the case of occupancy of land which does not involve new construction:
1. Two (2) years after the date granted by the Board or Hearing Officer, unless an occupancy permit has been obtained and the use has commenced; or,
 2. At the date of termination established by the Board or Hearing Officer as a condition or commitment if different from (1) above.
- C. If an appeal by writ of certiorari is taken from an order, variance, or conditional use, the time during which such appeal is pending shall not be counted in determining whether the variance, order, or conditional use has expired under Subsection A(1) of this Article. In other words, if an appeal to the Board of Zoning Appeals ruling is filed, the clock stops as to the time of expiration until a determination is made.
- D. The Board may, upon proper showing in writing prior to expiration, grant extension of variance or conditional use for periods not to exceed two (2) years. Said extension shall run from the original date of expiration rather than from the date of granting the extension and the Board shall make written findings.
- E. The Board may renew a variance or conditional use after the expiration date for another two (2) year period. In considering said renewal, the Board shall consider only material changes relevant to the variance or conditional use criteria that have occurred since the variance or conditional use was last granted.
- F. The Hearing Officer may extend or renew a variance or conditional use that was originally granted by a Hearing Officer, subject to all provisions of C and D above.

Article IX - Miscellaneous Provisions:

- A. Every person appearing before the Board shall abide by the order and direction of the chairman. Discourtesy, disorderly or contemptuous conduct shall be dealt with as the Board directs.
 - B. The Board, at its discretion, may continue or postpone the hearing of any case on an affirmative vote of a majority of the members. In the event that new information is presented by the petitioner, a member of the Board of Zoning Appeals (BZA) may make a motion to continue the case at that time.
 - C. Amendments to these rules of procedure may be made by the Board at any regular or special meeting upon the affirmative vote of a majority of the members of the Board.
 - D. The suspension of any rules may be ordered at any meeting by a unanimous vote of those present.
 - E. A person may not communicate with any member of the Board or the Hearing Officer before the hearing with intent to influence the member or Hearing Officer's action on a matter pending before the Board or Hearing Officer. Not less than five (5) days before the hearing, however, the planning staff may file with the Board or Hearing Officer a written statement setting forth any facts or opinions relating to the matter.
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BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1914 W. 3rd St.

CASE #: V-32-17
DATE: January 18, 2018

PETITIONER: **Jeff Meyers**
 Culver's Restaurants
 3501 Connor Street, Noblesville

CONSULTANT: **Jeffrey Fanyo**
 Bynum, Fanyo, and Associates, Inc.
 528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting variances from the maximum allowable parking spaces, the parking front yard setback standard, and tree preservation requirements.

CHANGES FROM DECEMBER HEARING: The petition was continued from the December hearing, where it received a 2-2 vote. The petitioner's representative has worked with the Senior Environmental Planner to update the landscaping plan and to verify that it will meet all UDO requirements excepting those for which the variance is requested. No other changes were made to the plan.

A maintenance plan for the areas on the lots where the wooded area is to remain was discussed. Invasive species will be removed, and the petitioner's representative stated that there will be a maintenance plan put in place. The petitioner committed to the mitigation plan involving the replanting the 'three woodland stories' with native plants during the December 21st hearing. A condition of approval was added at the end of the hearing and has been subsequently included in this report.

SITE DESCRIPTION: This property is located at 1914 W. 3rd Street and is zoned Commercial Arterial (CA). The site is comprised of 2 parcels and is located northeast of the intersection of W 3rd and S Cory Lane with frontage on 3rd Street. Surrounding land uses include Master Rental to the west, railroad right-of-way to the north, single family residence and vacant to the south and vacant land to the east.

The property is currently vacant and has been for over a decade. The current site contains wooded area on the eastern half of the lot and along the northern border. The petitioner proposes to develop the parcels with a 5,500 square foot Culver's restaurant and an associated parking lot and drive-thru. Because this is new construction, the development is required to meet site plan requirements.

The petitioner states that the 55 parking spaces allowed for a building this size per the Unified Development Ordinance are not conducive to the business model of Culver's and additional parking spaces are required. The petitioner submitted a parking study with a previous petition and a new parking study with this petition. Both studies are included in the packet. The petitioner is requesting 75 parking spaces.

The petitioner requests to have parking spaces and a drive aisle in the front parking setback area due to the design of their drive thru, desired parking space total, and tree preservation area on the eastern and rear portion of the lots.

The petitioner also requests to not retain the required tree canopy on the development site, but rather, remove a portion for development and plant new native trees on portions of the site as mitigation for the removed tree canopy area.

SITE PLAN ISSUES:

Parking: There are 75 parking spaces proposed on the site. Based on the size of the proposed restaurant, a maximum of 55 parking spaces is allowed. The UDO also requires that parking be set 20 feet behind the front building wall of the restaurant. In the petition design, there are 8 parking spaces and a drive aisle that do not meet the setback requirement. Number of parking spaces and location of the access aisle are related to the petitioner's assertion that the needs of this particular franchise restaurant do not match existing typical development regulations. The petitioner also states that the large tree preservation area on the eastern and northern portions of the development site require that development be moved south, or forward, on the lots. Additionally, because the drive-thru empties near the front of the building, the addition of the drive lane in front of the building helps to alleviate a car stacking issue at the lighted intersection because cars can choose to go east.

Tree and Forest Preservation: The size of the lots combined is 2.3 acres. 1.1 acres, or 47.8% of the lots, is considered the baseline Canopy Cover of the lots. 20.05.044 requires that .77 acres of canopy cover be retained during development. Additionally, a ten foot easement is required around the preservation area, which totals roughly 4,700 square feet. In total, the UDO requires 0.9 acres of wooded area to be retained on this development site. That leave 1.4 acres available for development. The proposed development does not retain the 0.9 acres. The petitioners propose to retain 0.41 acres onsite. They also conducted a tree survey and commit to plant new trees on the site to 'replace' the 22 native species that are being removed. 15 trees that they identified as invasive or of poor characteristics are not being replaced.

Landscaping: Not including the tree preservation requirements, the petitioner will meet landscaping requirements. The proposed 22 trees related to the removed tree canopy will be in addition to those trees required by the UDO.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Maximum Parking – BMC 20.05.075

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

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

PROPOSED FINDING: The request is not injurious to the public health, safety, morals, or general welfare of the community.

- 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 the surrounding area associated with the proposed variance are found. The land to the north and east is right-of-way or vacant. The development will meet impervious surface and landscaping requirements.

- 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 difficulties are found in the strict application of the UDO. The maximum 55 spaces as required by the UDO would not support number of staff and expected visitors. Peculiar condition is found in no availability of street parking for this site and limiting the opportunity of additional parking for the site, as well as no shared parking opportunities.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Parking Setback BMC 20.02.360

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

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

PROPOSED FINDING: The request is not injurious to the public health, safety, morals, or general welfare of the community. Landscaping will be provided between the right-of-way and the encroaching parking spaces and drive aisle.

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

PROPOSED FINDING: No adverse impacts are found in the use and value of the surrounding area associated with the proposed variance. The development will meet impervious surface requirements. Landscaping will be provided between the right-of-way and the encroaching parking spaces and drive aisle.

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

PROPOSED FINDING: Peculiar condition is found in the location of the wooded area on the lots and the location of the signalized intersection at 3rd Street and Cory Lane. Practical difficulty is found in that meeting the parking setback for the desired number of parking spaces will push the parking into the area of the trees to be preserved. Practical difficulty is also found in the short stacking distance at

the light at 3rd Street and the private extension of Cory Lane related to the desired location of the drive through. When cars stack at this light, which would be the only option for eastbound traffic because of the median and the drive-through location, cars will have to stack in the drive-through area. The access driveway in front of the building gives another egress option for traffic and allows for an additional entrance option for cars approaching the site from the signalized intersection.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Tree Preservation – BMC 20.05.044

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

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

PROPOSED FINDING: The request is not injurious to the public health, safety, morals, or general welfare of the community. New native trees will be planted on site.

- 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 the surrounding area associated with the proposed variance are found. The development will meet impervious surface requirements. New native trees will be planted on site.

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

PROPOSED FINDING: Peculiar condition is found in the odd shape and fragmented nature of the wooded area. The wooded area is located in such a way as to make a realistic site design with full compliance difficult. Peculiar condition is also found in the small number of healthy native trees in the wooded area. Practical difficulty is found in the inability to layout this permitted use, with the high parking needs, on the site. The petition is proposing a tree replacement and mitigation plan that, over time, will replace most of the trees in the lost canopy with healthy native non-invasive tree species.

RECOMMENDATION: The Department recommends adoption of the proposed findings and approval of the V-32-17 with the following conditions:

- 1) Approval is for a maximum of 75 parking spaces for this particular restaurant use.
- 2) Front yard setback approval is for a maximum of what is shown in the petition site plan. No additional encroachments can be added without further variance approval.

- 3) Replacement trees shall be 4 inches in diameter and native species.
- 4) The petitioner shall record a tree preservation easement identifying those portions of the site that will remain tree canopy as a Zoning Commitment in the Monroe County Recorder's Office prior to the issuance of final occupancy.
- 5) A construction site plan indicating measures to be incorporated to protect the trees that will remain must be submitted and approved by the City of Bloomington Senior Environmental Planner before any Certificates of Zoning Compliance will be issued.
- 6) Petitioner shall submit a landscape mitigation plan for the wooded areas that will remain on the site that will seek to address all three stages of woodland stories with native landscaping.

MEMORANDUM

Date: January 18, 2018

To: Board of Zoning Appeals

From: Bloomington Environmental Commission

Subject: V-32-17, Jeff Meyer, Culver Franchising System, Inc. (Culver's), 2nd hearing
1914 & 1918 W. 3rd Street

PURPOSE

The purpose of this memo is to express the environmental concerns and resulting recommendations of the Environmental Commission (EC). This Board of Zoning Appeals (BZA) case is a request for a number of variances from the Bloomington Municipal Code (BMC), which include parking and driveway setback distance, number of parking spaces, and most significant to the EC, following the City's Environmental Standards: Tree and Forest Preservation (20.05.044). This regulation requires that a percentage of the tree and forest wooded area be preserved, and to establish a 10-foot Conservation/Tree Preservation Easement surrounding the woodland.

The EC wrote a memorandum for the first hearing that expressed its recommendation to deny this variance and the reasons why, which is attached herein, so those thoughts will not all be repeated in this memorandum. Recommendations in this writing will include, and possibly reiterate, the main points the EC wishes to emphasize.

Parenthetically, the deadline for final plan revisions for this month's BZA meeting was Thursday, January 4, and the EC Planning Work Group met on Wednesday, January 10 to discuss the changes made in the plan after the original submittal. The comments herein are based on what was discussed on January 10. When a Petitioner continues to make changes beyond the final revision deadline, the EC has no opportunity to learn, discuss, develop an agreement on recommendations, and circulate a memorandum for the packet.

Since the last BZA meeting, the Petitioner revised their Landscape Plan, which would be done at a later day anyway, but changed nothing else about the plan, nor incorporated the advice provided from the BZA discussion.

The EC is aware that there are some different BZA members now that other boards and commissions have reorganized because of the new year. The EC encourages the new members to closely read the original memorandum, ask any questions you may have, and consider the possible precedent set with an approval.

RECOMMENDATION

The EC continues to recommend that the BZA deny the requested variances, especially the tree and forest variance.

REASONS

#1. Proposed alternative findings

BMC, 20.09.130 Development Standards Variance, provides clear rules for when a variance can be granted. The BZA may allow a variance from the development standards only if it finds certain circumstances factual. The EC provides its proposed findings of facts below for the BZA to consider.

The EC does not believe that this request meets the criteria for a variance. This is the main reason the EC believes that this variance should be denied. An attempt to “shoehorn” a site plan onto a property that it doesn’t fit on, is not a justifiable reason for a variance. The EC believes that 20.09.130(e)(3) clearly states what is needed to grant a variance, and this design does not qualify.

20.09.130(e)(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.

EC proposed findings: The EC believes that the UDO regulations do not cause, or result in, any practical difficulties for the use of this specific property; there is nothing peculiar to this property to make it undevelopable or create practical difficulties to build on; and a Development Standards Variance is not necessary for development nor will it relieve any practical difficulty for this site.

This site can be developed by many different businesses, while at the same time protecting the wooded area and slopes, by configuring the construction limits of the development footprint differently. The EC realizes that the Petitioner may be constrained by corporate rules that dictate that they configure their stores in a consistent manner, but this is a self-imposed hardship. Perhaps the Petitioner could find a more suitable tract of land to meet their specific needs, because this

property could meet the needs of a different business and still protect the wooded area.

The EC thus believes that this request does not satisfy the UDO and State mandated criteria for allowing a variance according to Finding of Fact 20.09.130(e), Development Standards.

20.09.130(e)(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.”

EC proposed findings: The EC believes that reducing the tree canopy will, in fact, adversely harm the value of the property adjacent to it.

The EC believes, based on its own research, that property values are higher when near wooded land. Additionally, the wooded area currently buffers the noise pollution from the train tracks that traverse the back of the site, and with the majority of the woodland gone, the sounds of the trains will travel much farther in all directions, but especially toward 3rd Street. Furthermore, the EC believes that adjacent and nearby property will suffer because of fragmenting the woodland habitat further.

20.09.130(e)(1): “The approval will not be injurious to the public health, safety, morals, and general welfare of the community.”

EC proposed findings: The EC believes that reducing the tree canopy to be preserved and granting a variance to the tree and forest protection standards will, in fact, be injurious to the public health and the general welfare of the community.

The EC believes that granting a variance to reduce the tree and forest preservation standard by removing over an acre of wooded area and the habitats it supports would do the following:

- (1) degrade Bloomington’s ecologic environment by fragmenting habitats and reducing biodiversity;
- (2) degrade the public health by destroying places for pollinating species to live and reproduce, thus reducing local fruit and vegetable production; and
- (3) degrade the general welfare of the community by reducing the quality-of-life benefits of wooded space.

#2. Public Benefit

This petition provides no significant public benefit. The challenge in past cases involved weighing a public benefit, such as affordable housing, against environmental protection. In this case there is no such balance to consider, because this proposal asks for the public benefit (of an urban woodland) to actually be eliminated, for a chain restaurant.

Other variances may have been granted in the past because the request was for rebuilding on a lot that had already been developed in accordance with old regulations, in an already-built out area, such as College Mall. This case is not similar to that because it is a vacant greenfield.

#3. Habitat Connectivity

This site is within a delineated part of Bloomington that the EC describes in their Bloomington Habitat Connectivity Plan as a “potential area to create a link” between Priority Greenspace Area (PGA) No. 1 and PGA No. 2. The EC has worked diligently to facilitate connecting greenspaces in town to provide opportunities for pollinators and other wildlife to travel for food and mates and to promote biodiversity.

#4. No green or sustainable building practices

The petitioner has not provided green, sustainable, innovative, or resilient features in the building design.

#5. Errors in Demolition Plan

The Demolition Plan depicts the wooded area planned for removal and identifies the trees within that area. The problem is that it shows a few trees to be removed that are misidentified, or that are native trees that should be kept. The EC recommends that the tree species be reidentified and the number of replacement trees being offered increased to reflect the new number.

