

CITY OF BLOOMINGTON



September 19, 2019 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
September 19, 2019 at 5:30 p.m.**

◆Council Chambers - Room #115

ROLL CALL

APPROVAL OF MINUTES: August 2019

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS CONTINUED TO: October 2019

- V-17-19 **City of Bloomington**
105/111 W. 4th St., and 222 S. Walnut St.
Request: Variances from entrance and drive standards in the Commercial Downtown (CD) zoning district.
Case Manager: Jackie Scanlan
- UV/V-31-19 **Rimrock Companies**
1901 W. 3rd St., and 307 S. Cory Lane
Request: Use variance to allow for larger units in the 'Mini-warehouse Facility' use in the Commercial Arterial (CA) zoning district. Also requested is a variance from non-residential sign standards.
Case Manager: Jackie Scanlan

PETITIONS:

- UV-24-19 **Jason Hobson**
901 W. 1st St.
Request: Use variance to allow a business/professional office in the Medical (MD) zoning district.
Case Manager: Ryan Robling
- V-33-19 **Catalent, LLC**
1300 S. Patterson Dr.
Request: Variance from riparian buffer and landscaping standards to allow a new parking area.
Case Manager: Eric Greulich
- CU-34-19 **Indiana Center for Recovery, LLC & ICFR Residence, LLC**
909 W. 1st St.
Request: Conditional use approval for a 'Rehabilitation Clinic' in the Medical (MD) zoning district.
Case Manager: Jackie Scanlan

****Next Meeting: October 17, 2019**

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

- CU-35-19 **Indiana Center for Recovery, LLC & ICFR Residence, LLC**
1004 W. 1st St.
Request: Conditional use approval for a *'Rehabilitation Clinic'* in the Medical (MD) zoning district.
Case Manager: Jackie Scanlan
- CU-36-19 **Indiana Center for Recovery, LLC & ICFR Residence, LLC**
637 ½ S. Walker St.
Request: Conditional use approval for a *'Rehabilitation Clinic'* in the Medical (MD) zoning district.
Case Manager: Jackie Scanlan
- V-37-19 **City of Bloomington Redevelopment Commission**
489 W. 10th St.
Request: Variance from maximum driveway width and setback from adjacent intersection to allow a new driveway and entrance for a new parking garage.
Case Manager: Eric Greulich

****Next Meeting: October 17, 2019**

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
STAFF REPORT
LOCATION: 901 W 1st St.

CASE #: UV-24-19
DATE: September 19, 2019

PETITIONER: Jason Hobson (Advancing Eco Agriculture)
1550 E. Bethel Lane Bloomington, IN 47408

REQUEST: The petitioner is requesting a use variance to allow a business/professional office in the Medical (MD) zoning district.

BACKGROUND:

Area: 0.52 acres
Current Zoning: Medical
Comp Plan Designation: Mixed Urban Residential
Existing Land Use: Vacant Building (former medical clinic)
Proposed Land Use: Business/professional office
Surrounding Uses: North – Surface parking lot
West – Residential rehabilitation clinic
East – Single family residences
South – Multi-tenant light manufacturing

REPORT: The 22,651 sq. ft. property is zoned Medical (MD) and is located at the southwest corner of W. 1st Street and W. Wylie Street. The property has been developed with a single family residence which has been converted into a medical office, a surface parking lot, and a detached garage. The surrounding properties include a surface parking lot to the north, a single family residence to the east across W. Wylie St., a residential rehabilitation clinic to the west, and light manufacturing to the south.

The petitioner is proposing to relocate a portion of their current business into the existing 1,464 structure. As part of the proposed use, the petitioner would remotely make sales, and assist customers. The Unified Development Ordinance (UDO) classifies this use as a “business/professional office.” This is not a permitted use in the MD zoning district, and therefore would need a use variance to be allowed in the district. There would be no exterior changes to the building as part of this request.

As the former use as a Medical Clinic has been discontinued since May 2018, this proposal will be required to come into full compliance with UDO standards (20.08.060(b)).

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the use variance request at their August 12th meeting. The Plan Commission voted 8-0 to forward the use variance request to the Board of Zoning Appeals with a positive recommendation.

**20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:
Business/Professional Office**

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

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

PROPOSED FINDING: No injury to the public health, safety, morals, and general welfare of the community is found in the requested use variance. The previous use of the site was as a medical office which brought both employees and patients to the site. The proposed use of business/professional office would also host employees, as well as customers. Due to the size of both the structure and property, the Department does not expect the proposed use of business/professional office to be more impactful than the previous use as a medical office.

- (2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

PROPOSED FINDING: No adverse impacts to the use and value of the adjacent area are found as a result of this proposal. The current structure has been vacant since May 2018. This use variance would allow for a local business to relocate and utilize an existing vacant building. The petitioner is not proposing any structural changes as a part of this use variance request. The scale and character of the building will remain in line with the surrounding neighborhood. The site has been developed with a surface parking area, and detached garage which will allow for on-site parking.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

PROPOSED FINDING: Peculiar condition is found in the property being zoned within the MD district based on its proximity to the Bloomington Hospital. The MD district was created with the intent to provide for the location and regulation of hospital uses and associated medical facilities. Because of this intent business/professional offices were not included in the permitted or conditional uses in the district. The hospital currently has plans to move away from the area negating the need both to locate associated medical facilities in the district, and prevent other similarly impactful uses from being permitted in the district.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

PROPOSED FINDING: Strict application of the UDO would constitute as an unnecessary hardship because the list of permitted and conditional uses for the district were designed with the long-term location of the Bloomington Hospital in mind.

Because the hospital has plans to relocate, many of these permitted and conditional uses will no longer desire to be located in the area. These restriction have caused the property to become vacant. The Department finds the proposed use is appropriate at this location as its use and intensity are similar to permitted and previous uses.

Additionally, the UDO offers development review guidance on new and expanded medical facilities so long as Bloomington Hospital continues to provide its current level of community service. Due to Bloomington Hospital's plans to relocate, the current hospital site will no longer provide its current level of community service.

(5) The approval does not interfere substantially with the Comprehensive Plan.

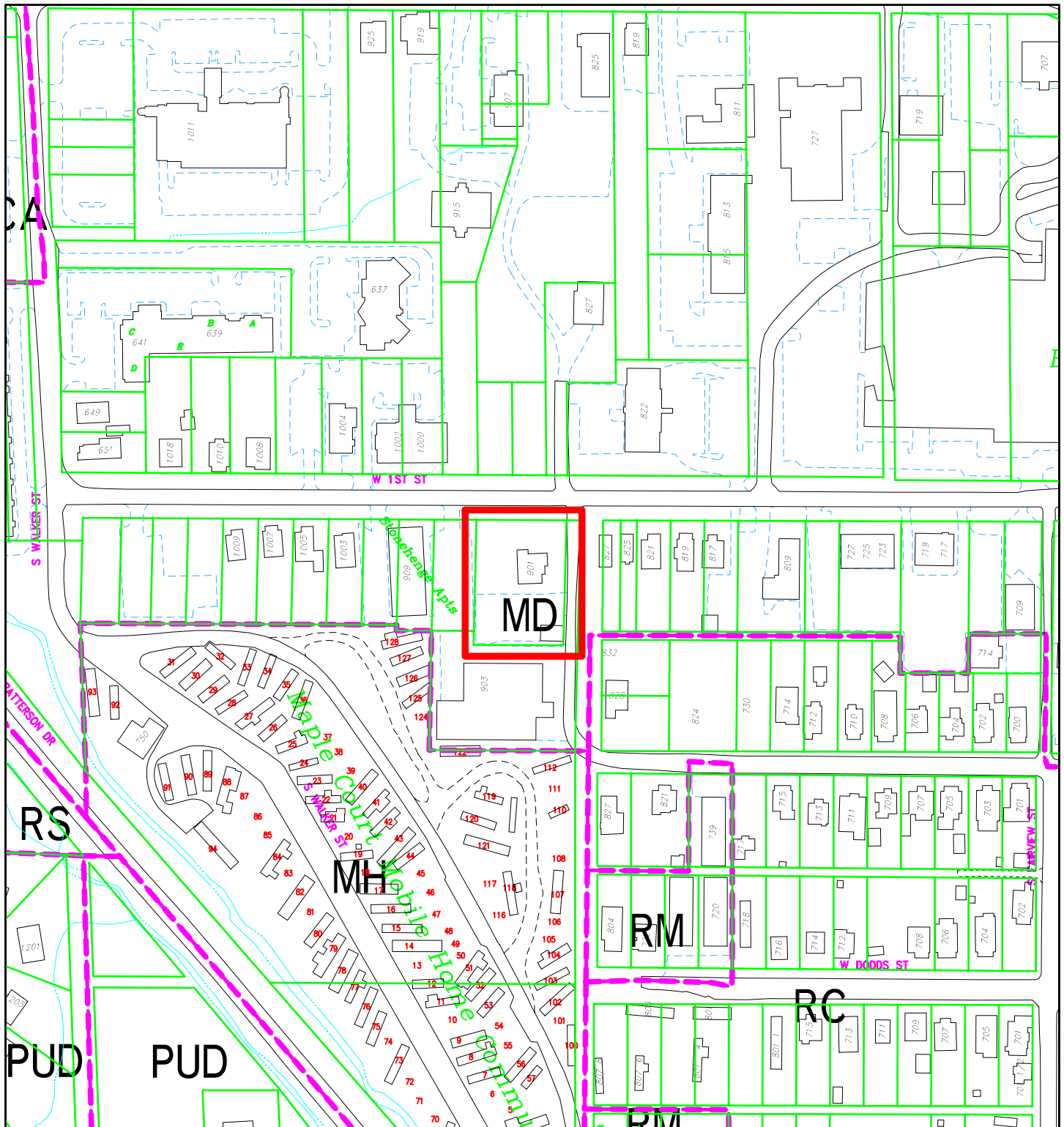
PROPOSED FINDING: The Plan Commission found that this proposal does not substantially interfere with the Comprehensive Plan. The Comprehensive Plan designates this property as Mixed Urban Residential. The Mixed Urban Residential district was intended to protect the existing built-out core neighborhoods while encouraging small scale redevelopment opportunities. This petition involves the reuse of an existing building used for a commercial business to continue being used for a commercial business.

In addition, Policy 1.7 in the Comprehensive Plan gives guidance to "Retain, develop, and attract quality jobs by fostering a healthy economic climate for area employers." This request expands an existing local business.

CONCLUSION: The Department finds that the proposed use does not substantially interfere with the intents of the Comprehensive Plan. The petition will revitalize a currently existing commercial space, allowing for an existing employer to move into and use the space.

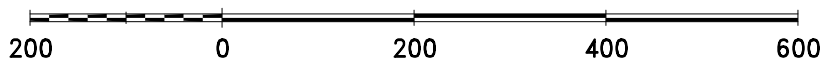
RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve #UV-24-19 with the following conditions:

1. The site is required to be brought into limited compliance to the extent required by the UDO standards 20.08.060(b).



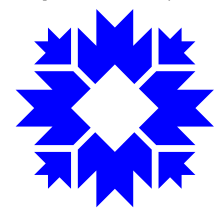
UV-29-19 Hobson
 901 W 1st St.
 Plan Commission
 Location, Zoning, Parcels

By: roblngr
 8 Aug 19

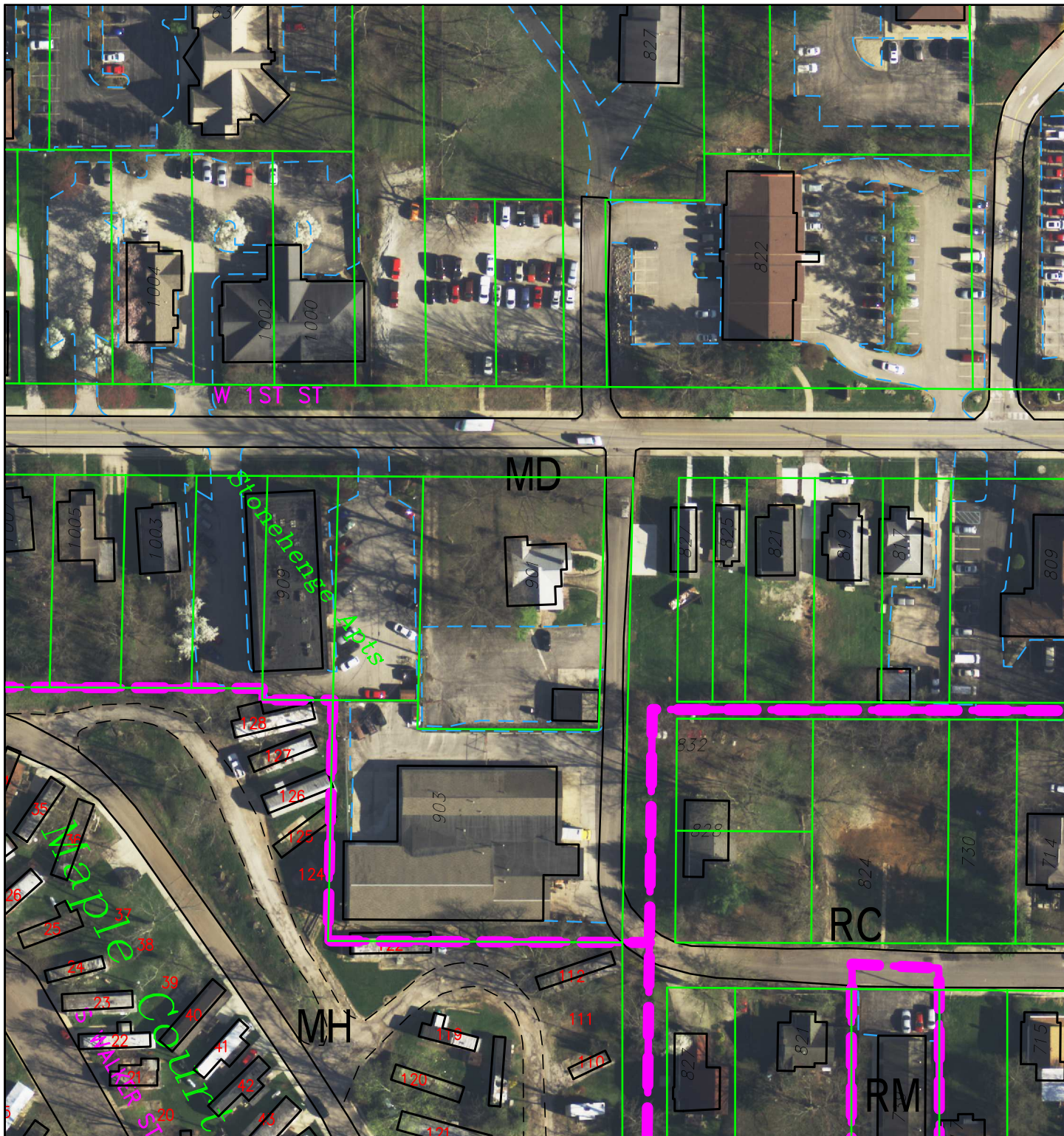


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation

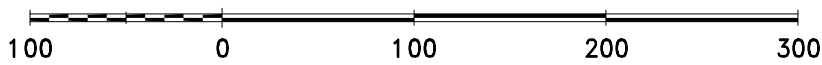


Scale: 1" = 200'

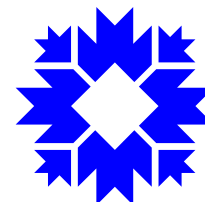


UV-29-19 Hobson
 901 W 1st St.
 Plan Commission
 Location, Zoning, Parcels

By: roblingr
 8 Aug 19



City of Bloomington
 Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

Jason L. Hobson, CEO
Advancing Eco Agriculture
1550 E. Bethel Lane
Bloomington, IN 47408

July 8, 2019

Bloomington Plan Commission
401 N. Morton St., Ste. 130
Bloomington, IN 47404

Dear Commissioners:

Please allow this notice to signal my intention, as Petitioner, to gain a use variance for the property located at 901 W. 1st St., Bloomington, IN 47403. The property is currently designated Medical (MD) and is owned by Dr. Jerry Jesseph, M.D. A variance will enable a change in the designation of this property so that, upon being granted, a lease agreement can be initiated with Dr. Jesseph that would enable the use this existing former medical offices to serve as office space for the locally based staff of an agricultural products and consulting enterprise.

Advancing Eco Agriculture, LLC (AEA), for which I serve as CEO, is a farm products and services company headquartered in Ohio. The company has maintained a satellite office in Bloomington since 2012, and currently employs six local residents as soil health consultants and support staff who consult with remote customers via phone and internet and sell product for shipment from the Ohio manufacturing facility

Leading Regenerative Agriculture since 2006, AEA is an \$10M company which manufactures liquid fertilizers and plant nutrition formulas for growers ranging in size from large commercial growers to smaller farms and backyard gardeners in all 50 states. We make innovative use of cutting-edge technological tools, such as plant sap analysis and our proprietary plant nutrition products, that allow us to custom-formulate fertility programs for any crop type, and which promote enhanced levels of plant function and performance.

Given the immanent relocation of the hospital to the new site, the MD designation will soon become obsolete. The land use portion of the Bloomington Comprehensive Plan labels this property as being within a Mixed Urban Residential area. Our proposal is in line with the Comprehensive Plan and will help maintain and enhance this neighborhood in transition. The building, which is consistent with the character and development pattern of the area, requires little to no modification for our purposes. There are several mature hardwood species on the

property which will be maintained and protected. There is ample off-street parking to accommodate the minimal needs of the proposed tenants, leaving on-street spaces adjacent to the property open to other residents and users.

I thank all members of the Commission and the Planning staff for your consideration of this proposed change in land use.

Sincerely,

A handwritten signature in black ink that reads "Jason L. Hobson". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jason Hobson, CEO
Advancing Eco Agriculture
812-340-2576
jhobson@advancingecoag.com

BLOOMINGTON BOARD OF ZONING APPEALS**LOCATION: 1300 & 1400 S. Patterson Dr.****CASE #: V-33-19****DATE: September 19, 2019**

PETITIONER: Catalent Indiana, LLC
1300 S. Patterson Dr, Bloomington

CONSULTANT: Bledsoe, Riggert, Cooper and James
1351 W. Tapp Road, Bloomington

REQUEST: The petitioner is requesting a variance from riparian buffer and landscaping standards to allow the construction of two new parking areas.

REPORT: The property is located at 1300 S. Patterson Drive and is located on Tract B within the Thomson Area PUD. The property has been developed with 2 large buildings that were constructed as part of the Thomson/RCA manufacturing plant that was the former use on this site and were subsequently re-used by Cook Pharmica who moved into the property in the early 2000's to now Catalent. Surrounding land uses include a concrete production facility to the south, office uses to the east, an industrial warehouse to the west, and a mix of single and multi-family residences to the north.

The Board of Zoning Appeals approved a petition #V-30-19 at its August hearing to allow a portion of the existing driveway to be relocated south to allow for the construction of new cooling towers.

The petitioner is proposing a large remodeling project to the existing building that will include substantial remodeling and an increase in their workforce. As a result of the new work and the associated employee increase, the petitioner is looking at opportunities to gain additional parking on the site. To that end they have identified two possible areas for additional parking that include adding parking along an existing driveway that runs along the south side of the building and constructing a new parking lot on the southwest area of their property.

There is an access drive that runs along the entire south side of the building that was installed when the railroad tracks were removed that previously served a loading bay on the south side of the building. The access drive is located approximately 65' from the top of bank of an adjacent intermittent stream to the south and is currently in the riparian buffer. The area of the proposed parking area on the southwest side of the property would involve placing a culvert in the intermittent stream to facilitate parking across that area. Both of these proposed activities therefore require a variance from the riparian buffer standards.

The petitioner is requesting a variance from the required 75' riparian buffer standards to allow for parking to be added along the driveway along the south side of the building and for a new parking area to be constructed at the southwest corner of the site. The petitioner is also requesting a variance to not require landscaping around the new parking area on the south side of the building due to overhead electric lines that prohibit the installation of tall canopy trees in that area. Duke Electric does not allow the placement of any tall canopy trees within their easement and there are other conflicts with the placement of tall canopy trees close to the building related to strict air quality restrictions for this use.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

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

PROPOSED FINDING:

Parking: No injury is found with this petition. The area of the existing road along the south side of the building was disturbed with previous development and the removal of the railroad lines. The area of the proposed parking on the southwest side of the property was also disturbed with previous grading in that area for stormwater detention requirements. No mature canopy trees will be removed with this proposal.

Landscaping: No injury is found by not requiring landscaping around the parking area on the south side of the site. The required density of landscaping will be planted elsewhere on the site to offset the landscaping requirements variance. The parking area on the south side of the building will not be visible from any public right-of-way.

- 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:

Parking: No negative effects from this proposal on the areas adjacent to the property are found. The area to be disturbed was previously used as a railroad spur and is not encumbered by mature tree canopy coverage. The area in the southwest corner was graded with previous work to install a stormwater detention pond in this area. A culvert will be installed to continue to convey stormwater when needed.

Landscaping: No adverse impacts on adjacent properties are found as a result of relocating the required landscaping from around the area of the parking on the south side of the site to other portions of the site. As mentioned previously, this proposed parking area is not visible from any public right-of-way.

- 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:

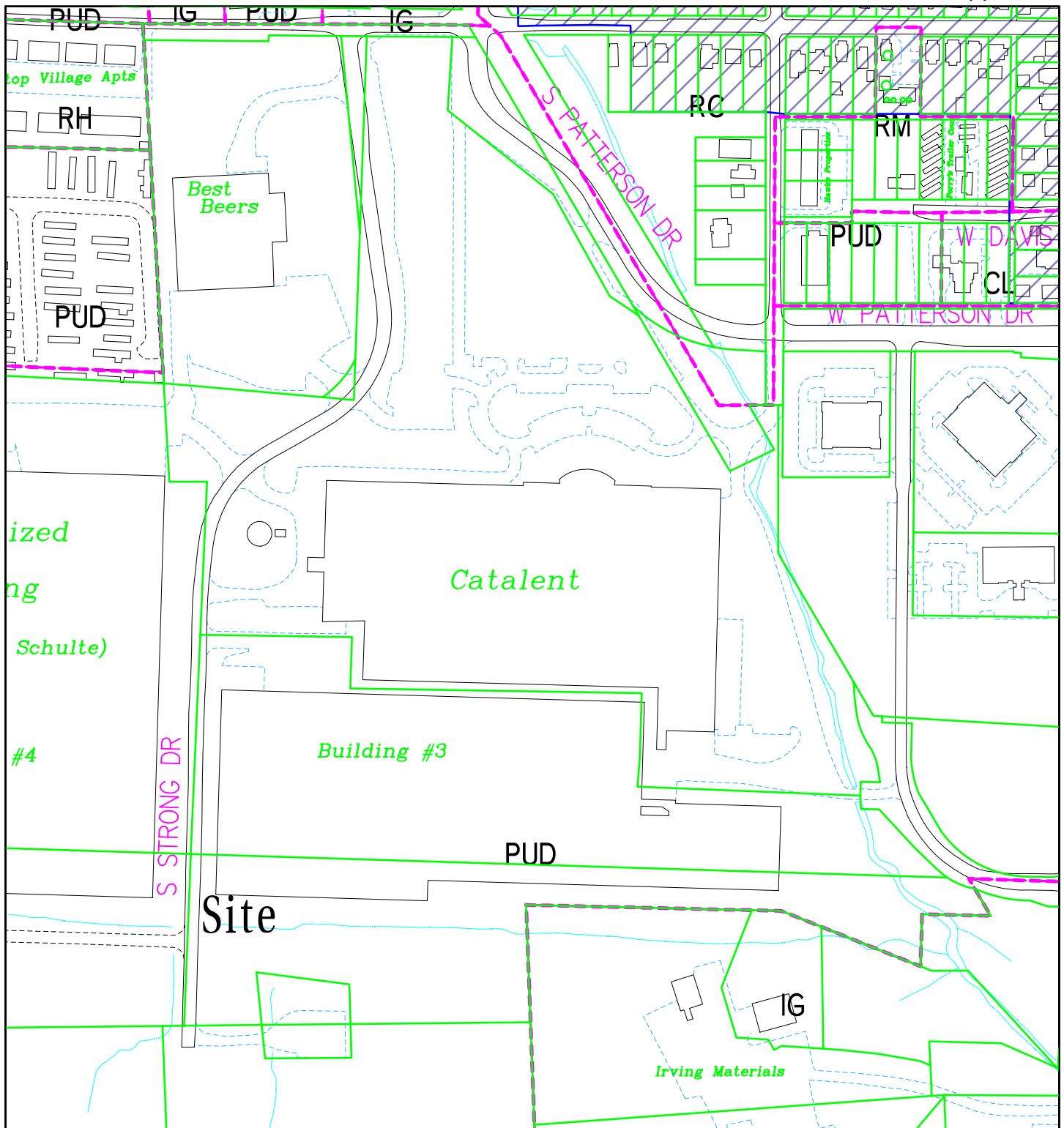
Parking: Practical difficulty is found in that the area of the access drive was previously heavily used and disturbed with a railroad spur. The installation of new parking in this area will not require any substantial grading or disturbance of native vegetation. In addition, the Thomson PUD was approved prior to the current riparian buffer standards. The Thomson PUD also only identified the West Branch of Clear Creek as a dominant stream through this

area and required existing vegetated buffers to be preserved along that corridor only which is not affected by this request. Both areas of proposed disturbance do not contain any mature tree canopy coverage and were previously disturbed for railroad traffic and stormwater detention facilities. Peculiar condition is found in the limited amount of area along this portion of the site due to the overhead power lines and the previous level of disturbance combined with the existing warehouse location. The Thomson PUD anticipated development within existing disturbed areas. The proposed encroachment is not excessive and is in keeping with the development pattern within the PUD.

Landscaping: Practical difficulty is found in the limited amount of area available on the site for parking and the limited amount of area along the south side of the property to install landscaping due to the overhead electric lines. Peculiar condition is found in the location of the electric lines and already developed nature of the property in relation to the building location and distance to property lines that limits the area available for landscaping.

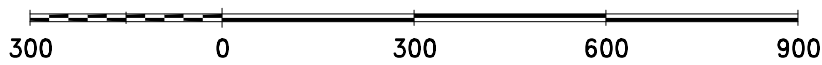
RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings and recommends approval of V-33-19 with the following conditions:

1. This variance applies to the scope of work for this exact project as proposed only. Any subsequent encroachment would require a variance.
2. All required landscaping for the parking area on the south side of the site will be installed elsewhere on the property.
3. The parking area on the southwest corner will be landscaped as required and submitted.
4. The proposed parking area on the south side of the building will be paved and striped once construction is complete to meet all UDO parking lot minimum dimensions.



