

# CITY OF BLOOMINGTON



March 18, 2020 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON  
HEARING OFFICER  
March 18, 2020 at 2:00 p.m.

\*Kelly Conference Room #155

---

**PETITIONS:**

V-06-20

**Dr. Kenneth Moore**

2815 N. Walnut St.

Request: Variance from maximum number of allowed parking spaces for a dentist office.

*Case Manager: Eric Greulich*

**\*\*Next Meeting: April 1, 2020**

*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](mailto:human.rights@bloomington.in.gov).*

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 2815 N. Walnut Street**

**CASE #: V-06-20  
DATE: March 18, 2020**

**PETITIONER:** Dr. Kenneth Moore  
4986 N. Murfield Dr. Bloomington, IN

**CONSULTANT:** Smith Brehob and Associates, Inc.  
2755 S. Canada Dr., Bloomington, IN

**REQUEST:** The petitioner is requesting a variance from the maximum number of parking spaces for a dentist office.

**REPORT:** This 1.6 acre property is zoned Commercial General (CG). Surrounding land uses include the Bloomington Visitors Center to the north, single family dwellings to the east, Cascades Park to the west, and commercial uses to the south.

The petitioner purchased this property to construct a new building for an existing dental practice currently operating at a different location. With new building construction, full site compliance is required. For a dentist office, which is classified as a medical clinic use, the maximum parking standard is one parking space per 300 square feet of gross floor area. In this case, the proposed building is approximately 5,000 square feet, which results in a maximum of 16 parking spaces per the UDO. The petitioner is proposing 24 parking spaces and has requested a variance from the maximum parking standards.

The Department has reviewed several other petitions for medical clinics and found that these uses typically need more parking spaces than the UDO allows due to the number of employees and waiting time for patients. Typical parking needs have been closer to one space per 200 square feet of floor area. This office will have 14 to 15 employees plus 10 dental exam rooms and the esthetician's clinic.

At the existing location, the business is able to utilize adjacent parking areas and on-street parking to fill the lack of on-site parking, but those options are not available at the new location. The new location will be a stand-alone, individual tenant building. The only parking available will be the parking provided on-site. This location is not served by Bloomington Transit and there is no on-street parking along Walnut Street currently. All other elements of the site plan are in compliance. The site plan meets impervious surface standards. The building will provide a pedestrian entrance along Walnut Street and a new sidewalk and tree plot with street trees will be installed as required.

Based on the parking need provided by the petitioner and the lack of parking alternatives, including no on-street parking, the Department finds this to be an adequate amount of parking 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:** The Department finds no injury with this request to provide 24 on-site parking spaces.

- 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:** The Department finds no adverse impacts with this request. The proposed changes will not negatively impact the use and value of the adjoining properties. This property has been vacant for some time and the proposed use is a permitted use within this district. All other development standards will be met.

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

**PROPOSED FINDING:** The Department finds peculiar condition in the combination of the medical clinic use, the number of daily patients, lack of public transit, and the lack of on-street parking. The petitioner has demonstrated a practical difficulty for more parking spaces than permitted. In some cases, this need can be met by surrounding parking and available on-street parking, but not at this location. Staff finds the proposal to be a reasonable request that can fit on the property and still meet all other development standards. The variance is being requested to fulfill a parking need that is under-represented by the UDO. When developing maximum parking requirements of the UDO it was understood that some uses would be justified in seeking variances. The Department finds this to be one of those cases.

---

**RECOMMENDATION:** Based on the written findings above, the Department recommends the Hearing Officer adopt the proposed findings and approve V-06-20 with the following condition:

1. A Certificate of Zoning Compliance is required prior to any construction or land disturbance.
2. Any change of use as defined by the UDO may require compliance with the parking standards.
3. A pedestrian easement is required for any portions of the sidewalk not located in the right-of-way.

Smith Brehob & Associates, Inc.