#6. Errors in the Petitioner’s Statement

The Petitioner’s Statement says some things that cause the EC to think the UDO was misinterpreted by the Petitioner. The reason that is an important point is simply so the BZA will know their argument is not valid.

#7. Ecosystem value vs landscape value

The Tree and Forest Preservation regulation is not about landscaping aesthetics. The reason this UDO Section is different from the landscaping Section is that when considering woodland preservation, one is referring to the entire ecosystem in that location.

Simply planting additional trees on disturbed land is not re-creating a wooded ecosystem. The EC believes that the Petitioner should also offer to restore the remaining woodland to a healthy state, as was discussed at the last meeting. This would include removing the invasive species, ensuring through a maintenance plan that invasives did not return, and replanting all three woodland stories with native plants. Since the original submittal, the Petitioner made only a commitment to remove the invasive species in the retained woodland.

#8. Replacement trees

As a trade for the trees slated for removal, the Petitioner has offered to plant extra trees on the site -- extra trees beyond the number that the regular landscape standards require. There is nowhere in the UDO that allows or disallows this practice in place of following city regulations.

Furthermore, the EC does not believe this will work here, because after construction is completed there will not be enough room between the impervious surfaces and the undisturbed area left for that number of trees to survive after a few years.

#9. Landscape Plan

The Landscape Plan has been revised and now complies with UDO regulations in addition to committing to 4-inch DBH replacement trees. This usually occurs at the Site Plan or Grading Plan stage of a development. A compliant Landscape Plan would have had to be created regardless, so the EC sees nothing notable about it.

MEMORANDUM

Date: December 21, 2017

To: Board of Zoning Appeals

From: Bloomington Environmental Commission

Subject: V-32-17, Jeff Meyer, Culver Franchising System, Inc. (Culver's)
1914 & 1918 W. 3rd Street

PURPOSE

The purpose of this memo is to express the environmental concerns and resulting recommendations of the Environmental Commission (EC). Both the EC as a whole and the Planning Working Group reviewed this petition on multiple occasions and inspected the site to derive the following opinions. This Board of Zoning Appeals (BZA) case is a request for a number of variances from the Bloomington Municipal Code (BMC), which include parking and driveway setback distance, number of parking spaces, and most significant to the EC, disregarding the City's Environmental Standards: Tree and Forest Preservation (20.05.044). This standard requires that a percentage of the tree and forest wooded area be preserved, and to establish a 10-foot Conservation/Tree Preservation Easement surrounding the woodland.

SITE & PROJECT DESCRIPTION

The Petitioner is proposing to construct a restaurant that will cover most of the site with a building, driveways, and parking spaces.

This site is located on Bloomington's west side within the Commercial Arterial Zoning District (CA), on about 2.3 acres. Currently the subject land is owned, in part by a local business (~1.5 A), and in part by the City of Bloomington Board of Public Works (~0.9 A). The site is covered by more at least 1.4 acres of closed-canopy wooded area, with other trees and shrubs scattered about, has undulating topography with some steep slopes, and is adjacent to a very large sinkhole, which has been disturbed for years.

Parts of the site are heavily infested with invasive plants, including Asian bush honeysuckle, purple winter creeper, and black locust. It is impossible to note the floor

level ephemeral plants at this time of the year, but tree species include American linden, red elm, oak, black cherry, sassafras, shagbark hickory, persimmon, maple, walnut, and sweetgum. Overall, the site provides habitat for a variety of wildlife, including songbirds, cavity-nesting birds, small mammals, and insects.

Carbon sequestration, reduced heat island effect, flood mitigation, surface water filtration, connectivity to other wooded areas, pollinator habitat, and more, contribute to the environmental benefits this site provides.

RECOMMENDATION

The EC recommends that the BZA deny the requested variances, especially the tree and forest variance. The EC does not believe that the Petitioner meets the criteria for a variance, and the details why are found below.

#1. Proposed alternative findings

BMC, 20.09.130 Development Standards Variance, provides clear rules for when a variance can be granted. The BZA may allow a variance from the development standards only if it finds certain circumstances factual. The EC provides its proposed findings of facts below for the BZA to consider.

20.09.130(e)(1): “The approval will not be injurious to the public health, safety, morals, and general welfare of the community.”

EC proposed findings: The EC believes that reducing the tree canopy to be preserved and granting a variance to the tree and forest protection standards will, in fact, be injurious to the public health and the general welfare of the community.

The EC believes that granting a variance to reduce the tree and forest preservation standard by removing over an acre of wooded area and the habitats it supports would do the following.

- (1) degrade Bloomington’s ecologic environment by fragmenting habitats and reducing biodiversity;
- (2) degrade the public health by destroying places for pollinating species to live and reproduce thus reducing local fruit and vegetable production; and
- (3) degrade the general welfare of the community by reducing the quality-of-life benefits of wooded space.

Agreeing with that sentiment, BMC, 20.05.034, [Environmental Standards; General] states in its purpose that “It is prudent and necessary that every area which becomes the subject of a petition for a development be routinely scrutinized for the presence of environmental constraints in order to protect these environmental features as well as the public health, safety, and welfare.”

The EC recently published a Bloomington Habitat Connectivity Plan that states "...it's imperative that we conserve and enhance our existing greenspace to foster a healthy and stable ecosystem. Much of our diet consists of insect-pollinated food, so the protection of these species is especially vital. In addition, the health of our local ecosystem directly affects air quality, water quality, and many other quality-of-life indicators. We are becoming increasingly aware that our well-being at every level is inextricably linked to the condition of the natural world around us."

As the 2002 Growth Policies Plan (GPP) states, "...greenspace and the protection of sensitive environmental areas must be considered as necessary public facilities similar to utility services or roadway capacity."

20.09.130(e)(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."

EC proposed findings: The EC believes that reducing the tree canopy will, in fact, adversely harm the value of the property adjacent to it.

Studies have found that property values are higher when near wooded land. The woodland also currently buffers the noise pollution from the train tracks that traverse the back of the site. With the woodland gone, the sounds of the trains will travel much farther in all directions, but especially toward 3rd Street.

One more reason the EC believes that adjacent and nearby property will suffer is found in the Habitat Connectivity Plan. "Human behavior has drastically altered Bloomington's landscape, which threatens biodiversity and puts a strain on local flora and fauna by simultaneously removing habitat and demanding more of the web-of-life services they provide, like pollination, climate regulation, and stormwater management, among many others. Habitat that has not been removed by development is left fragmented, and, as a result local populations dwindle and in many cases reach unsustainably low levels. This has grave implication for the city's local food systems, aesthetics, public health, and economy."

20.09.130(e)(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.

EC proposed findings: The EC believes that the UDO regulations do not cause, or result in, any practical difficulties for the use of this specific property; there is nothing peculiar to this property to make it undevelopable or create practical difficulties to build on; and a Development Standards Variance is not necessary for development nor will it relieve any practical difficulty for this site.

This site can be developed, while at the same time protecting the wooded area and slopes, by configuring the construction limits of the development footprint differently. The EC realizes that the Petitioner may be constrained by corporate rules that dictate that they configure their stores in a consistent manner, but this is a self-imposed hardship. Perhaps the Petitioner could find a more suitable tract of land to meet their specific needs.

The EC thus believes that this request does not satisfy the UDO and State mandated criteria for allowing a variance according to Finding of Fact 20.09.130(e), Development Standards.

#2. Public Benefit

There have been projects in the past that have received variances from the environmental standards due to strong competing public benefits, such as affordable housing. However, unlike the previous petitions, this one provides no significant public benefit. The challenge in past cases involved weighing a public benefit against environmental protection. In this case, there is no such balance given that this proposal does not provide significant public benefit.

#3. Habitat Connectivity

This site is within a delineated part of Bloomington that the EC describes in their Bloomington Habitat Connectivity Plan as a “potential area to create a link” between Priority Greenspace Area (PGA) No. 1 and PGA No. 2. Currently, the delineated area is quite fragmented, which is unfortunate. When vegetated habitats are connected it provides opportunities for pollinators and other wildlife to travel for food and mates and it promotes biodiversity. Additionally, fragmented areas, by their nature, supply an overabundance of “edge” growth, causing the flora and fauna that survive in more dense wooded areas to be forced out. This petition does nothing to prevent fragmented wooded areas, and creates further fragmentation.

#4. No green or sustainable building practices

The petitioner has not provided green, sustainable, innovative, or resilient features. The UDO’s District Intent for the CA district states in part, “Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumptions.”

The GPP features robust language throughout regarding natural resource conservation and environmental integrity, including, “Natural ecosystem processes provide basic life support goods and services such as air and water purification, waste decomposition, food production, and recreational opportunities.” In fact, the first Goal in the GPP states: “Promote an ecologically sound environment through nurturing, protecting, and enhancing

natural resources and through advancing sustainability.” And GPP Policy 2 states: “Protect Trees and Greenspace from Development Impacts.”

The Petitioner’s Statement does not address green building practices, or provide basic site features like space for recyclables to be staged. There is nothing that hints toward energy or resource savings beyond local building code requirements, which could help alleviate our collective climate change catastrophe.

#5. Errors in Demolition Plan

The Demolition Plan depicts the wooded area planned for removal and has identified the trees within that area. No other vegetation within the floor and middle stories of the wooded area have been identified. The purpose of this exercise was to identify and count the trees that the city would find acceptable, and to identify and count those that it would not. Unacceptable trees are invasive or trees with poor characteristics such as weak wood. The Petitioner has offered to replant new trees in place of the number of acceptable trees, but not the others.

The problem is that the Demolition Plan shows trees to be removed that are misidentified. For example, *Tilia Americana*, commonly called Basswood or American Linden, was labeled as mulberry. It doesn’t specify if it’s a red or white mulberry. Red mulberries are native trees that are acceptable, while white mulberries, *morus alba*, are invasive and not allowed. Additionally, persimmon and cottonwood trees were identified as bad trees, but are not found on the lists of invasive or trees with poor characteristics and would be acceptable, because they are native to this area. The trouble with these mistakes is that it skews the number of trees that the Petitioner has offered to replace; that number is actually higher.

#6. Errors in the Petitioner’s Statement

The Petitioner’s Statement says, “If we were developing this smaller property (the one that the city owns) by itself we would not need a tree preservation variance, since the property is less than one acre and the requirement does not apply. The proposed project now covers portions of both properties which exceeds the one acre minimum and must now comply or seek a variance to remove some trees.” The EC assumes the above quote references 20.05.044(4) Smaller Parcels, which reads “For parcels of land less than two (2) acres, the preservation standards outlined in Division 20.05.044(a)(2): Retention of Existing Canopy may be altered by the Planning and Transportation Director to allow preservation of individual specimen trees or tree lines along property borders.” This does not mean that the retention requirement would automatically be cancelled.

#7. Ecosystem value vs landscape value

The Petitioner hired a Certified Pesticide Applicator to evaluate the trees on this site (please see the credentials that he provided, which does not include arborist). His

response was, "after walking the area thoroughly all Trees & shrubs under recommendation should be excavated and removed... Vines and volunteer small trees are coming up like weeds and again don't add any landscaping value."

The Tree and Forest Preservation regulation is not about landscaping aesthetics. The reason this Section is different from the landscaping Section is that when talking about woodland preservation, one is talking about the entire ecosystem in that location. Furthermore, the UDO does not put a landscape value on trees. One person's opinion that a certain tree has no value is irrelevant in this discussion. EC commissioners inspected this site also, and disagree that all the trees and shrubs should be excavated and removed. This is not a pristine woodland, but it provides a vast amount of habitat and supports many large native trees.

The Petitioner has not made any commitment to retain the wooded area they intend to keep, in its current state. If they are granted this variance, there would be nothing that would prohibit them from mowing between the remaining trees to create the look of a yard instead of a wooded area. This may leave trees, but would destroy the remaining ecosystem.

#8. Replacement trees

The Petitioner has suggested as a trade for the trees they propose to remove, to plant extra trees on the site -- extra trees beyond the number that the regular landscape standards require.

The EC does not think this idea will work because after construction is completed, there will not be enough room between the impervious surfaces and the undisturbed area left to accomplish this. The plan shows large canopy trees planted only 14 feet apart from center to center, and the EC knows that planting large canopy trees so close together, in soil where the topsoil has been removed and bedrock may be encountered, will result in a low future survival rate.

Furthermore, simply planting additional trees on disturbed land is not re-creating a wooded ecosystem. The EC believes that the Petitioner should also offer to restore the remaining woodland to a healthy state. This would include removing the invasive species, ensuring through a maintenance plan that invasives did not return, and replanting all three woodland stories with native plants.

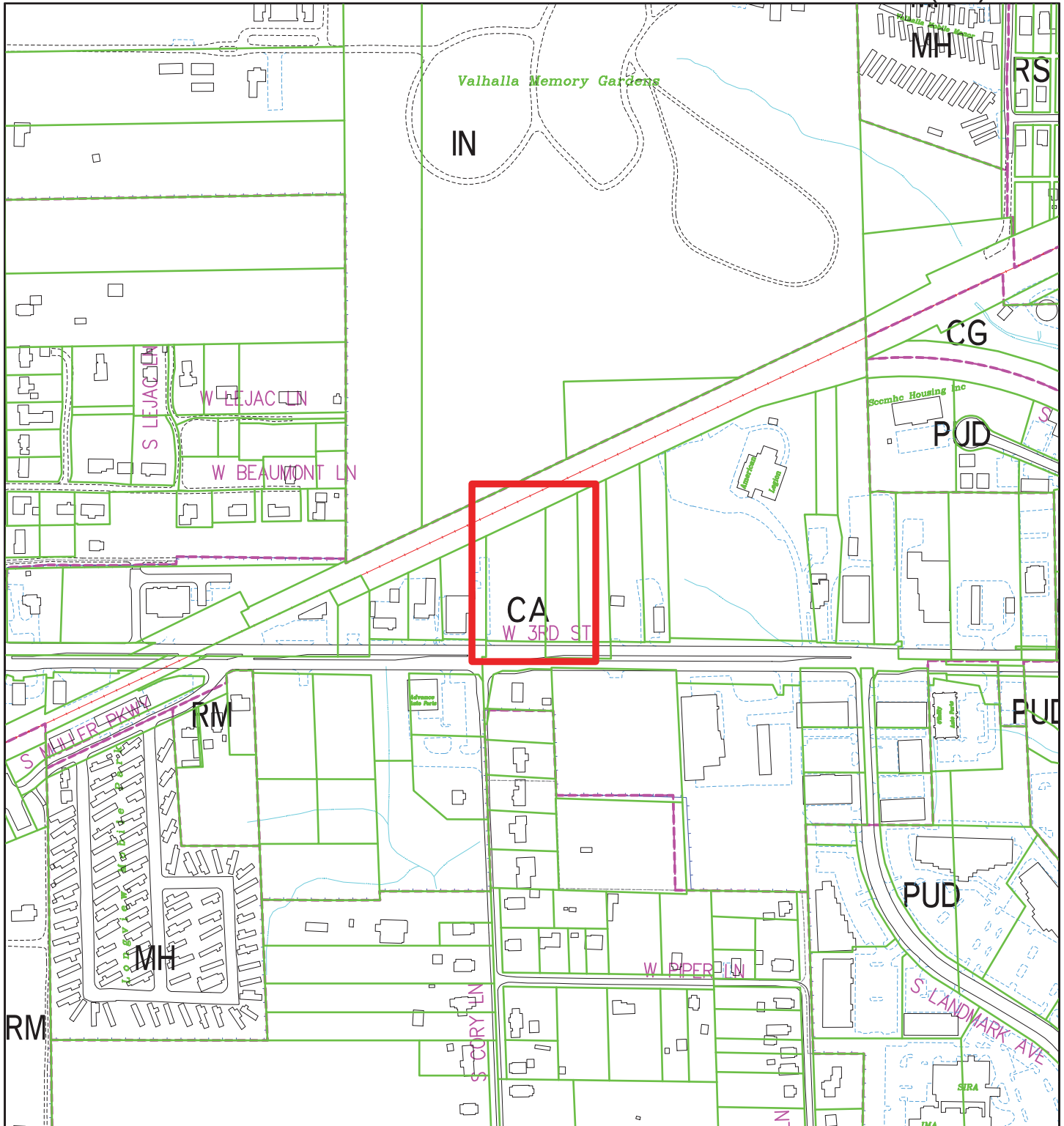
#9. Non-compliant Landscape Plan

The Landscape Plan currently has many problems and is not in compliance with the landscape standards in 20.05.052. The Petitioner has not requested a variance from this Section, so the EC expects the Landscape Plan will eventually be brought into compliance.