V-33-19 Catalent
 1300 S Patterson Drive
 Board of Zoning Appeals
 Site Location, Zoning, Parcels

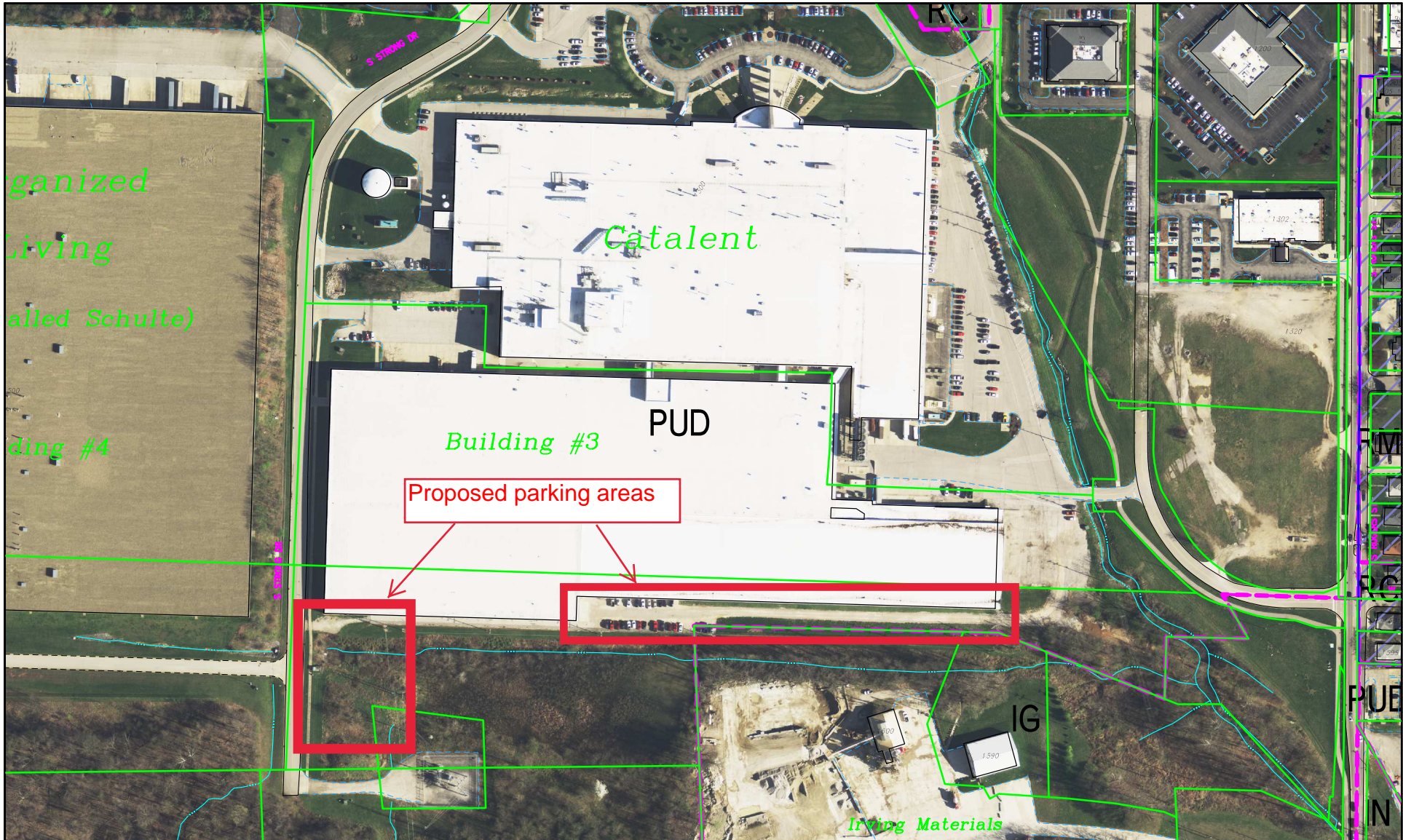
By: greulice
 13 Sep 19



City of Bloomington
 Planning & Transportation

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Scale: 1" = 300'



Organized Living (called Schulte) Building #4

Catalent

Building #3 PUD

Proposed parking areas

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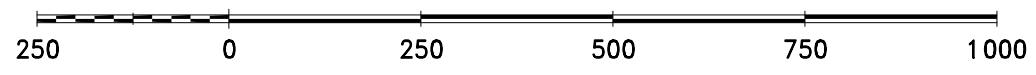
Irving Materials

PUE

IN

V-33-19 Catalent
1300 S Patterson Dr
2016 Aerial Photograph

By: greulice
13 Sep 19



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

Scale: 1" = 250'

Bledsoe Riggert Cooper James

LAND SURVEYING • CIVIL ENGINEERING • GIS

September 5, 2019

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

RE: Catalent Biologics, 1300 S. Patterson Drive
Variances from Environmental and Landscape Standards

Dear BZA Members:

The number of employees at Catalent Biologics is growing and Catalent is experiencing parking problems. Catalent has 1,250 employees at their Bloomington site. There are currently 896 parking spaces. During the change between the first and second shift there are 1050 employees arriving for work or leaving.

Based on current job openings, the number of employees will rise to 1,500 with an additional 190 employees overlapping between the first and second shift. Once the DP Expansion Project is complete in 2021 Catalent anticipates their staff will grow to 1,700.

In an effort to address their parking needs Catalent would like to construct a new parking lot at the southwest corner of their property and expand parking eastward along the south side to provide 144 new parking spaces.

On behalf of Catalent Biologics, we respectfully request your consideration of variances from the environmental and landscaping standards of the Unified Development Ordinance.

With regard to the environmental standards, there is an open drainageway that runs through and along the south side of the Catalent property. The western portion of their building is located 50-feet north of the drainageway and the eastern portion is 100-feet north. The proposed southwest parking area will extend 300-feet south from the building and include a culvert extension to cross the drainageway. The southeastern parking area will extend 60-feet south of the building and be within 40-feet of the open drainageway. The environmental standards require new development to preserve or provide a graduated 75-foot riparian buffer along the existing drainageway. The variance we seek is necessary to allow for the construction of essential parking for Catalent's employees.

With regard to the landscaping standards, Duke Energy has 69kV transmission lines and easements that run along the south side of the Catalent property and then south to the substation toward the southwest. Duke also has an underground line and easement along the east side of the Strong Drive right-of-way. Duke has prescribed planting limitations within their transmission right-of-way zones that limit what can plant. The landscaping standards require specific plantings within and around parking areas that we will not be able to completely satisfy due to the location of the transmission lines. The variance we seek in necessary due to Duke's planting limitations.

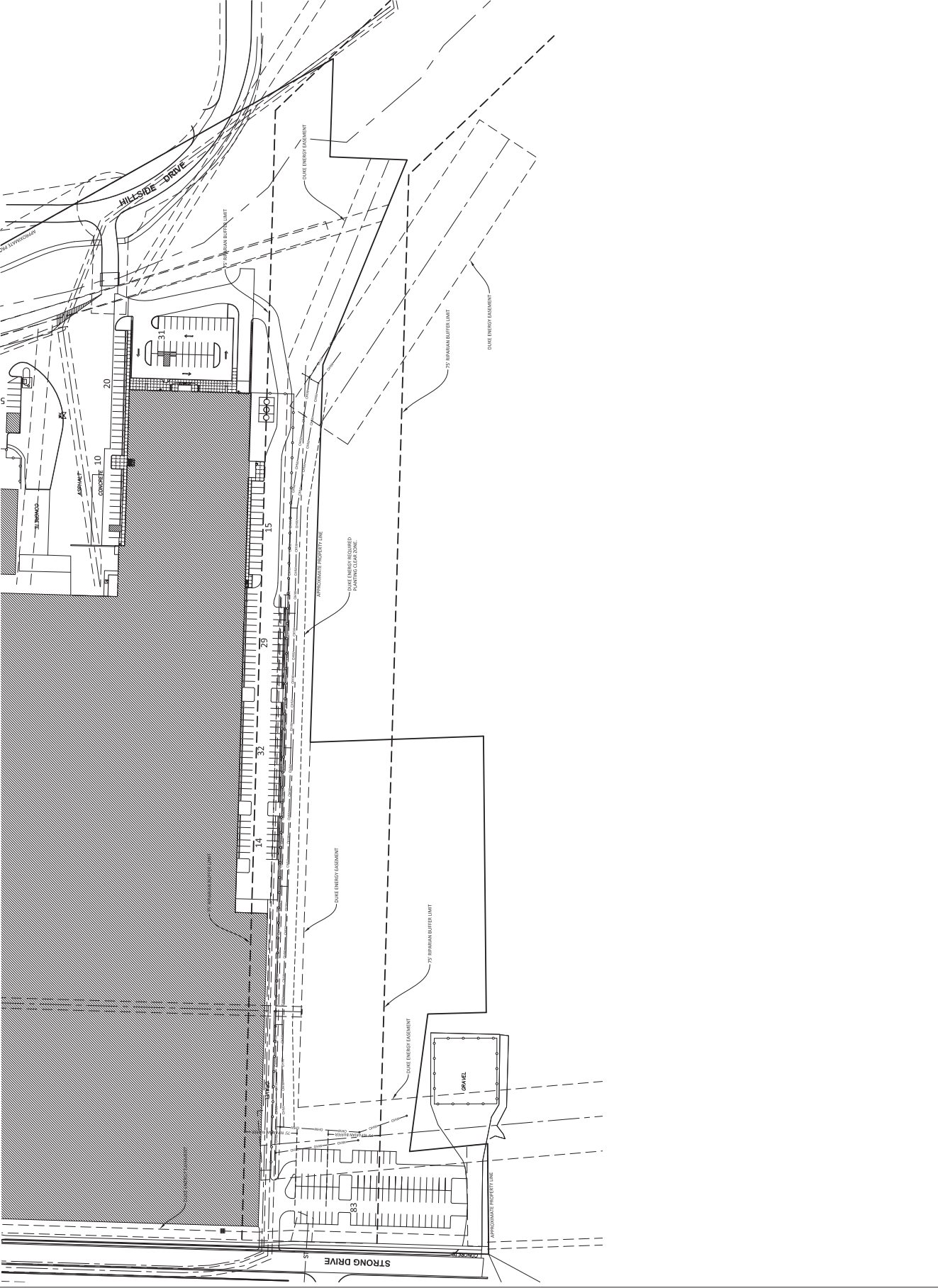
Your positive consideration of this request is greatly appreciated.

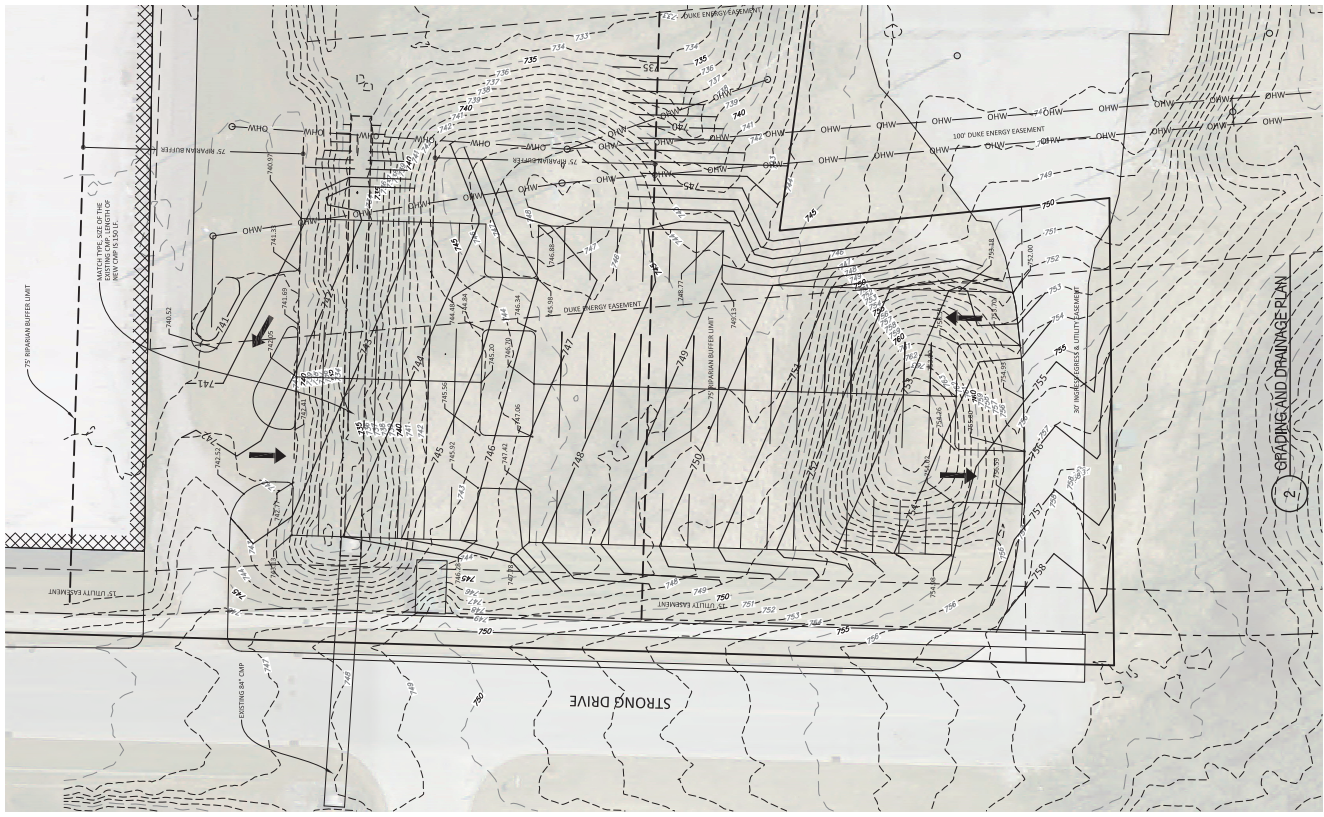
Sincerely,



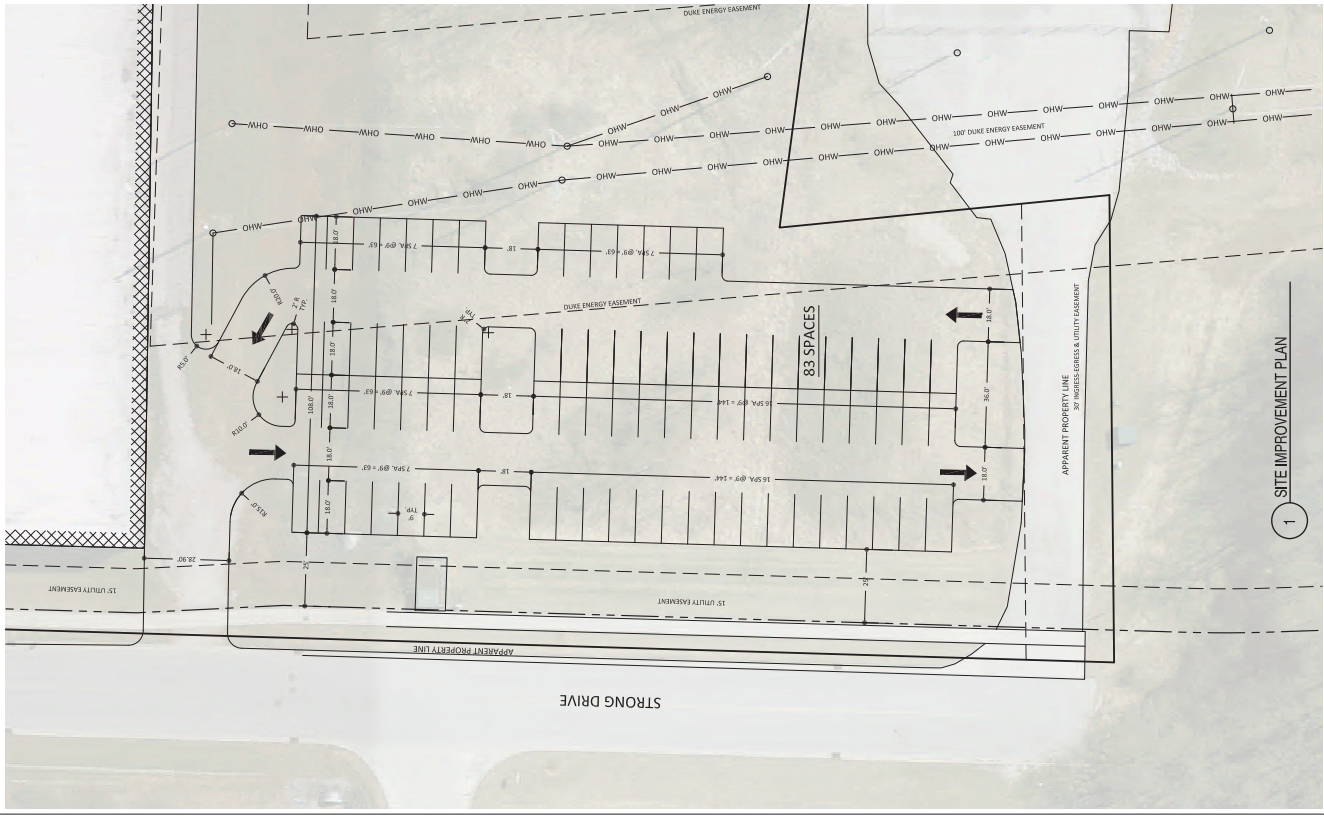
William S. Riggert, PE

Rev. #	Date	Description	Issue Date

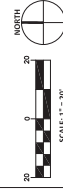




2 GRADING AND DRAINAGE PLAN



1 SITE IMPROVEMENT PLAN



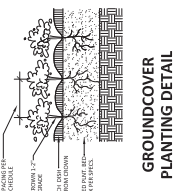
DATE:	10-01-0000	NOT FOR CONSTRUCTION
ISSUE:		
REVISION SCHEDULE		
Rev. #	Rev. Description	Issue Date

GENERAL NOTES

- A. THE CONTRACTOR SHALL OBTAIN ALL UTILITIES AND VERIFY PLANT CONCERN INFORMATION FROM THE CITY OF BLOOMINGTON AND THE INDIAN POWER CORPORATION. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND SHALL CORRECT ANY DISCREPANCIES.
- B. THE CONTRACTOR SHALL VERIFY ALL PLANT MATERIAL IN QUANTITIES AND QUANTITIES FROM THE PLANTER'S LIST. THE CONTRACTOR SHALL VERIFY THE PLANTER'S LIST AND SHALL CORRECT ANY DISCREPANCIES.
- C. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- D. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- E. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
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- J. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- K. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- L. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- M. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- N. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.
- O. ALL PLANT MATERIAL SHALL BE SPECIALLY SELECTED AND SHALL BE OF THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS. NO PLANT MATERIAL SHALL BE USED THAT IS NOT LISTED IN THE ASSOCIATION OF AMERICAN ORNAMENTAL PLANTERS LIST.

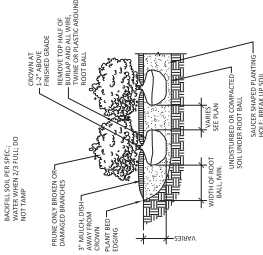
LEGEND

	PROPOSED CONTOURS
	EXISTING CONTOURS
	PLANT QUANTITY
	KEY

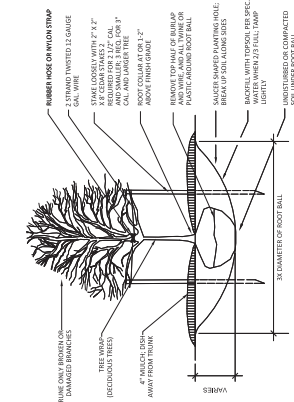


GROUND COVER PLANTING DETAIL

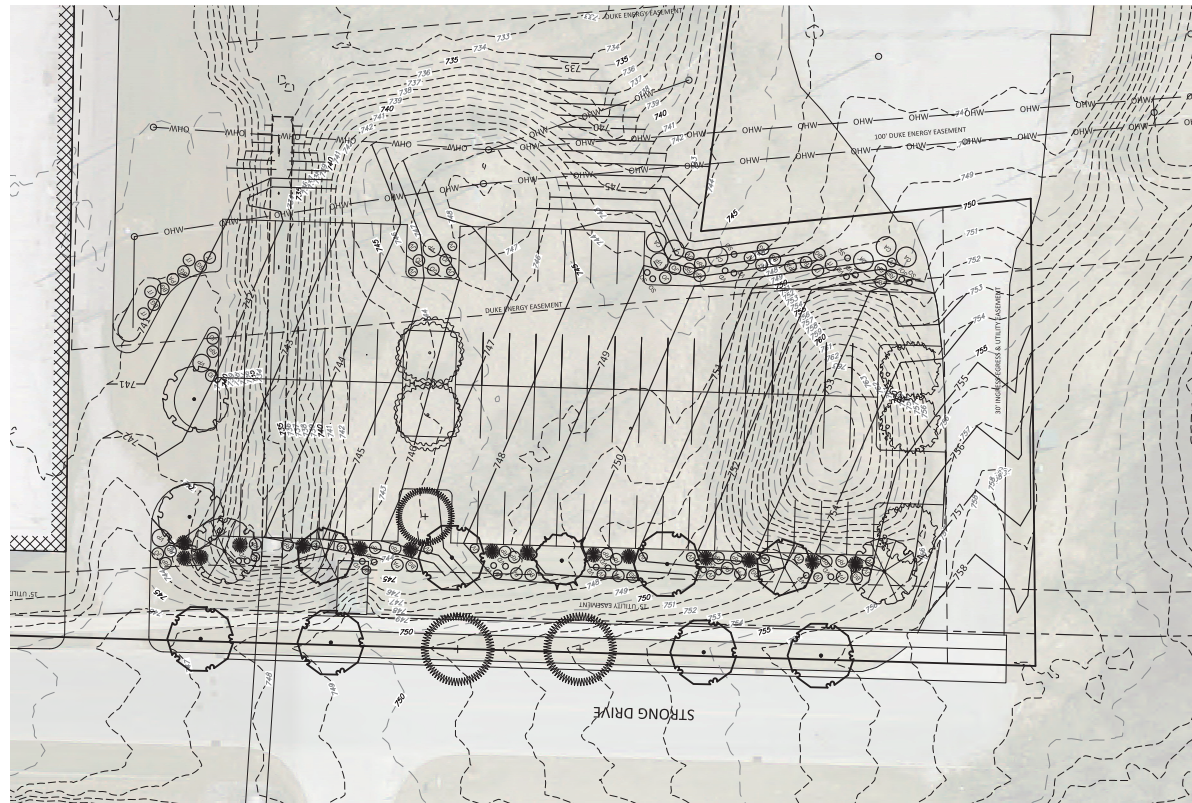
PLANT SUBSTITUTIONS ARE NOT ALLOWED WITHOUT PRIOR APPROVAL FROM CITY PLANNING



SHRUB PLANTING DETAIL



TREE PLANTING DETAIL



**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT**

CASE #: CU-34-19
CU-35-19
CU-36-19

DATE: September 19, 2019

Locations: 909 W. 1st Street / 1004 W. 1st Street / 637 ½ S. Walker Street

PETITIONER: Indiana Center for Recovery LLC
1004 W. 1st Street, Bloomington

ICFR Residence LLC
1004 W. 1st Street, Bloomington

CONSULTANT: Clendening, Johnson, & Bohrer PC
409 W. Patterson Drive, Suite 205, Bloomington

REQUEST: The petitioner is requesting conditional use approval to allow rehabilitation clinic(s) in the Medical (MD) zoning district.

REPORT: Two of the petition sites, 909 W. 1st Street and 1004 W. 1st Street, are located on W. 1st Street between South Walker and West Wylie Streets. The third site, 637 ½ S. Walker Street, is located directly north of 1004 W. 1st Street, with access from Walker Street. All three sites, in conjunction with 1000 W. 1st Street, operate as a ‘campus’ for Indiana Center for Recovery. 909 is developed with an apartment building and surface parking lots. 1004 is developed with an office building and associated surface parking lots. 637 ½ is developed with a larger office building and surface parking lot. Indiana Center for Recovery currently operates a rehabilitation clinic at 1000 W. 1st Street, which is adjacent to 1004 and 637 ½. All properties are zoned Medical (MD) and 1004 and 637 ½ are completely surrounded by other MD property. 909 is surrounded by MD, except for a Mobile Home Park district with an existing mobile home park to the south. Surrounding uses for 637 ½ and 1004 include a rehabilitation clinic, office and residential; and surrounding uses for 909 include a vacant use to the east, mobile home park to the south, single-family residential to the west, light industrial to the southeast and rehabilitation clinic and office to the north.

The petitioner is requesting a conditional use approval for each site to allow the use ‘rehabilitation clinic’ on each. The definition of ‘rehabilitation clinic’ encompasses many forms of rehabilitation, and is as follows:

A facility used for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use addiction.

ICFR is ‘an addiction service provider certified to provide addiction services by the Indiana Division of Mental Health and Addiction.’ Each of the locations provides a different portion of the services provided by ICFR and are described below.

The apartment building at 909 will be used as a ‘transitional level’ residential facility for individuals who have gone through the detox facility process, many at 1000 W. 1st Street. The facility contains twelve 2-bedroom units and ten 1-bedroom units. Residents do not bring vehicles to the property.

The office building at 1004 will be used as primarily an ancillary office building for the ICFR facilities in the area, but there will be some treatment services provided in the building, such as therapy for patients.

The office building at 637 ½ will be used for a ‘partial hospitalization program, an intensive outpatient program, and an outpatient program.’ Each of those designations relates to a level of care offered. Little to no changes are proposed for the interior of the building to meet these program needs.

The sites that are approved would be required to come into compliance with section BMC 20.08.060(b) *Nonconforming Sites and Structures; Limited Compliance* section of the UDO. The Department will work with the petitioner to address the needed site improvements that would be required to bring the sites into compliance. This will likely address landscaping, bicycle parking, and any excessive parking. For example, BMC 20.08.060(b) requires landscaping to the maximum extent practicable, so will likely require additional landscaping at each site.

The petitioner reached out to the contact for the McDoel Gardens Neighborhood Association, but did not receive a response. When previous petitions were discussed for ICFR in 2018, the Executive Committee did not agree to a recommendation. There are a number of facilities in this area that support those experiencing addiction, and there were some concern raised about the cumulative secondary effects of grouping similar uses.

CRITERIA AND FINDINGS

909 W. 1st Street

20.05.023 Standards for Conditional Use Permits – Rehabilitation Clinic

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;*

Proposed Finding: The Comprehensive Plan identifies this area as ‘Mixed Urban Residential’ and is located in the West 2nd Street Focus Area. The main focus of Mixed Urban Residential is on preservation and enhancement of existing residential development in this area. The proposed site would utilize an existing office building that was previously used as a doctor’s office. No expansion to the existing building is proposed.

In Community Services and Economics, Policy 1.2.1 gives guidance to “work with community partners to facilitate access to mental health services and addictions treatments”. The use of the property as a rehabilitation clinic will further that policy goal and will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Proposed Finding: The proposed use will not have any impacts that are different from typical multifamily uses. The use will generate typical noises and lights of a multifamily residential complex. When this site appeared in an Administrative Appeal petition in 2018, the main

complaint heard from the neighbors was that of noise. However, the Department has not heard complaints related to this site since that time.

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;*

Proposed Finding: The proposed use will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare. The building will be used in a manner similar to any multifamily residential use. The petitioner also added a privacy fence to the property last year.

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;*

Proposed Finding: The use requires no additional infrastructure services. There is no new development associated with this petition. The petitioner has received a building permit in order to improve the fire suppression system in the building. New landscaping will likely be required with this petition.

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

Proposed Finding: No undue traffic congestion or traffic is expected with the proposed use. Many of the patients will not bring vehicles to treatment.

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;*

Proposed Finding: There will be no significant natural features lost with this petition. No new construction is proposed with this petition. Additional landscaping is required 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.*

Proposed Finding: Access to the facility is 24 hour, as it is a residential site. The site has been operating at this location since February 2018 without noticeable impacts related to lighting and waste. Trash and waste collection will continue as it has. While issues were raised in the Administrative Appeal public comment period, since that time no issues regarding trash and waste collection have been raised.

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.*

Proposed Finding: No changes to existing signage or new signage have been proposed at this time. Any future signage will be reviewed by staff according to 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.*

Proposed Finding: There are no additional standards in Chapter 20.05 for the proposed use.

CRITERIA AND FINDINGS

1004 W. 1st Street

20.05.023 Standards for Conditional Use Permits – Rehabilitation Clinic

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;*

Proposed Finding: The Comprehensive Plan identifies this area as ‘Mixed Urban Residential’ and is located in the West 2nd Street Focus Area. The main focus of Mixed Urban Residential is on preservation and enhancement of existing residential development in this area. The proposed site would utilize an existing office building that was previously used as a doctor’s office. No expansion to the existing building is proposed.

In Community Services and Economics, Policy 1.2.1 gives guidance to “work with community partners to facilitate access to mental health services and addictions treatments”. The use of the property as a rehabilitation clinic will further that policy goal and will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Proposed Finding: The proposed use will operate 24 hours a day as part of the ICFR ‘campus’ in this area. The proposed use will not have any impacts that are different from other medical office uses, as the building will be used for office support services. No development nuisances are expected, and no changes to the site are proposed.