Steven A. Brehob, BS.CNT.  
 Todd M. Borgman, PLS  
 Don Kocarek, L.A.  
 Katherine E. Stein, P.E.  
 Stephen L. Smith, Founder (Retired)

“Engineering and Surveying Solutions exceeding Expectations since 1980”

February 20, 2020

Eric Greulich  
 City of Bloomington Planning  
 401 N. Morton Street  
 Bloomington, IN. 47404

RE: Smile Dentistry 2814 N. Walnut  
 Parking Variance Request

Dear Eric,

On behalf of our client, Dr. Kenneth Moore, we respectfully request to be placed on the agenda for the City of Bloomington Hearing Officer for consideration of a parking variance at the above referenced location. A description of the necessity for said variance and justification of its approval are enumerated below.

Dr. Kenneth Moore has purchased the property located at <sup>2815</sup>2814 N. Walnut with the intent of moving his current dental practice to that location. The site is zoned ~~CS~~<sup>CB</sup> and would permit a medical clinic use. Parking based on 20.05.075 – Exhibit PK-A of the UDO limits the maximum number of spaces to 1 space per 300 SF GFA. The proposed 5024 SF building would permit up to 17 parking spaces. From an operations standpoint, this is problematic and detrimental for Dr. Moore’s business and a variance is going to be necessary.

Dr. Ken Moore currently operates a dental clinic at 219 E 17<sup>th</sup>. His existing practice is located in a building with approximately 3000 SF, with 1500 SF dedicated to medical and 1500 SF dedicated to support, records and operations. The existing building contains 7 dental exam rooms. He has 10 employees on site daily and has a grand total of 5 parking spaces on site. Dr. Moore has 4 more spaces, likely illegal, that are on another adjacent property. He also has the use of on-street parking, when available, on N. Lincoln. Employees previously parked on the street wherever they could find spaces. When the area changed to a neighborhood parking permit system, Dr. Moore purchased permits for the employees. Still, finding parking for employees and patients is difficult and employees and patients sometimes park on an adjacent property (Woodington Courts).

Dr. Moore’s new clinic will be 5024 SF in size and he will be adding 4 to 5 staff including a dentist and an esthetician. The new building will have 10 dental exam rooms and the esthetician’s clinic. That brings his total number of employees at the new location to between 14 and 15. With a limitation by zoning of 17 spaces, no on-street parking and no adjacent overflow parking, we anticipate that parking will be problematic and detrimental to

Smith Brehob & Associates, Inc.,  
 2755 E. Canada Drive, Bloomington, IN. 47401  
 (812) 336-6536  
[www.smithbrehob.com](http://www.smithbrehob.com)



Steven A. Brehob, BS.CNT.  
 Todd M. Borgman, PLS  
 Don Kocarek, L.A.  
 Katherine E. Stein, P.E.  
 Stephen L. Smith, Founder (Retired)

“Engineering and Surveying Solutions exceeding Expectations since 1980”

his practice. Dr. Moore indicated that all current patients complain about the lack of parking. His goal is to grow his practice and better serve his current patients. The proposed site needs to provide 24 to 26 spaces.

## FINDINGS

20.09.130 e) Standards for Granting Variances from Development Standards: *A variance from the development standard of the Unified Development Ordinance may be approved only upon determination in writing that each of the following 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 will be made as a result of granting of the approval. On the contrary, providing enough parking on-site could alleviate the need to parallel park on the shoulder along North Walnut. Additional parking on site, by its nature, does not create a public health, safety, moral or welfare issue.

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

**PROPOSED FINDINGS:** Providing sufficient parking on site will not be detrimental to the value of adjacent properties. Sufficient parking will likely alleviate a detrimental situation for adjacent properties by negating the need or tendency to use parking on adjacent sites for this site without permission or agreement.

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

**PROPOSED FINDINGS:** Practical difficulty is found in that the parking permitted based on square footage of the building, as prescribed in the UDO does not accurately reflect current building efficiencies in layout or the needs of a medical clinic located at a “drive-to” location. On-street public parking is not available, and the location is removed from population density without a complete sidewalk network for pedestrians along North Walnut. The property is not located on a bus route, hence public transportation is not available. Patients must drive to this location for treatment and as such, need parking on site once they arrive.

Smith Brehob & Associates, Inc.



Steven A. Brehob, BS.CNT.  
Todd M. Borgman, PLS  
Don Kocarek, L.A.  
Katherine E. Stein, P.E.  
Stephen L. Smith, Founder (Retired)

**“Engineering and Surveying Solutions exceeding Expectations since 1980”**

Based on these findings of fact or others that you may apply as are relevant to the request, we respectfully request approval of the parking variance.