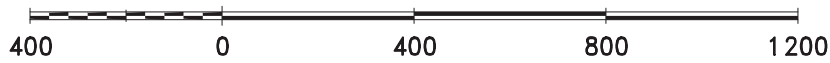
The EC is disappointed with the small number of native plants on the plant list. As the Petitioner revises the plan, the EC recommends that they incorporate more

native plants and steer away from those that are not. The hope is the new plants will mimic the native setting because using native plants provides food and habitat for birds, butterflies, and other beneficial insects, and promotes biodiversity in the city. Furthermore, native plants do not require chemical fertilizers or pesticides and are water efficient once established.

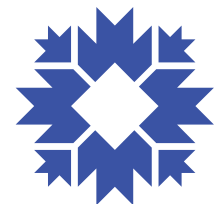
Additionally, many of the trees adjacent to the construction zone will not live into the future after having their root zones damaged by construction, such as the ones at the back of the property. The Landscape Plan should take this into account by removing the trees closest to the construction zone and replanting when construction is complete, or keeping them but not counting them toward their required plant numbers.



By: scanlanj
15 Dec 17

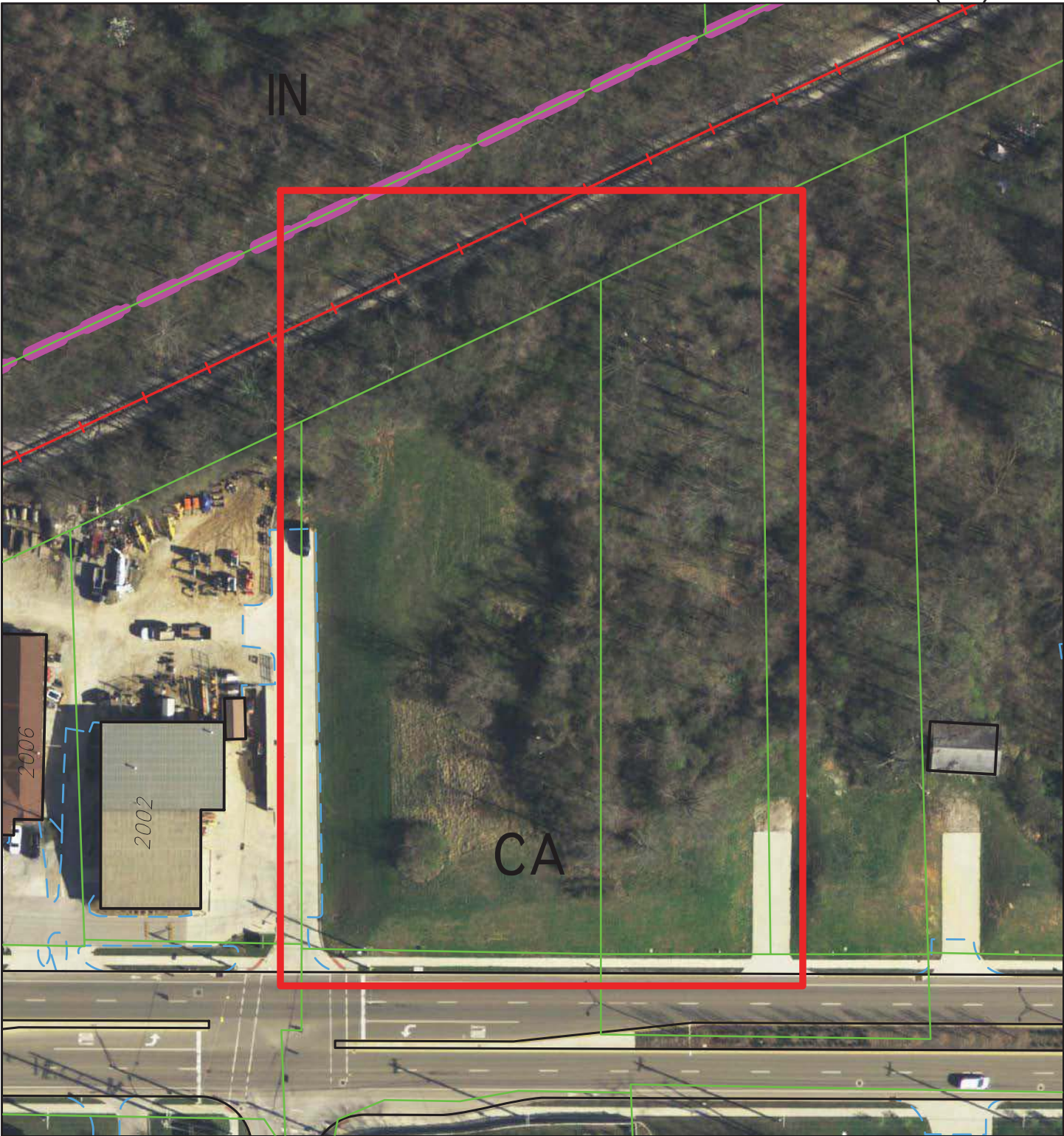


City of Bloomington
Planning & Transportation

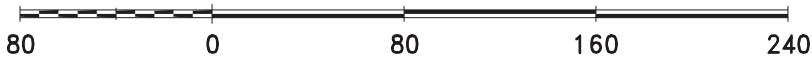


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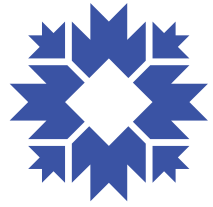
For reference only; map information NOT warranted.



By: scanlanj
15 Dec 17



City of Bloomington
Planning & Transportation



Scale: 1" = 80'

For reference only; map information NOT warranted.



BYNUM FANYO & ASSOCIATES, INC.

(33)
Architecture
Civil Engineering
Planning

November 19, 2017

Bloomington Board of Zoning Appeals
401 N Morton Street
Bloomington, Indiana 47403

Re: Culver's Restaurant 1900 Block West 3rd Street

Dear BZA Members:

Our client respectfully requests three variances from the development standards listed in the UDO. The variances include Maximum Parking Spaces, Parking Set Backs for parking stalls and access drive and Tree Preservation.

Maximum Parking Spaces:

The proposed Culvers restaurant will be 5,500 square feet that would allow for 55 parking spaces per the UDO. When we first met with City Planning, our site plan contained 83 parking spaces. The staff indicated the UDO would not allow for that many and asked the petitioner to reduce the number of spaces. We contacted Culvers Corporate Office and they indicated they would not approve a store with less than 75 spaces. The staff suggested we perform a parking study to support the need. We performed the parking study on four Indianapolis Culvers owned by our client, (please see attached study). In summary the Fishers store is 5,000 square feet, has 67 on site parking spaces, 10 on street spaces and 15 leased spaces for employees across the street, for a total of 92 parking spaces. The employees use the offsite spaces. The study shows all on site parking spaces are full or near full during the noon and evening hours of operation. We also know there are 15 employees during these hours filling the leased space. We believe the 10 on street spaces are also customers of Culvers but these may be used by others as well. The W. 71st Street restaurant has 4400 square feet and has 64 on site spaces and they lease 10 offsite spaces. The study show full to near full onsite spaces during the lunch operating hours and the employee spaces are full as well. The Greenfield restaurant is 4600 square feet and has 70 on street parking spaces. These spaces are full to nearly full during lunch and dinner hours of operation. The E. 96th Street restaurant is also 4600 square feet and has 52 onsite spaces and 24 leased spaces on the adjoining Menard's property. The parking study shows the onsite spaces are frequently full and the adjoining spaces are as well.

As stated above the proposed restaurant will be 500 to 900 square feet larger than the restaurants in the study. Our proposed location is not adjacent to a mall or big box store that could lease spaces and we have no opportunity for on street parking due to the nature of W. 3rd Street's configuration. For these reasons we hope we have demonstrated additional parking is warranted for this location.

528 North Walnut Street
812-332-8030

Bloomington, Indiana 47404
FAX 812-339-2990



BYNUM FANYO & ASSOCIATES, INC.

(34)
Architecture
Civil Engineering
Planning

Parking Set Back:

The proposed restaurant is located at the northeast corner of W. 3rd Street and Cory Lane. This intersection is signalized. The UDO requires that parking spaces be 20' behind the face of the building, this includes the drives accessing the parking spaces. Our site design has an access drive across the south side of the building which is located in front of the proposed building. We are proposing this location to alleviate potential traffic conflicts in the event vehicles leaving our site or the adjoining property, queuing up beyond our exit drive and the adjoiners and not being able to exit on to the north extension of Cory Lane. By providing this drive, vehicles exiting from our property have the ability to drive to the east ingress egress drive and exit on west bound W. 3rd Street. This will improve the function of the intersect by allowing vehicles to exit our site without congesting the existing intersection.

We also have parking stalls at the face of the building. We have done this to reduce the area of disturbance to the site.

Tree Preservation:

This project was originally considering to be developed on just the Melody Music property consisting of approximately 1.4 acres. This site has very limited tree canopy, mostly along the railroad on the north property line. However, there was not enough space to develop a Culver's restaurant with the required parking. My clients were successful in being the highest bidder on the .83-acre site the city owns just west of the Melody Music property. This property has more trees and canopy. If we were developing this smaller property by itself we would not need a tree preservation variance, since the property is less than 1 acre and the requirement does not apply. The proposed project now covers portions of both properties which exceeds the 1 acre minimum and must now comply or seek a variance to remove some trees. With both sites combined there is a 57% tree canopy coverage. The UDO requires us to preserve 70% of this 57%, i.e. we can remove 30% of the existing canopy.

The existing stand of trees consists of many vines and invasive species that is choking out the native trees. We have photos showing severe wind and/ or lightning damage as well. Staff had suggested we remove the vines and invasive species early in our discussions.

My client hired an arborist and landscape architect to analyze the existing trees. They reported that the stand of trees was mostly of poor or low-quality trees and replacing them would be a better plan. The staff has also inspected the trees and urged us to come up with a plan that preserves what we can and to mitigate what we cannot.

Bynum Fanyo & Associates performed a tree survey in early November. The survey identified 68 trees on both parcels. The proposed site design would require 37 trees to be removed, 15 of these trees are listed as invasive or of poor characteristics in section 20.05.059 Exhibit LA-B of the UDO. The remaining 22 trees are native species, but some are in poor condition.



BYNUM FANYO & ASSOCIATES, INC.

(35)
Architecture
Civil Engineering
Planning

My client and the staff concluded that the best way forward would be to reduce the number of parking spaces from 83 to 75, reducing our foot print. We would prepare a landscape plan that meets the UDO, and we would replace the 22 native species trees in areas that are adjacent to the remaining tree canopy that would have the effect of expanding the existing canopy with higher quality trees. The attached plan was developed to achieve this goal.

After you have reviewed our petition please feel free to contact us at any time to discuss or answer questions you may have.

Sincerely,

Jeffrey S. Fanyo, P.E. CFM

Bynum Fanyo and Associates, Inc.

Culvers parki king lot counts

	Fishers IN		Friday		W. 71st. Indy Friday		Greenfield IN Friday		W. 96th St. Carmel IN			
	Wed.	10/22/2015	10/23/2015	10/23/2015	Wed.	10/21/2015	10/22/2015	10/23/2015	Wed.	10/21/2015	10/22/2015	10/23/2015
10:00AM	23	15	27	27	18	21	23	17	17	17	20	21
11:00 AM	38	20	34	34	26	29	32	20	22	26	34	32
12:00PM	45	29	42	40	34	38	40	39	36	33	41	45
1:00PM	37	37	38	41	25	37	41	26	27	47	36	44
2:00PM	26	30	27	25	18	25	25	20	25	30	25	28
3:00 PM	24	20	25	27	20	22	27	22	20	16	20	27
4:00 PM	38	38	41	35	26	34	35	25	22	30	33	26
5:00 PM	61	60	62	55	48	44	55	35	30	42	54	62
6:00 PM	55	52	59	48	37	42	48	33	38	45	62	65
7:00PM	43	49	53	37	32	40	37	28	26	33	45	36
8:00PM	31	30	44	30	26	31	30	25	30	27	34	40

Fishers has 62 total parking spots

W. 71st. Has 64 total parking spots

Greenfield has 70 spots

W 96th has 51 spots and leased an additional 24 from Mienards next door

Data collected by Jeff Meyer who is the owner of all four of these Culvers. Jeff can be reached at 317-442-6999.

WELCOME TO DELICIOUS®

Parking Lot Vehicle Counts* at Four Culver's Locations

Fishers, IN			
	Wed.	Thurs.	Fri.
	7/19/2017	7/20/2017	7/21/2017
10:00 AM	18	19	26
11:00 AM	40	33	46
12:00 PM	53	54	65
1:00 PM	57	53	64
2:00 PM	32	41	60
3:00 PM	21	28	39
4:00 PM	34	36	43
5:00 PM	58	62	65
6:00 PM	64	64	66
7:00 PM	65	58	67
8:00 PM	52	49	67

Fishers has 67 total parking spaces. There are an additional 10 spaces on the street and an additional 15 spaces in the hospital parking lot across the street.

Indianapolis, IN - W. 71st Street			
	Wed.	Thurs.	Fri.
	7/12/2017	7/13/2017	7/14/2017
10:00 AM	22	21	23
11:00 AM	36	29	32
12:00 PM	52	55	63
1:00 PM	55	48	64
2:00 PM	45	40	60
3:00 PM	22	19	31
4:00 PM	24	29	31
5:00 PM	51	57	49
6:00 PM	41	36	42
7:00 PM	30	41	46
8:00 PM	31	35	52

W. 71st Street has 64 total parking spaces. There are an additional 10 spaces at Ivy Tech Community College next door.

Greenfield, IN			
	Wed.	Thurs.	Fri.
	7/19/2017	7/20/2017	7/21/2017
10:00 AM	21	22	24
11:00 AM	36	39	41
12:00 PM	54	55	69
1:00 PM	65	56	66
2:00 PM	58	41	68
3:00 PM	31	29	59
4:00 PM	28	25	34
5:00 PM	44	45	41
6:00 PM	59	62	68
7:00 PM	51	68	68
8:00 PM	62	70	70+

Greenfield has 70 total parking spaces.