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;*

Proposed Finding: The proposed use will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare. The building will be used in a manner similar to a medical clinic and the use will occur completely inside the existing building. The buildings to the north, east, and southeast are all part of the ICFR ‘campus’.

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;*

Proposed Finding: The use requires no additional infrastructure services. There is no new development associated with this petition. There is adequate utility service in this area and no

improvements are needed. New landscaping will likely be required with this petition.

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

Proposed Finding: No undue traffic congestion or traffic is expected with the proposed use. Many of the patients will not bring vehicles to treatment.

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;*

Proposed Finding: There will be no significant natural features lost with this petition. No new construction is proposed with this petition. Additional landscaping is required 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.*

Proposed Finding: The facility will be operational 24 hours a day because patients have 24 hour access. All lighting and trash collection areas will meet UDO requirements. The Department does not believe that the use will create and hazard, hardship, or nuisance to the 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.*

Proposed Finding: No changes to existing signage or new signage have been proposed at this time. Any future signage will be reviewed by staff according to 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.*

Proposed Finding: There are no additional standards in Chapter 20.05 for the proposed use.

CRITERIA AND FINDINGS

637 ½ S. Walker Street

20.05.023 Standards for Conditional Use Permits – Rehabilitation Clinic

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;*

Proposed Finding: The Comprehensive Plan identifies this area as ‘Mixed Urban Residential’ and is located in the West 2nd Street Focus Area. The main focus of Mixed Urban Residential is on preservation and enhancement of existing residential development in this area. The proposed site would utilize an existing office building that was previously used as a doctor’s

office. No expansion to the existing building is proposed.

In Community Services and Economics, Policy 1.2.1 gives guidance to “work with community partners to facilitate access to mental health services and addictions treatments”. The use of the property as a rehabilitation clinic will further that policy goal and will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Proposed Finding: The proposed use will not have any impacts that are different from many other medical office uses, which were previously active on the site. Activity on the property will take place indoors and no changes to the building on the site are proposed.

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;*

Proposed Finding: The proposed use will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare. The building will be used in a manner similar to a medical clinic and the use will occur completely inside the existing building.

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;*

Proposed Finding: The use requires no additional infrastructure services. There is no new development associated with this petition. There is adequate utility service in this area and no improvements are needed. New landscaping will likely be required with this petition.

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

Proposed Finding: The use is located in an existing office building that is set more than 400 feet from Walker Street. The site would function as a part of the larger ICFR ‘campus’ and the Department does not believe that the use will generate any excessive traffic. Many users of the site will be located at residence at 909 W. 1st Street.

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;*

Proposed Finding: There will be no significant natural features lost with this petition. No new construction is proposed with this petition. Additional landscaping is likely required 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.*

Proposed Finding: The site is a 24-hour facility, as it will be open to patients at all times. All

lighting and trash collection areas will meet UDO requirements. The use will not pose a hazard, hardship, or nuisance to the surrounding neighborhood, as ICFR is the direct neighbor to the south, and no exterior changes to the site are being proposed.

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.*

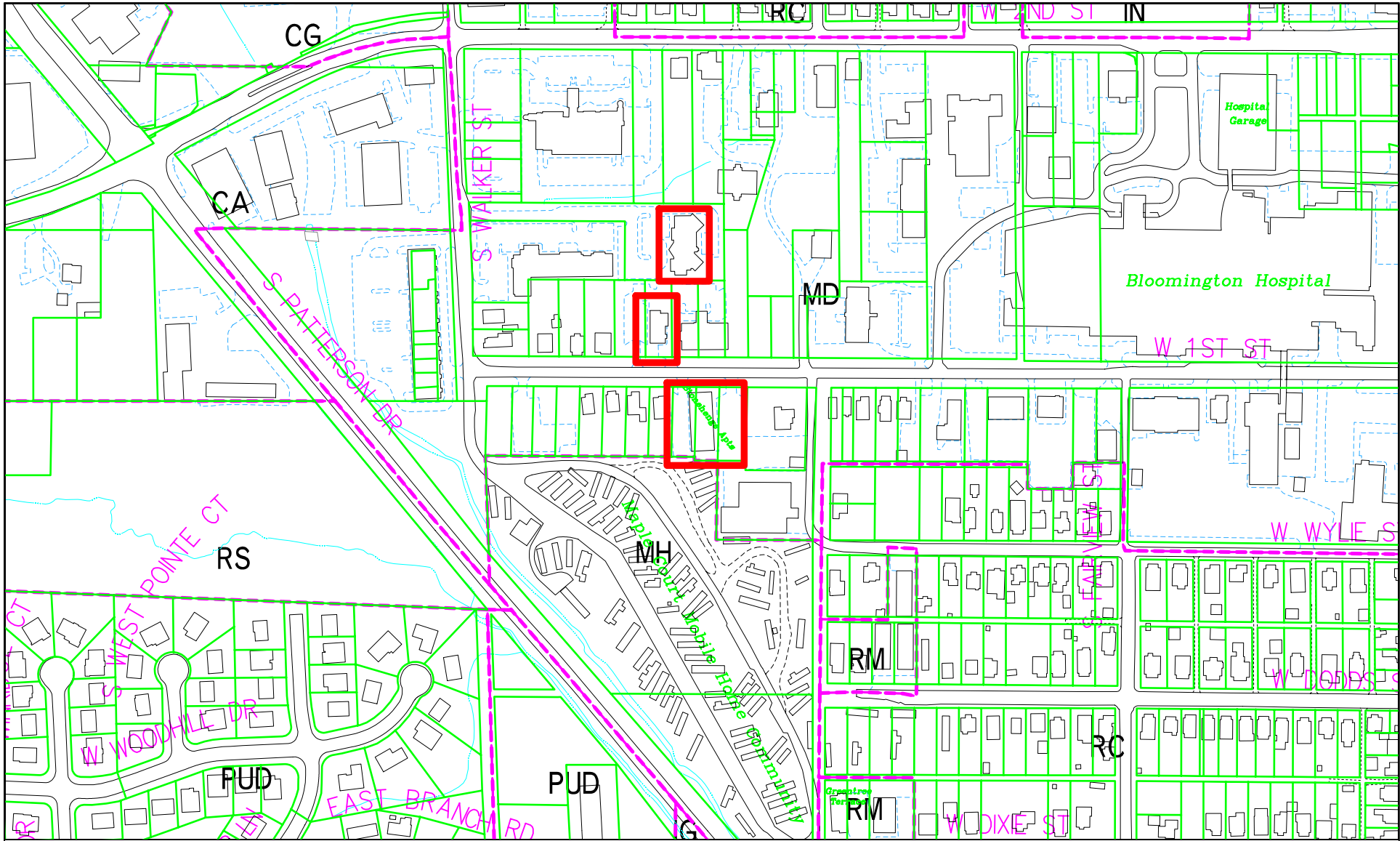
Proposed Finding: No changes to existing signage or new signage have been proposed at this time. Any future signage will be reviewed by staff according to the UDO standards.

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

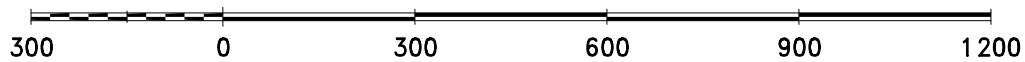
Proposed Finding: There are no additional standards in Chapter 20.05 for the proposed use.

RECOMMENDATION: The Department recommends the BZA adopt the recommended findings and approve CU-34-19, CU-35-19, and CU-36-19 with the following conditions:

1. Petitioner will submit a site plan for each of the three locations to meet UDO requirements.



By: scanlanj
13 Sep 19

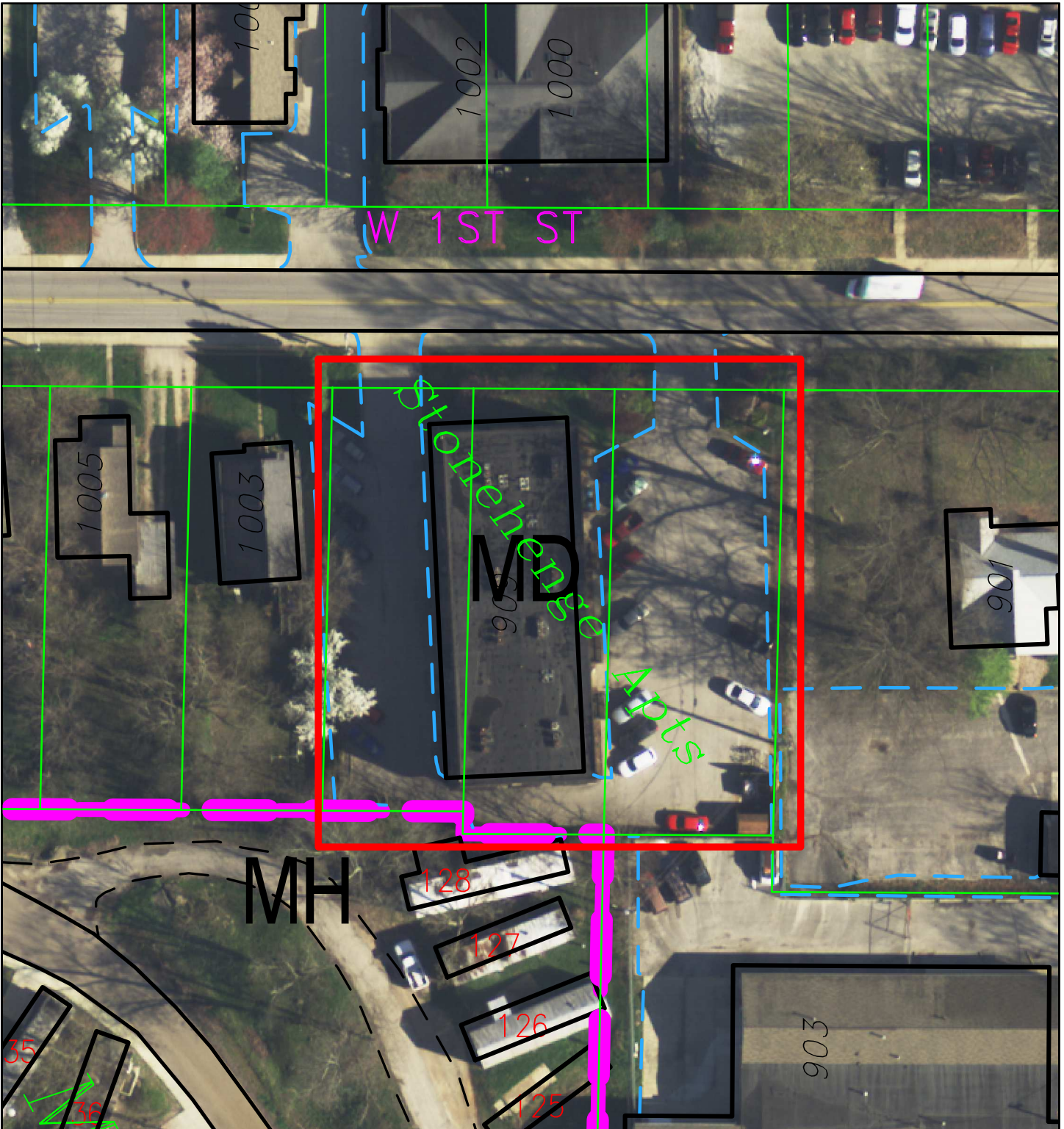


For reference only; map information NOT warranted.

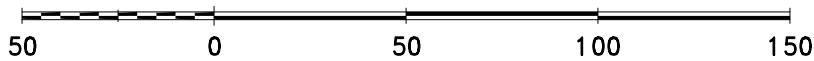
City of Bloomington
Planning & Transportation



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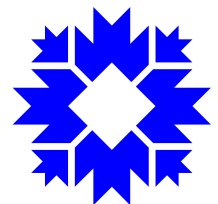
By: scanlanj
13 Sep 19



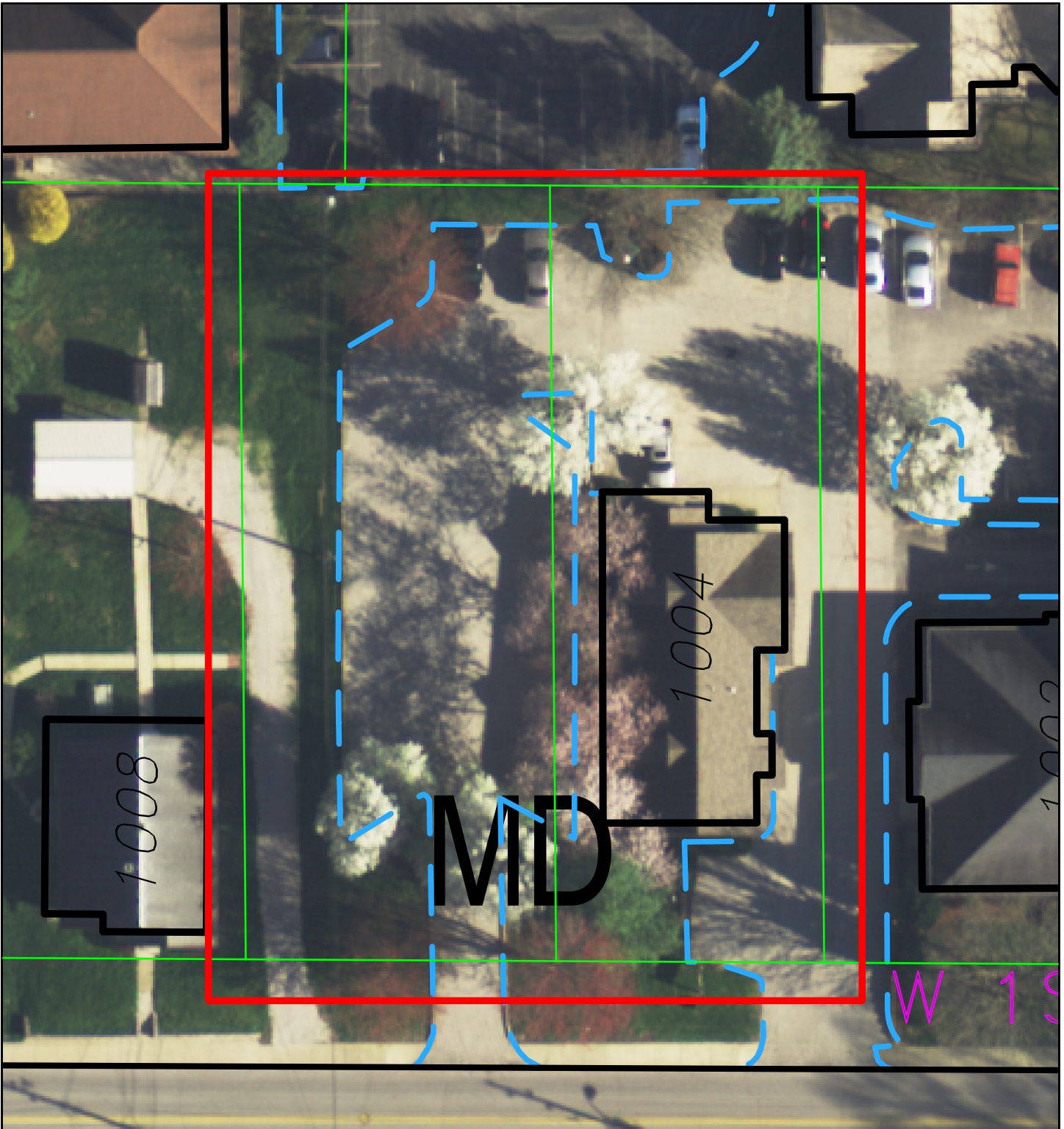
For reference only; map information NOT warranted.



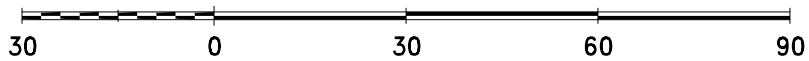
City of Bloomington
Planning & Transportation



Scale: 1" = 50'



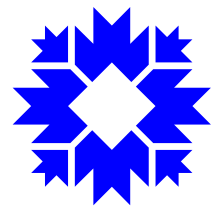
By: scanlanj
13 Sep 19



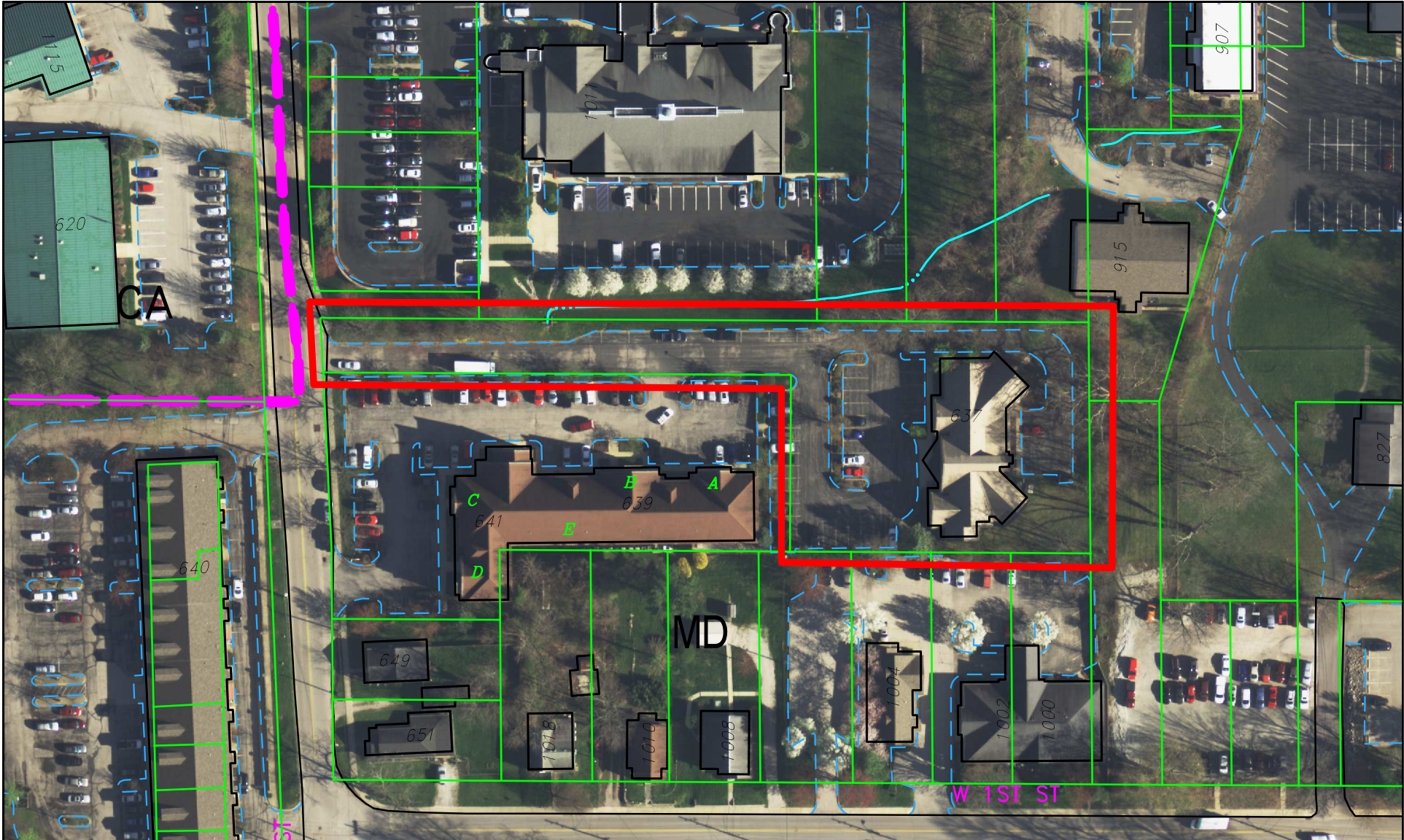
For reference only; map information NOT warranted.



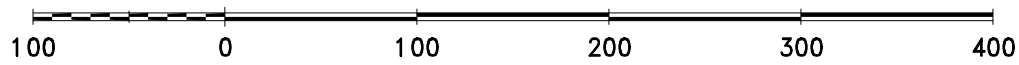
City of Bloomington
Planning & Transportation



Scale: 1" = 30'



By: scanlanj
13 Sep 19



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 100'





Cheyenne N. Riker
Attorney at Law

criker@lawcjb.com

August 22, 2019

Bloomington Board of Zoning Appeals
 c/o Jackie Scanlan
 401 N. Morton Street
 Bloomington, Indiana

Re: **APPLICATION FOR CONDITIONAL USE AT 909 W. First Street**

Dear Board Members:

Clendening Johnson & Bohrer, P.C. represents ICFR Residence, LLC (“Residence”), an Indiana limited liability company, and Indiana Center for Recovery, LLC (“ICFR”), an Indiana limited liability company. ICFR Residence owns the real estate located at 909 W. First Street in Bloomington, Indiana (“the Property”). This letter is submitted along with an application to request that this Board approve a conditional use that would allow ICFR to open a rehabilitation clinic, as defined in the Bloomington Unified Development Ordinance, at the Property. The legal titleholder of the Property, ICFR Residence, consents to ICFR filing this application.

The Property, which is located in the Medical District (“MD”), is currently used as an apartment building, for those who utilize the services of ICFR, at 1004 West First Street. The Property has been used in this way since about June, 2017. Rehabilitation clinics are conditional uses throughout the City of Bloomington, and there is no location in the City where this operation could take place without first obtaining the BZA’s approval. The applicable UDO sections are as follows:

20.05.023 CU-01 [Conditional Use; General Standards]

(a) All Conditional Uses are subject to the criteria established in Section 20.05.023: CU-01 [Conditional Use; General Standards]. Additional criteria as specified in Chapter 20.05; §CU: Conditional Use Standards shall be met by the specified categories of Conditional Use found therein. Development Standards for Conditional Uses shall be determined by either the Hearing Officer or Board of Zoning Appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

409 W. PATTERSON DR., SUITE 205, BLOOMINGTON, IN 47403 · BLOOMINGTON, IN 47402-0428

201 NORTH ILLINOIS STREET, 16TH FLOOR, SOUTH TOWER, INDIANAPOLIS, IN 46204

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 WWW.LAWCJB.COM

(b) No Conditional Use approval shall be granted pursuant to Chapter 20.09: Processes, Permits, and Fees 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;

(2) The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

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

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

(5) The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(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;

(7) The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the 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 Appeals' determination, shall not be approved; and

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

20.11.020 Defined Words

Rehabilitation Clinic: A facility used for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use addiction.

General Overview of Operations

ICFR operates at 1004 W. First St., 1000 W. First St., and, if approved, 637 1/2 South Walker Street and 909 W. First St., Bloomington. It is an addiction service provider certified to provide addiction services by the Indiana Division of Mental Health and Addiction as described on the attached "Exhibit C." As part of its certification, ICFR obtained accreditation from The Joint Commission, whose "standards are the basis of an objective evaluation process that can help health care organizations measure, assess and improve performance."¹ The Joint Commission accredits and certifies nearly 21,000 health care organizations and programs in the United States. Joint Commission accreditation and certification is recognized nationwide as a symbol of quality that reflects an organization's commitment to meeting certain performance standards.²

The property, as it is currently operated, is used as an apartment building, but, with approval, will be transitioned to a Residential Living Facility for Individuals with Psychiatric Disorders or Addictions ("Residential Facility"), under 440 IAC 7.5, *et seq.* The purpose of the facility will be to offer a transitional level of care for patients who complete treatment at the detox facility located at 1000 W. First Street, which will be operated by ICFR upon completion of applicable construction and fire suppression measures. The building will be of a transitional nature, whereby it will be used to transition patients from the highest level of care – detox – to lower levels of care, such as inpatient treatment, partial hospitalization, intensive outpatient, and, ultimately, outpatient therapy.

As part of the application to the State of Indiana for licensure as a Residential Facility, ICFR has made substantial improvements to the fire and safety aspects of the Property. Specifically, the fire suppression system is being upgraded to facilitate the needs of a Residential Facility.

The manner in which the Property will be utilized will change very little in terms of the outward appearance and traffic. The size of the lot is approximately 9,000 square feet, and the building on the Property is approximately 17,856 square feet. The Property contains twelve (12) two-bed, one-bath apartment units, and ten (10) one-bed, one-bath apartment units. Because patients will not store their vehicles on the Property, any necessary vehicles incidental to the use of the Property will be parked at the 637 South Walker property, or 1000 and 1004 West First Street. In total, those lots contain about 75 parking spaces, which is more than adequate for the needs of the facilities.

The Site Plan filed in conjunction with this Petition contains exact measurements and figures regarding the outward appearance of the building. There are no planned changes to the exterior of the building. The internal structure of the building will remain the same,

¹ See, The Joint Commission, https://www.jointcommission.org/facts_about_joint_commission_accreditation_standards/ (date visited, June 9, 2018).

² *Id.*

with the exception of the improvements to the fire and safety measures currently being undertaken.

General Use Standards as Applied to the Applicant's Use

The use of the Property will meet the nine (9) criteria required by the UDO. The interior use of the building will change to meet the requirements for a Residential Facility, but the exterior use of the Property will not change. Set out below are the nine (9) factors set forth in the UDO that ICFR will satisfy.

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.

The use to which the Property will be placed is consistent with the Growth Policies Plan³, and will not interfere with the achievement of the goals and objectives of the Growth Policies Plan. The Comprehensive Plan contains six (6) "Goals and Policies" based on the following Policy Objectives:

- (1) Community Services & Economics
- (2) Culture and Identity
- (3) Environment
- (4) Downtown
- (5) Housing & Neighborhoods
- (6) Transportation.

For each of the foregoing Policy Objectives, the Comprehensive Plan contains Goals and Policies, which are promoted by, and consistent with, the proposed use of the Property.

Under Community Services & Economics, the Comprehensive Plan contains several Goals and Policies, each of which is served by the proposed use. First, and perhaps foremost, is the City's goal to "Fortify our strong commitment to equality, acceptance, openness, and public engagement." Within this Goal is Policy 1.2.1, "Work with community partners to facilitate access to mental health services and addictions treatments." The use of the Property within the MD zoning district as a "rehabilitation clinic" will specifically promote, and be consistent with, policy 1.2.1 of the Comprehensive Plan. There is nothing inconsistent with the proposed use of the Property and the Comprehensive Plan as to the first Policy Objective.

The proposed use as a "rehabilitation clinic" will not directly impact the second, third, and fourth Policy Objectives. It will, however, have tangential effects on these Policy Objectives. Specifically, as to Culture and Identity, the use of the Property as a "rehabilitation clinic" will contribute to and promote a "high quality of life" for

³ The Growth Policies Plan ("GPP") has been replaced by the 2018 Comprehensive Plan of the City of Bloomington. See, < <https://bloomington.in.gov/planning/comprehensive-plan>>. As such, moving forward the GPP will be referred to as "the Comprehensive Plan."

Board of Zoning Appeals
August 22, 2019
Page 5

Bloomington's residents⁴. In offering high quality, specialized treatment for victims of substance use disorder, ICFR will promote clean, healthy living, community service, and cultural and social awareness. Part of ICFR's treatment programs involves engagement in community service, which directly supports the environment through ensuring clean facilities and streets.

The Housing and Neighborhoods policy is directly supported by the proposed use. Specifically, at their earliest stages of recovery, victims of substance use disorder are largely incapacitated. These individuals are sometimes distraught along City streets, bus stops, and abandoned buildings. ICFR will provide a place for those who might otherwise find themselves without proper shelter or nutrition. Goal 5.1 of the Comprehensive Plan is to "Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households." While Goal 5.1 is not directly impacted by the use of the Property, it will likely have the effect of reducing the homeless population, as well as the low-income population. A large number of ICFR's patients leave treatment with good-paying positions of employment, when often they arrive with no employment at all.

The Transportation policy is directed, in applicable part, to protecting "neighborhood streets that support residential character..."⁵ In this instance, the use of the Property will not increase traffic.