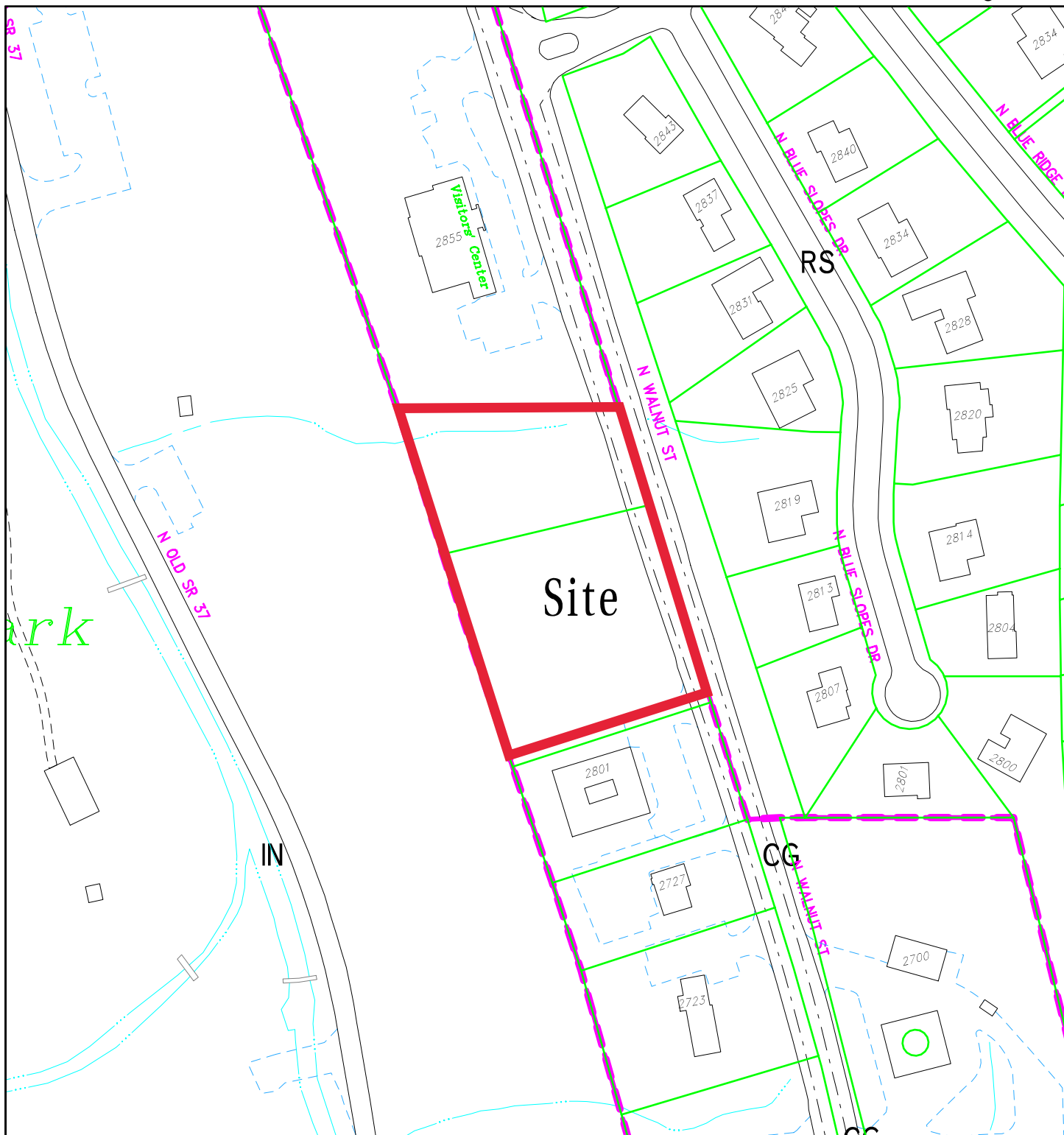
Sincerely,

A handwritten signature in black ink that reads 'Steven A. Brehob'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven A. Brehob

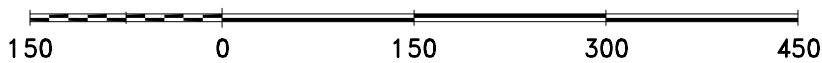
Smith Brehob & associates, Inc.