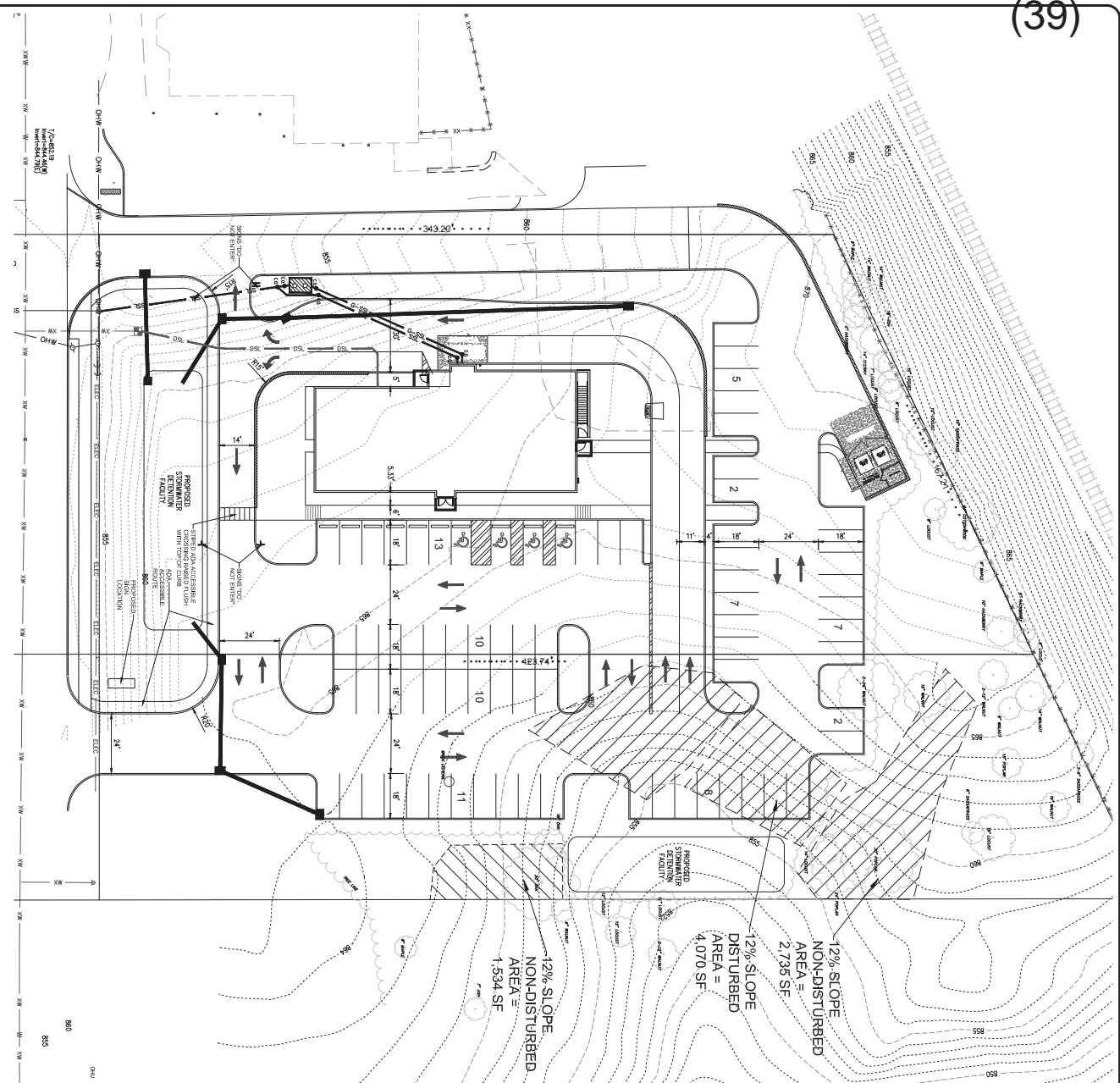
Indianapolis, IN - E. 96th Street			
	Wed.	Thurs.	Fri.
	7/19/2017	7/20/2017	7/21/2017
10:00 AM	22	20	26
11:00 AM	46	44	48
12:00 PM	52	52	52
1:00 PM	52	51	52
2:00 PM	41	42	39
3:00 PM	31	29	33
4:00 PM	44	42	46
5:00 PM	52	52	52
6:00 PM	52	52	52
7:00 PM	52	50	52
8:00 PM	52	52	52

E. 96th Street has 52 total parking spaces. There are an additional 24 spaces that we lease from Menard's next door.

*Employee vehicles are not included in these totals. At any given time, there might be an additional 12-20 cars in the parking lot.

Data collected by Jeff Meyer, owner of these four Culver's restaurants. Jeff can be reached at (317) 442-6999.





SITE INFORMATION

PROPOSED NUMBER OF PARKING SPACES: 15
 LOT WIDTH (COMBINED): 267.94 FT
 LOT AREA (COMBINED): 86,201.48 SF (2.21 AC)
 PROPOSED IMPERVIOUS AREA: 54,529.28 SF
 PROPOSED IMPERVIOUS COVERAGE: 57.7%
 PROPOSED 12% SLOPE CONSERVANCY DISTURBED: 4,070 SQ. FT.
 DISTURBED: 4,070 < 50%
 DISTURBED: 4,070 < 50%

ZONING INFORMATION

ABSORPTION CITY OF BLOOMINGTON
 ZONING: COMMERCIAL, ARTISAN (CA)
 MINIMUM LOT WIDTH: 100 FT
 MINIMUM LOT AREA: 10,000 SF
 MAXIMUM PERMITTED STRUCTURE HEIGHT: 35 FT
 MAXIMUM IMPERVIOUS COVERAGE: 60%
 MAXIMUM IMPERVIOUS COVERAGE: 60%
 MAXIMUM DENSITY: 15 UNITS/AC, 2.04 SF/UNIT
 FROM TANG BUILDING SETBACK: 15 FT FROM THE PROPOSED FRONT SETBACKS OF THE EXISTING BUILDING STRUCTURES ON THE SAME BLOCK FROM THE A MINIMUM SETBACK OF 10 FT IS REQUIRED FROM THE PROPERTY LINE WHERE ACCESS IS GRANTED.
 SIDE & REAR VARIOUS BUILDING SETBACK: 7 FT
 SIDE & REAR VARIOUS BUILDING SETBACK: 7 FT ADJACENT TO BUILDING WALL.
 SIDE & REAR VARIOUS BUILDING SETBACK: 7 FT ADJACENT TO BUILDING WALL.
 SIDE & REAR VARIOUS BUILDING SETBACK: 7 FT ADJACENT TO BUILDING WALL.
 SIDE & REAR VARIOUS BUILDING SETBACK: 7 FT ADJACENT TO BUILDING WALL.

EXISTING LEGEND

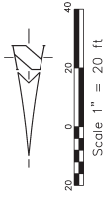
- PROPERTY LINE
- 1 FENCE
- 2 WATER LINE PER
- 3 CONDUIT & ELEVATION
- 4 SANITARY SEWER PER
- 5 STORM SEWER PER
- 6 OVERHEAD ELECTRIC LINES
- 7 UNDERGROUND ELECTRIC LINES
- 8 OVERHEAD TELEPHONE LINES
- 9 UNDERGROUND TELEPHONE LINES
- 10 GAS LINE PER

SITE LEGEND

- 1 BARRIAGE FURNACE
- 2 ADA ACCESSIBLE PARKING SPACE
- 3 ADA ACCESSIBLE PARKING SIGN
- 4 PERMITS MARK ON CONCRETE PAVE
- 5 REPAIRED CONCRETE PAVING
- 6 CONSTRUCTION LAMPS
- 7 CONCRETE CURB CONSTRUCTION
- 8 MANHOLE CONCRETE CURB AND SIDEWALK
- 9 LAMP OR UNDERCOWL JET
- 10 MATCH EXISTING CURB, SIDEWALK, PARKING DELIMITERS
- 11 FRENCH DRAIN SYSTEM OR IMPROVED CURB
- 12 CONCRETE PARKING BARRIER BLOCK
- 13 PARKING LOT PAINT LINE FINISH
- 14 STANDING ROAD PARKING PAINT SIGN
- 15 SIGNIFY ADA ACCESSIBLE PARKING / PER STREETS 1-1
- 16 8001 30" x 30" x 4" ADA SIGN SIGN
- 17 8001 24" x 30" x 4" ADA SIGN SIGN
- 18 VAN ACCESSIBLE SPONTANEOUS SIGN
- 19 6" x 6" PER CONCRETE CURB
- 20 COMPRESSED CONCRETE CURB, SAME AS 13 BUT 6" x 6" CURB HEIGHT
- 21 4" x 6" WPC SLOPE WHITE PAINTED PARKING MARKING
- 22 4" x 6" WPC SLOPE YELLOW PAINTED PARKING MARKING
- 23 4" x 6" WPC SLOPE BLUE PAINTED CURB PARKING MARKING
- 24 4" x 6" WPC SLOPE YELLOW PAINTED PARKING MARKING
- 25 4" x 6" WPC SLOPE WHITE PAINTED PARKING MARKING
- 26 4" x 6" WPC SLOPE YELLOW PAINTED PARKING MARKING
- 27 18" x 18" WPC SLOPE IMPERMEABLE WHITE STOP BAR PARKING MARKING
- 28 NUMBER OF PARKING SPACES PER LOT