Overall, there is nothing inconsistent with the manner in which the Property will be used and the Comprehensive Plan. The use of the Property will promote the overall growth and well-being of the City of Bloomington, will provide comprehensive addiction treatment options, and will work toward reducing the homeless population through offering treatment options to those who qualify for the level of care for which the facility will be used.

2. The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.

As has been mentioned in the past, the facility will not create any additional noise or nuisances beyond what is currently found in the medical district. Just east of the Property is a large hospital, which generates a substantial amount of noise in the area. An ambulance service operates at the hospital location as well, which can regularly be heard near the Property and surrounding areas. As such, any noise change will be *de minimis* and not have an impact on the surrounding neighborhood.

As such, any activity at the Property will occur indoors, and will not affect the ambience of the surrounding neighborhood. There will be no issues with smoke, odors, vibrations, or objectionable lights, because nothing on the outside of the building will change.

⁴ See, Comprehensive Plan, City of Bloomington, P. 34.

⁵ See, Comprehensive Plan, City of Bloomington, Goal 6.5, P. 75.

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

The Property will not have any adverse impacts on the adjacent properties. To the North of the Property is 1000 and 1004 West First Street, one of which is an inpatient detox facility, and the other which is an outpatient treatment facility (which is also requesting a conditional use in conjunction with this application). Outpatient treatment services will be rendered at 637 South Walker Street and 1004 West First Street, and the Property will operate in conjunction with these properties, as a recovery campus. To the East of the Property is a personal residence, which is buffered by a parking lot used by ICFR for transport vans. There is also a six-foot foot tall fence running the perimeter of the Property, which will protect the identities of ICFR's patients. To the East is a residence owned by Mark Waters, who rents the property to tenants. Patients will transition from this facility, into public life by engagement in programs offered by ICFR.

Immediately south of the Property is Maple Court trailer court, which, to date, has voiced no objection to the manner in which the building is currently used.

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

Because the exterior structure of the building will not be modified, ICFR does not anticipate there will be any issues with the current public facilities and services at the Property. The interior use of the building will not change substantially, but there will be modifications made as necessary to qualify for licensure as a Residential Facility, as described above. However, there will not be a substantial increase in the use of the streets, public utilities, storm water management structures, or other services needed to operate the facility. As such, the current essential public facilities will be adequate to serve the needs of the facility. If it is determined that additional services are needed at the facility, ICFR will ensure that sufficient services will be provided at its own expense.

5. The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

As explained in response to topic 3, above, there is not an anticipated increase in traffic. The patients of the facility will be transported to and from the facility by their family members or an employee of ICFR. Accordingly, the traffic to and from the facility will be limited to times when patients are being admitted or discharged. Patients do not drive to or from the facility.

To the east, approximately 1.5 city blocks, is IU Health Bloomington Hospital, which generates substantial traffic. Because the Property is located within the MD zoning district, it is anticipated that this will be a high-traffic area. However, ICFR does not

anticipate adding to the already high traffic – in fact, with the proposed use, traffic would be more likely to decrease than increase. As such, the facility will not generate high volumes of traffic on a day-to-day basis.

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.

As mentioned above, the Property's exterior will not be changed, and no destruction will occur on the Property. The interior will remain the same, preserving any natural, scenic, or historic feature of the Property or any surrounding properties.

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

The hours of operation for the facility will be twenty-four (24) hours per day. This is because the facility will be open to patients at all times. However, this will not change the outside lighting or the trash and waste collection of the property. As such, the property will not present a hazard, hardship, or nuisance to the neighborhood. Being in the MD zoning district, the Property will operate very similarly to every other healthcare facility in the neighborhood. The Property will be open the same hours as IU Health Bloomington Hospital, will not change in the manner in which it is viewed from the outside, and will do nothing to pose any sort of hardship, hazard, or nuisance to the surrounding area beyond the current nearby activities.

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 Appeals' determination, shall not be approved.

The only change to the current signage will be to reflect the operator of the facility. Any changes to the signage will be approved by the City prior to installation, as necessary.

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

While the "footprint" will not change from the Property's prior use, the manner in which the Property is used will be slightly modified. Specifically, the Property will be operated as a "rehabilitation clinic," which places additional requirements on landowners to maintain compliance with the UDO. Since the footprint of the Property will remain the same, no changes will be necessary.

Petitioner will supplement this Petition with a full site plan and landscaping calculation prior to proceeding with the BZA hearing currently scheduled for September 19, 2019.

Alternative Request for Reasonable Accommodation under Americans with Disabilities Act and Fair Housing Act

As referenced above, ICFR believes that the definition of “rehabilitation clinic,” on its face, treats those who suffer from the particular disability of substance use disorder, differently from the rest of the population. As such, on its face, if it to be relied on, it should be relied on in a manner that is non-discriminatory and that offers reasonable accommodations to those to which the Americans with Disabilities Act (“ADA”) applies.

ICFR is a person as defined in 42 U.S.C. §12111(7), and the City is a public entity, as defined in 42 U.S.C. §12131. Under 28 C.F.R. §35.130(g), a public entity “shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.”

Additionally, under the Fair Housing Act (“FHA”), it is unlawful to discriminate against or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of that buyer, renter, or person residing in or intending to reside in that dwelling after it is sold, rented, or made available. 42 U.S.C §3604(f)(1). The FHA further provides that it is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of the handicap of that person or persons residing in or intending to reside in that dwelling after it is sold, rented, or made available. 42 U.S.C. § 3604(f)(2). The federal regulations implementing the FHA specifically prohibit, as a discriminatory activity, providing municipal services differently because of handicap. 24 C.F.R. § 100.70(d)(4). The federal regulations further make it unlawful, because of handicap, “to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to . . . discourage or obstruct choices in a community, neighborhood or development.” 24 C.F.R. § 100.70(a).

Accordingly, following the plain language of the UDO, in singling out individuals with substance use disorders, it appears there is a disparity in the manner in which facilities treating those with substance use disorders are treated in comparison to those with other medical issues. Specifically, for a medical clinic that offers outpatient services, there is no requirement to apply for a conditional use. However, a rehabilitation clinic is not a permitted use anywhere in the City. As such, treatment facilities offering treatment of drug and alcohol addiction treatment are treated disparately from other facilities.

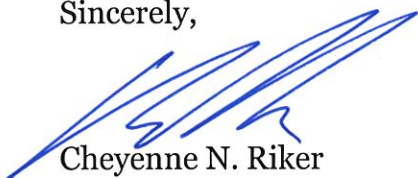
In light of the foregoing, ICFR respectfully requests of this Board a determination that it is permitted to operate the Property as a rehabilitation clinic, or, in the alternative, as a facility protected by the ADA and FHA and which is permitted in the Medical District.

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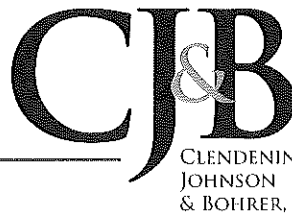
Conclusion

Petitioner, Indiana Center for Recovery, LLC and ICFR Residence, LLC, by counsel, respectfully requests of this Board approval of a conditional use of the Property as a rehabilitation clinic. The nine (9) general standards have been met, as stated herein. The use of the property as a rehabilitation clinic will not harm, but will provide a benefit to, the public health, welfare, and safety of the surrounding properties and their respective owners. Finally, all applicable development standards are met, or should be considered for an applicable variance based on the manner in which the Property will be used.

Sincerely,



Cheyenne N. Riker



Cheyenne N. Riker
Attorney at Law

criker@lawcjb.com

August 22, 2019

Bloomington Board of Zoning Appeals
 c/o Jackie Scanlan
 401 N. Morton Street
 Bloomington, Indiana

Re: **APPLICATION FOR CONDITIONAL USE AT 1004 W. First Street**

Dear Board Members:

Clendening Johnson & Bohrer, P.C. represents 1000 W. First St., LLC ("1000 West"), an Indiana limited liability company, and Indiana Center for Recovery, LLC ("ICFR"), an Indiana limited liability company. 1000 West owns the real estate located at 1004 W. First Street in Bloomington, Indiana. This letter is submitted along with an application to request that this Board approve a conditional use that would allow ICFR to open a rehabilitation clinic, as defined in the Bloomington Unified Development Ordinance. The legal titleholder of the Property, 1000 West, consents to ICFR filing this application.

The Property, which is located in the Medical District ("MD"), is used as a medical clinic, but offers rehabilitation services to those who suffer from substance us disorder. The Property has been used in this way since about June, 2017. Rehabilitation clinics are conditional uses throughout the City of Bloomington, and there is no location in the City where this operation could take place without first obtaining the BZA's approval. The applicable UDO sections are as follows:

20.05.023 CU-01 [Conditional Use; General Standards]

(a) All Conditional Uses are subject to the criteria established in Section 20.05.023: CU-01 [Conditional Use; General Standards]. Additional criteria as specified in Chapter 20.05; §CU: Conditional Use Standards shall be met by the specified categories of Conditional Use found therein. Development Standards for Conditional Uses shall be determined by either the Hearing Officer or Board of Zoning Appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

(b) No Conditional Use approval shall be granted pursuant to Chapter 20.09: Processes, Permits, and Fees unless the petitioner shall

409 W. PATTERSON DR., SUITE 205, BLOOMINGTON, IN 47403 • BLOOMINGTON, IN 47402-0428
 201 NORTH ILLINOIS STREET, 16TH FLOOR, SOUTH TOWER, INDIANAPOLIS, IN 46204

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;
- (2) The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;
- (3) The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;
- (4) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, storm water management structures, and other services, or that the applicant will provide adequately for such services;
- (5) The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (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;
- (7) The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the 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 Appeals' determination, shall not be approved; and
- (9) The proposed use and development complies with any additional standards imposed upon that particular use by Chapter 20.05; §CU: Conditional Use Standards.

20.11.020 Defined Words

Rehabilitation Clinic: A facility used for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use addiction.

General Overview of Operations

ICFR operates at 1004 W. First St., 1000 W. First St., and, if approved, 637 1/2 South Walker Street and 909 W. First St., Bloomington. It is an addiction service provider certified to provide addiction services by the Indiana Division of Mental Health and Addiction as described on the attached "Exhibit C." As part of its certification, ICFR obtained accreditation from The Joint Commission, whose "standards are the basis of an objective evaluation process that can help health care organizations measure, assess and improve performance."¹ The Joint Commission accredits and certifies nearly 21,000 health care organizations and programs in the United States. Joint Commission accreditation and certification is recognized nationwide as a symbol of quality that reflects an organization's commitment to meeting certain performance standards.²

The manner in which the Property will be utilized will change very little in terms of the outward appearance and traffic. The size of the lot is approximately 19,000 square feet, and the building on the Property is approximately 2,600 square feet. Currently the Property contains twenty-seven (27) parking spaces. The Site Plan filed in conjunction with this Petition contains exact measurements and figures regarding the outward appearance of the building. There are no planned changes to the exterior of the building.

The internal structure of the building will remain the same, and will be used to accommodate administrative offices, an intake/assessment room for new patients, and a small activity space for patients to take advantage of during times when treatment is not being administered. The building will be used as an ancillary space for the surrounding properties' rehabilitation clinics.

If this Petition is granted, treatment at the Property will be limited, as this facility is primarily an ancillary office building, which will only offer limited addiction treatment services. However, when treatment is performed, it will be by trained therapists and nurses with specializations in behavioral health.

General Use Standards as Applied to the Applicant's Use

The use of the Property will meet the nine (9) criteria required by the UDO. Neither the interior nor the exterior use of the Property will change. Set out below are the nine (9) factors set forth in the UDO that ICFR will satisfy.

¹ See, The Joint Commission, https://www.jointcommission.org/facts_about_joint_commission_accreditation_standards/ (date visited, June 9, 2018).

² *Id.*

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.

The use to which the Property will be placed is consistent with the Growth Policies Plan³, and will not interfere with the achievement of the goals and objectives of the Growth Policies Plan. The Comprehensive Plan contains six (6) “Goals and Policies” based on the following Policy Objectives:

- (1) Community Services & Economics
- (2) Culture and Identity
- (3) Environment
- (4) Downtown
- (5) Housing & Neighborhoods
- (6) Transportation.

For each of the foregoing Policy Objectives, the Comprehensive Plan contains Goals and Policies, which are promoted by, and consistent with, the proposed use of the Property.

Under Community Services & Economics, the Comprehensive Plan contains several Goals and Policies, each of which is served by the proposed use. First, and perhaps foremost, is the City’s goal to “Fortify our strong commitment to equality, acceptance, openness, and public engagement.” Within this Goal is Policy 1.2.1, “Work with community partners to facilitate access to mental health services and addictions treatments.” The use of the Property within the MD zoning district as a “rehabilitation clinic” will specifically promote, and be consistent with, policy 1.2.1 of the Comprehensive Plan. There is nothing inconsistent with the proposed use of the Property and the Comprehensive Plan as to the first Policy Objective.

The proposed use as a “rehabilitation clinic” will not directly impact the second, third, and fourth Policy Objectives. It will, however, have tangential effects on these Policy Objectives. Specifically, as to Culture and Identity, the use of the Property as a “rehabilitation clinic” will contribute to and promote a “high quality of life” for Bloomington’s residents⁴. In offering high quality, specialized treatment for victims of substance use disorder, ICFR will promote clean, healthy living, community service, and cultural and social awareness. Part of ICFR’s treatment programs involves engagement in community service, which directly supports the environment through ensuring clean facilities and streets.

The Housing and Neighborhoods policy is directly supported by the proposed use. Specifically, at their earliest stages of recovery, victims of substance use disorder are largely incapacitated. These individuals are sometimes distraught along City streets, bus

³ The Growth Policies Plan (“GPP”) has been replaced by the 2018 Comprehensive Plan of the City of Bloomington. See, < <https://bloomington.in.gov/planning/comprehensive-plan>>. As such, moving forward the GPP will be referred to as “the Comprehensive Plan.”

⁴ See, Comprehensive Plan, City of Bloomington, P. 34.

stops, and abandoned buildings. ICFR will provide a place for those who might otherwise find themselves without proper shelter or nutrition. Goal 5.1 of the Comprehensive Plan is to “Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households.” While Goal 5.1 is not directly impacted by the use of the Property, it will likely have the effect of reducing the homeless population, as well as the low-income population. A large number of ICFR’s patients leave treatment with good-paying positions of employment, when often they arrive with no employment at all.

The Transportation policy is directed, in applicable part, to protecting “neighborhood streets that support residential character...”⁵ In this instance, the use of the Property will not increase traffic.

Overall, there is nothing inconsistent with the manner in which the Property will be used and the Comprehensive Plan. The use of the Property will promote the overall growth and well-being of the City of Bloomington, will provide comprehensive addiction treatment options, and will work toward reducing the homeless population through offering treatment options to those who qualify for the level of care for which the facility will be used.

2. The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.

As has been mentioned in the past, the facility will not create any additional noise or nuisances beyond what is currently found in the medical district. Just east of the Property is a large hospital, which generates a substantial amount of noise in the area. An ambulance service operates at the hospital location as well, which can regularly be heard near the Property and surrounding areas. As such, any noise change will be *de minimis* and not have an impact on the surrounding neighborhood.

As such, any activity at the Property will occur indoors, and will not affect the ambience of the surrounding neighborhood. There will be no issues with smoke, odors, vibrations, or objectionable lights, because nothing on the outside of the building will change.

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

The Property will not have any adverse impacts on the adjacent properties. To the North of the Property is 637 South Walker, which is also requesting a conditional use in conjunction with this application. Outpatient treatment services will be rendered at 637 South Walker Street, and the Property will operate as an ancillary facility to 637 South Walker. To the West of the Property is a parking lot, which provides a buffer to the residence located at 1008 W. First Street. There is also a 3-4 foot tall berm, which elevates the property to a height just above the 1008 property. To the East is ICFR’s current

⁵ See, Comprehensive Plan, City of Bloomington, Goal 6.5, P. 75.

inpatient detox operation, which is set to begin operation in the month of September, 2019. This property will benefit from the services that will be rendered at the Property, since the Property will be used for administrative/intake services for the detox and the Walker Street properties. Patients will transition from the inpatient detox to the 909 W. First Street property, which is immediately adjacent and to the Southeast of the Property. The 909 property will also be used as housing for those utilizing the services at the Property and at the 637 South Walker Street Property.

Immediately south of the Property is a single-family home adjacent to the Property is a residence owned by Mark Waters at 1003 W. First Street. ICFR has received no complaints from Mr. Waters regarding the ongoing operations at the Property.

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

Because the exterior structure of the building will not be modified, ICFR does not anticipate there will be any issues with the current public facilities and services at the Property. The interior use of the building will not change substantially, and there will not be a substantial increase in the use of the streets, public utilities, storm water management structures, or other services needed to operate the facility. As such, the current essential public facilities will be adequate to serve the needs of the facility. If it is determined that additional services are needed at the facility, ICFR will ensure that sufficient services will be provided at its own expense.

5. The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

As explained in response to topic 3, above, there is not an anticipated increase in traffic. The patients of the facility will be transported to and from the facility by their family members or an employee of ICFR. Accordingly, the traffic to and from the facility will be limited to times when patients are being admitted or discharged. Patients do not drive to or from the facility.

To the east, approximately 1.5 city blocks, is IU Health Bloomington Hospital, which generates substantial traffic. Because the Property is located within the MD zoning district, it is anticipated that this will be a high-traffic area. However, ICFR does not anticipate adding to the already high traffic – in fact, with the proposed use, traffic would be more likely to decrease than increase. As such, the facility will not generate high volumes of traffic on a day-to-day basis.

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.

As mentioned above, the Property's exterior will not be changed, and no destruction will occur on the Property. The interior will remain the same, preserving any natural, scenic, or historic feature of the Property or any surrounding properties.

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

The hours of operation for the facility will be twenty-four (24) hours per day. This is because the facility will be open to patients at all times. However, this will not change the outside lighting or the trash and waste collection of the property. As such, the property will not present a hazard, hardship, or nuisance to the neighborhood. Being in the MD zoning district, the Property will operate very similarly to every other healthcare facility in the neighborhood. The Property will be open the same hours as IU Health Bloomington Hospital, will not change in the manner in which it is viewed from the outside, and will do nothing to pose any sort of hardship, hazard, or nuisance to the surrounding area beyond the current nearby activities.

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 Appeals' determination, shall not be approved.

The only change to the current signage will be to reflect the operator of the facility. Any changes to the signage will be approved by the City prior to installation.

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

While the "footprint" will not change from the Property's prior use, the manner in which the Property is used will be slightly modified. Specifically, the Property will be operated as a "rehabilitation clinic," which places additional requirements on landowners to maintain compliance with the UDO. Since the footprint of the Property will remain the same, no changes will be necessary.

Petitioner will supplement this Petition with a full site plan and landscaping calculation prior to proceeding with the BZA hearing currently scheduled for September 19, 2019.

Alternative Request for Reasonable Accommodation under Americans with Disabilities Act

As referenced above, ICFR believes that the definition of "rehabilitation clinic," on its face, treats those who suffer from the particular disability of substance use disorder, differently from the rest of the population. As such, on its face, if it to be relied on, it

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should be relied on in a manner that is non-discriminatory and that offers reasonable accommodations to those to which the Americans with Disabilities Act ("ADA") applies.

ICFR is a person as defined in 42 U.S.C. §12111(7), and the City is a public entity, as defined in 42 U.S.C. §12131. Under 28 C.F.R. §35.130(g), a public entity "shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association."

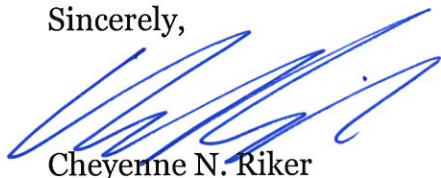
Accordingly, following the plain language of the UDO, in singling out individuals with substance use disorders, it appears there is a disparity in the services available to those with substance use disorders as opposed to those with other medical issues. Specifically, for a medical clinic that offers outpatient services, there is no requirement to apply for a conditional use. However, a rehabilitation clinic is not a permitted use anywhere in the City. As such, treatment facilities offering treatment of drug and alcohol addiction treatment are treated disparately from other facilities.

In light of the foregoing, ICFR respectfully requests of this Board a determination that it is permitted to operate the Property as a rehabilitation clinic, or, in the alternative, as a facility protected by the ADA and which is permitted in the Medical District.

Conclusion

Petitioner, Indiana Center for Recovery, LLC, by counsel, respectfully requests of this Board approval of a conditional use of the Property as a rehabilitation clinic. The nine (9) general standards have been met, as stated herein. The use of the property as a rehabilitation clinic will not harm, but will provide a benefit to, the public health, welfare, and safety of the surrounding properties and their respective owners. Finally, all applicable development standards are met, or should be considered for an applicable variance based on the manner in which the Property will be used.

Sincerely,



Cheyenne N. Riker



Cheyenne N. Riker
Attorney at Law
criker@lawcjb.com

August 22, 2019

Bloomington Board of Zoning Appeals
c/o Jackie Scanlan
401 N. Morton Street
Bloomington, Indiana

Re: **APPLICATION FOR CONDITIONAL USE AT 637 ½ S. Walker**

Dear Board Members:

Clendening Johnson & Bohrer, P.C. represents Indiana Center for Recovery, LLC (“ICFR”), an Indiana limited liability company, which leases the real estate located at 637 ½ South Walker Street, Bloomington (“the Property”). The Property is owned by Gregory and Theresa Botelho, whose approval of this application is attached to the application submitted with this letter. The application is to request this Board’s approval of a conditional use that would allow ICFR to open a rehabilitation clinic, as defined in the Bloomington Unified Development Ordinance, at the Property.

The Property, which is located in the Medical District (“MD”), was once used as a doctor’s office and an oral surgeon’s office, but will, if approved, offer rehabilitation services, including a partial hospitalization program, an intensive outpatient program, and an outpatient program. Rehabilitation clinics are conditional uses throughout the City of Bloomington, and there is no location in the City where this operation could take place without first obtaining the BZA’s approval. While ICFR believes the closest definition applicable under the UDO is as a medical clinic, since the property is not an inpatient facility, and since it is a non-discriminatory definition under the ADA, the City has indicated that it believes the best definition under which to apply is the definition of “rehabilitation clinic.”

In light of the foregoing, this application is a request for a conditional use as a “rehabilitation clinic.” ICFR believes that while the “rehabilitation clinic” definition is facially discriminatory, as has been cited in the past and described in more detail below, this is an effort to request that the BZA approve this proposed use notwithstanding the nature of the ordinance.

The applicable UDO sections are as follows:

20.05.023 CU-01 [Conditional Use; General Standards]

(a) All Conditional Uses are subject to the criteria established in Section 20.05.023: CU-01 [Conditional Use; General Standards]. Additional criteria as specified in Chapter 20.05; §CU: Conditional Use Standards shall be met by the specified categories of Conditional Use found therein. Development Standards for Conditional Uses shall be determined by either the Hearing Officer or Board of Zoning Appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

(b) No Conditional Use approval shall be granted pursuant to Chapter 20.09: Processes, Permits, and Fees 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;

(2) The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

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

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

(5) The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(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;

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

(8) Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of

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character, in the Board of Zoning Appeals' determination, shall not be approved; and

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

20.11.020 Defined Words

Rehabilitation Clinic: A facility used for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use addiction.

Medical Clinic: A facility for examining and treating patients with medical problems on an outpatient basis, providing medical services, usually by appointment only, that generally require a stay of less than twenty-four (24) hours.

General Overview of Operations

ICFR operates at 1004 W. First St., 1000 W. First St., and, if approved, 637 1/2 South Walker Street, and 909 W. First Street, Bloomington. It is an addiction service provider certified to provide addiction services by the Indiana Division of Mental Health and Addiction. As part of its certification, ICFR obtained accreditation from The Joint Commission, whose "standards are the basis of an objective evaluation process that can help health care organizations measure, assess and improve performance."¹ The Joint Commission accredits and certifies nearly 21,000 health care organizations and programs in the United States. Joint Commission accreditation and certification is recognized nationwide as a symbol of quality that reflects an organization's commitment to meeting certain performance standards.²

The manner in which the Property will be utilized will change very little in terms of the outward appearance and traffic. The size of the lot is approximately 12,000 square feet, and the building on the Property is approximately 11,081 square feet. The Property contains thirty-seven (37) parking spaces. The Site Plan filed in conjunction with this Petition contains measurements and figures regarding the outward appearance of the building and landscaping matters. There are no planned changes to the exterior of the building.

The internal structure of the building will remain the same, as well, and will be used to accommodate administrative offices, group and individual therapy rooms, a medical office, and therapists offices. Portions of the building will also be made available to Indiana Recovery Alliance and its needle exchange program, as well as to various twelve-step recovery programs, which are open to the public.

¹ See, The Joint Commission, https://www.jointcommission.org/facts_about_joint_commission_accreditation_standards/ (date visited, June 9, 2018).

² *Id.*

Overall Operations of the Facility

The Property is operated as part of an overall recovery campus in conjunction with the properties at 909, 1000, and 1004 W. First Street properties. The 637 1/2 South Walker Street property is adjacent to 1000 and 1004 West First Street, and will, if approved, operate in conjunction to offer partial hospitalization programs (“PHP”), intensive outpatient programs (“IOP”), and outpatient programs (“OP”). PHP signifies an intensive level of care under which patients spend 12-16 hours per day in therapy and treatment for substance use disorder and other ailments. IOP is a less intensive, lower level of care under which patients receive treatment at scheduled times of the day. OP is the lowest level of care, under which patients have made substantial improvements in their condition, and can begin transitioning into society without the use of substances.

ICFR’s treatment programs include group and individual therapy, case management, vocational assistance, medication management (if applicable), medication assisted therapies (limited to Vivitrol and Naltrexone, neither of which is a controlled substance), medical evaluation, and nursing services. ICFR does not provide temporary or long-term inpatient treatment of its patients.

ICFR employs a highly-credentialed staff, including at least two (2) licensed clinical social workers, at least one (1) licensed mental health counselor, a medical doctor (medical director), at least two (2) registered nurses, one (1) psychiatric nurse practitioner, and at least sixteen (16) behavioral health technicians (at least one of whom is OSHA certified).

As part of treatment, ICFR’s patients undergo Cognitive Behavioral Therapy and CBT Relapse Prevention, art and creative therapies, eye-movement desensitization and reprocessing, trauma therapy, matrix model³, integrated dual-diagnosis therapy, acceptance and commitment therapy, behavioral modification and contingency management, dialectical behavioral therapy, and family therapy. Patients also take advantage of health and wellness services as part of the matrix model, which includes yoga, life-skills training, service-based learning, and 12-step program participation⁴.

The wholistic level of treatment by ICFR also includes patient participation in weekly community service hours. Since opening in 2017, ICFR’s patients have performed over 1,000 hours of public service in Bloomington, including volunteer service at Habitat for Humanity, The Warehouse, Opportunity House, IU Health Bloomington Hospital, and Indiana University.

³ Under the matrix model, a method of addiction treatment that has seen widespread success since the 1980s, utilizes aspects of many different therapeutic styles and psychological orientations, an intensive outpatient program that is time-limited and highly structured.

⁴ A study conducted by AA in 2014 showed that 27 percent of the more than 6,000 who participated in the study were sober for less than a year. In addition, 24 percent of the participants were sober 1-5 years while 13 percent were sober 5-10 years. Fourteen percent of the participants were sober 10-20 years, and 22 percent were sober for 20 or more years. *See*, American Addiction Centers, <https://americanaddictioncenters.org/rehab-guide/12-step/whats-the-success-rate-of-aa/> (date visited, June 9, 2018).

General Use Standards as Applied to the Applicant's Use

The use of the Property will meet the nine (9) criteria required by the UDO. Neither the interior nor the exterior use of the Property will change. Set out below are the nine (9) factors set forth in the UDO that ICFR will satisfy.

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.

The use to which the Property will be placed is consistent with the Growth Policies Plan⁵, and will not interfere with the achievement of the goals and objectives of the Growth Policies Plan. The Comprehensive Plan contains six (6) "Goals and Policies" based on the following Policy Objectives:

- (1) Community Services & Economics
- (2) Culture and Identity
- (3) Environment
- (4) Downtown
- (5) Housing & Neighborhoods
- (6) Transportation.

