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The Board of Zoning Appeals (BZA) met in the Council Chambers at 5:30 p.m., members present: Klapper, Stewart Gulyas, Neher, Southern and Throckmorton.

**APPROVAL OF MINUTES:** February 23, 2017

**\*\* Throckmorton moved to approve the 2/23/17 minutes. Stewart Gulyas seconded. Motion carried unanimously.**

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

Barre Klapper welcomed Darryl Neher as the newest member to the BZA.

**PETITIONS CONTINUED TO:** March 23, 2017

UV-40-16      **Naples, LLC (Doug Duncan)** – 1610 N. Kinser Pike

UV-04-17      **Lewis Development Company** – 200 S. Washington St., 114 E. 4<sup>th</sup> St., 121 E. 3<sup>rd</sup> St.

**PETITION WITHDRAWN:**

- CU-05-17      **David Moore**  
748 S. Morton St.  
Request: Conditional use approval for an historic adaptive reuse in a Residential Multi-family (RM) zoning district.  
*Case Manager: Jackie Scanlan*

**PETITIONS:**

- CU-06-17      **Bloomington Bagel Co., Inc. (BBC)**  
113 N. Dunn St.  
Request: Conditional use approval to allow a standardized business to be relocated within the University Village Overlay of the Commercial Downtown (CD) zoning district.  
*Case Manager: Amelia Lewis*

Amelia Lewis (Long-Range Zoning Planner) presented the staff report. The subject property is the site of the previous Bloomington Bagel Company (BBC). The petitioner received a conditional use approval for the temporary location located at 425 E. Kirkwood Avenue last June (2016). The temporary location was utilized while the petitioner was going through the process of receiving Plan Commission approval for a new mixed-use building at 113 N. Dunn Street. The property is zoned Commercial Downtown (CG) and sits within the University Village Overlay. Surrounding uses include commercial, residential and mixed-use. There is more residential to the north and

primarily commercial to the south, east and west. The petitioner is requesting a conditional use approval for a standardized business. The mixed-use building was approved by the Plan Commission last October (2016). The petitioner is now receiving approval to move back into the new building. The Unified Development Ordinance (UDO) defines a standardized business as “Any type of commercial establishment not including businesses and professional offices located above the ground floor, and any commercial businesses located in such a manner to be devoid of any building frontage which is visible to a street located in the Courthouse Square Overlay and the University Village Overlays.” The Planning staff determined that BBC is a standardized business based on the fact that there are three locations throughout Bloomington that share the same name, logos, products and signage. This proposed location will sell the same types of merchandise as the other locations thus meeting the “maintain standardized services, merchandise and logos” aspect of the definition. In this particular case, there are nine criteria for a conditional use permit. The first one is that it's consistent with the Growth Policies Plan (GPP). The use of the property is a mixed-use building with ground floor restaurants and retail similar to a majority of the surrounding uses, and fits the objective of a downtown building. There should be no nuisances anticipated. The only odors would be associated with a restaurant. There are several restaurants in the surrounding area so it should not be out of character with the neighborhood. The third is that it would not have an undue adverse impact upon the adjacent property, character of the area, or public health and safety. Staff finds no anticipated adverse impacts. It is similar to adjacent properties and it's between commercial and residential properties that serves the area and it kind of buffers both uses. The fourth is that there are adequate public services. The use will require a grease interceptor which will be provided by the applicant. Otherwise it appears that the site is adequately served by public facilities. No undue traffic congestion is expected as the use is relocating from its temporary location around the corner. It's reasonable to assume that the traffic will remain similar to what it is now. Most likely relying on traffic from the residential areas surrounding the building in addition to students on campus and nearby. There will be no significant natural or historic features lost with this petition. There is a contributing historic house to the north; however, this was heavily reviewed during the planning commission case to make sure that it would not impose on the existing neighborhood. The hours of operation, lighting, trash and waste collection will not pose a hazard or hardship. No special lighting or waste collection needs are proposed. This use is located among similar uses in a mixed urban neighborhood. The proposed signage complies with the UDO standards. There is an additional standard for this type of development in that the proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located as well as the character of the particular overlay district. Visual complementation shall include but may not be limited to architecture, scale, façade and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's façade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion. Staff finds that the proposed use shall take place within a building that was heavily reviewed by the Plan Commission ensuring that the design is complementary to the existing neighborhood, including the contributing historic structure to the north. The proposed use aligns with the intent of the University Overlay District to enhance the existing eclectic mix of developments that serve as a dynamic and key transitional activity center that connects the Courthouse Square with Indiana University, and promotes infill and redevelopment of sites with moderate densities along the Kirkwood Corridor. The business is relocating from its temporary location on Kirkwood to its previous location and new building on Dunn Street. While BBC is

classified as a standardized business due to its multiple locations, the character of BBC is tied to Bloomington. Their interior décor usually displays photos of “Bloomingtonians” and their bagels traveling around the world. Staff recommends approval of CU-06-17 based on the written findings in the staff report.

James Roach, Development Services Manager, said the petitioner is present but does not have any additional comments at this time.

*No public comments.*

**\*\*Throckmorton moved to approve CU-06-17 based on the written findings outlined in the staff report. Neher seconded. Motion carried 5:0—Approved.**

Meeting adjourned.