UTILITY LEGEND

- 1 12" x 12" REINFORCED CONCRETE PER PIPE SERVICE LINE (PRIVATELY OWNED)
- 2 24" x 24" PER CONCRETE WATER SERVICE LINE
- 3 WATER LINE DATE VALUE
- 4 F.A.C. PER EXISTING "STREET" CONNECTION
- 5 P.V.C. PER EXISTING WATER
- 6 6" x 6" x 3/4" PER SANITARY SEWER LATERAL
- 7 12" x 12" x 3/4" PER SANITARY SEWER MAIN
- 8 15" x 15" x 3/4" PER SANITARY SEWER MAIN
- 9 18" x 18" x 3/4" PER SANITARY SEWER MAIN
- 10 24" x 24" x 3/4" PER SANITARY SEWER MAIN
- 11 30" x 30" x 3/4" PER SANITARY SEWER MAIN
- 12 36" x 36" x 3/4" PER SANITARY SEWER MAIN
- 13 42" x 42" x 3/4" PER SANITARY SEWER MAIN
- 14 48" x 48" x 3/4" PER SANITARY SEWER MAIN
- 15 54" x 54" x 3/4" PER SANITARY SEWER MAIN
- 16 60" x 60" x 3/4" PER SANITARY SEWER MAIN
- 17 66" x 66" x 3/4" PER SANITARY SEWER MAIN
- 18 72" x 72" x 3/4" PER SANITARY SEWER MAIN
- 19 78" x 78" x 3/4" PER SANITARY SEWER MAIN
- 20 84" x 84" x 3/4" PER SANITARY SEWER MAIN
- 21 90" x 90" x 3/4" PER SANITARY SEWER MAIN
- 22 96" x 96" x 3/4" PER SANITARY SEWER MAIN
- 23 102" x 102" x 3/4" PER SANITARY SEWER MAIN
- 24 108" x 108" x 3/4" PER SANITARY SEWER MAIN
- 25 114" x 114" x 3/4" PER SANITARY SEWER MAIN
- 26 120" x 120" x 3/4" PER SANITARY SEWER MAIN
- 27 126" x 126" x 3/4" PER SANITARY SEWER MAIN
- 28 132" x 132" x 3/4" PER SANITARY SEWER MAIN
- 29 138" x 138" x 3/4" PER SANITARY SEWER MAIN
- 30 144" x 144" x 3/4" PER SANITARY SEWER MAIN
- 31 150" x 150" x 3/4" PER SANITARY SEWER MAIN
- 32 156" x 156" x 3/4" PER SANITARY SEWER MAIN
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- 45 234" x 234" x 3/4" PER SANITARY SEWER MAIN
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- 59 318" x 318" x 3/4" PER SANITARY SEWER MAIN
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- 63 342" x 342" x 3/4" PER SANITARY SEWER MAIN
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- 74 408" x 408" x 3/4" PER SANITARY SEWER MAIN
- 75 414" x 414" x 3/4" PER SANITARY SEWER MAIN
- 76 420" x 420" x 3/4" PER SANITARY SEWER MAIN
- 77 426" x 426" x 3/4" PER SANITARY SEWER MAIN
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- 91 510" x 510" x 3/4" PER SANITARY SEWER MAIN
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- 99 558" x 558" x 3/4" PER SANITARY SEWER MAIN
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- 103 582" x 582" x 3/4" PER SANITARY SEWER MAIN
- 104 588" x 588" x 3/4" PER SANITARY SEWER MAIN
- 105 594" x 594" x 3/4" PER SANITARY SEWER MAIN
- 106 600" x 600" x 3/4" PER SANITARY SEWER MAIN
- 107 606" x 606" x 3/4" PER SANITARY SEWER MAIN
- 108 612" x 612" x 3/4" PER SANITARY SEWER MAIN
- 109 618" x 618" x 3/4" PER SANITARY SEWER MAIN
- 110 624" x 624" x 3/4" PER SANITARY SEWER MAIN
- 111 630" x 630" x 3/4" PER SANITARY SEWER MAIN
- 112 636" x 636" x 3/4" PER SANITARY SEWER MAIN
- 113 642" x 642" x 3/4" PER SANITARY SEWER MAIN
- 114 648" x 648" x 3/4" PER SANITARY SEWER MAIN
- 115 654" x 654" x 3/4" PER SANITARY SEWER MAIN
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- 118 672" x 672" x 3/4" PER SANITARY SEWER MAIN
- 119 678" x 678" x 3/4" PER SANITARY SEWER MAIN
- 120 684" x 684" x 3/4" PER SANITARY SEWER MAIN
- 121 690" x 690" x 3/4" PER SANITARY SEWER MAIN
- 122 696" x 696" x 3/4" PER SANITARY SEWER MAIN
- 123 702" x 702" x 3/4" PER SANITARY SEWER MAIN
- 124 708" x 708" x 3/4" PER SANITARY SEWER MAIN
- 125 714" x 714" x 3/4" PER SANITARY SEWER MAIN
- 126 720" x 720" x 3/4" PER SANITARY SEWER MAIN
- 127 726" x 726" x 3/4" PER SANITARY SEWER MAIN
- 128 732" x 732" x 3/4" PER SANITARY SEWER MAIN
- 129 738" x 738" x 3/4" PER SANITARY SEWER MAIN
- 130 744" x 744" x 3/4" PER SANITARY SEWER MAIN
- 131 750" x 750" x 3/4" PER SANITARY SEWER MAIN
- 132 756" x 756" x 3/4" PER SANITARY SEWER MAIN
- 133 762" x 762" x 3/4" PER SANITARY SEWER MAIN
- 134 768" x 768" x 3/4" PER SANITARY SEWER MAIN
- 135 774" x 774" x 3/4" PER SANITARY SEWER MAIN
- 136 780" x 780" x 3/4" PER SANITARY SEWER MAIN
- 137 786" x 786" x 3/4" PER SANITARY SEWER MAIN
- 138 792" x 792" x 3/4" PER SANITARY SEWER MAIN
- 139 798" x 798" x 3/4" PER SANITARY SEWER MAIN
- 140 804" x 804" x 3/4" PER SANITARY SEWER MAIN
- 141 810" x 810" x 3/4" PER SANITARY SEWER MAIN
- 142 816" x 816" x 3/4" PER SANITARY SEWER MAIN
- 143 822" x 822" x 3/4" PER SANITARY SEWER MAIN
- 144 828" x 828" x 3/4" PER SANITARY SEWER MAIN
- 145 834" x 834" x 3/4" PER SANITARY SEWER MAIN
- 146 840" x 840" x 3/4" PER SANITARY SEWER MAIN
- 147 846" x 846" x 3/4" PER SANITARY SEWER MAIN
- 148 852" x 852" x 3/4" PER SANITARY SEWER MAIN
- 149 858" x 858" x 3/4" PER SANITARY SEWER MAIN
- 150 864" x 864" x 3/4" PER SANITARY SEWER MAIN
- 151 870" x 870" x 3/4" PER SANITARY SEWER MAIN
- 152 876" x 876" x 3/4" PER SANITARY SEWER MAIN
- 153 882" x 882" x 3/4" PER SANITARY SEWER MAIN
- 154 888" x 888" x 3/4" PER SANITARY SEWER MAIN
- 155 894" x 894" x 3/4" PER SANITARY SEWER MAIN
- 156 900" x 900" x 3/4" PER SANITARY SEWER MAIN
- 157 906" x 906" x 3/4" PER SANITARY SEWER MAIN
- 158 912" x 912" x 3/4" PER SANITARY SEWER MAIN
- 159 918" x 918" x 3/4" PER SANITARY SEWER MAIN
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- 165 954" x 954" x 3/4" PER SANITARY SEWER MAIN
- 166 960" x 960" x 3/4" PER SANITARY SEWER MAIN
- 167 966" x 966" x 3/4" PER SANITARY SEWER MAIN
- 168 972" x 972" x 3/4" PER SANITARY SEWER MAIN
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- 170 984" x 984" x 3/4" PER SANITARY SEWER MAIN
- 171 990" x 990" x 3/4" PER SANITARY SEWER MAIN
- 172 996" x 996" x 3/4" PER SANITARY SEWER MAIN
- 173 1002" x 1002" x 3/4" PER SANITARY SEWER MAIN
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- 177 1026" x 1026" x 3/4" PER SANITARY SEWER MAIN
- 178 1032" x 1032" x 3/4" PER SANITARY SEWER MAIN
- 179 1038" x 1038" x 3/4" PER SANITARY SEWER MAIN
- 180 1044" x 1044" x 3/4" PER SANITARY SEWER MAIN
- 181 1050" x 1050" x 3/4" PER SANITARY SEWER MAIN
- 182 1056" x 1056" x 3/4" PER SANITARY SEWER MAIN
- 183 1062" x 1062" x 3/4" PER SANITARY SEWER MAIN
- 184 1068" x 1068" x 3/4" PER SANITARY SEWER MAIN
- 185 1074" x 1074" x 3/4" PER SANITARY SEWER MAIN
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- 206 1200" x 1200" x 3/4" PER SANITARY SEWER MAIN
- 207 1206" x 1206" x 3/4" PER SANITARY SEWER MAIN
- 208 1212" x 1212" x 3/4" PER SANITARY SEWER MAIN
- 209 1218" x 1218" x 3/4" PER SANITARY SEWER MAIN
- 210 1224" x 1224" x 3/4" PER SANITARY SEWER MAIN
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- 215 1254" x 1254" x 3/4" PER SANITARY SEWER MAIN
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- 217 1266" x 1266" x 3/4" PER SANITARY SEWER MAIN
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- 220 1284" x 1284" x 3/4" PER SANITARY SEWER MAIN
- 221 1290" x 1290" x 3/4" PER SANITARY SEWER MAIN
- 222 1296" x 1296" x 3/4" PER SANITARY SEWER MAIN
- 223 1302" x 1302" x 3/4" PER SANITARY SEWER MAIN
- 224 1308" x 1308" x 3/4" PER SANITARY SEWER MAIN
- 225 1314" x 1314" x 3/4" PER SANITARY SEWER MAIN
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- 227 1326" x 1326" x 3/4" PER SANITARY SEWER MAIN
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- 243 1422" x 1422" x 3/4" PER SANITARY SEWER MAIN
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- 245 1434" x 1434" x 3/4" PER SANITARY SEWER MAIN
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- 248 1452" x 1452" x 3/4" PER SANITARY SEWER MAIN
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- 250 1464" x 1464" x 3/4" PER SANITARY SEWER MAIN
- 251 1470" x 1470" x 3/4" PER SANITARY SEWER MAIN
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- 254 1488" x 1488" x 3/4" PER SANITARY SEWER MAIN
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- 274 1608" x 1608" x 3/4" PER SANITARY SEWER MAIN
- 275 1614" x 1614" x 3/4" PER SANITARY SEWER MAIN
- 276 1620" x 1620" x 3/4" PER SANITARY SEWER MAIN
- 277 1626" x 1626" x 3/4" PER SANITARY SEWER MAIN
- 278 1632" x 1632" x 3/4" PER SANITARY SEWER MAIN
- 279 1638" x 1638" x 3/4" PER SANITARY SEWER MAIN
- 280 1644" x 1644" x 3/4" PER SANITARY SEWER MAIN
- 281 1650" x 1650" x 3/4" PER SANITARY SEWER MAIN
- 282 1656" x 1656" x 3/4" PER SANITARY SEWER MAIN
- 283 1662" x 1662" x 3/4" PER SANITARY SEWER MAIN
- 284 1668" x 1668" x 3/4" PER SANITARY SEWER MAIN
- 285 1674" x 1674" x 3/4" PER SANITARY SEWER MAIN
- 286 1680" x 1680" x 3/4" PER SANITARY SEWER MAIN
- 287 1686" x 1686" x 3/4" PER SANITARY SEWER MAIN
- 288 1692" x 1692" x 3/4" PER SANITARY SEWER MAIN
- 289 1698" x 1698" x 3/4" PER SANITARY SEWER MAIN
- 290 1704" x 1704" x 3/4" PER SANITARY SEWER MAIN
- 291 1710" x 1710" x 3/4" PER SANITARY SEWER MAIN
- 292 1716" x 1716" x 3/4" PER SANITARY SEWER MAIN
- 293 1722" x 1722" x 3/4" PER SANITARY SEWER MAIN
- 294 1728" x 1728" x 3/4" PER SANITARY SEWER MAIN
- 295 1734" x 1734" x 3/4" PER SANITARY SEWER MAIN
- 296 1740" x 1740" x 3/4" PER SANITARY SEWER MAIN
- 297 1746" x 1746" x 3/4" PER SANITARY SEWER MAIN
- 298 1752" x 1752" x 3/4" PER SANITARY SEWER MAIN
- 299 1758" x 1758" x 3/4" PER SANITARY SEWER MAIN
- 300 1764" x 1764" x 3/4" PER SANITARY SEWER MAIN
- 301 1770" x 1770" x 3/4" PER SANITARY SEWER MAIN
- 302 1776" x 1776" x 3/4" PER SANITARY SEWER MAIN
- 303 1782" x 1782" x 3/4" PER SANITARY SEWER MAIN
- 304 1788" x 1788" x 3/4" PER SANITARY SEWER MAIN
- 305 1794" x 1794" x 3/4" PER SANITARY SEWER MAIN
- 306 1800" x 1800" x 3/4" PER SANITARY SEWER MAIN
- 307 1806" x 1806" x 3/4" PER SANITARY SEWER MAIN
- 308 1812" x 1812" x 3/4" PER SANITARY SEWER MAIN
- 309 1818" x 1818" x 3/4" PER SANITARY SEWER MAIN
- 310 1824" x 1824" x 3/4" PER SANITARY SEWER MAIN
- 311 1830" x 1830" x 3/4" PER SANITARY SEWER MAIN
- 312 1836" x 1836" x 3/4" PER SANITARY SEWER MAIN
- 313 1842" x 1842" x 3/4" PER SANITARY SEWER MAIN
- 314 1848" x 1848" x 3/4" PER SANITARY SEWER MAIN
- 315 1854" x 1854" x 3/4" PER SANITARY SEWER MAIN
- 316 1860" x 1860" x 3/4" PER SANITARY SEWER MAIN
- 317 1866" x 1866" x 3/4" PER SANITARY SEWER MAIN
- 318 1872" x 1872" x 3/4" PER SANITARY SEWER MAIN
- 319 1878" x 1878" x 3/4" PER SANITARY SEWER MAIN
- 320 1884" x 1884" x 3/4" PER SANITARY SEWER MAIN
- 321 189



AT 1918 WEST THIRD STREET
BLOOMINGTON, INDIANA

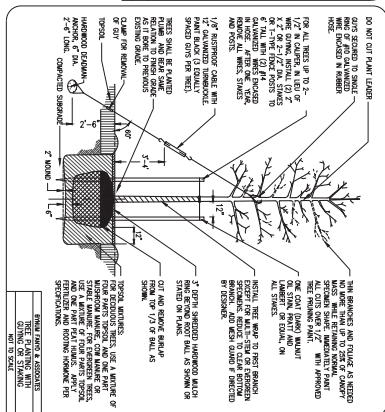
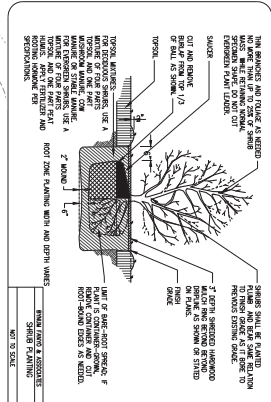
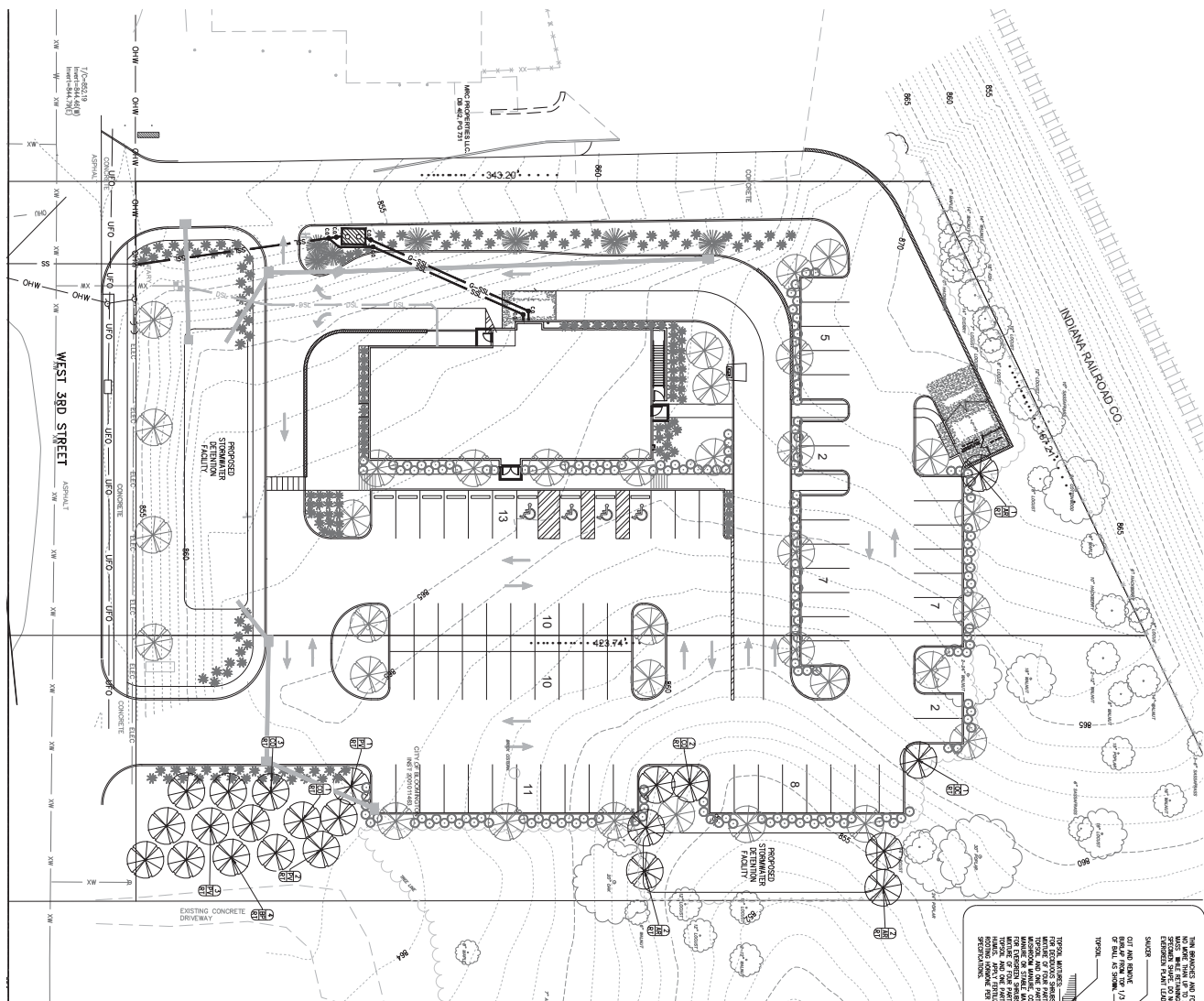
ARCHITECTURE
CIVIL ENGINEERING
PLANNING
42

Bloomington, Indiana
(812) 339-2990 (Fax)

BBB
BYNUM FANYO & ASSOCIATES, INC.