For each of the foregoing Policy Objectives, the Comprehensive Plan contains Goals and Policies, which are promoted by, and consistent with, the proposed use of the Property.

Under Community Services & Economics, the Comprehensive Plan contains several Goals and Policies, each of which is served by the proposed use. First, and perhaps foremost, is the City's goal to "Fortify our strong commitment to equality, acceptance, openness, and public engagement." Within this Goal is Policy 1.2.1, "Work with community partners to facilitate access to mental health services and addictions treatments." The use of the Property within the MD zoning district as a "rehabilitation clinic" will specifically promote, and be consistent with, policy 1.2.1 of the Comprehensive Plan. There is nothing inconsistent with the proposed use of the Property and the Comprehensive Plan as to the first Policy Objective.

The proposed use as a "rehabilitation clinic" will not directly impact the second, third, and fourth Policy Objectives. It will, however, have tangential effects on these Policy Objectives. Specifically, as to Culture and Identity, the use of the Property as a "rehabilitation clinic" will contribute to and promote a "high quality of life" for Bloomington's residents⁶. In offering high quality, specialized treatment for victims of substance use disorder, ICFR will promote clean, healthy living, community service, and

⁵ The Growth Policies Plan ("GPP") has been replaced by the 2018 Comprehensive Plan of the City of Bloomington. See, < <https://bloomington.in.gov/planning/comprehensive-plan>>. As such, moving forward the GPP will be referred to as "the Comprehensive Plan."

⁶ See, Comprehensive Plan, City of Bloomington, P. 34.

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Page 6

cultural and social awareness. Part of ICFR's treatment programs involves engagement in community service, which directly supports the environment through ensuring clean facilities and streets.

The Housing and Neighborhoods policy is directly supported by the proposed use. Specifically, at their earliest stages of recovery, victims of substance use disorder are largely incapacitated. These individuals are sometimes distraught along City streets, bus stops, and abandoned buildings. ICFR will provide a place for those who might otherwise find themselves without proper shelter or nutrition. Goal 5.1 of the Comprehensive Plan is to "Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households." While Goal 5.1 is not directly impacted by the use of the Property, it will likely have the effect of reducing the homeless population, as well as the low-income population. A large number of ICFR's patients leave treatment with good-paying positions of employment, when often they arrive with no employment at all.

The Transportation policy is directed, in applicable part, to protecting "neighborhood streets that support residential character..."⁷ In this instance, the use of the Property will not increase traffic.

Overall, there is nothing inconsistent with the manner in which the Property will be used and the Comprehensive Plan. The use of the Property will promote the overall growth and well-being of the City of Bloomington, will provide comprehensive addiction treatment options, and will work toward reducing the homeless population through offering treatment options to those who qualify for the level of care for which the facility will be used.

2. The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.

As has been mentioned in the past, the facility will not create any additional noise or nuisances beyond what is currently found in the medical district. Just east of the Property is a large hospital, which generates a substantial amount of noise in the area. An ambulance service operates at the hospital location as well, which can regularly be heard near the Property and surrounding areas. As such, any noise change will be *de minimis* and not have an impact on the surrounding neighborhood.

As such, any activity at the Property will occur indoors, and will not affect the ambience of the surrounding neighborhood. There will be no issues with smoke, odors, vibrations, or objectionable lights, because nothing on the outside of the building will change.

⁷ See, Comprehensive Plan, City of Bloomington, Goal 6.5, P. 75.

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

The Property will not have any adverse impacts on the adjacent properties. To the North of the Property is the back side of 1011 W. 2nd Street, Bloomington, which is an eye clinic. Outpatient treatment services will be rendered at 637 South Walker Street, and the properties immediately to the south, 1000 and 1004 West First Street, will be additional parts of the campus. To the West of the Property is a Bone and Joint Clinic, and additional medical office space. To the East is a parking lot owned by IU Health, which is buffered by trees and the rear parking lot of the property. Patients will transition from the inpatient detox to the 909 W. First Street property, which is immediately adjacent and to the Southeast of the Property. The 909 property will also be used as housing for those utilizing the services at the 1000 and 1004 properties, as well as the Property.

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

Because the exterior structure of the building will not be modified, ICFR does not anticipate there will be any issues with the current public facilities and services at the Property. The interior use of the building will not change substantially, and there will not be a substantial increase in the use of the streets, public utilities, storm water management structures, or other services needed to operate the facility. As such, the current essential public facilities will be adequate to serve the needs of the facility. If it is determined that additional services are needed at the facility, ICFR will ensure that sufficient services will be provided at its own expense.

5. The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

As explained in response to topic 3, above, there is not an anticipated increase in traffic. The patients of the facility will be transported to and from the facility by their family members or an employee of ICFR. Accordingly, the traffic to and from the facility will be limited to times when patients are being admitted or discharged. Patients do not drive to or from the facility.

The entrance to the Property is from Walker Street, and is a long driveway, providing a substantial buffer from all City streets. While First Street may be a higher traffic area, because the entrance to the Property is not as congested, it is not anticipated to create any additional traffic. ICFR does not anticipate adding to the already high traffic – in fact, with the proposed use, traffic would be more likely to decrease than increase. As such, the facility will not generate high volumes of traffic on a day-to-day basis.

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.

As mentioned above, the Property's exterior will not be changed, and no destruction will occur on the Property. The interior will remain the same, preserving any natural, scenic, or historic feature of the Property or any surrounding properties.

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

The hours of operation for the facility will be twenty-four (24) hours per day. This is because the facility will be open to patients at all times. However, this will not change the outside lighting or the trash and waste collection of the property. As such, the property will not present a hazard, hardship, or nuisance to the neighborhood. Being in the MD zoning district, the Property will operate very similarly to every other healthcare facility in the neighborhood. The Property will be open the same hours as IU Health Bloomington Hospital, will not change in the manner in which it is viewed from the outside, and will do nothing to pose any sort of hardship, hazard, or nuisance to the surrounding area beyond the current nearby activities.

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 Appeals' determination, shall not be approved.

The only change to the current signage will be to reflect the operator of the facility. Any changes to the signage will be approved by the City prior to installation, as necessary.

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

While the "footprint" will not change from the Property's prior use, the manner in which the Property is used will be slightly modified. Specifically, the Property will be operated as a "rehabilitation clinic," which places additional requirements on landowners to maintain compliance with the UDO. Since the footprint of the Property will remain the same, the only things that must be modified by virtue of the use as a rehabilitation clinic are the landscaping standards and the parking standards. The Property does, or in the future will, meet the applicable development standards.

Alternative Request for Reasonable Accommodation under Americans with Disabilities Act

As referenced above, ICFR believes that the definition of "rehabilitation clinic," on its face, treats those who suffer from the particular disability of substance use disorder, differently from the rest of the population. As such, on its face, if it to be relied on, it

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should be relied on in a manner that is non-discriminatory and that offers reasonable accommodations to those to which the Americans with Disabilities Act ("ADA") applies.

ICFR is a person as defined in 42 U.S.C. §12111(7), and the City is a public entity, as defined in 42 U.S.C. §12131. Under 28 C.F.R. §35.130(g), a public entity "shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association."

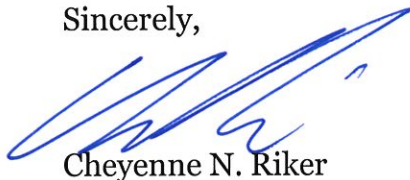
Accordingly, following the plain language of the UDO, in singling out individuals with substance use disorders, it appears there is a disparity in the services available to those with substance use disorders as opposed to those with other medical issues. Specifically, for a medical clinic that offers outpatient services, there is no requirement to apply for a conditional use. However, a rehabilitation clinic is not a permitted use anywhere in the City. As such, treatment facilities offering treatment of drug and alcohol addiction treatment are treated disparately from other facilities.

In light of the foregoing, ICFR respectfully requests of this Board a determination that it is permitted to operate the Property as a rehabilitation clinic, or, in the alternative, as a facility protected by the ADA and which is permitted in the Medical District.

Conclusion

Petitioner, Indiana Center for Recovery, LLC, by counsel, respectfully requests of this Board approval of a conditional use of the Property as a rehabilitation clinic. The nine (9) general standards have been met, as stated herein. The use of the property as a rehabilitation clinic will not harm, but will provide a benefit to, the public health, welfare, and safety of the surrounding properties and their respective owners. Finally, all applicable development standards are met, or should be considered for an applicable variance based on the manner in which the Property will be used.

Sincerely,



Cheyenne N. Riker

LANDSCAPING NOTES:

STREETSCAPE:
 120 LF ALONG ROW
 REQUIRED = 3 TREES
 EXISTING = 7 TREES (EQUIVALENT)*

PARKING INTERIOR:
 1 BUMPOUTS/ISLANDS
 REQUIRED = 1 TREES
 EXISTING = 0 TREES*

SITE INTERIOR:
 0.06 ACRES UNCOVERED
 REQUIRED = 1 LARGE CANOPY TREE
 1 EVERGREEN TREE
 1 MED/SMALL CANOPY TREES
 2 SHRUBS
 0 TREES*
 EXISTING = 0 SHRUBS*

*REMAINING ("EXTRA") EQUIVALENT TREES TO BE APPLIED TO REQUIRED INTERIOR TREES.



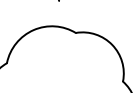

GENERAL NOTES:

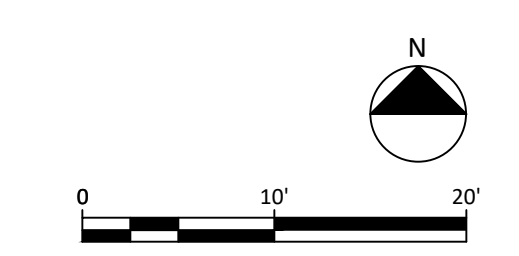
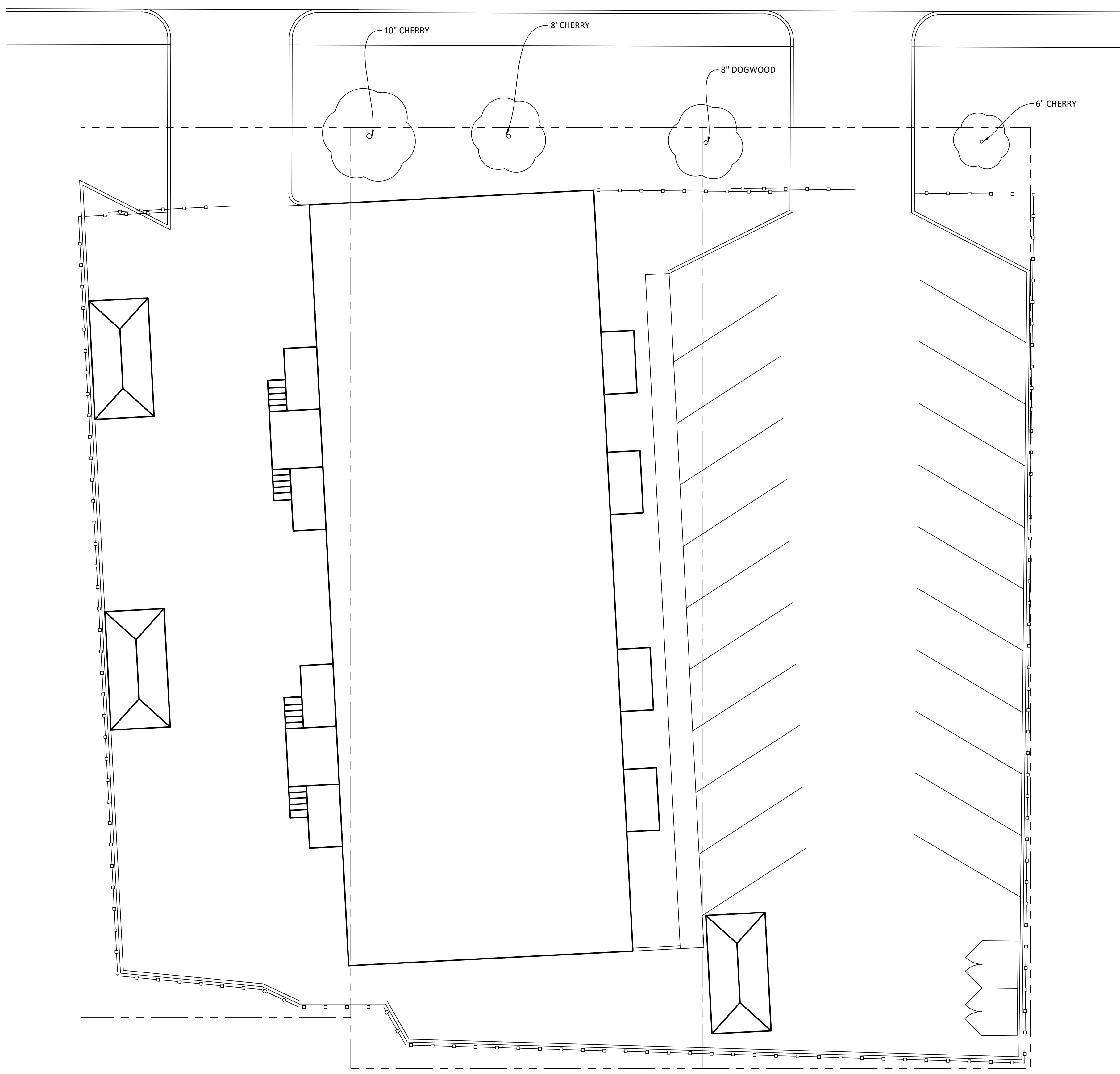
1. THIS SITE PLAN HAS BEEN CREATED FROM THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES MAY EXIST BETWEEN FIELD MEASUREMENTS AND G.I.S. SUPPLIED DATA. INFORMATION BASED UPON THE USE OF THESE DRAWINGS SHALL BE VERIFIED WITH A FIELD SURVEY.
2. SITE LOCATION: SECTION 05, T8N, R1W
3. ANY PLANT OR OTHER LANDSCAPE MATERIAL SUBSTITUTIONS INSTALLED WITHOUT DESIGNER AND/OR OWNER APPROVAL SHALL BE REPLACED AT CONTRACTOR'S EXPENSE. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER BEFORE, DURING AND AFTER INSTALLATION.

PLANNING DATA:

ZONING ORDINANCE: C08 UNIFIED DEVELOPMENT ORDINANCE
 ZONE: MD

LEGEND:

-  EXISTING SHRUB - DECIDUOUS
-  EXISTING SHRUB - EVERGREEN
-  EXISTING TREE - DECIDUOUS
-  EXISTING TREE - EVERGREEN



A SITE LANDSCAPE PLAN
 Scale: 1:10



ABRAM-MOSS
 DESIGN GROUP
 9215 WEST MALLORY ROAD
 BLOOMINGTON, INDIANA 47404
 812-955-0539
 INFO@ABRAM-MOSS.COM

909 WEST 1ST STREET
 BLOOMINGTON, INDIANA 47404
 AMDG-2019016



Chelsea S. Moss

REVISIONS:

PLAN SET: FOR CONSTRUCTION
 PRINT DATE: 09/10/2019
 DRAWN BY: C. MOSS
 DESIGNED BY: C. MOSS
 REVIEWED BY: C. MOSS

DRAWING TITLE:
SITE LANDSCAPE PLAN

DRAWING NO.
C1.01

Landscaping Calculations

Project Title: 909 1st Street
AMDG Project #: 2019016
Address: 909 1st Street, Bloomington, IN

Governing Ordinance: [City of Bloomington Unified Development Ordinance](#)

Required / D-Value	Existing	Needed
Streetscape		
<i>120 LF along ROW</i>		
3 Trees	7 trees*	0
Perimeter Parking Lot Landscaping (20.05.053)		
<i>NA - Parking is fully screened on all sides by 6' tall opaque fencing</i>		
Interior Parking Lot Landscaping (20.05.053)		
<i>1 islands</i>		
1 Trees	0 *	0
Interior Landscaping (20.05.056)		
<i>0.06 acres unpaved (open)</i>		
1 Trees (Canopy)	*	0
1 Trees (Evergreen)	2 trees	0
1 Trees (Small)	2 trees	0
2 Shrubs	50 shrubs	0
Bufferyards - Type 'D'		
<i>170 LF along south property line - 6' tall opaque fencing provided along entire length</i>		

* "extra" trees to be applied to required interior trees

Existing Trees

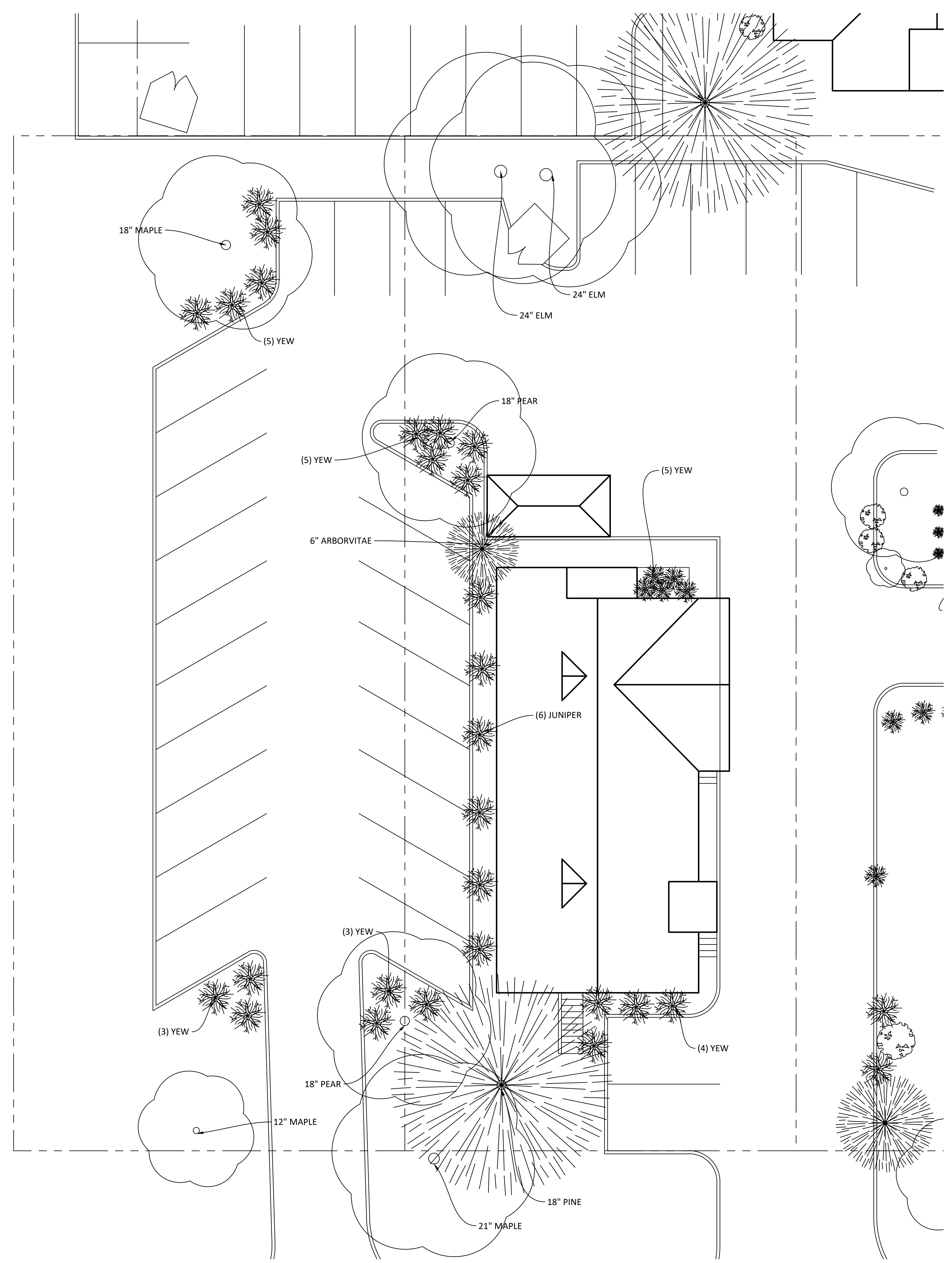
Project Title: 909 1st Street

AMDG Project #: 2019016

Address: 909 1st Street, Bloomington, IN

Location	Type	Caliper (in)	Quantity	Credit
Street	Cherry	10	1	2
Street	Cherry	8	1	2
Street	Cherry	6	1	1
Street	Dogwood	8	1	2
Total				7

G:\My Drive\Project Files\20190114_637 S Walker Street\Draw\20190115_BASE.dwg



LANDSCAPING NOTES:

STREETSCAPE:
 100 LF ALONG ROW
 REQUIRED = 3 TREES
 EXISTING = 7 TREES (EQUIVALENT)*

PARKING INTERIOR:
 5 BUMPOUTS/ISLANDS
 REQUIRED = 5 TREES
 EXISTING = 12 TREES (EQUIVALENT)*

PARKING PERIMETER:
 28 SPACES
 REQUIRED = 7 TREES
 84 SHRUBS
 EXISTING = 11 TREES*
 26 SHRUBS

SITE INTERIOR:
 0.07 ACRES UNCOVERED
 REQUIRED = 2 LARGE CANOPY TREE
 1 EVERGREEN TREE
 1 MED/SMALL CANOPY TREES
 5 SHRUBS
 0 TREES*
 5 SHRUBS

* REMAINING ("EXTRA") EQUIVALENT TREES TO BE APPLIED TO REQUIRED INTERIOR TREES.

GENERAL NOTES:

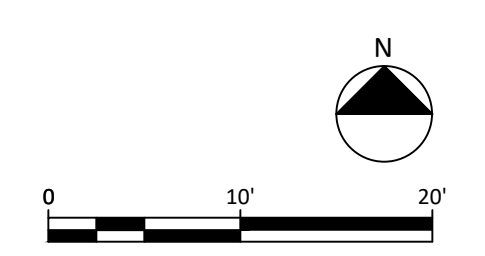
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2. SITE LOCATION: SECTION 05, T8N, R1W
3. ANY PLANT OR OTHER LANDSCAPE MATERIAL SUBSTITUTIONS INSTALLED WITHOUT DESIGNER AND/OR OWNER APPROVAL SHALL BE REPLACED AT CONTRACTOR'S EXPENSE. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER BEFORE, DURING AND AFTER INSTALLATION.

PLANNING DATA:

ZONING ORDINANCE: C08 UNIFIED DEVELOPMENT ORDINANCE
 ZONE: MD

LEGEND:

- EXISTING SHRUB - DECIDUOUS
- EXISTING SHRUB - EVERGREEN
- EXISTING TREE - DECIDUOUS
- EXISTING TREE - EVERGREEN



A SITE LANDSCAPE PLAN
Scale: 1:10

ABRAM-MOSS
DESIGN GROUP
 9215 WEST MALLORY ROAD
 BLOOMINGTON, INDIANA 47404
 812-955-0539
 INFO@ABRAM-MOSS.COM

1004 WEST 1ST STREET
 BLOOMINGTON, INDIANA 47404
 AMDG-20190115

Chelsea S. Moss

REVISIONS:

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PLAN SET: FOR CONSTRUCTION
 PRINT DATE: 09/10/2019
 DRAWN BY: C. MOSS
 DESIGNED BY: C. MOSS
 REVIEWED BY: C. MOSS

DRAWING TITLE:
SITE LANDSCAPE PLAN

DRAWING NO.
C1.01

Landscaping Calculations

Project Title: 1004 1st Street
AMDG Project #: 2019015
Address: 1004 1st Street, Bloomington, IN

Governing Ordinance: [City of Bloomington Unified Development Ordinance](#)

Required / D-Value	Existing	Needed
Streetscape		
<i>100 LF along ROW</i>		
3 Trees	7 trees*	0
Interior Parking Lot Lanscaping (20.05.053)		
<i>5 islands</i>		
5 Trees	12 trees*	0
Perimeter Parking Lot Landscaping (20.05.053)		
<i>28 parking spots</i>		
7 Trees	11 trees*	0
84 Shrubs	26 shrubs	0
Interior Landscaping (20.05.056)		
<i>0.16 acres unpaved (open)</i>		
2 Trees (Canopy)	*	0
1 Trees (Evergreen)	*	0
1 Trees (Small)	*	0
5 Shrubs	5 shrubs	0
Bufferyards - Type 'D'		
<i>NA - all surrounding property is same zoning</i>		

* "extra" trees to be applied to required interior trees

Existing Trees

Project Title: 1004 1st Street

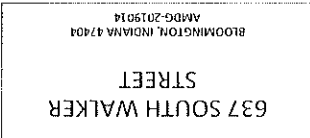
AMDG Project #: 2019015

Address: 1004 1st Street, Bloomington, IN

Location	Type	Caliper (in)	Quantity	Credit
Street	Pine	18	1	4
Street	Maple	12	1	3
Parking (Per)	Elm	24	2	10
Parking (Per)	Arborvitae	6	1	1
Parking (Int)	Pear	18	1	4
Parking (Int)	Pear	18	1	4
Parking (Int)	Maple	18	1	4
Total				30



637 SOUTH WALKER STREET
BLOOMINGTON, INDIANA 47404
AM-06-201914



REVISIONS

DATE OF PREPARATION: 06/15/2019
DRAWN BY: J. MOSS
CHECKED BY: J. MOSS

SITE LANDSCAPE PLAN

DRAWING NO. C1.01

LANDSCAPING NOTES:

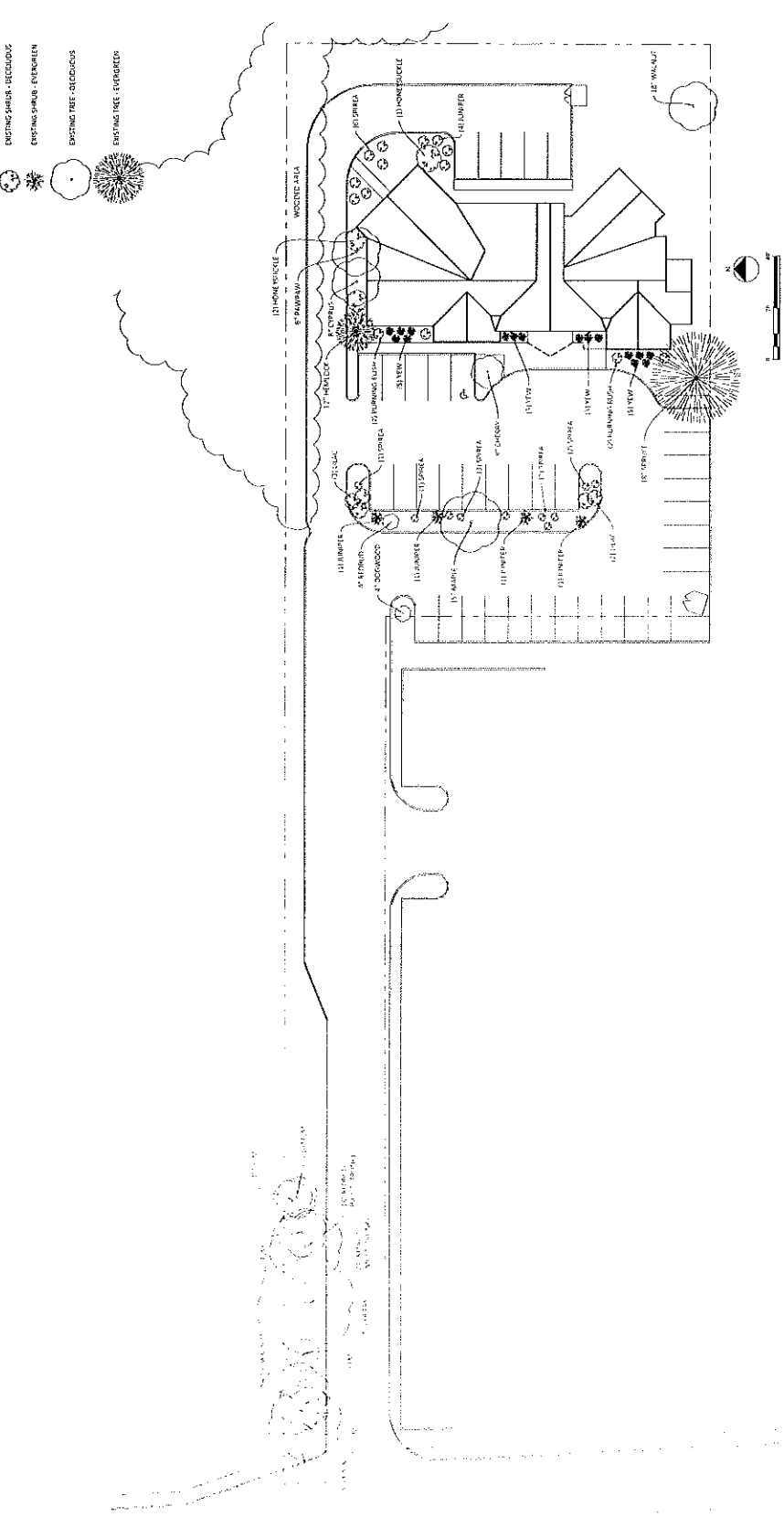
STRUCTURES:
 1. ALL EXISTING STRUCTURES SHALL BE DEMOLISHED AND REMOVED.
 2. ALL NEW STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BLOOMINGTON ZONING ORDINANCE.