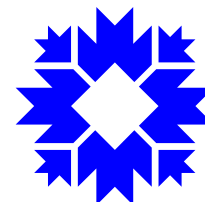


V-06-20 Dr. Kenneth Moore  
 2815 N Walnut Street  
 Hearing Officer  
 Site Location, Zoning, Parcels

By: greulice  
 12 Mar 20

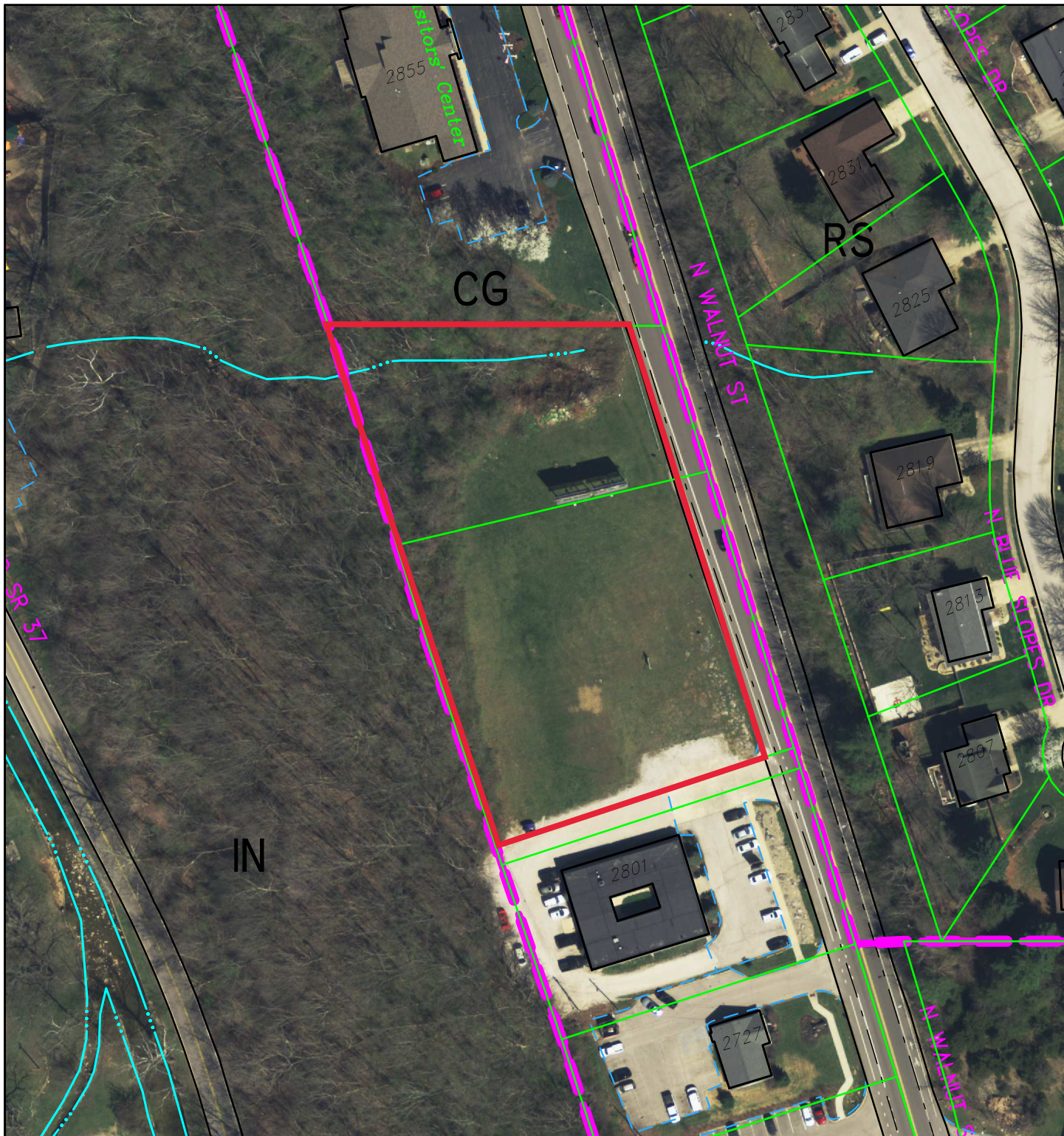


City of Bloomington  
 Planning & Transportation

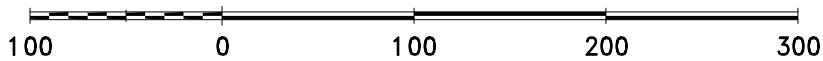


Scale: 1" = 150'





By: greulice  
12 Mar 20

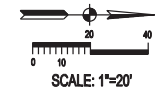


For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

N

Scale: 1" = 100'



**GENERAL NOTES**

- 1) SEE SMITH BRENOB 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION REQUIREMENTS.
- 2) SITE ZONING = GC GENERAL COMMERCIAL
- 3) SETBACKS  
 FRONT YARD BUILDING = 15' BEHIND R/W OR BLOCK FACE AVERAGE  
 SIDE YARD BUILDING AND PARKING = 7'  
 REAR YARD BUILDING AND PARKING = 7'  
 FRONT YARD PARKING = 20' BEHIND BUILDING
- 4) IMPERVIOUS SURFACE COVERAGE PERMITTED = 40%  
 IMPERVIOUS SURFACE COVERAGE SHOWN = 42%
- 5) PARKING PROVIDED FOR MEDICAL USE = 1 SPACE PER 100 SF GFA  
 BUILDING AREA = 5024 SF  
 PARKING PROVIDED = 16.75 SPACES  
 PARKING PROVIDED = 24 SPACES

**MATERIALS LEGEND**

- ① 1.5" HMA SURFACE ON  
 3" HMA BASE ON  