528 north walnut street
(812) 332-8030





EXTRA REBAR FOR FOUNDATION REINFORCEMENT

LEGEND	KEY	ISOMETRIC NAME	COMMON NAME	CITY	SIZE & CONDITION
(Symbol)	1	CONCRETE BRACKET	CONCRETE BRACKET	1/2" x 4" x 8"	8' x 8'
(Symbol)	2	CONCRETE TONGUE	CONCRETE TONGUE	1/2" x 4" x 8"	8' x 8'
(Symbol)	3	CONCRETE BRACKET	CONCRETE BRACKET	1/2" x 4" x 8"	8' x 8'
(Symbol)	4	CONCRETE TONGUE	CONCRETE TONGUE	1/2" x 4" x 8"	8' x 8'
(Symbol)	5	CONCRETE BRACKET	CONCRETE BRACKET	1/2" x 4" x 8"	8' x 8'
(Symbol)	6	CONCRETE TONGUE	CONCRETE TONGUE	1/2" x 4" x 8"	8' x 8'



NOTE TO CONTRACTOR
 CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPT'S AND NOTIFY ALL AGENCIES PRIOR TO ANY EXCAVATION OR UNDERGROUND CHANGES TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES. REBAR SHALL BE PLACED AS SHOWN IN THIS PLAN.

designed by: DUB
 drawn by: DUB
 sheet no.: C1
 project no.: 401565

TITLE: EXTRA TREE EXHIBIT

PROPOSED CULVER'S RESTAURANT
 1918 WEST THIRD STREET
 BLOOMINGTON, INDIANA 47404

B&A
 BYNUM FANVO & ASSOCIATES, INC.
 528 North Walnut Street
 (812) 332-8030

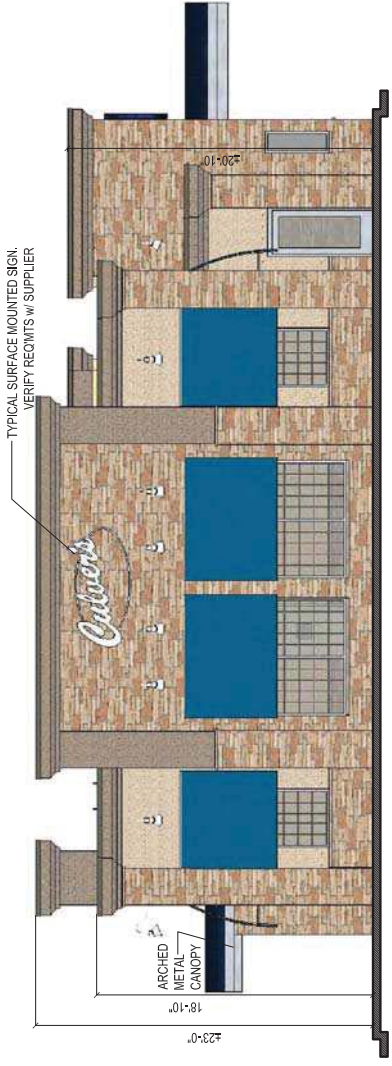
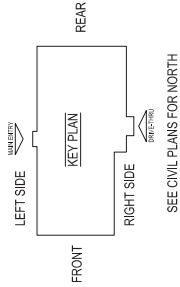
ARCHITECTURE
 CIVIL ENGINEERING
 PLANNING
 bloomington, Indiana
 (812) 339-2990 (Fax)

PROVISIONS:



DRIVE-THRU ELEVATION

REPRESENTATION	MATERIAL	COLOR
	CORNICE	"MEDIUM BRONZE"
	EIFS "CORNICE"	UNK-CLOD
	EIFS @ PIERIS	"BRUSHWOOD"
	EIFS @ PIERIS	PAKEX 10423
	EIFS @ PIERIS	WHITE
	EIFS @ PIERIS	PAKEX 10423
	AWNING CANVAS (BY OTHERS)	"ROYAL BLUE" #617
	AWNING CANVAS (BY OTHERS)	SAMBRELLA
	ARCHITECTURAL METAL CANOPY	"ROYAL BLUE" UNK-CLOD
	WINDOW & DOOR FRAMES	NATURAL ALUM.
	EIFS	"FLUTE UP"
	EIFS	STD. 1068
	EIFS	"FLAME BERRY"
	EIFS	ASHLAR
	EIFS	"JAN STONE"

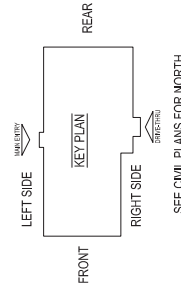


FRONT ELEVATION

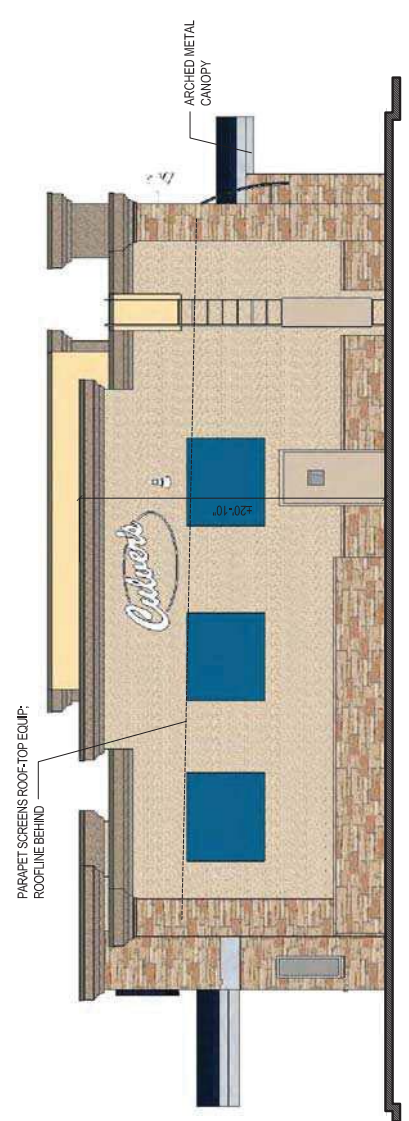


MAIN ENTRY ELEVATION

REPRESENTATION	MATERIAL	COLOR
	COPING	
	METAL ROOF	UNPAVED
	"BRUSHWOOD"	PAKEX, 19423
	WHITE	
	"BRUSHWOOD"	PAKEX, 19423
	"BRUSHWOOD"	PAKEX, 19423
	TALL PIER	
	ARCHED METAL CANOPY	
	WINDOW & DOOR FRAMES	
	EIFS	
	INFERO STONE w/ STONE SILL TRIM	
	"PLATEAU" STD. 10066	
	"FAWN PRIMER" ASBLAR	
	JAMB STONE	

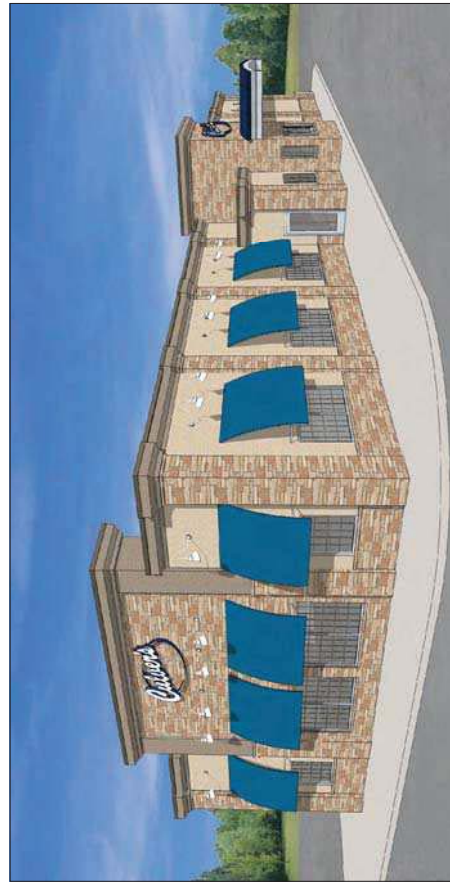
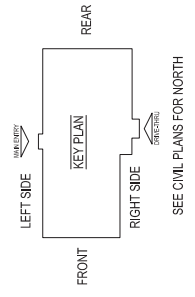


SEE CIVIL PLANS FOR NORTH



REAR ELEVATION

EXTERIOR RENDERINGS



FRONT RIGHT



REAR LEFT



FRONT LEFT



REAR RIGHT

(48)



James Roach <roachja@bloomington.in.gov>

Fwd: [Planning] Culver's Appeal

1 message

Carmen Lillard <lillardc@bloomington.in.gov>

Tue, Jan 16, 2018 at 6:05 PM

To: Terri Porter <porteti@bloomington.in.gov>, Jackie Scanlan <scanlanj@bloomington.in.gov>, James Roach <roachja@bloomington.in.gov>

~FYI regarding Culver's.



----- Forwarded message -----

From: **Richard Nourie** <kayakbloomington@gmail.com>

Date: Tue, Jan 16, 2018 at 6:01 PM

Subject: [Planning] Culver's Appeal

To: "planning@bloomington.in.gov" <planning@bloomington.in.gov>

I would like to voice my support for allowing Culver's a variance. They are locating into an area which isn't ideal compared to other Culver's locations and a parking variance only helps give them a chance for success. If the lot allows the spaces and Culver's has a plan to mitigate the appearance of the parking, it should be supported.

They are bringing in a business which will be paying taxes and wages. Chasing Culver's off to some other community doesn't serve the needs of Bloomington.

Kindly,

Richard Nourie

--

Richard Nourie
Kayak Bloomington, LLC
812-318-1202



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: [Planning] Culvers

Carmen Lillard <lillardc@bloomington.in.gov>
To: Jackie Scanlan <scanlanj@bloomington.in.gov>

Tue, Jan 16, 2018 at 10:57 AM

Hi, Jackie. This came through the P&T account. Thanks!

	<p>Carmen Lillard Office Manager Planning and Transportation Dept. City of Bloomington, IN lillardc@bloomington.in.gov 812-349-3423 bloomington.in.gov</p>
---	--

----- Forwarded message -----

From: **Anette Bornhorst** <abornhorst@live.com>
Date: Tue, Jan 16, 2018 at 10:47 AM
Subject: [Planning] Culvers
To: "planning@bloomington.in.gov" <planning@bloomington.in.gov>

We want a Culvers and the jobs it will bring.
Sincerely,
Anette Bornhorst
A resident and tax payer
Get [Outlook for Android](#)

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 608 N. Dunn Street

CASE #: V-34-17
DATE: January 18, 2017

PETITIONER: David Howard
608 N. Dunn Street, Bloomington

CONSULTANT: Matt Ellenwood
2021 E. Wexley Rd, Bloomington

REQUEST: The petitioner is requesting a variance from density standards to allow a new mixed-use structure.

STAFF REPORT: This 0.08 acre property is located at 608 N. Dunn Street and is zoned Commercial Limited (CL). Surrounding land uses include single and multi-family residences with the Mr. Copy to the east. The property has been developed with a single family home.

The petitioner is proposing to demolish the current building in order to construct a new mixed-use building. The proposed mixed-use building would have 950 sq. ft. of first floor commercial space and a 5-bedroom apartment above. The size of the property allows for a density of 1.2 D.U.E.s. A 5-bedroom apartment counts as 2 D.U.E.s and would exceed the maximum permitted density. The petitioner is requesting a variance from density standards to allow the 5-bedroom unit.

SITE PLAN ISSUES:

Building Architecture/Design: Since the site is not within 300 feet of a primary arterial road, there are no architectural standards that apply.

Landscaping: With the new use on the property, the property is required to meet all landscaping requirements. The petitioner has not yet submitted a landscape plan that meets UDO requirements and is required prior to issuance of any permits.

Parking: No parking is required for these uses.

Pedestrian Facilities: There is a sidewalk in place along N. Dunn Street currently and is in good condition.

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.*

RECOMMENDED FINDING: The granting of the variance from the standards will not be injurious to the public health, safety, or morals. The allowance of a 5-bedroom unit will not be any more injurious as part of a mixed-use building or if it would be as a detached single family home.

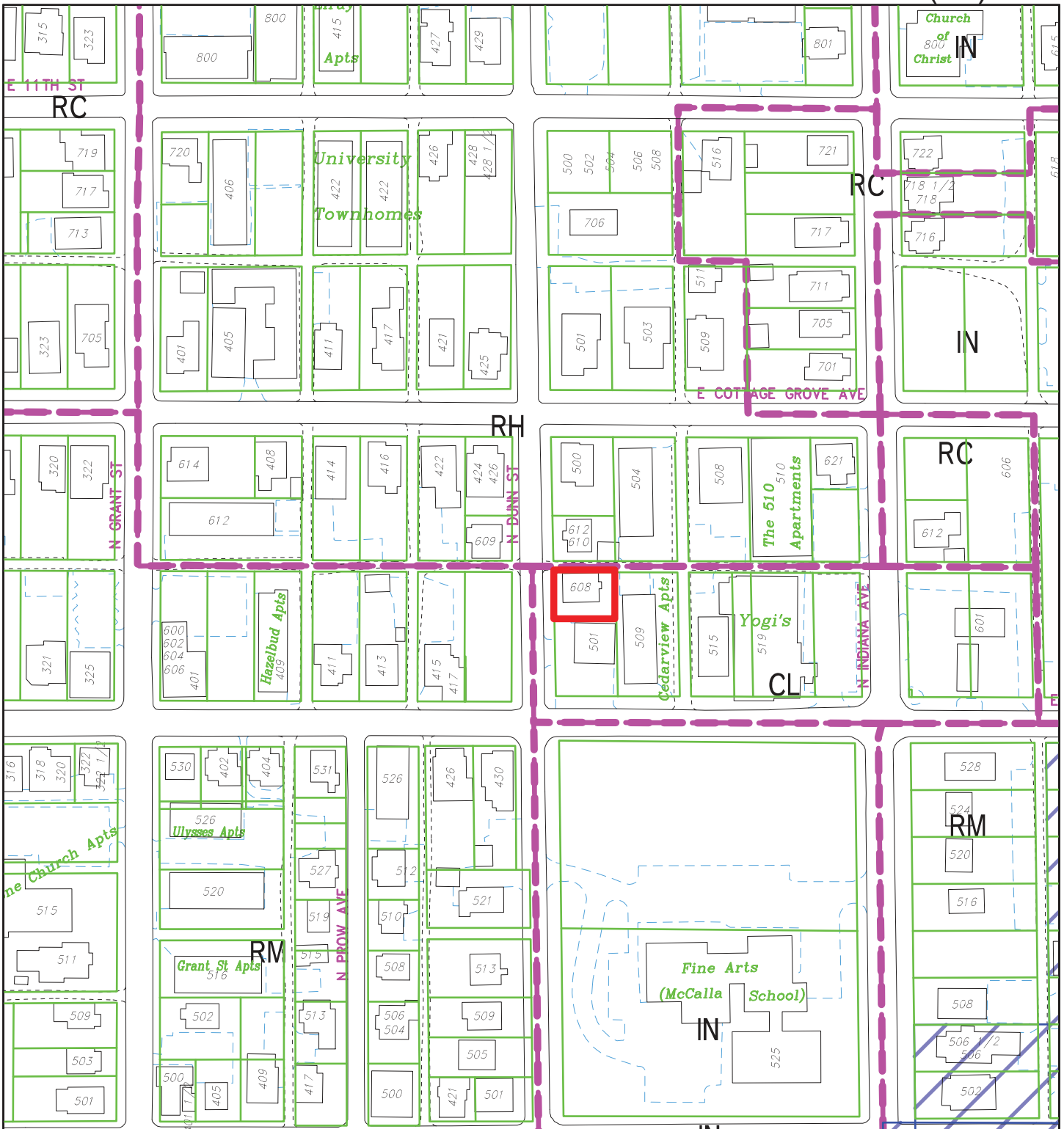
- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

RECOMMENDED FINDINGS: No negative effects are found from this proposal on the use and value of the areas adjacent to the property. Again, the allowance of a 5-bedroom unit on the second floor of a mixed-use building will not impact adjacent properties any more than single family home.