PARKING:
 1. ALL PARKING SPACES SHALL BE 8' X 20' IN SIZE.
 2. ALL PARKING SPACES SHALL BE PAVED WITH ASPHALT.

PLANNING DATA:
 ZONING: M-1 (MEDIUM DENSITY RESIDENTIAL)
 DISTRICT: 11 (MIDTOWN)
 SUBDISTRICT: 11.01 (MIDTOWN NORTH)

GENERAL NOTES:

- THE SITE SHALL BE DEVELOPED IN ACCORDANCE WITH THE CITY OF BLOOMINGTON ZONING ORDINANCE AND THE CITY OF BLOOMINGTON SUBDIVISION MAPS. ALL DIMENSIONS SHALL BE VERIFIED WITH A FIELD SURVEY.
- THE SITE LOCATION, SECTION 25, T8N, R17W.
- ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON LANDSCAPE MAINTENANCE MANUAL. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON LANDSCAPE MAINTENANCE MANUAL. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON LANDSCAPE MAINTENANCE MANUAL.



A SITE LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

Landscaping Calculations

Project Title: 637 South Walker Street
 AMDG Project #: 2019014
 Address: 637 S Walker St, Bloomington, IN

Governing Ordinance: City of Bloomington Unified Development Ordinance

Required / D-Value	Existing	Needed
Streetscape		
<i>15 LF along ROW - 39' along ROW with 24' drive</i>		
1 Trees	4 Trees*	0
Perimeter Parking Lot Landscaping (20.05.053)		
<i>4 islands</i>		
4 Trees	9 trees*	0
Interior Parking Lot Landscaping (20.05.053)		
<i>81 LF - East lot only, West lot has no space between lot and prop line for planting</i>		
2 Trees	7 Trees*	2
15 Shrubs	19 Shrubs	15
Interior Landscaping (20.05.056)		
<i>0.34 acres unpaved (open)</i>		
5 Trees (Canopy)	38 Trees*	0
2 Trees (Evergreen)	*	0
2 Trees (Small)	*	0
13 Shrubs	33 Shrubs	0
Bufferyards		
<i>NA - all surrounding property is same zoning</i>		

* "extra" trees to be applied to required interior trees

Existing Trees

Project Title: 637 South Walker Street

AMDG Project #: 2019014

Address: 637 S Walker St, Bloomington, IN

Location	Type	Caliper (in)	Quantity	Credit
Street	Walnut	18	1	4
Interior	Elm	12	3	9
Interior	Walnut	18	1	4
Interior	Cherry	8	1	2
Interior	Redbud	24	1	5
Interior	Redbud	18	1	4
Interior	Elm	10	2	4
Parking (I)	Dogwood	4	1	1
Parking (I)	Redbud	4	1	1
Parking (I)	Maple	15	1	3
Parking (I)	Cherry	8	1	2
Interior	Hemlock	12	1	3
Interior	Cyprus	8	1	2
Interior	Pawpaw	6	1	1
Interior	Spruce	18	1	4
				0
Total				49

SEP - 6 2019

1 September 2019
1910 East 1st Street
Bloomington IN 47401

Board of Zoning Appeals
Bloomington Planning and Transportation Department
401 N. Morton Street, Suite 130
Bloomington IN 47401
planning@bloomington.iu.gov

To whom it may concern,

We are writing to offer our strongest support for the petition by the Indiana Center for Recovery LLC & IFCR Residence LLC for the purpose of a conditional use approval for a rehabilitation center in the medical zoning district. This petition involves properties at 909 and 1004 West 1st Street, and 637 ½ S. Walker Street. We own two rental properties at 1007 and 1009 W. 1st street, so we are "neighbors" and also in that area of town several times per week.

We support this petition on three bases: the positive impact of the Indiana Center for Recovery / IFCR Residence on the neighborhood; the propriety of placing such a facility in an area zoned for medical facilities; and the humanitarian need to aid treatment of Opioid addiction in particular. We expand on each of these points below:

The positive impact of the Indiana Center for Recovery / IFCR Residence on the neighborhood. The area from the west side of the hospital to the west end of 1st street hasn't been the prettiest neighborhood in Bloomington in the past few years. The Indiana Center for Recovery has dramatically improved some of what were among the least attractive buildings in in this neighborhood. In particular the building now used as a residence, thanks to the investment by IFCR, is one of the nicest and most attractive buildings west of the hospital. With significant recent renovations at two other buildings (one of which we own), the neighborhood on 1st street between the hospital and the west end of 1st street is much more attractive than it once was. And I note that I frequently see residents crossing 1st street going back and forth between the residence and other appointments and meetings on the other side of the street. They seem quiet, well mannered, and well dressed. We have never seen anyone at the ICFR facilities that we would not be happy to have as a neighbor.

The propriety of placing such a facility in an area zoned for medical facilities. Addiction is a medical problem, not a result of moral turpitude. Treatment for addiction is by definition medical treatment, and it's perfectly logical to have a facility treating the medical conditions of addictions (and there are many such) in an area zoned for medical buildings.

The humanitarian need to aid treatment of Opioid addiction in particular. Our understanding is that many of the patients undergoing treatment at ICFR are being treated for opioid addiction. Opioid addiction is a medical and humanitarian crisis which is wrecking lives across the US. The State of Indiana is, according to the statistics as we understand them, among the more heavily affected states in our nation. People who suffer from opioid addiction need help more than they need to be the victim of societal judgment. And let's face it.... If the facility in question were a cancer treatment center, the people criticizing the location of ICFR would be among the first in line to hail such a center and praise it for the renovations they have carried out already. Diseases are diseases, and opioid addiction is a disease causing deaths of the addicted and those close to them throughout our state. It is incumbent upon all people of good will to do what they can to help people in need. Welcoming, rather than criticizing, a facility such as ICFR is what we all ought to be doing as a reflection of our good will and care toward people who have taken the brave step of seeing treatment for their addictions.

In sum: as residents of Bloomington, citizens of the US, and neighbors of ICFR, we believe that it is within Bloomington legal guidelines to approve the petition and incumbent on all of us as people of good will to support such an action.

Sincerely,



Dr. Craig A. Stewart, Ph.D.



Dr. Marion Krefeldt, ND

Cc: Cheyenne Riker
Clendening, Johnson, & Bohrer, P.C.
409 W. Patterson Dr., Suite 205
Bloomington IN 47402
criker@lawcjb.com

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 489 W. 10th Street

CASE #: V-37-19
DATE: September 19, 2019

PETITIONER: City of Bloomington Redevelopment Commission
 401 N. Morton Street, Bloomington

CONSULTANTS: Bledsoe, Riggert, Cooper, and James
 1351 W. Tapp Road, Bloomington

CSO Architects, Inc.
 8831 Keystone Crossing, Indianapolis

REQUEST: The petitioner is requesting a variance from the minimum driveway separation requirements from an intersection.

BACKGROUND:

Area: 3.35 acres
Current Zoning: CD – Showers Technology Park Overlay
Comp Plan Designation: Downtown
Existing Land Use: Surface parking
Proposed Land Use: Commercial / Parking Garage
Surrounding Uses: North – Undeveloped
 West – Business/Professional Office
 East – Showers Building
 South – Surface parking/Business and Professional Office

REPORT: The property is located on the east side of Rogers Street and south of W. 10th Street and is zoned Commercial Downtown (CD), in the Showers Technology Park Overlay. Surrounding land uses include undeveloped lots within the Certified Technology Park to the north; the Showers office building to the east; surface parking and offices to the south; and business/professional offices to the west. The property currently contains a surface parking area that is used by tenants of the Showers building.

The petitioner proposes to redevelop this property by constructing a new 3-story parking garage with 4,000 square feet of commercial space and public amenity space on the first floor. The parking garage would contain 379 vehicular parking spaces. The design also includes 50 outdoor and indoor bicycle parking spaces as well as restrooms available to the public. The petitioner is proposing to include various green features, such as electric vehicle charging stations and solar panels. The petitioner is seeking a Silver level ParkSmart designation for the project. The petitioner proposes vehicular entrances on the north side of the building from a new drivecut on 10th Street and a second entrance on the south side of the garage from the interior parking area. The Plan Commission approved the site plan for this petition under SP-31-19, contingent on the granting of this variance request.

The petitioner is seeking a variance to allow the existing drivecut on 10th Street that accesses the

interior parking area to be relocated east. The UDO requires a 100' separation requirement between a drivecut and an intersection. The relocated driveway would be located 85' from the intersection of Madison Street to the east.

SITE PLAN ISSUES:

Parking: No minimum number of spaces are required for either the commercial space in the building or the parking garage use. The petitioner is proposing a total of 379 parking spaces in the building with an additional 50 bicycle parking spaces located indoors and outdoors. The spaces will be used by both CFC and future users within the Certified Technology Park.

Access: There are two proposed vehicular accesses to the parking garage, one on 10th Street and one on the south side of the garage from the interior parking area. The entrance on 10th Street will be 2-way with one lane for the entrance and one lane for the exit, the proposed drivecut meets the 24' maximum width allowed.

As mentioned previously, a variance is needed from the minimum separation requirement for a drive from an intersection to allow the existing drive into the parking lot from 10th Street to be relocated to the east.

There will be pedestrian access to the garage from the north and the southeast sides of the garage, near the stair towers and pay locations.

Bicycle Parking: No bicycle parking is required for the parking garage use. The petitioner proposes 32 indoor bicycle parking spaces on racks and in lockers, with an additional 18 covered bicycle parking spaces on the exterior along the B-Line Trail. The commercial space requires 4 bicycle parking spaces within 50 feet of the entrances. Inclusion of those 4 spaces is a condition of approval. Approved location and separation design of these locations will be worked out with staff during the grading permit process.

Architecture/Materials: The building will be finished in primarily brick with a masonry base. There will be a center portion of the building covered in metal screening that will be used to display artwork.

Streetscape: Street trees and pedestrian-scaled lighting were installed with the recent improvements to 10th Street. Any street trees or lights removed will be replaced with this project. Sidewalks were also installed with the improvements to 10th Street and new sidewalk segments will be installed as a result of moving the existing drive east.

Pedestrian Facilities/Alternative Transportation: The new garage will have a plaza area along the B-Line trail frontage that connects to the trail through 2 access points. The existing vegetation along the trail will be preserved. A 5' wide concrete sidewalk and tree plot are shown along the east side of the building, adjacent to the vehicular access driveway. This sidewalk connects to the sidewalk system along 10th Street and helps provided pedestrian access through the site. The portion of the building along the B-Line trail has been designed to meet the architectural requirements for pedestrian entrances along the B-Line.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

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

PROPOSED FINDING: No injury is found with this petition. The proposed relocated driveway only serves a parking area that has low traffic and as a secondary access point to the garage. The majority of the traffic to the garage will most likely use the main entrance on 10th Street. The proximity of the driveway to Madison Street will not create any dangerous turning conflicts.

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

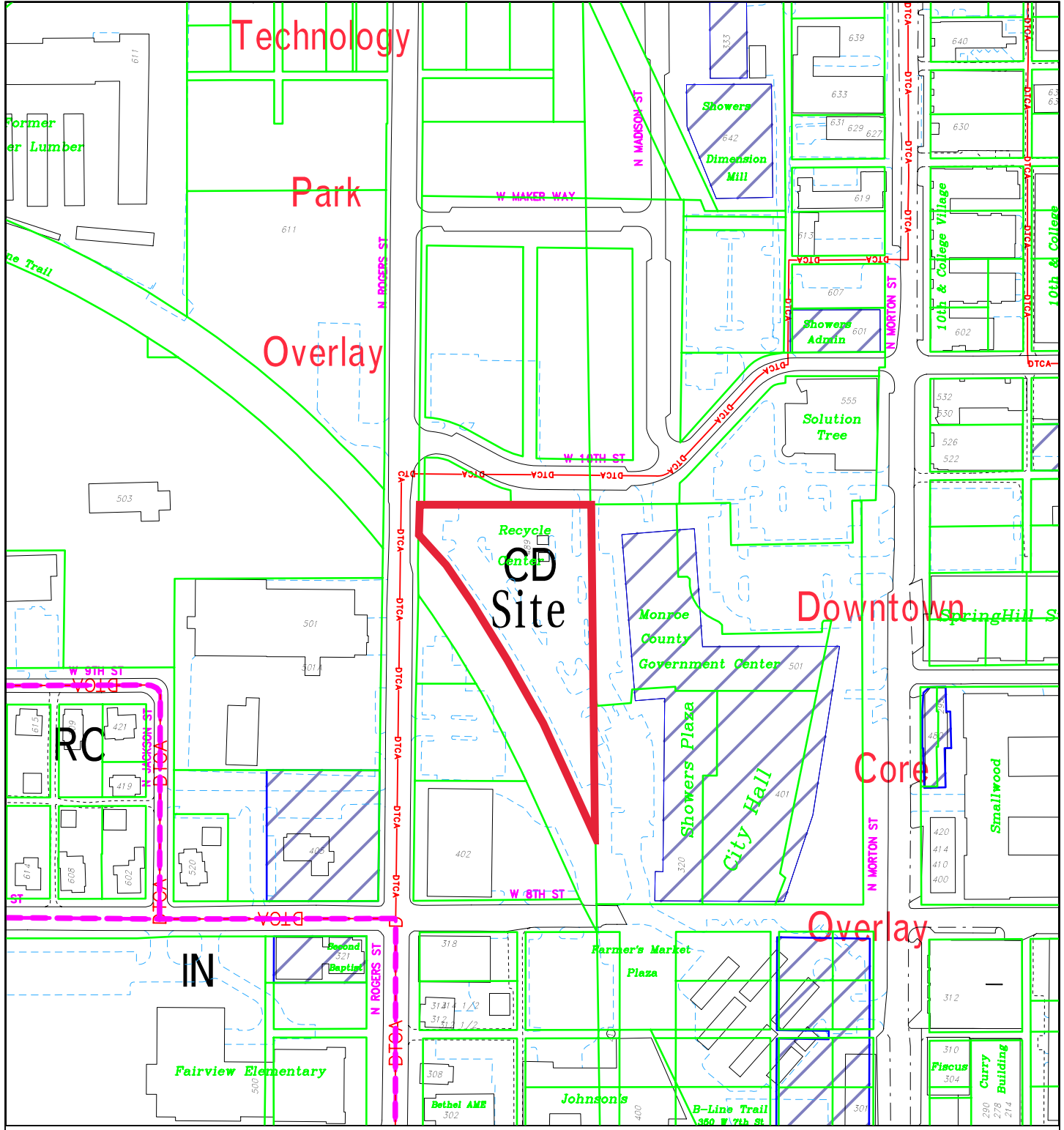
PROPOSED FINDING: No negative effects from this proposal on the areas adjacent to the property are found. The location of the driveway closer to Madison Street will not have an adverse impact on traffic in this area. 10th Street is a low traffic volume street and was designed to minimize traffic speeds, therefore the driveway being closer to the intersection will not have in adverse impacts.

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

PROPOSED FINDING: Practical difficulty is found in the limited amount of area between the existing Showers Building and Rogers Street which makes it difficult to facilitate an entrance to a new public parking garage and maintain access to an existing adjacent parking area. Peculiar condition is found in the limited area to work within between Rogers Street, the B-Line Trail, and the Showers Building, the existing access driveway must therefore be moved east to allow the construction of the garage. Peculiar condition is also found in that 10th Street is a low volume street that primarily serves the uses within the Certified Tech Park. The low volume and low speed design help mitigate the reduced distance for the proposed entrance drive from Madison Street.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings and recommends approval of V-37-19 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. Approved per terms and condition of Plan Commission case #SP-31-19.
3. A minimum of 4 bicycle parking spaces will be provided adjacent to the commercial spaces.
4. Any street trees or street lights displaced with the construction must be replaced.



V-37-19 City of Redevelopment Commission

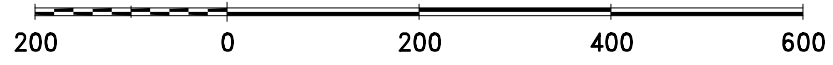
489 W. 10th Street

Plan Commission

Site Location, Zoning, Parcels

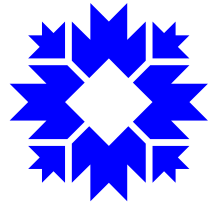
By: greulice

13 Sep 19



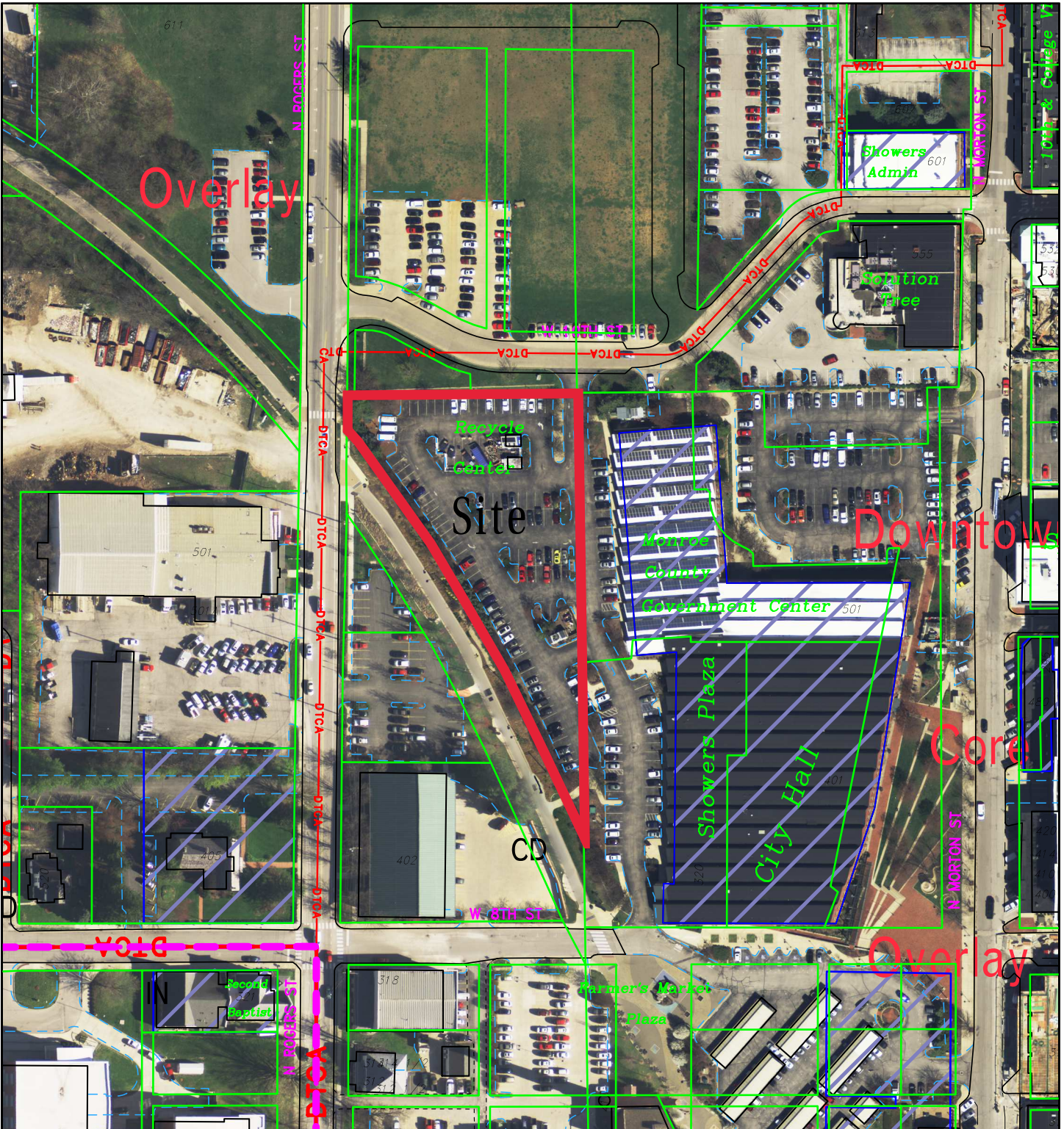
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 200'





V-37-19 City of Bloomington Redevelopment

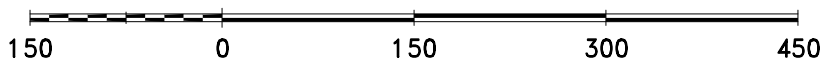
489 W 10th Street

Board of Zoning Appeals

2016 Aerial Photograph

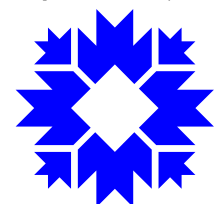
By: greulice

13 Sep 19



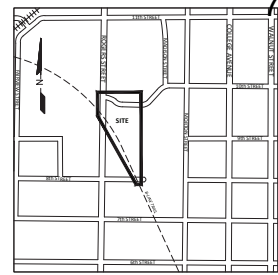
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'

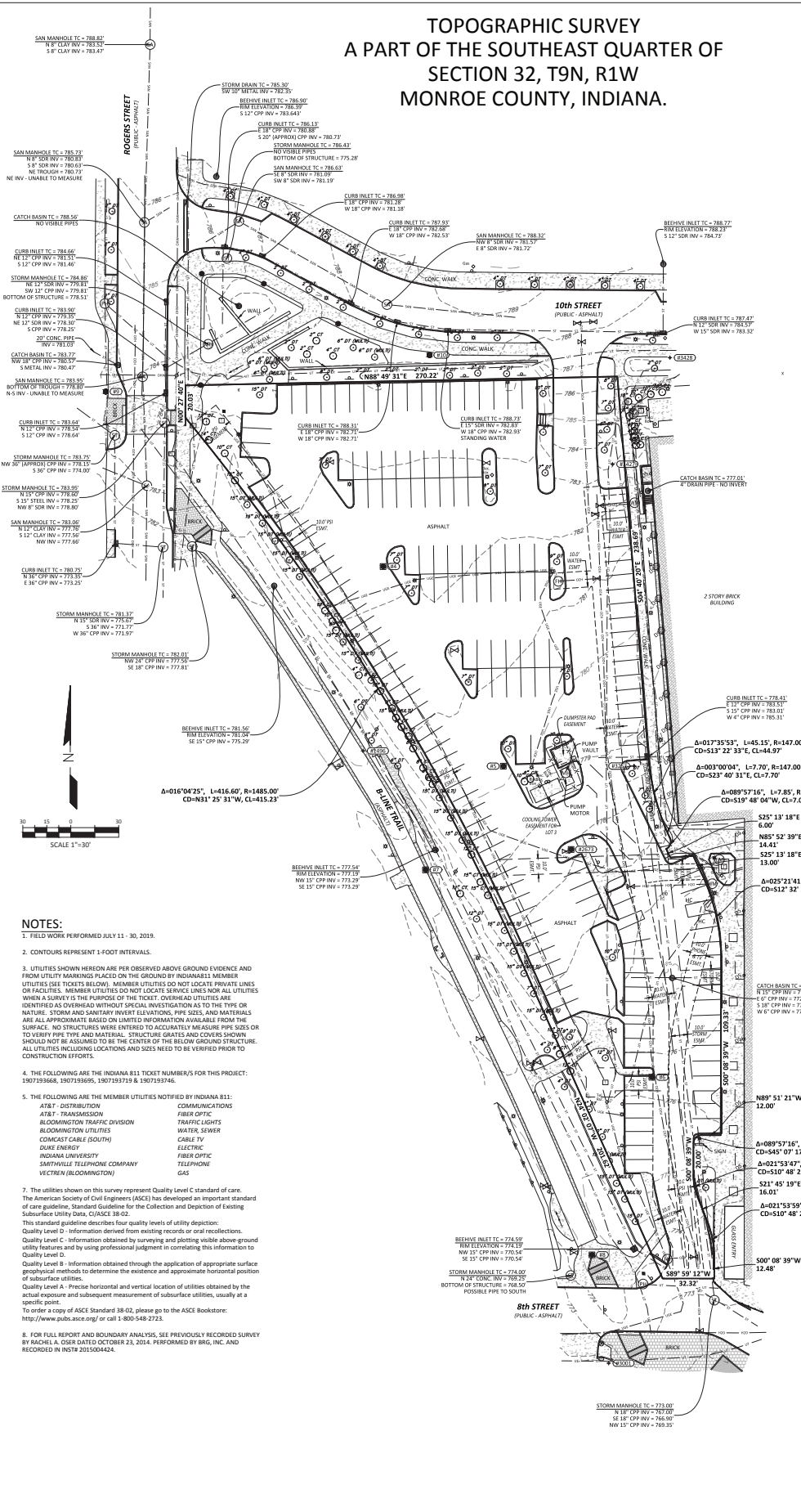
TOPOGRAPHIC SURVEY A PART OF THE SOUTHEAST QUARTER OF SECTION 32, T9N, R1W MONROE COUNTY, INDIANA.



CONTROL POINTS:

HORIZONTAL DATUM: Reference Frame NAD 83(2011) Epoch 2010.0000, Indiana State Plane Coordinates West Zone, U.S. Survey Feet.
VERTICAL DATUM: NAVD83 (Computed using Geoid 12A), U.S. Survey Feet.