 7" COMPACTED AGGREGATE BASE #53, TYPE "D"  
 CONCRETE SLAB
- ② 6" THICK, 4000 PSI CONCRETE  
 8" COMPACTED AGGREGATE BASE #53, TYPE "D"  
 CONCRETE SLAB
- ③ 1.5" HMA INTERMEDIATE ON  
 5" COMPACTED AGGREGATE BASE #53, TYPE "D" ON  
 SPECIAL SUBGRADE TREATMENT TYPE 111  
 CONCRETE SLAB
- ④ 6" THICK, 4000 PSI CONCRETE  
 8" COMPACTED AGGREGATE BASE #53, TYPE "D"  
 6" STANDING CURB  
 CONCRETE SIDEWALK - WIDTH VARIES  
 4" THICK CONCRETE  
 CONCRETE GUTTER
- ⑤ ACCESSIBLE RAMP AND HANDRAIL
- ⑥ MASONRY DUMPSTER ENCLOSURE
- ⑦ LINE, PAINT, SOLID, WHITE, 4"
- ⑧ LINE, PAINT, SOLID, BLUE, 6"
- ⑨ SYMBOL, PAINT, BLUE, INTERNATIONAL SYMBOL OF ACCESSIBILITY
- ⑩ PARALLEL CURB RAMP
- ⑪ BICYCLE PARKING "HOOP RACK"

**SITE LEGEND**

- 10' DE DRAINAGE EASEMENT
- 10' DE UTILITY EASEMENT
- 10' DE ON- & OFF- EASEMENT
- 10' DE 2" ROLL CURB
- 2" CURB AND GUTTER
- 6" STANDING CURB
- CONCRETE SIDEWALK
- HANDICAPPED RAMP
- HANDICAPPED RAILING
- RET. WALL (CONCRETE)
- RET. WALL (MASONRY)
- RET. WALL (STONE)
- RET. WALL (WOOD)
- FENCE (CHAIN LINK)
- FENCE (SMOOTH WIRE)
- FENCE (POST & RAIL)
- FENCE (WOOD SLAT)
- GUARD WALL
- PROPOSED STREET TREE
- BOLLARD
- DUMPSTER (WOOD)
- DUMPSTER (MASONRY)