- 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.*

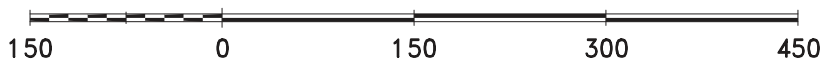
RECOMMENDED FINDING: The strict application of the UDO will not result in practical difficulty in the use of property. The property is allowed a development right of either a stand-alone single family dwelling or a mixed-use building that meets the allowable density. The UDO limits the density on the site to 1.2 units and there are many combinations of bedroom counts that the property could be developed with and a 5-bedroom unit exceeds the allowable density. In addition, no peculiar condition is found to the property that would necessitate a variance to allow the property to exceed the maximum density allowance.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the recommended findings and deny the variance.



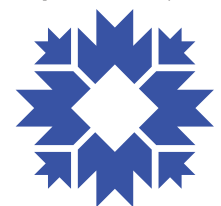
V-34-17 David Howard
 608 N Dunn Street
 Board of Zoning Appeals
 Site Location, Zoning, Parcels

By: greulice
 16 Jan 18

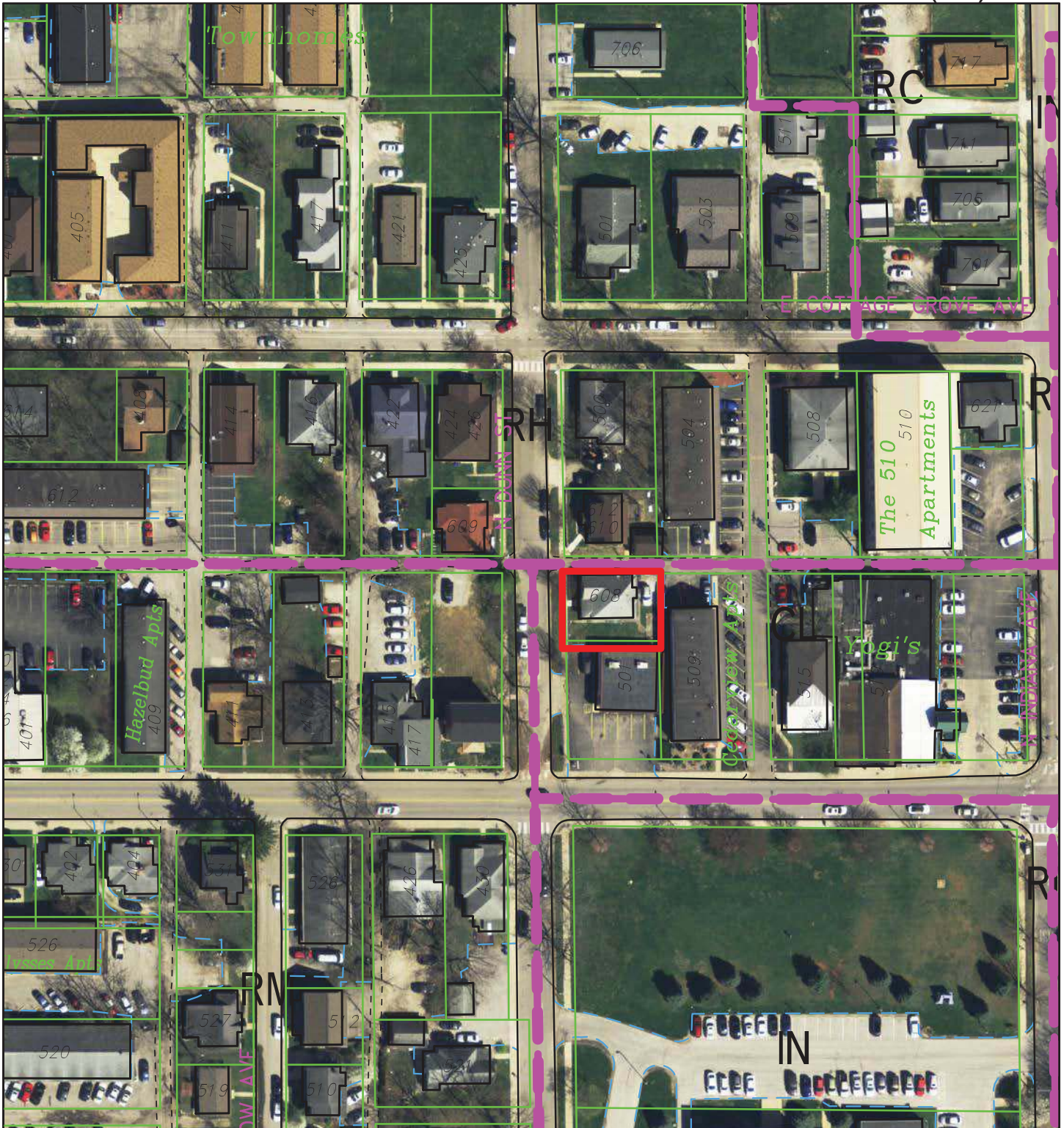


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 150'



V-34-17 David Howard

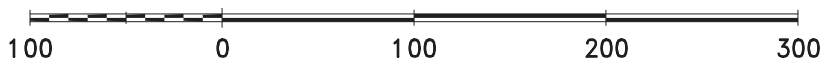
608 N Dunn Street

Board of Zoning Appeals

2016 Aerial Photograph

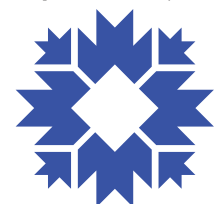
By: greulice

16 Jan 18



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 100'

Petitioner Statement

Date: December 7, 2017

To: City of Bloomington Planning & Transportation Department Hearing Officer

From: Matt Ellenwood, Architect on behalf of David Howard, Applicant

Re: Density Standard Variance for 608 N Dunn Street

Attn: BZA

This letter is to request approval for a density variance to allow the construction of a 3 story mixed-use structure with 1 5-bedroom residential unit over 950 sf of commercial space on the property at 608 N Dunn Street in Bloomington, IN. The proposed structure is 28'-0" x 40'-0" and is to be located and built as shown on the provided site and building plans.

A variance is sought because the current UDO limits the density of new mixed-use construction to less than the existing structure, which is a single 5 bedroom unit. That structure is being replaced due to a failing foundation among other structural, safety and accessibility issues. The owner would like to rebuild within the intent of the UDO's Commercial Limited District guidelines, which are to "promote the development of small scale, mixed use urban villages with storefront retail, professional office and residential uses. Development should incorporate pedestrian oriented design (scale and massing) and accommodate alternative means of transportation." The BZA guidance goes on to state that "Residential uses should be limited to multifamily development on floors above the street level commercial uses."

In order to meet the intent of the CL guidelines the proposal incorporates ground floor commercial space for office or small scale retail use along with a single 5 bedroom apartment on the upper two levels. Because the property size is small (3432 sf = .08 acre), the UDO would limit the residential density to 1.2 DUE (15/acre) which is only a 3 bedroom or combination of several studio, 1 and 2 bedroom units. While several smaller units could be proposed (up to 6 studios) they would increase the overall scale and impact of the development (bigger footprint, more circulation, plumbing, etc.). In order to keep the building smaller and more efficient while still meeting the intent of the UDO, the single 5 bedroom unit over limited commercial is proposed. All other development requirements (including setbacks, height, max. impervious surface, etc.) will be met.

Thank you for your time and consideration of this application.

Sincerely,



Matt Ellenwood, Architect
Matte Black Architecture

On behalf of:

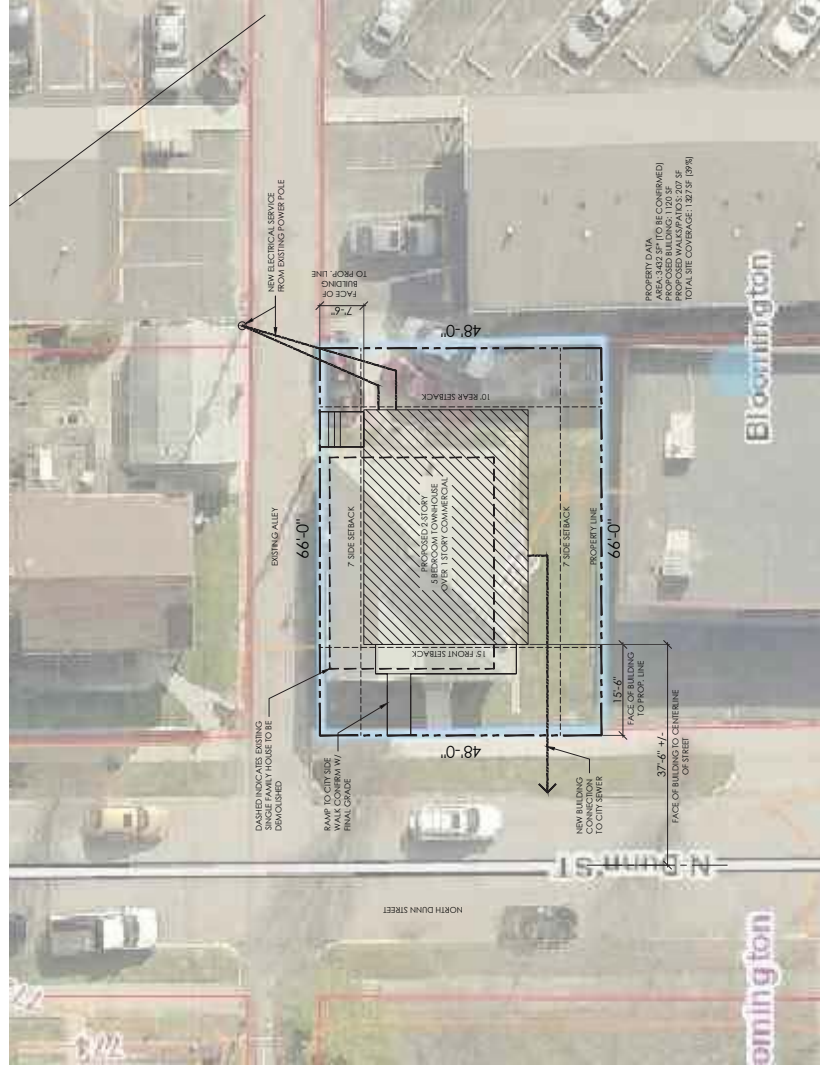
David Howard, Applicant

608 NORTH DUNN ST. NEW BUILDING
 608 N DUNN ST BLOOMINGTON, IN

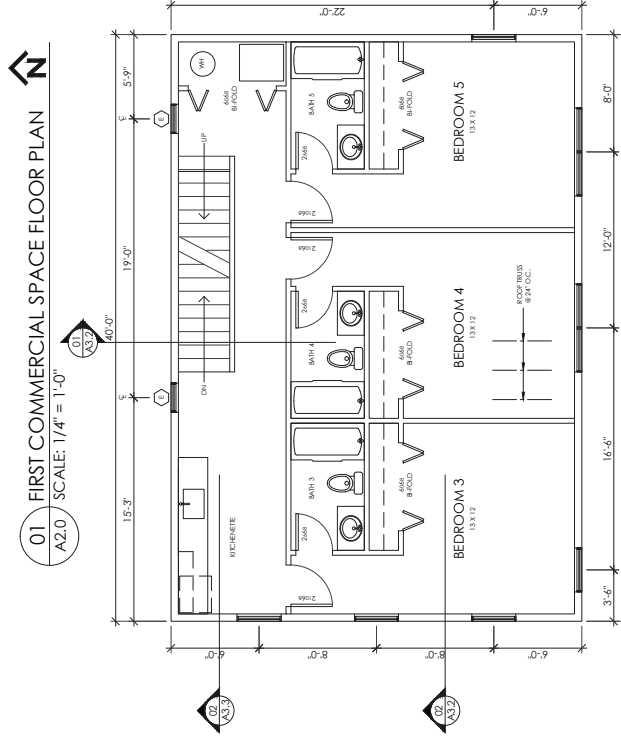
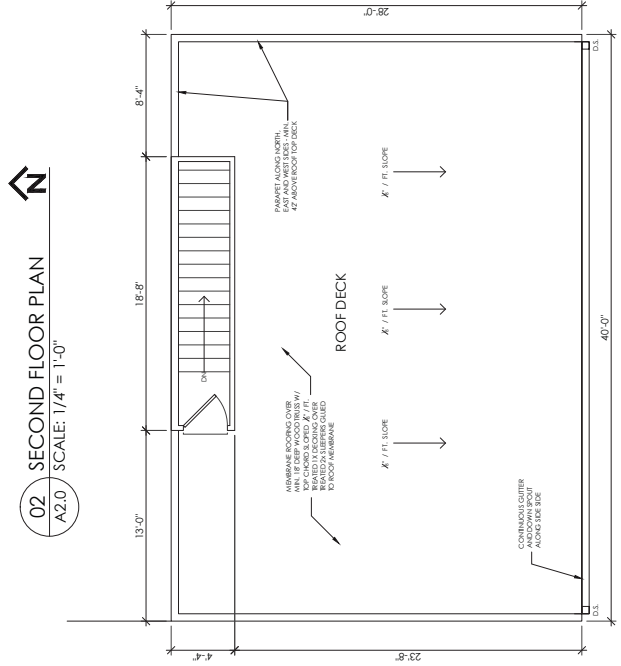
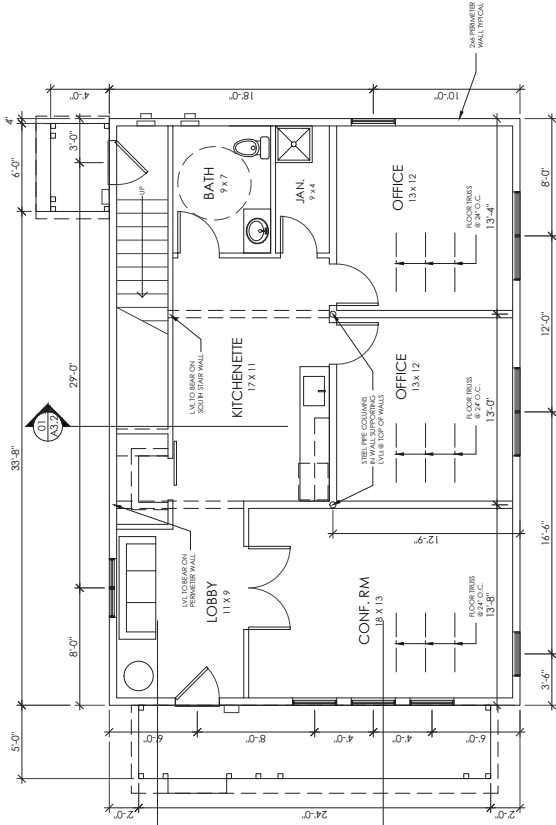
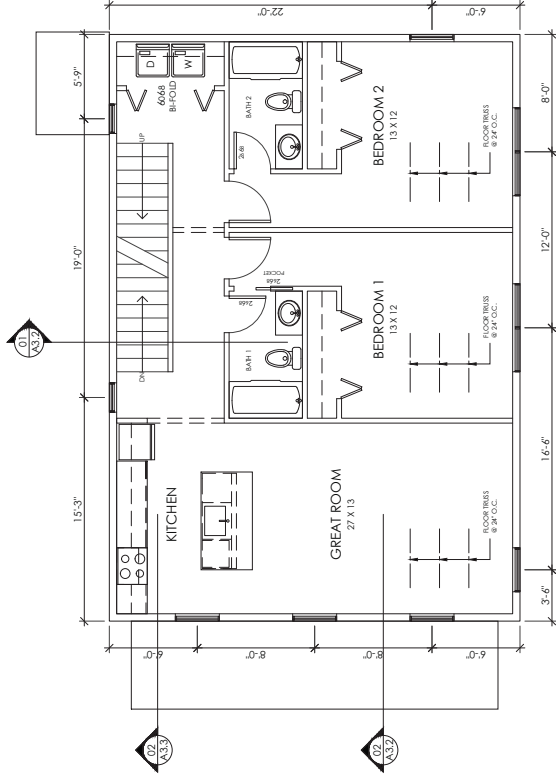
DATE 12.01.17
 ISSUE CD
 JOB NO. 17-XX
 CHECKED BY MDE

