CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

March 23, 2017 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

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BOARD OF ZONING APPEALS
March 23, 2017 at 5:30 p.m. ***Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: 2/23/17

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION CONTINUED TO: 4/27/17

- UV-40-16 **Naples, LLC (Doug Duncan)**
  1610 N. Kinser Pike
  Request: Use variance to allow 1st floor residential uses in a Commercial General (CG) zoning district.
  Case Manager: Amelia Lewis

- UV-04-17 **Lewis Development Company**
  200 S. Washington St., 114 E. 4th St., 121 E. 3rd St.
  Request: Use variance to allow the use "drive through" in the Commercial Downtown (CD) zoning district.
  Case Manager: Jackie Scanlan

PETITION WITHDRAWN: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. (Sue Aquila)**
  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

******Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or e-mail human.rights@bloomington.in.gov.***

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: CU-06-17**
STAFF REPORT **DATE: March 23, 2017**
Location: 113 N Dunn Street

PETITIONER: Bloomington Bagel Company (Sue Aquila)
113 N. Dunn Street

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

STAFF REPORT: The petitioner currently owns and operates the Bloomington Bagel Company at its temporary location at 425 E Kirkwood Ave. The petitioner received a Conditional Use for its temporary location last June (CU-20-16). The petitioner is constructing a new building at the business's former Dunn St. location, approved by the Plan Commission, Case Number SP-23-16 on October 10, 2016. The property is zoned Commercial Downtown (CD) and is within the University Village Overlay.

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

The UDO defines a Standardized Business as:

> *Any type of commercial establishment, not including business/professional offices located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage which is visible to a street, located in the Courthouse Square Overlay and University Village Overlays, which are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.*

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

- BBC has three locations throughout Bloomington that share the same name, logos, products, and signage.
- The proposed location will sell the same types of merchandise as the other location, thus meeting the "….maintain standardized services, merchandise….and logos" aspect of the definition.

CRITIERIA AND FINDINGS

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. The proposed use and development must be consistent with the Growth Policies Plan

and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;

Staff Finding: The Growth Policies Plan identifies this area as “Downtown.” The use of the property as a mixed-use building with ground floor restaurants and retail is identical to a majority of the surrounding uses and will not interfere with the achievement of the goals and objectives of the Growth Policies Plan.

2. *The proposed use and development will not create nuisance by reason of;*

Staff Finding: The proposed use will not have any nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. The only odors will be those associated with a restaurant.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

Staff Finding: Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. The use is within between commercial and residential properties and fits into the character of the area.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

Staff Finding: The use will require a grease interceptor which will be provided by the applicant. With that exception the site adequately is adequately served by public facilities and services.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

Staff Finding: The use is surrounded by commercial businesses to the south, west and east. The area to the north is primarily residential. As the use is relocating from its temporary location around the corner; it’s reasonable to assume the traffic will remain the same.

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

Staff Finding: There will be no significant features lost with this petition.

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

Staff Finding: No special lighting or waste collection needs are proposed. This use is located among similar uses in a mixed-use, urban neighborhood.

8. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.