Smith Brothers & Associates, Inc.  
 434 S. Cedar Street  
 Bloomington, Indiana 47403  
 Phone: 317.344.1111  
 Web: www.sbaia.com

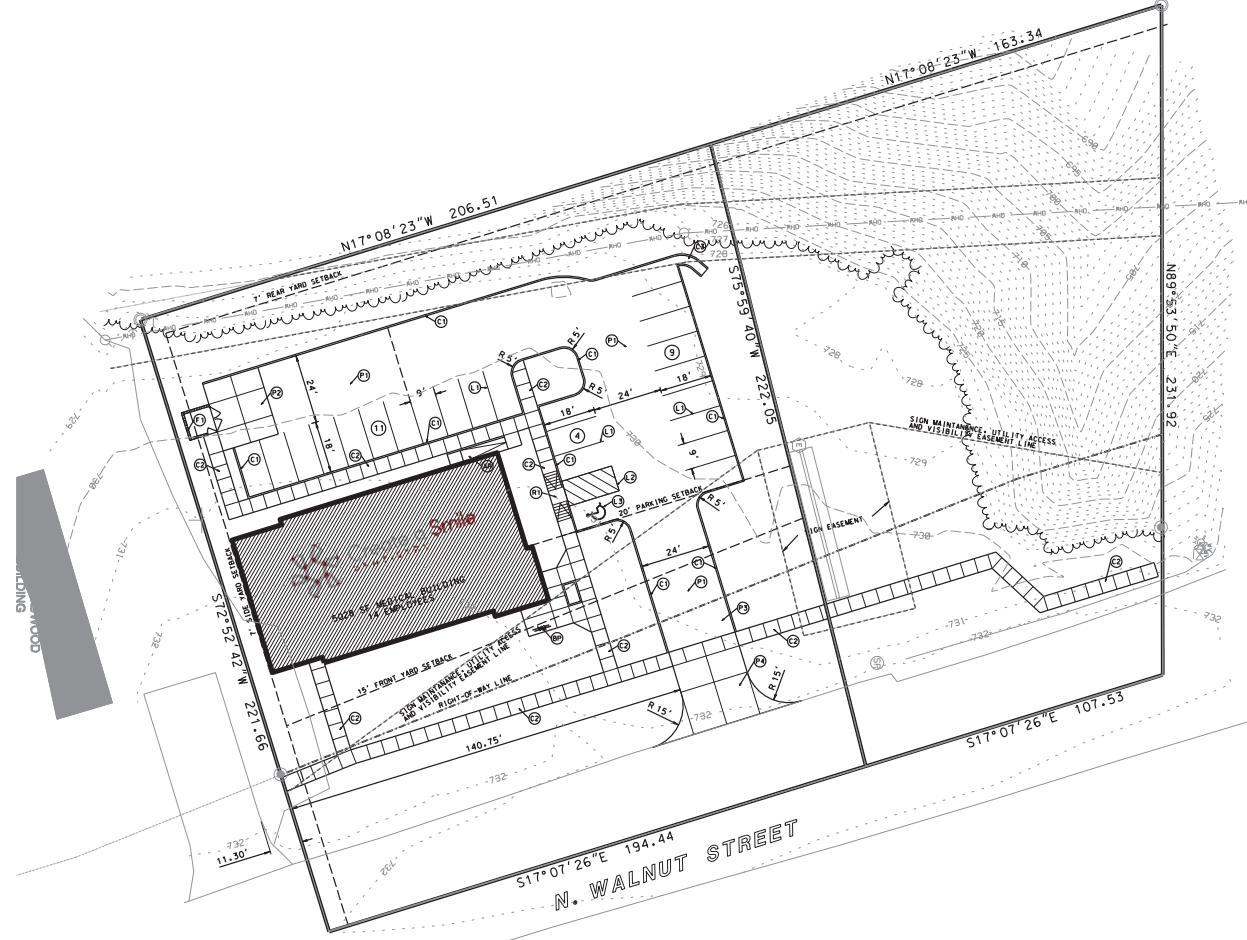
COMPLETION DATE  
 / /

JOB TITLE  