MATTEBLACK ARCHITECTURE
 2101 N. DUNN ST. SUITE 100
 BLOOMINGTON, IN 47403
 TEL: 317.344.1111
 WWW.MATTEBLACKARCHITECTURE.COM
 PHOTO COURTESY OF CITY OF BLOOMINGTON

A1.0
 SITE PLAN



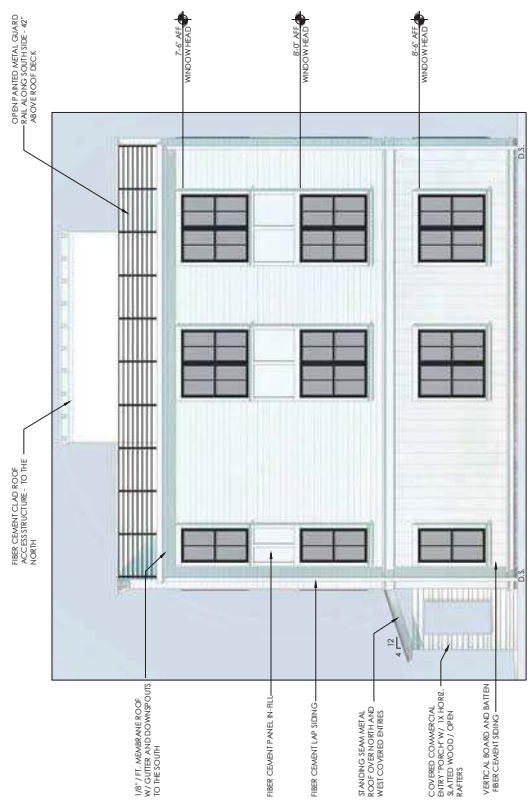
01 SITE PLAN
 A1.0 SCALE: 1" = 10'-0"



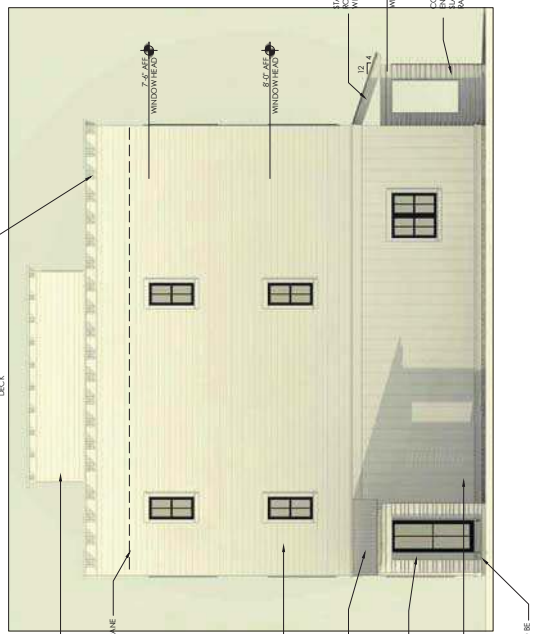
608 NORTH DUNN ST. NEW BUILDING
 608 N DUNN ST BLOOMINGTON, IN

DATE 12.01.17
 ISSUE CD
 JOB NO. 17-XX
 CHECKED BY MDE

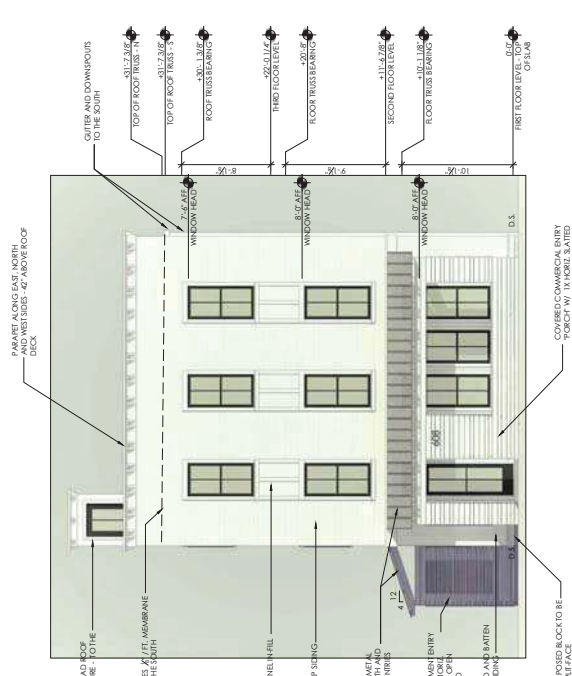
A3.0
 ELEVATIONS



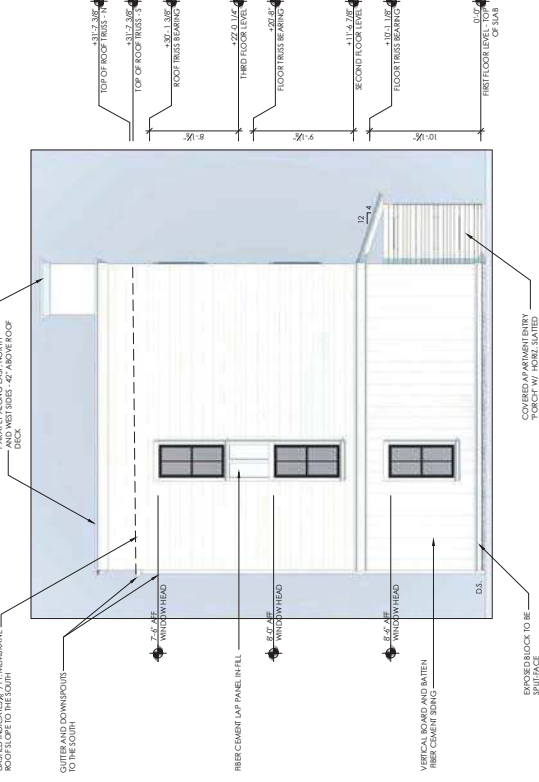
02 SOUTH ELEVATION
 A3.0 SCALE: 3/16" = 1'-0"



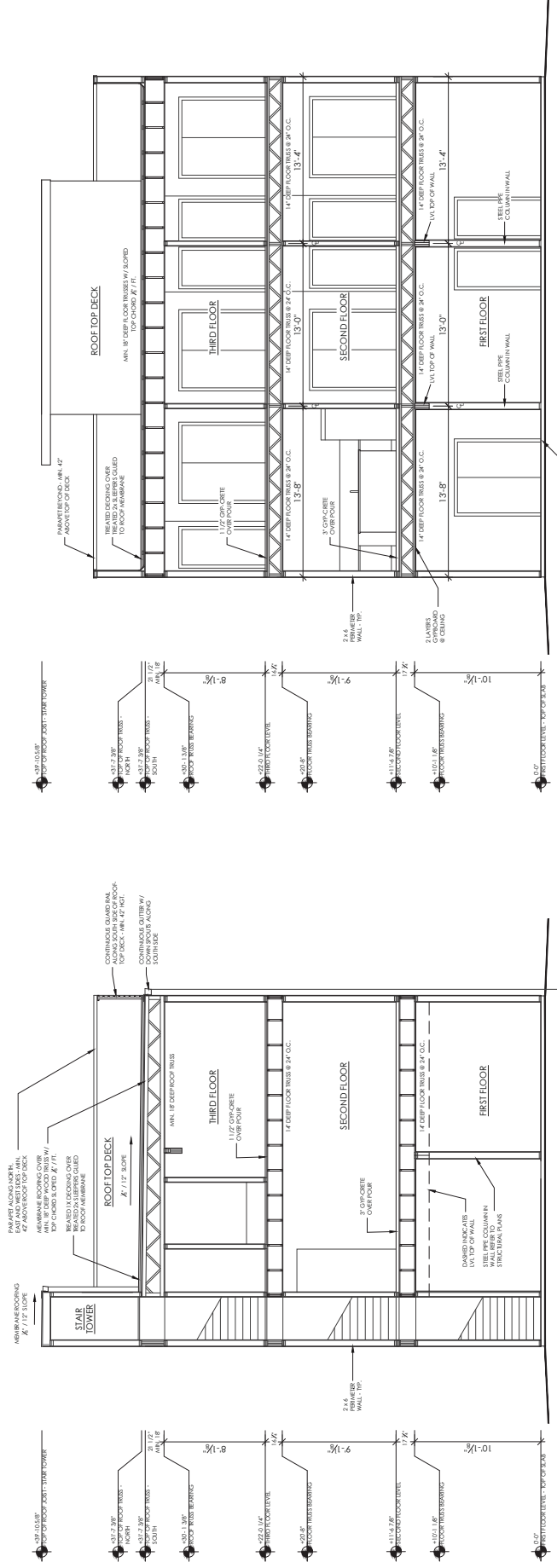
04 NORTH ELEVATION
 A3.0 SCALE: 3/16" = 1'-0"



01 WEST ELEVATION - DUNN ST. ENTRANCE
 A3.0 SCALE: 3/16" = 1'-0"

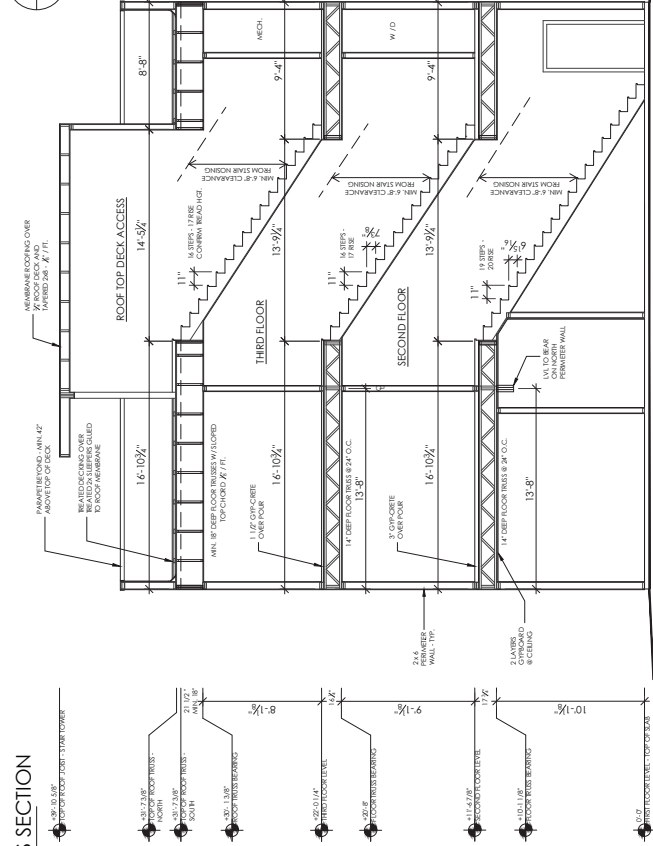


03 EAST ELEVATION
 A3.0 SCALE: 3/16" = 1'-0"



01 BUILDING CROSS SECTION
 A3.2 SCALE: 1/4" = 1'-0"

02 BUILDING LONGITUDINAL SECTION
 A3.2 SCALE: 1/4" = 1'-0"



03 BUILDING LONGITUDINAL STAIR SECTION
 A3.2 SCALE: 1/4" = 1'-0"



Finding: If sufficient parking is not provided to the tenants and their guest the practical difficulty in the use of the property stems from the fact that these vehicles will be parking on the narrow common entrance drive, partially blocking access to both the apartments and trailer park. This obstruction will also impede emergency vehicle access.

Practical difficulties that are peculiar to the property in question; that the development Standards Variance will relieve the practical difficulties is the location of this property in relation to goods and services and alternative means of transportation. As an older outlying property there are no groceries, restaurants, convenience stores, etc. within reasonable walking distance. With the vertical geometry narrowness of Allen Street as it is, using a bicycle would not be a good idea either.

After you have reviewed our petition please feel free to contact us at any time to discuss or answer questions you may have.

Sincerely,



Jeffrey S. Fanyo, P.E. CFM
Bynum Fanyo and Associates, Inc.

DATE & TIME: 8/30/17 - 7:00am					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	16	4	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				1	
Total Handicapped Parking for Entire Complex			3	1	
Total		64	60	4	
DATE & TIME: 8/30/17 - 9:00pm					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	15	5	
Hilltop Court I + Guest Spots	20	24	21	3	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				1	
Total Handicapped Parking for Entire Complex			3	1	
Total		64	58	8	
DATE & TIME: 9/2/17 - 7:00am					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	17	3	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				1	
Total Handicapped Parking for Entire Complex			3	1	
Total		64	61	5	
DATE & TIME: 9/2/17 - 9:00pm					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	15	5	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	19	1	
Parking on the Street				2	
Total Handicapped Parking for Entire Complex			3	2	
Total		64	60	8	
DATE & TIME: 9/3/17 - 9:00pm					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	14	6	
Hilltop Court I + Guest Spots	20	24	21	3	
Hilltop Court III (incl. 7 under Variance)	20	20	18	2	
Parking on the Street				1	
Total Handicapped Parking for Entire Complex			3	2	
Total		64	56	11	
DATE & TIME: 9/9/17 - 9:00pm					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	16	4	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				2	
Total Handicapped Parking for Entire Complex			3	0	
Total		64	60	6	
DATE & TIME: 9/10/17 - 7:00am					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	17	3	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				2	
Total Handicapped Parking for Entire Complex			3	0	
Total		64	61	5	
DATE & TIME: 9/16/17 - 9:00pm					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	16	4	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				0	
Total Handicapped Parking for Entire Complex			3	2	
Total		64	60	6	
DATE & TIME: 9/17/17 - 9:00pm					
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant	
Hilltop Court II	20	20	17	3	
Hilltop Court I + Guest Spots	20	24	22	2	
Hilltop Court III (incl. 7 under Variance)	20	20	20	0	
Parking on the Street				2	
Total Handicapped Parking for Entire Complex			3	2	
Total		64	63	5	