POINT #	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	1429791.5120	3107126.2520	807.36	at w/l
2	1429791.5120	3107126.2520	807.54	at w/l
4	1429132.9237	3107134.7500	782.27	SMAG
5	1429208.0750	3107429.5838	780.25	SMAG
6	1428813.5280	3107020.5552	776.18	SMAG
7	1428943.2434	3107360.9444	778.50	SMAG
8	1428702.4870	3107165.0771	775.03	SMAG
9	1429242.2768	3107160.8513	784.14	SI MITCAP
10	1429265.1143	3107653.4537	788.74	SI MITCAP
1496	1429017.6094	3107201.7758	780.06	SN
2673	1428985.9994	3107452.0314	779.12	SMAG (IN STUMP)
2759	1429008.0720	3107491.3790	779.39	SN
3201	1428836.2700	3107195.4715	772.45	SN
3253	1429028.1636	3107491.9630	779.38	SN
3427	1429196.9157	3107477.8507	784.07	SN
3428	1429265.4983	3107513.1997	787.77	SN



NOTES:

1. FIELD WORK PERFORMED JULY 11 - 30, 2019.
2. CONTOURS REPRESENT 1-FOOT INTERVALS.
3. UTILITIES SHOWN HEREON ARE PER OBSERVED ABOVE GROUND EVIDENCE AND FROM UTILITY MARKINGS PLACED ON THE GROUND BY INDIANA'S MEMBER UTILITIES (SEE TICKETS BELOW). MEMBER UTILITIES DO NOT LOCATE PRIVATE LINES OR FACILITIES. MEMBER UTILITIES DO NOT LOCATE SERVICE LINES NOR ALL UTILITIES WHEN A SURVEY IS THE PURPOSE OF THE TICKET. OVERHEAD UTILITIES ARE IDENTIFIED AS OVERHEAD WITHOUT SPECIAL INVESTIGATION AS TO THE TYPE OR NATURE. STORM AND SANITARY INVERT ELEVATIONS, PIPE SIZES, AND MATERIALS ARE ALL APPROXIMATE BASED ON LIMITED INFORMATION AVAILABLE FROM THE SURFACE. NO STRUCTURES WERE ENTERED TO ACCURATELY MEASURE PIPE SIZES OR TO VERIFY PIPE TYPE AND MATERIAL. STRUCTURE GRATES AND COVERS SHOWN SHOULD NOT BE ASSUMED TO BE THE CENTER OF THE BELOW GROUND STRUCTURE. ALL UTILITIES INCLUDING LOCATIONS AND SIZES NEED TO BE VERIFIED PRIOR TO CONSTRUCTION EFFORTS.
4. THE FOLLOWING ARE THE INDIANA 811 TICKET NUMBER(S) FOR THIS PROJECT: 130793868, 130793869, 130793870 & 130793876.
5. THE FOLLOWING ARE THE MEMBER UTILITIES NOTIFIED BY INDIANA 811:

AT&T - DISTRIBUTION	COMMUNICATIONS
AT&T - TRANSMISSION	FIBER OPTIC
BLOOMINGTON TRAFFIC DIVISION	TRAFFIC LIGHTS
BLOOMINGTON UTILITIES	WATER, SEWER
COMCAST CABLE (SOUTH)	CABLE TV
DUKE ENERGY	ELECTRIC
INDIANA UNIVERSITY	FIBER OPTIC
SMITHVILLE TELEPHONE COMPANY	TELEPHONE
VECTREN (BLOOMINGTON)	GAS
7. The utilities shown on this survey represent Quality Level C standard of care. The American Society of Civil Engineers (ASCE) has developed an important standard of care guideline, Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data, C100E 38-02. This standard guideline describes four quality levels of utility depiction:
 - Quality Level D - Information derived from existing records or oral recollections.
 - Quality Level C - Information obtained by surveying and plotting visible above-ground utility features and by using professional judgment in correlating this information to utility features.
 - Quality Level B - Information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities.
 - Quality Level A - Precise horizontal and vertical location of utilities obtained by the actual exposure and subsequent measurement of subsurface utilities, usually at a specific point.
8. FOR FULL REPORT AND BOUNDARY ANALYSIS, SEE PREVIOUSLY RECORDED SURVEY BY KACHELA A. OSER DATED OCTOBER 23, 2014, PERFORMED BY BRCU, INC. AND RECORDED IN INSTR 2015004424.

LEGEND:

▲ YARD LIGHT	— FENCE	○ FD AXLE
○ LIGHT POLE	— GUARDRAIL	○ FD BRASS DISK
○ SIGNAL POLE	— OVERHEAD WIRES	○ FLECT ON SLOPE
○ UTILITY POLE	— UNDER ELEC.	○ FLECTED X
○ GUY WIRE	— GAS LINE	○ SET CHISEL X
○ CATCH BASIN	— SAN SEWER LINE	○ SET CHISEL MON.
○ CURB INLET	— STORM SEWER LINE	○ SET HARRISON MON.
○ MANHOLE	— UNDER TELEPHONE	○ SET REBAR
○ PHONE MH	— EXTING WATER LINE	○ SET IRON NAIL
○ SANITARY MH	— CHILLED WATER LINE	○ SET IRON NAIL
○ SIGNAL MH	— SLOV	○ SET IRON SPIKE
○ STEAM MH	— R.O.W. MON.	○ SET IRON NAIL
○ STORM MH	— MONITORING WELL	○ SET IRON NAIL
○ WATER METER	— BOLLARD	○ SET IRON NAIL
○ ELEC. METER	— BORING	○ SET IRON NAIL
○ CLEANOUT	— BOREHOLE	○ SET IRON NAIL
○ GAS METER	— GATE POST	○ SET IRON NAIL
○ GAS VALVE	— POLL	○ SET IRON SPIKE
○ WATER MH	— PARKING METER	○ SET IRON SPIKE
○ FIRE HYDRANT	— T.S.P.	○ SET IRON SPIKE
○ SPR. HOUSING	— T.F.P.	○ SET IRON SPIKE
○ SHRINKER	— WOOD POST	○ SET IRON SPIKE
	— PARKING SPACES	○ SET IRON SPIKE
	— TRANSFORMER	○ SET IRON SPIKE
	— ELEC. VAULT	○ SET IRON SPIKE
	— PHONE VAULT	○ SET IRON SPIKE
	— GAS VAULT	○ SET IRON SPIKE
	— AC UNIT	○ SET IRON SPIKE
	— WATER VALVE	○ SET IRON SPIKE
	— FIRE MAIN POST	○ SET IRON SPIKE
	— PROP. TANK	○ SET IRON SPIKE
	— PARKING BLOCK	○ SET IRON SPIKE
	— POST	○ SET IRON SPIKE
		○ SET IRON SPIKE

<p>TRADES DISTRICT PARKING GARAGE BLOOMINGTON, INDIANA FOR CSO</p>	<p>BRCU LAND SURVEYING - CIVIL ENGINEERING - CAD 1351 West Tapp Road Bloomington, Indiana 47403 Phone: 812-336-8277 Email: njames@brcv.com</p>		<table border="1"> <tr> <th>Revision</th> <th>By</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Revision	By	Date									
Revision	By	Date													

PROJECT NO. 10168
 SHEET 1 OF 1
 DATE 10/16/19

Bledsoe Riggert Cooper James
LAND SURVEYING • CIVIL ENGINEERING • GIS

September 5, 2019

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

RE: City of Bloomington Trades District Parking Garage
489 West 10th Street
Variances from Entrance and Driveway Standards and Parking Standards

Dear BZA Members:

On behalf of the City of Bloomington, we respectfully request your consideration of our request for variances from Section 20.05.035 ED-01 – Entrance and Driveway Standards of the City of Bloomington Unified Development Ordinance (UDO) to allow for a driveway to the new parking garage along 10th Street.

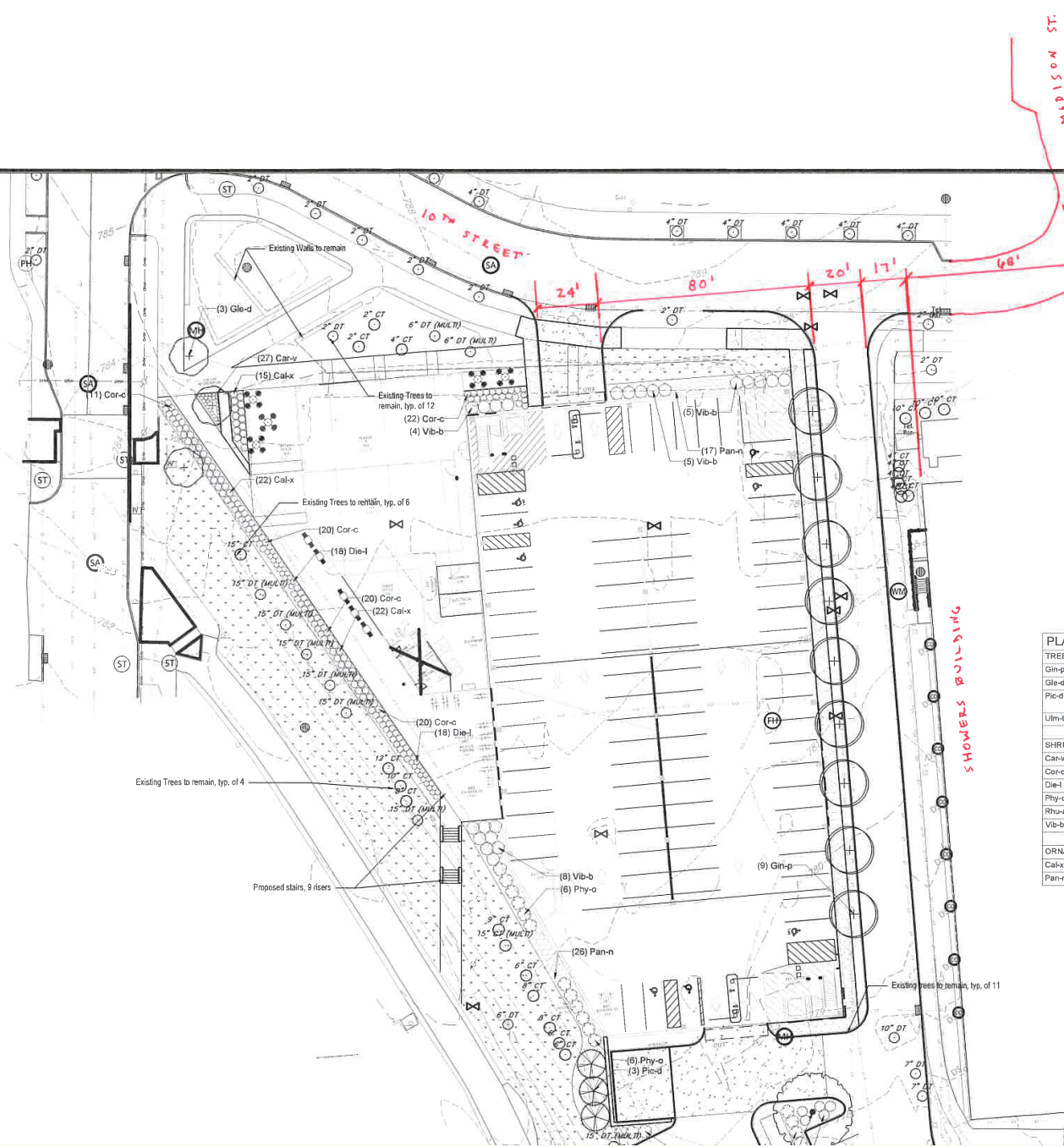
The design for the new Trades District Parking Garage calls for a 24-foot wide drive along 10th Street. The new garage will be located as far west as possible on the existing property. The new garage drive will be positioned 185-feet west of Madison Street and 80-feet west of the proposed relocation of the drive along the west side of the Showers Building. This portion of 10th Street is considered a neighborhood street. The UDO requires a minimum of 100-feet of separation between a drive and an intersecting street. The eastern relocation of the existing drive along the west side of the Showers Building is necessary to accommodate the garage on the site. The location of the new garage drive with respect to the parking structure is necessary to align with the internal drives and parking layout.

Your positive consideration of this variance request is greatly appreciated.

Sincerely,



William S. Riggert, PE



ORDINANCE CHART
SITE ZONING: CD
ADJACENT ZONING: CD (ALL SIDES)
5' BUFFER TREES
 Requirement: Provide 1 tree/40 l.f. along property edges that abut a public ROW.
 Provided:
 10th Street: 250 l.f. @ 47' = 6 trees
 Rogers Street: 40 l.f. @ 40' = 2 trees
 B Line Trail: 540 l.f. @ 40' = 14 trees

INTERIOR PLANTINGS
 Requirement: Provide 1 tree + 8 shrubs/500 s.f. of a site not covered by a structure, parking lot, or buffer yard.
 Requirement:
 Provided:
 10th Street: 6 existing trees to remain
 Rogers Street: 2 shade trees
 B Line Trail: 14 existing trees to remain

BUFFERS
 Requirement: All like zoning on side and rear yards; no buffers required

PARKING LOT PERIMETER
 Requirement: Provide 1 tree/60 spaces + within 10' of the parking lot edge
 Required: 40 spaces = 7 trees
 Provided: 7 existing trees to remain

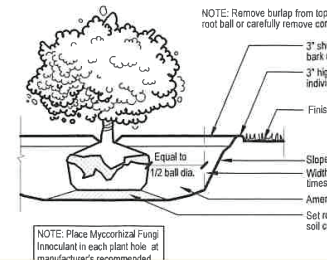
PARKING LOT ISLANDS
 Requirement: Provide 1 island/16 spaces of a minimum size of 324 s.f.; provide 1 canopy tree per island.
 Required: 40 spaces = 3 islands + 3 trees
 Provided: 3 islands + 3 trees

GENERAL LANDSCAPE AND PLANTING NOTES

- Refer to Project Manual for Planting Specifications and Topsoil requirements. Refer to Plant Schedule for additional information.
- All materials are subject to the approval of the Landscape Architect and Owner at any time. Landscape plant locations and plant bed conditions prior to installation. On-site adjustments may be required.
- Rootballs shall meet or exceed size standards as set forth in American Standards for Nursery Stock. ALL TREES SHALL REMAIN INTACT.
- Remove from the site any plant material that turns brown or defoliates within five (5) days after planting with approved, specified material.
- Plant counts indicated on drawings are for Landscape Architect's use only. Contractor shall make adjustments using drawings, specifications, and plant schedule requirements (i.e., spacing), unless otherwise directed by the Architect. Contractor to verify bed measurements and install appropriate quantities as governed by Plant material quantities shown on plan are minimum quantities. Additional material may be needed to meet requirements and field conditions.
- Seed all areas disturbed by construction activities that are not otherwise noted to receive pavement, treatment.
- The Contractor shall install and/or amend topsoil in all proposed bed areas to meet Specifications. Quantity and placement of topsoil. Landscaper shall verify depth of topsoil prior to plant installation, topsoil source and placement requirements.
- All tree locations shall be marked with 2x2" stakes prior to planting for review and approval by the Landscape Architect. Contractor to verify bed measurements and install appropriate quantities as governed by Plant material quantities shown on plan are minimum quantities. Additional material may be needed to meet requirements and field conditions.
- All plant beds shall receive 3" minimum of shredded hardwood bark mulch (unless otherwise noted).
- Verify all utility locations in the field prior to beginning work. Repair all damaged utilities to Owner's satisfaction.
- The Contractor shall maintain all plant material and lawns until the project is fully accepted by the Landscape Architect.
- All workmanship and materials shall be guaranteed by the Contractor for a period of one calendar year.
- Install all plant material in accordance with all local codes and ordinances. Coordinate with the Owner for any permits necessary to complete work.
- Contractor shall test all tree pits for drainage. Any tree pit that holds water for more than 24 hours shall be replaced.
- Tree Protection Fencing is the responsibility of the Contractor. Minimum protected area shall include canopy. NO construction activities, material storage, etc. may occur within that area. The Contractor shall be responsible for any damage to trees or other plants in any Protected areas, at any time during the construction process. Trees shall be matched in groups unless otherwise noted.

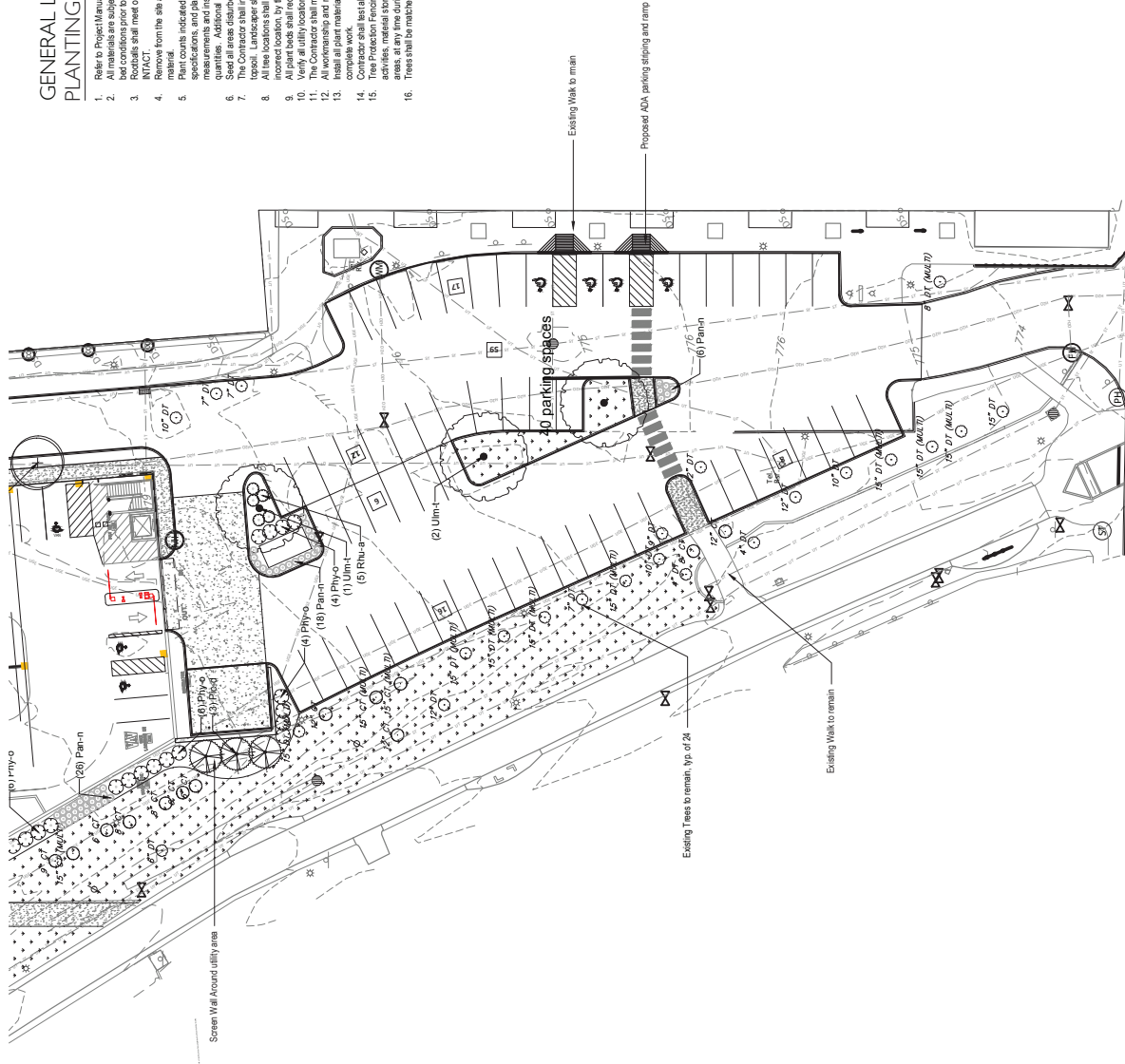
PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	REMARKS
Gin-p	9	Ginkgo biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	B & B	2" Cal	full, strong central leader
Gle-d	3	Gleditsia triacanthos 'Draves'	Street Keeper Honeylocust	B & B	2" Cal	full, strong central leader
Pic-d	3	Picea glauca 'Densata'	Black Hills Spruce	B & B	min. 6' ht.	full, strong central leader, symmetrical
Ulm-l	3	Ulmus x 'Morton Glossy'	Triumph Elm	1.5" Cal	B&B	full, strong central leader
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	REMARKS
Car-v	27	Carex vulpinoidea	Brown Fox Sedge	#1 pot		space @ 2'-0" o.c.
Cor-c	93	Cornus sericea 'Arctic Fire'	Arctic Fire Red Twig Dogwood	container	24"	space @ 2'-6" o.c.
Die-l	36	Diervilla lonicera 'Michigan Sunset'	Michigan Sunset Northern Bush Honeysuckle	container	24"	space @ 2'-0" o.c.
Phy-o	20	Physocarpus opulifolius 'Summer Wine'	Summer Wine Ninebark	container	24"	space @ 5'-0" o.c.
Rhu-a	5	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	container	18" spread	space @ 4' o.c.
Vib-b	22	Viburnum trilobum 'Bailey Compact'	Bailey's Compact American Cranberry Bush	container	35"	space @ 5'-0" o.c.
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	REMARKS
Calx	59	Calamagrostis x scullifera 'Karl Foerster'	Karl Foerster Feather Reed Grass	pot	#2	space @ 3'-0" o.c.
Pan-n	67	Panicum virgatum 'Northwind'	Northwind Switch Grass	pot	#2	space @ 2'-6" o.c.



NOTE: Place Mycorrhizal Fungi Inoculant in each plant hole at manufacturer's recommendation.

MATCHLINE - REFER TO NORTH PLAN



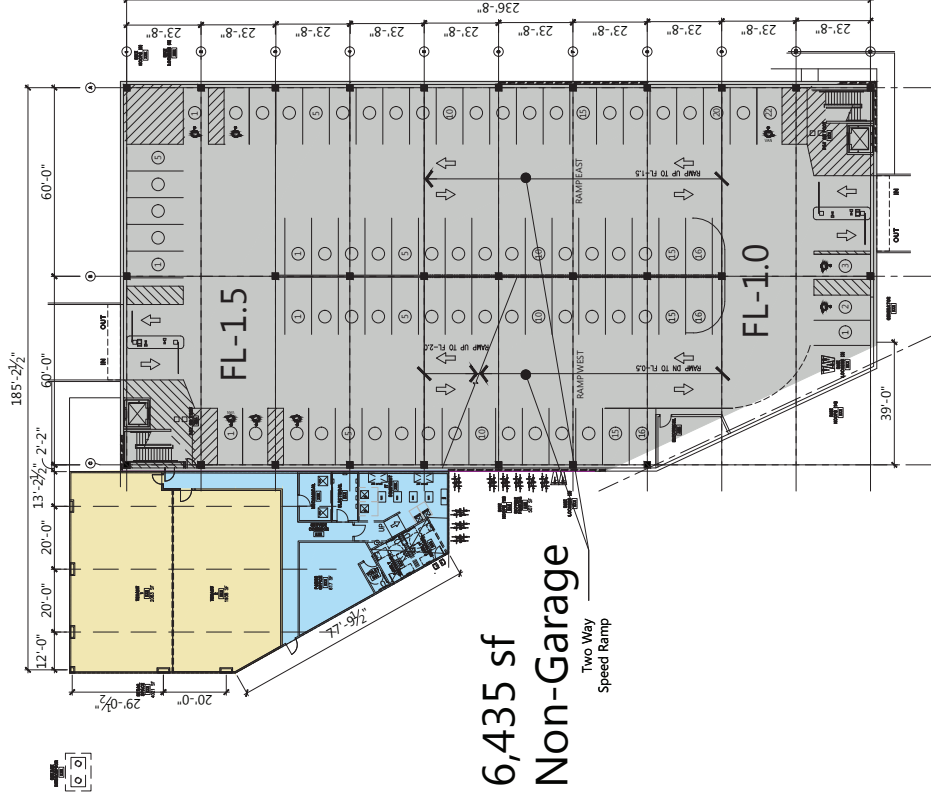
GENERAL LANDSCAPE AND PLANTING NOTES

1. Refer to Project Manual for Planting, Specifications and Topsoil requirements. Refer to Plant Schedule and Planting Details for additional information.
2. All materials are subject to the approval of the Landscape Architect and Owner at any time. Landscape Architect to inspect all plant locations and plant bed conditions prior to installation. On-site adjustments may be required.
3. All trees shall meet or exceed size standards as set forth in American Standards for Nursery Stock. MAIN LEADERS OF ALL TREES SHALL REMAIN INTACT.
4. Remove from the site any plant material that turns brown or debilitates within five (5) days after planting. Replace immediately with approved, specified material.
5. Materials indicated for plantings are for Landscape Architect's use only. Contractor shall make own plant quantity takeoffs using drawings, specifications and plant schedule. Contractor shall make own plant quantity takeoffs using drawings, specifications and plant schedule. Plant material quantities shown on plan are minimum measurements and install appropriate quantities as governed by plant spacing per schedule. Plant material quantities shown on plan are minimum measurements and install appropriate quantities as governed by plant spacing per schedule. Plant material quantities shown on plan are minimum measurements and install appropriate quantities as governed by plant spacing per schedule. Plant material quantities shown on plan are minimum measurements and install appropriate quantities as governed by plant spacing per schedule.
6. Seed or areas subsided by construction activities that are not otherwise noted to receive pavement, planting bed, or sod treatment.
7. Install all plant material with depth of topsoil prior to plant installation. (Refer to specifications for topsoil source and placement requirements.)
8. All tree locations shall be marked with 2x2 stakes prior to planting for review and approval by the Landscape Architect. Any plant material installed in an incorrect location, by the judgment of the Landscape Architect, shall be reinstalled at the Contractor's expense.
9. All plant beds shall receive a minimum of 18 inches of topsoil (unless otherwise noted).
10. The Contractor shall maintain all plant material and leaves until the project is fully accepted by the Landscape Architect, unless otherwise noted.
11. All workmanship and materials shall be guaranteed by the Contractor for a period of one calendar year after Final Acceptance.
12. Tree Protection Fencing is the responsibility of the Contractor. Minimum protected area shall include the full drip line of the canopy. NO construction activities, material storage, etc. may occur within that area. The Contractor shall ensure that no soil compaction or tree damage occurs in any protected areas, at any time during the construction process.
13. Contractor shall test all tree pits for drainage. Any tree pit that holds water for more than 24 hours shall be installed using tree pit drainage.
14. Tree Protection Fencing is the responsibility of the Contractor. Minimum protected area shall include the full drip line of the canopy. NO construction activities, material storage, etc. may occur within that area. The Contractor shall ensure that no soil compaction or tree damage occurs in any protected areas, at any time during the construction process.
15. Trees shall be installed in groups unless otherwise noted.
16. Trees shall be installed in groups unless otherwise noted.