**CREATE A SMILE DENTISTRY**  
 2814 N WALNUT  
 BLOOMINGTON, IN

REVISIONS	BY	DATE

DATE	BY	DESCRIPTION

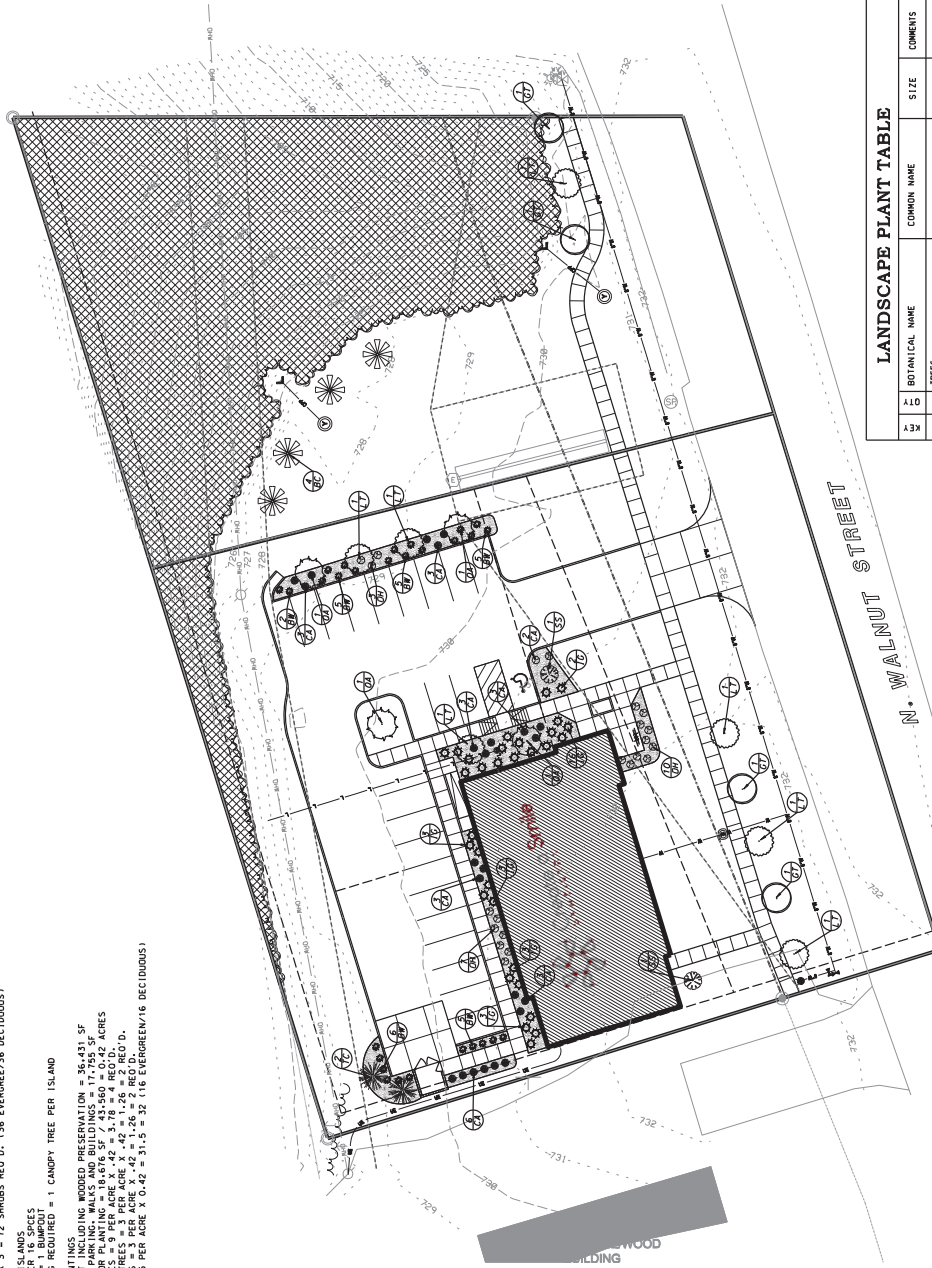
6016  
 SHEET  
**C201**  
 DATE 2/04/20  
 SITE PLAN