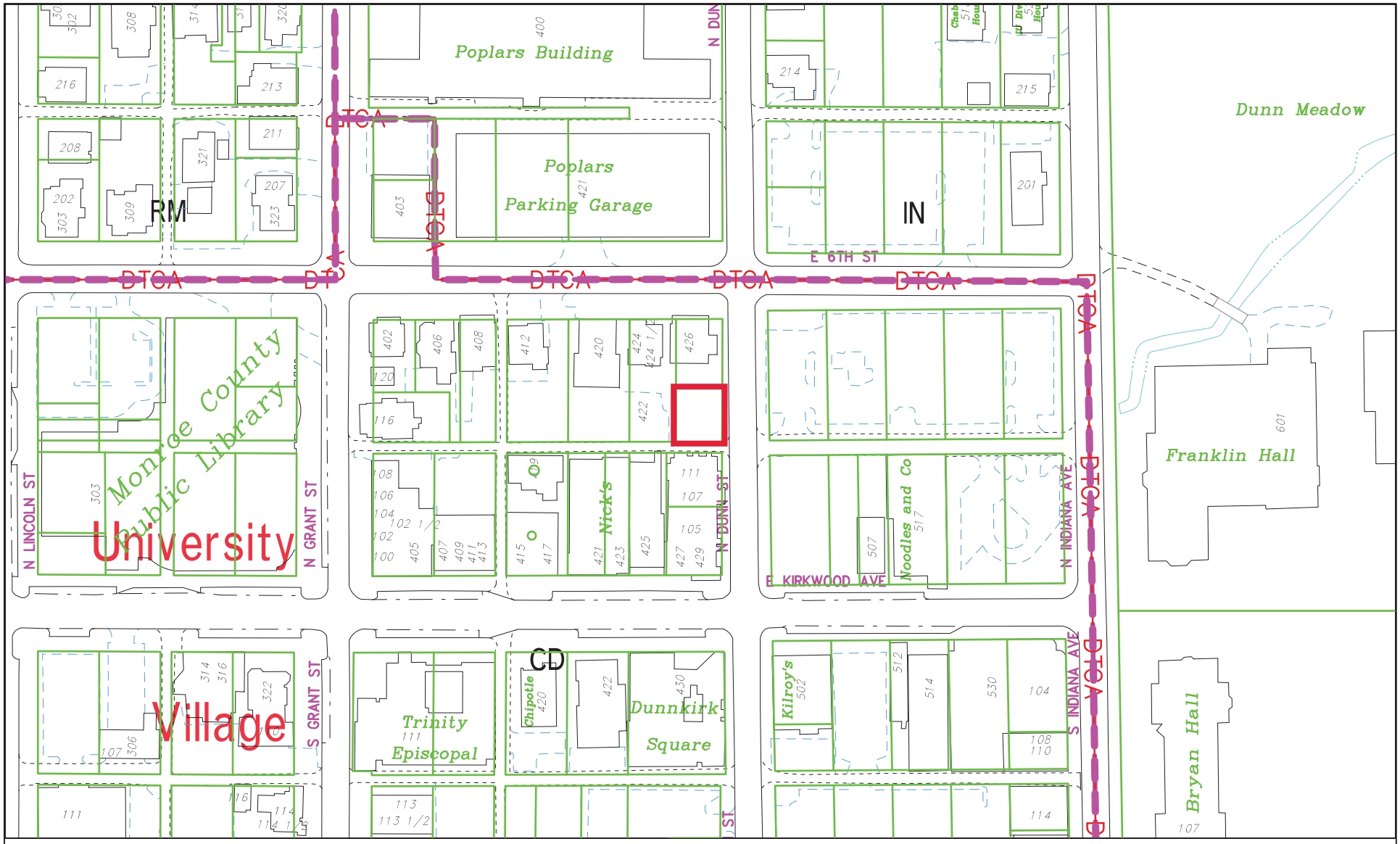
Staff Finding: Staff has found that the proposed signage complies with the UDO standards.

9. The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.

(a) 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 Finding: The proposed use will take place within a new mixed use building approved by the Plan Commission last year. The Plan Commission case ensured that the design of the building be 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 serves as a dynamic and key transitional activity center that connects the Courthouse Square with Indiana University" and "promote infill and redevelopment of sites using moderate residential densities for the University Village area and higher residential densities along the Kirkwood Corridor (Washington Street to Indiana Avenue)." The business is relocating from its temporary location on Kirkwood to its previous location and new building on Dunn. While BBC is classified as a Standardized Business due to its multiple locations, the character of BBC is tied to Bloomington. The BBC usually displays photos in the interior of Bloomingtonians and their bagels traveling around the world.

RECOMMENDATION: Staff recommends approval of CU-06-17.



By: lewisa
14 Mar 17

150 0 150 300 450 600

For reference only; map information NOT warranted.

N

City of Bloomington
Planning & Transportation

Scale: 1" = 150'

By: lewisa
14 Mar 17

80 0 80 160 240 320

For reference only; map information NOT warranted.

N

City of Bloomington
Planning & Transportation

Scale: 1" = 80'

BLOOMINGTON BAGEL CO. LLC & BLOOMINGTON BAGEL CO. INC.

812-322-8209
sue@bbcbagel.com

113 N Dunn St
Bloomington, IN
47408

February 24, 2017

Board of Zoning Appeals
City of Bloomington Planning and Transportation Department 401 N Morton St
Bloomington IN 47404

To Whom it May Concern.

The Bloomington Bagel Co. Inc. is classified as a “standardized business.” Please accept this request for a conditional use approval to return the Bloomington Bagel Co., Inc. to it’s original location at 113 N Dunn St.

This ordinance has been an undue burden on a locally owned and boiled business. This process requires time and effort including a total of $500 in filing fees. Without this conditional use approval, the Bloomington Bagel Co., Inc. would be irreparably harmed.

Thank you for your consideration.

Sincerely,

Suzanne K Aquila

BLOOMINGTON BAGEL CO
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