SOUTH PLAN
SCALE: 1" = 20'-0"



Bloomington Trades District Parking Garage
Bloomington, IN | 30 August 2019



6,435 sf
Non-Garage

79 spaces total
7 HC spaces
0 compact spaces
4 charging spaces

5 = FL-1.0
23 = 1.0 to 1.5 (East Ramp)
31 = FL-1.5
20 = 1.5 to 2.0 (West Ramp)
79 = Total 2nd Levels

- LEGEND:**
- CHARGING STATION
 - ▨ POTENTIAL NETWORK LOCATIONS
 - ▨ GARAGE FUNCTION
 - ▨ LEASE/RETAIL
 - ▨ OFFICE/NON-RESIDENTIAL USE

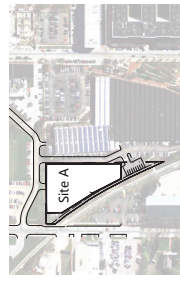
SQUARE FOOTAGE CALCULATION:

Basement Level:	19,286 SF
First Floor:	4,074 SF
Retail:	2,361 SF
Office/Non-Residential:	28,698 SF
Second Floor:	28,698 SF
Third Floor:	28,698 SF
Fourth Floor:	28,698 SF
Garage:	17,057 SF
TOTAL SF:	118,437 SF
Non-Garage:	6,435 SF
TOTAL:	124,872 SF TOTAL

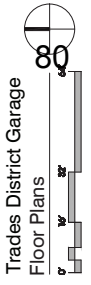
PARKING DATA:

Level	Stall	ADA	Total
Level 0	5	0	5
Level 1	23	0	23
Level 2	31	0	31
Level 3	20	0	20
Level 4	28,698	0	28,698
Level 5	28,698	0	28,698
Level 6	28,698	0	28,698
Level 7	28,698	0	28,698
Level 8	17,057	0	17,057
Total	179,112	0	179,112

Standard Space 8'-6" x 18'-0"
Compact Space 8'-0" x 18'-0"



Site Key: Not to Scale



FL-1

28,698 sf Garage

Entry Level

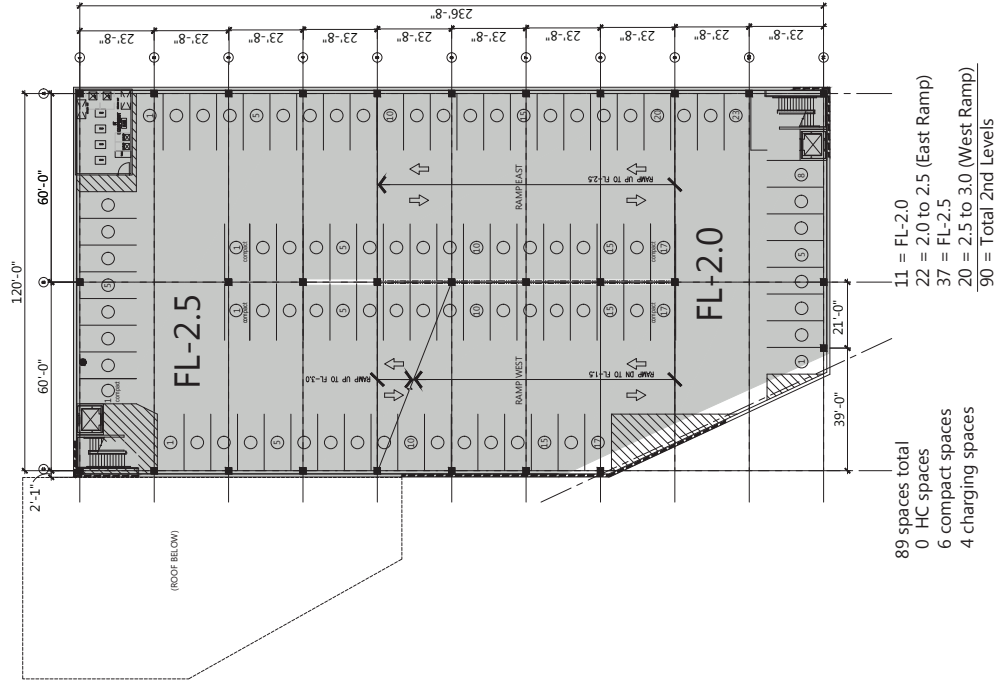
37 = FL-0.5
17 = 1.0 to 0.5 (West Ramp)
54 = Total Lowest Level

38 spaces total
0 HC spaces
7 compact spaces
2 charging spaces

FL-0.5-B

19,286 sf

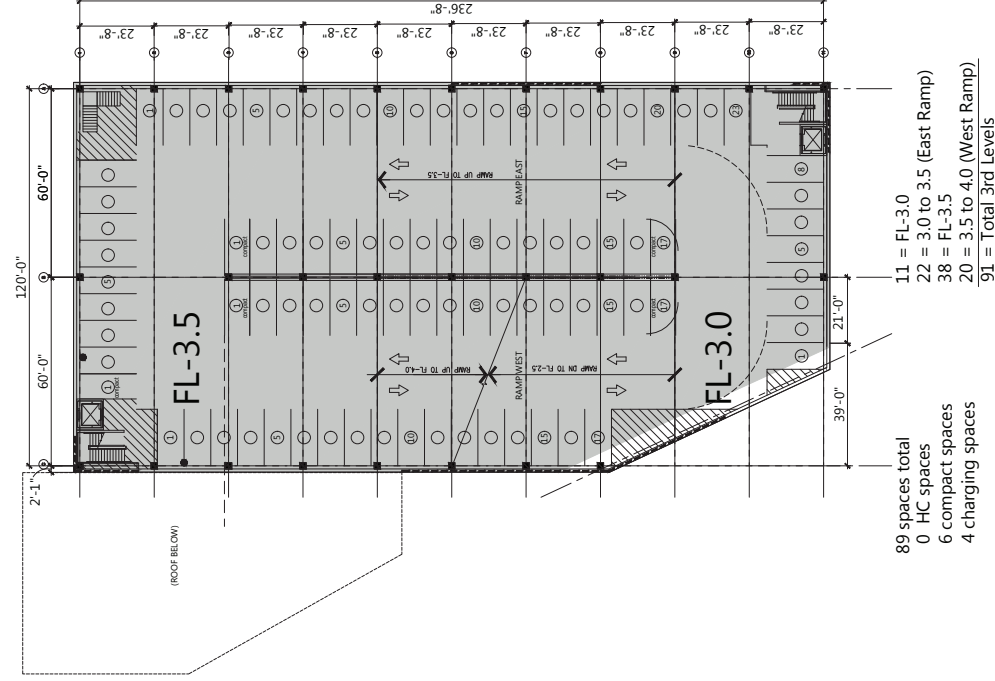
Sub-Level



FL-2

28,698 sf

Typical Level



FL-3

28,698 sf

Typical Level

LEGEND:

- CHARGING STATION
- ▨ POTENTIAL NETWORK LOCATIONS
- ▨ GARAGE FUNCTION
- ▨ LEASE/RETAIL
- ▨ OFFICE/NON-RESIDENTIAL USE

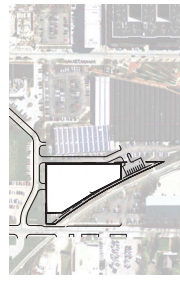
SQUARE FOOTAGE CALCULATION:

Basement Level:	19,286 SF
First Floor:	4,074 SF
Office/Non-Residential:	2,361 SF
Garage:	28,698 SF
Second Floor:	28,698 SF
Third Floor:	28,698 SF
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TOTAL	124,872 SF

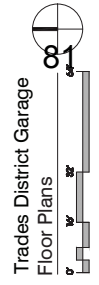
PARKING DATA:

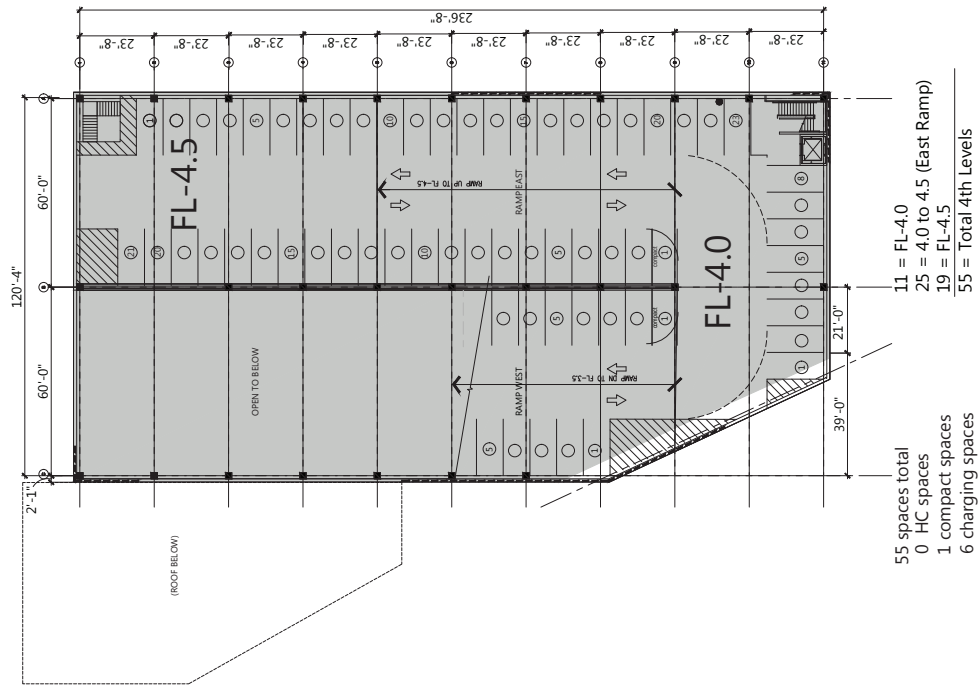
Level	Stk.	Ct	ADA	Total
Level 0	51	7	0	58
Level 1	51	7	0	58
Level 2	51	7	0	58
Level 3	51	7	0	58
Level 4	51	7	0	58
Level 5	51	7	0	58
Level 6	51	7	0	58
Level 7	51	7	0	58
Level 8	51	7	0	58
Level 9	51	7	0	58
Level 10	51	7	0	58
Level 11	51	7	0	58
Level 12	51	7	0	58
Level 13	51	7	0	58
Level 14	51	7	0	58
Level 15	51	7	0	58
Level 16	51	7	0	58
Level 17	51	7	0	58
Level 18	51	7	0	58
Level 19	51	7	0	58
Level 20	51	7	0	58
Level 21	51	7	0	58
Level 22	51	7	0	58
Level 23	51	7	0	58
Level 24	51	7	0	58
Level 25	51	7	0	58
Level 26	51	7	0	58
Level 27	51	7	0	58
Level 28	51	7	0	58
Level 29	51	7	0	58
Level 30	51	7	0	58
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Level 32	51	7	0	58
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Level 35	51	7	0	58
Level 36	51	7	0	58
Level 37	51	7	0	58
Level 38	51	7	0	58
Level 39	51	7	0	58
Level 40	51	7	0	58
Level 41	51	7	0	58
Level 42	51	7	0	58
Level 43	51	7	0	58
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Level 49	51	7	0	58
Level 50	51	7	0	58
Level 51	51	7	0	58
Level 52	51	7	0	58
Level 53	51	7	0	58
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Level 56	51	7	0	58
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Level 61	51	7	0	58
Level 62	51	7	0	58
Level 63	51	7	0	58
Level 64	51	7	0	58
Level 65	51	7	0	58
Level 66	51	7	0	58
Level 67	51	7	0	58
Level 68	51	7	0	58
Level 69	51	7	0	58
Level 70	51	7	0	58
Level 71	51	7	0	58
Level 72	51	7	0	58
Level 73	51	7	0	58
Level 74	51	7	0	58
Level 75	51	7	0	58
Level 76	51	7	0	58
Level 77	51	7	0	58
Level 78	51	7	0	58
Level 79	51	7	0	58
Level 80	51	7	0	58
Level 81	51	7	0	58
Level 82	51	7	0	58
Level 83	51	7	0	58
Level 84	51	7	0	58
Level 85	51	7	0	58
Level 86	51	7	0	58
Level 87	51	7	0	58
Level 88	51	7	0	58
Level 89	51	7	0	58
Level 90	51	7	0	58
Level 91	51	7	0	58
Level 92	51	7	0	58
Level 93	51	7	0	58
Level 94	51	7	0	58
Level 95	51	7	0	58
Level 96	51	7	0	58
Level 97	51	7	0	58
Level 98	51	7	0	58
Level 99	51	7	0	58
Level 100	51	7	0	58

Standard Space 8'-6" x 18'-0"
 Compact Space 8'-0" x 18'-0"



Site Key, Not to Scale





55 spaces total
 0 HC spaces
 1 compact spaces
 6 charging spaces

11 = FL-4.0
 25 = 4.0 to 4.5 (East Ramp)
 19 = FL-4.5
 55 = Total 4th Levels

FL-4

17,057 sf

Upper Level

- LEGEND:**
- CHARGING STATION
 - ▭ POTENTIAL NETWORK LOCATIONS
 - ▭ GARAGE FUNCTION
 - ▭ LEASE/RETAIL
 - ▭ OFFICE/NON-RESIDENTIAL USE

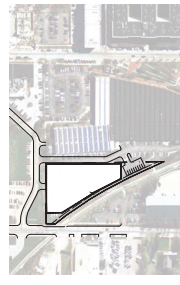
SQUARE FOOTAGE CALCULATION:

Basement Level:	19,286 SF
First Floor:	4,074 SF
Retail:	2,361 SF
Office/Non-Residential:	28,698 SF
Second Floor:	28,698 SF
Third Floor:	28,698 SF
Fourth Floor:	17,057 SF
TOTAL SF:	118,437 SF

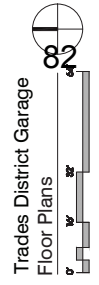
Garage	118,437 SF
Non-Garage	6,435 SF
TOTAL	124,872 SF

PARKING DATA:

Level #	Std.	Count	ADA	Total
Level 0	5.1	7	0	7
Level 1	5.1	10	0	10
Level 2	5.1	10	0	10
Level 3	5.1	10	0	10
Level 4	5.1	10	0	10
Level 5	5.1	10	0	10
Level 6	5.1	10	0	10
Level 7	5.1	10	0	10
Level 8	5.1	10	0	10
Level 9	5.1	10	0	10
Level 10	5.1	10	0	10
Level 11	5.1	10	0	10
Level 12	5.1	10	0	10
Level 13	5.1	10	0	10
Level 14	5.1	10	0	10
Level 15	5.1	10	0	10
Level 16	5.1	10	0	10
Level 17	5.1	10	0	10
Level 18	5.1	10	0	10
Level 19	5.1	10	0	10
Level 20	5.1	10	0	10
Level 21	5.1	10	0	10
Level 22	5.1	10	0	10
Level 23	5.1	10	0	10
Level 24	5.1	10	0	10
Level 25	5.1	10	0	10
Level 26	5.1	10	0	10
Level 27	5.1	10	0	10
Level 28	5.1	10	0	10
Level 29	5.1	10	0	10
Level 30	5.1	10	0	10
Level 31	5.1	10	0	10
Level 32	5.1	10	0	10
Level 33	5.1	10	0	10
Level 34	5.1	10	0	10
Level 35	5.1	10	0	10
Level 36	5.1	10	0	10
Level 37	5.1	10	0	10
Level 38	5.1	10	0	10
Level 39	5.1	10	0	10
Level 40	5.1	10	0	10
Level 41	5.1	10	0	10
Level 42	5.1	10	0	10
Level 43	5.1	10	0	10
Level 44	5.1	10	0	10
Level 45	5.1	10	0	10
Level 46	5.1	10	0	10
Level 47	5.1	10	0	10
Level 48	5.1	10	0	10
Level 49	5.1	10	0	10
Level 50	5.1	10	0	10
Level 51	5.1	10	0	10
Level 52	5.1	10	0	10
Level 53	5.1	10	0	10
Level 54	5.1	10	0	10
Level 55	5.1	10	0	10
Level 56	5.1	10	0	10
Level 57	5.1	10	0	10
Level 58	5.1	10	0	10
Level 59	5.1	10	0	10
Level 60	5.1	10	0	10
Level 61	5.1	10	0	10
Level 62	5.1	10	0	10
Level 63	5.1	10	0	10
Level 64	5.1	10	0	10
Level 65	5.1	10	0	10
Level 66	5.1	10	0	10
Level 67	5.1	10	0	10
Level 68	5.1	10	0	10
Level 69	5.1	10	0	10
Level 70	5.1	10	0	10
Level 71	5.1	10	0	10
Level 72	5.1	10	0	10
Level 73	5.1	10	0	10
Level 74	5.1	10	0	10
Level 75	5.1	10	0	10
Level 76	5.1	10	0	10
Level 77	5.1	10	0	10
Level 78	5.1	10	0	10
Level 79	5.1	10	0	10
Level 80	5.1	10	0	10
Level 81	5.1	10	0	10
Level 82	5.1	10	0	10
Level 83	5.1	10	0	10
Level 84	5.1	10	0	10
Level 85	5.1	10	0	10
Level 86	5.1	10	0	10
Level 87	5.1	10	0	10
Level 88	5.1	10	0	10
Level 89	5.1	10	0	10
Level 90	5.1	10	0	10
Level 91	5.1	10	0	10
Level 92	5.1	10	0	10
Level 93	5.1	10	0	10
Level 94	5.1	10	0	10
Level 95	5.1	10	0	10
Level 96	5.1	10	0	10
Level 97	5.1	10	0	10
Level 98	5.1	10	0	10
Level 99	5.1	10	0	10
Level 100	5.1	10	0	10



Site Key, Not to Scale

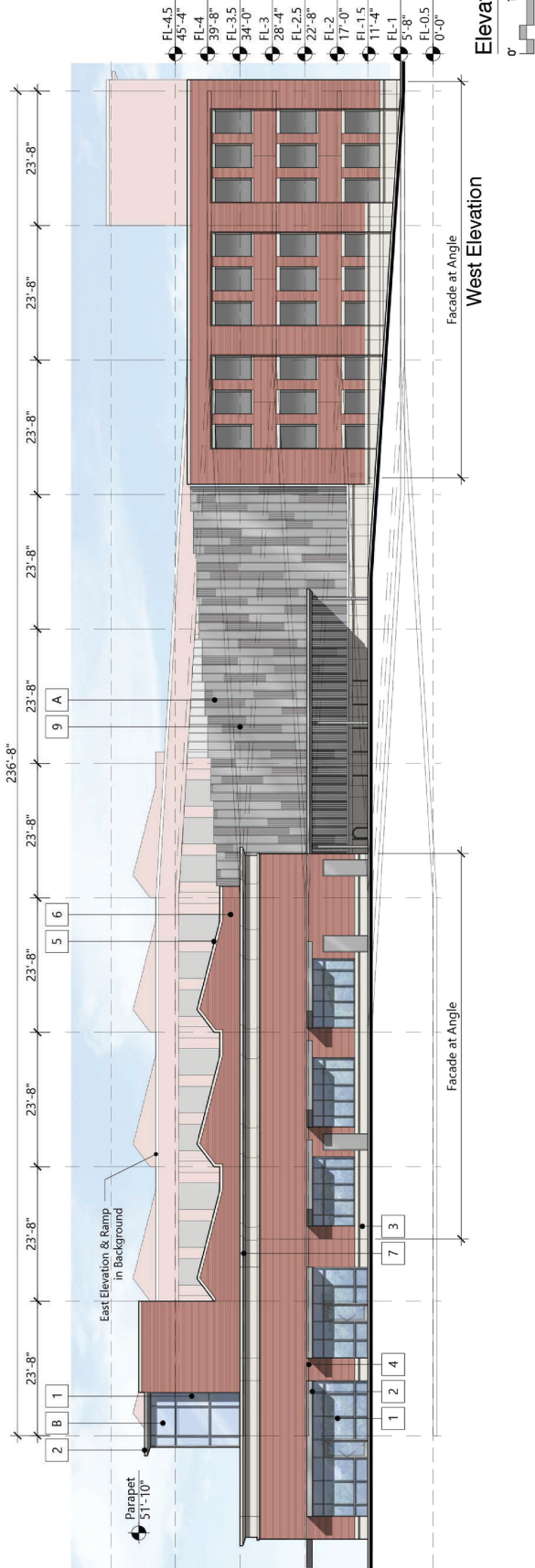


MATERIALS KEY:

- 1 Clear Anodized Aluminum Storefront with Clear Glazing
- 2 Aluminum Canopy
- 3 Masonry Base - Limestone Color
- 4 Masonry Header - Limestone Color
- 5 Coping - Limestone Color
- 6 Parapet - Limestone Color
- 7 Cornice Detail - Limestone Color with Reveals
- 8 Cast-In-Place Concrete
- 9 Perforated Metal Screen
- 10 Concrete Lintel
- 11 Limestone Sill

GENERAL NOTES:

- A Art Opportunity: Perforated Metal Screening with Artistic Pattern.
- B Art Opportunity: Glazed Stair with Internal Art and Illumination.

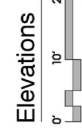
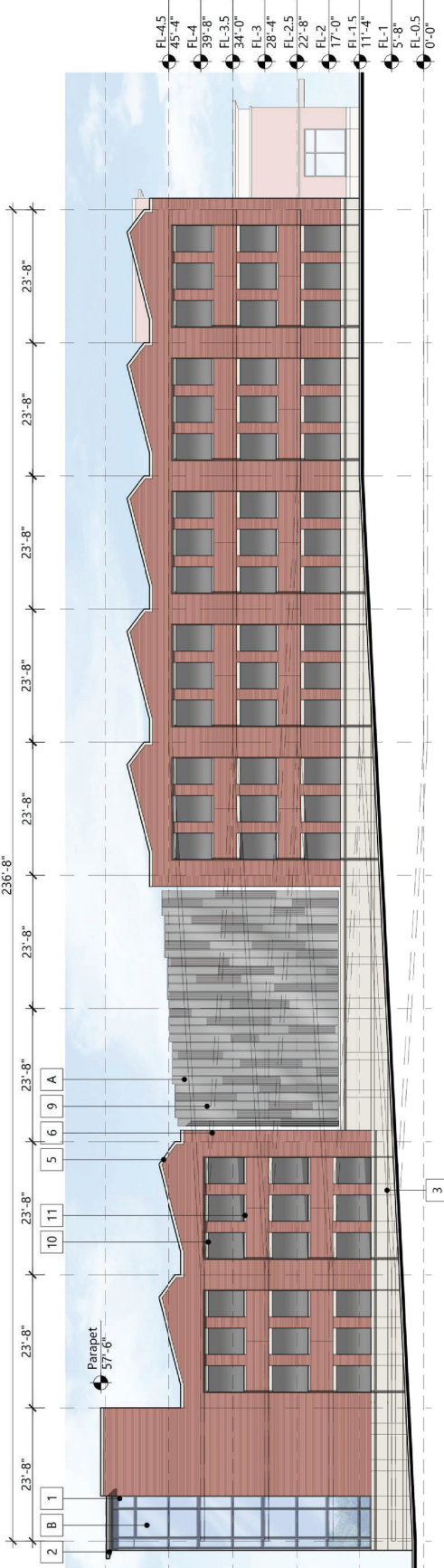
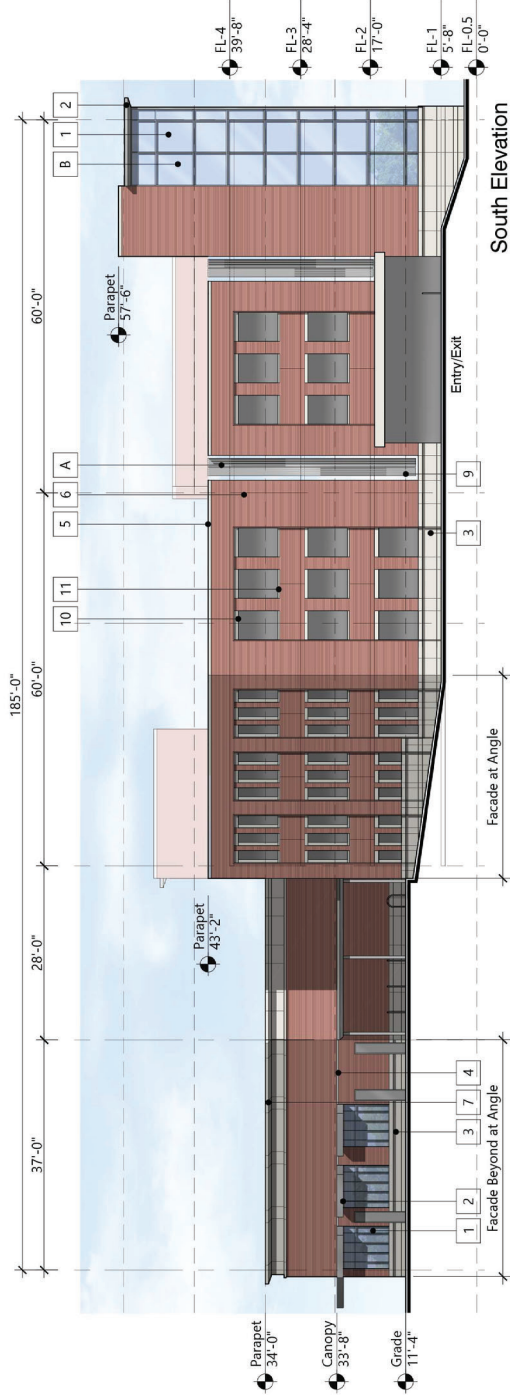


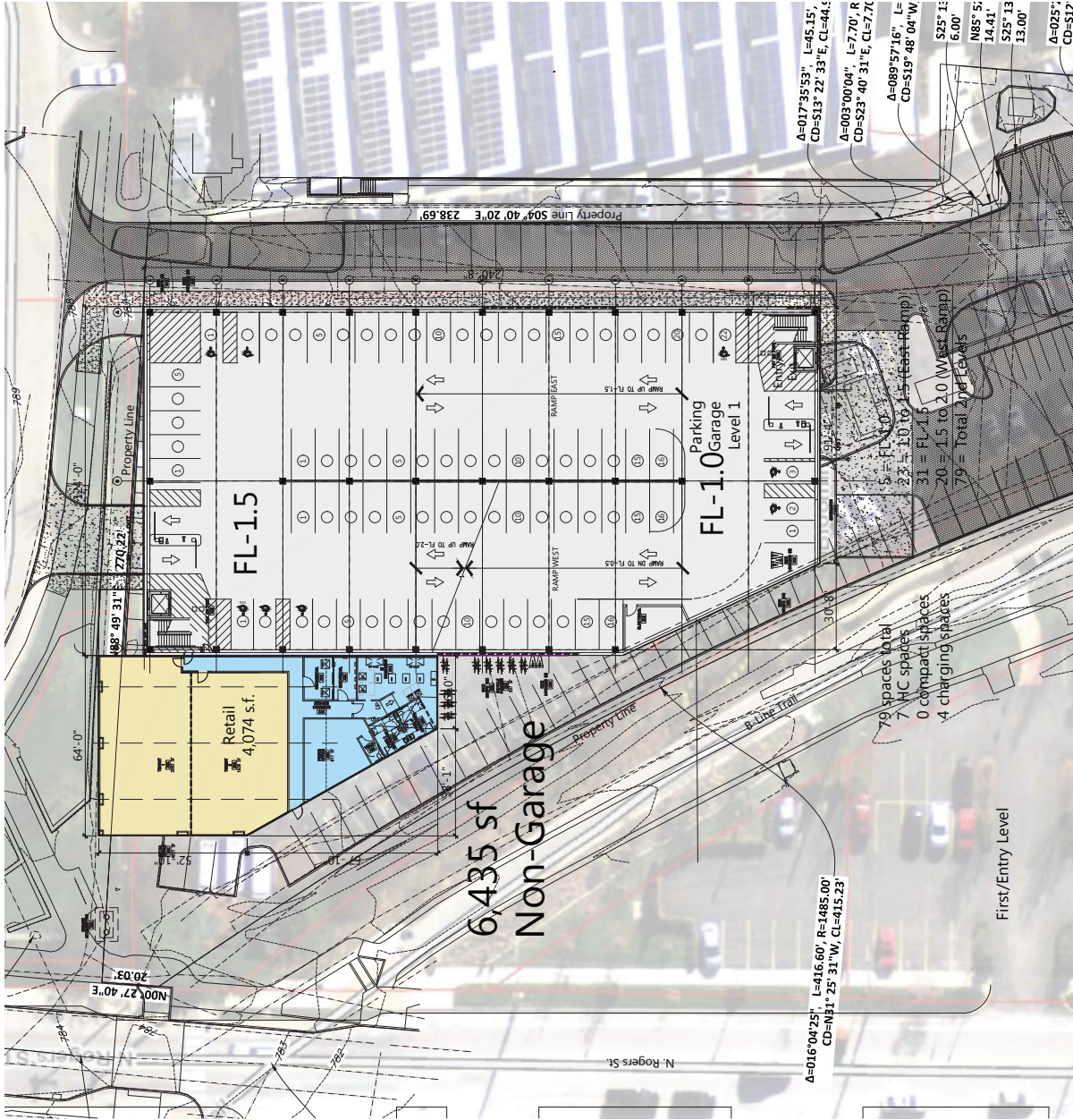
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GENERAL NOTES:

- A Art Opportunity: Perforated Metal Screening with Artistic Pattern.
- B Art Opportunity: Glazed Stair with Internal Art and Illumination.





- LEGEND:**
- CHARGING STATION
 - POTENTIAL NETWORK LOCATIONS
 - GARAGE FUNCTION
 - LEASE/RETAIL
 - OFFICE/NON-RESIDENTIAL USE

SQUARE FOOTAGE CALCULATION:

Base Level:	19,286 SF
First Floor:	4,074 SF
Office/Non-Residential:	2,361 SF
Garage:	28,698 SF
Second Floor:	28,698 SF
Third Floor:	28,698 SF
Fourth Floor:	28,698 SF
Garage:	17,057 SF
TOTAL SF:	118,437 SF
Non-Garage	6,435 SF
TOTAL	124,872 SF

PARKING DATA:

Level	Stall	ADA	Total
Level 1	51	7	58
Level 2	51	7	58
Level 3	51	7	58
Level 4	51	7	58
Level 5	51	7	58
Level 6	51	7	58
Level 7	51	7	58
Total	357	49	406

* Standard Space 8'-6" x 18'-0"
 ** Compact Space 8'-0" x 18'-0"