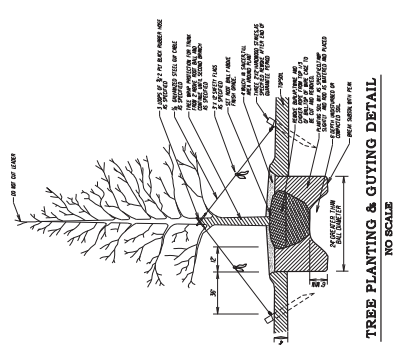
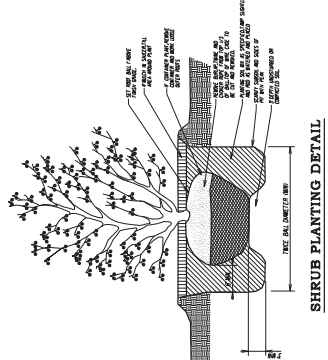
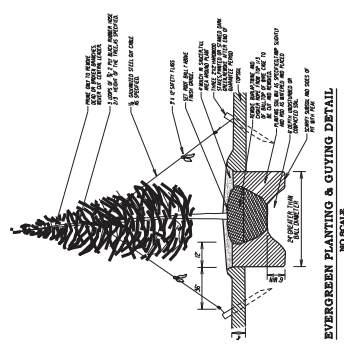
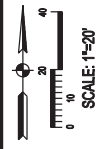
**LANDSCAPE REQUIREMENTS**

- STREET TREES REQUIRED**
- 1. 301'-9" x 7'-0" = 7.5 = 8 TREES REQ'D.
- PARKING LOT PERIMETER**
- 1. TREE PER 4' PARKING SPACES
  - 2. 5 TREES REQ'D.
  - 3. SHRUBS PER SPACE
  - 24 SPACES x 3 = 72 SHRUBS REQ'D. (1/6 EVERGREEN/3/6 DECIDUOUS)
- PARKING LOT ISLANDS**
- 1. 180 SPACES PER 16' SPACES
  - LANDSCAPING REQUIRED = 1 CANOPY TREE PER ISLAND
- INTERIOR PLANTINGS**
- SITE ARE NOT INCLUDING WOODED PRESERVATION = 36,431 SF
  - SITE AREA FOR PLANTING = 18,676 SF / 43,560 = 0.42 ACRES
  - CANOPY TREES = 9 PER ACRE = 3.78 = 4 REQ'D.
  - SMALL TREES = 3 PER ACRE x .42 = 1.26 = 2 REQ'D.
  - SHRUBS = 75 PER ACRE x 0.42 = 31.5 = 32 (1/6 EVERGREEN/1/6 DECIDUOUS)



**LANDSCAPE PLANT TABLE**

KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
OT	OLESTISIA HYCOGONOS THORNLESS	THORNLESS HOOPLOGST	2" COLLAR	
OA	QUERCUS OBO	WHITE OAK	2" COLLAR	
LT	LIRIODENDRON MULTIIFLOR	TULIP TREE	2" COLLAR	
BC	BAUHIJA DIACRYUM	BIRD CYPRESS	2" COLLAR	
MS	MELALEUCA LEUCOPHYLLA	EASTERN NEROLEA	6" HEIGHT	
SS	SAMBUCUS NIGRA	SPOTTED SERRAVALLEY	2" COLLAR	
SH	SHRUBS			
BM	BURNING BUSH	GREEN MOUNTAIN BURNING BUSH	3 GALLON	
CA	CAMPYLOPSIS	NEW JERSEY TEA	3 GALLON	
RD	RED DOGWOOD	RED DOGWOOD	3 GALLON	
TR	TRIFOLIUM	TRIFOLIUM	3 GALLON	



**SB**  
Smith Brothers & Associates, Inc.  
1430 S. Cicero Boulevard  
Bloomington, Indiana 47403  
Phone: 317.336.4000  
Web: www.sbsa.com

CONTRACT NUMBER: / /

**CREATE A SMILE DENTISTRY**  
JOB TITLE  
2814 N WALNUT  
BLOOMINGTON, IN

REVISIONS

NO.	BY	DATE

**6016**  
SUBJECT  
**C204**  
DATE: 2/04/20  
LANDSCAPE PLAN