

CITY OF BLOOMINGTON



December 23, 2020 @ 2:00 p.m.

Zoom Meeting:

<https://www.google.com/url?q=https://bloomington.zoom.us/j/95320682211?pwd%3DdTcxNGlmVGxpR1VKYXV4K0ZTOEs4QT09&sa=D&source=calendar&ust=1607966957081000&usg=AOvVaw3uf2ZEsG34MnZ16qJqRCUB>

**CITY OF BLOOMINGTON
HEARING OFFICER
December 23, 2020 at 2:00 p.m.**

❖ **Virtual Meeting:**

<https://www.google.com/url?q=https://bloomington.zoom.us/j/95320682211?pwd%3DdTcxNGlmVGxpR1VKYXV4K0ZTOEs4QT09&sa=D&source=calendar&ust=1607966957081000&usg=AOvVaw3uf2ZEsG34MnZ16qJqRCUB>

PETITIONS:

- V-27-20 **Catalent Indiana, LLC**
1300 S. Patterson Dr.
Request: Variance from riparian buffer standards to allow for a driveway.
Case Manager: Eric Greulich
- CU-28-20 **Lyle Feigenbaum (Orange Theory Fitness)**
210 E. Kirkwood Ave.
Request: Conditional use approval to allow a standardized business.
Case Manager: Eric Greulich

GIS map- <https://arcg.is/ziu5a>

****Next Meeting: January 6, 2021**

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 HEARING OFFICER
LOCATION: 1300 S. Patterson Dr.

CASE #: V-27-20
DATE: December 23, 2020

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 bufferyard setback standards to allow for a driveway.

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 when they 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.

This property received a variance (V-30-19) in 2019 to allow for the driveway along the south side of the building to be expanded for new cooling towers and another variance (V-33-19) to allow for a parking area and driveway along the entire south side of the building to be expanded. Since that time, additional production demands and design details for the cooling towers required the previously approved driveway to be widened an additional 8' further than previously approved. Approximately 244' of the driveway will be widened an additional 8' than the previously approved variances.

The petitioner is proposing a large remodeling project to the existing southern building and installed new cooling towers and freezer units on the south side of the building as part of the improvements necessary for production of the COVID-19 vaccine. There is an access drive that runs along the entire south side of the building that was installed when the railroad tracks were removed several decades ago 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 creek to the south and is currently in the riparian buffer. Since the access drive is proposed to be widened further and will be closer to the creek, a variance from the riparian buffer standards is required since the drive will be within the required 75' buffer from the creek.

The petitioner is requesting a variance from the required 75' riparian buffer standards to allow for the existing access drive to be expanded south to be approximately 30' from the top of bank.

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 area that the road is proposed to be relocated to was previously disturbed with previous development. No trees or vegetation, other than existing turf grass, will be removed with this proposal. No adjacent properties will be effected by this encroachment.

- 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. As stated previously, the encroachment will only affect this property. The area to be disturbed was previously used as a railroad spur and is not encumbered by vegetation or tree canopy.

- 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 that the area of the access drive was previously heavily used and disturbed with a railroad spur. The widening of the driveway will not require any substantial grading or disturbance. In addition, the Thomson PUD was approved prior to the current riparian buffer standards. The Thomson PUD only identified the West Branch of Clear Creek as a dominant stream through this area and required existing vegetated buffers to be preserved. The area of proposed disturbance is not vegetated and was previously developed for railroad traffic. Peculiar condition is found in the limited amount of area along this portion of the site and the previous level of disturbance combined with the existing warehouse location and required cooling tower and freezer unit locations. 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.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-27-20 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. The petitioner shall continue to work with staff to come up with a proposed landscape mitigation plan.

Bledsoe Riggert Cooper James

LAND SURVEYING • CIVIL ENGINEERING • GIS

November 16, 2020

City of Bloomington Hearing Officer
401 N. Morton Street
Bloomington, IN 47403

RE: City of Bloomington
Catalent DP Expansion -40 Freezer Units, 1300 S. Paterson Drive
Variance from Environmental Standards

Dear Hearing Officer:

On behalf of Catalent Biologics, we respectfully request your consideration for a variance from the Environmental Standards Section 20.04.030, Riparian Buffer of the Unified Development Ordinance to allow for an eight-foot widening of a portion of the driveway along the south side of Catalent's property as indicated on the attached site plan.

The driveway widening is necessary to accommodate the addition of six -40 Celsius freezer units and a connecting vestibule for product storage on the south side of the building.

This request is a supplement to Variances V-30-19 and V-33-19 granted by the Board of Zoning Appeals and fills in the 244-foot gap along the driveway between the cooling tower and the parking to the west. Attached, for your reference, please find two exhibits from these variances.

Your positive consideration of this request is greatly appreciated.

Sincerely,



William S. Riggert, PE

Attachments

1300 SOUTH PATTERSON DRIVE
P.O. BOX 970
BLOOMINGTON, IN 47402-2970
(317) 877-3120 (FAX)
WWW.CATALENT.COM



CLARK, RICHARDSON AND BESKUP
CONSULTING ENGINEERS, INC.
CRB ARCHITECTS-ENGINEERS P.C.
707 ENERSON ROAD
SUITE 500
ST. LOUIS, MO 63141
PHONE: 314-997-1515
FAX: 314-467-6411

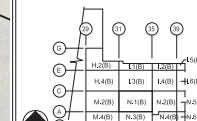
CRB PROJECT NUMBER
104666



Biedsoe Riggert Cooper James
LAND SURVEYING • CIVIL ENGINEERING • GIS
1301 WEST 140TH ROAD
BLOOMINGTON, INDIANA 47403
PHONE: 812-338-8277

BRCJ PROJECT NUMBER
9912 11047

KEY PLAN



ISSUE

REV	DATE	DESCRIPTION
0	TBD	READY FOR CONSTRUCTION-HALLEY PER
1	08/20/20	ISSUED
2	08/20/20	CHANGED PER SIGNATURE BOARD
3	08/20/20	ISSUED PER

SIGNATURE/SEAL



SEAL SIGNATURE APPLY ONLY TO CURRENT REV

THIS DRAWING AND ALL THE INFORMATION CONTAINED THEREIN IS THE SOLE PROPERTY OF CATALENT INDIANA, LLC AND IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN CONSENT OF CATALENT INDIANA, LLC.

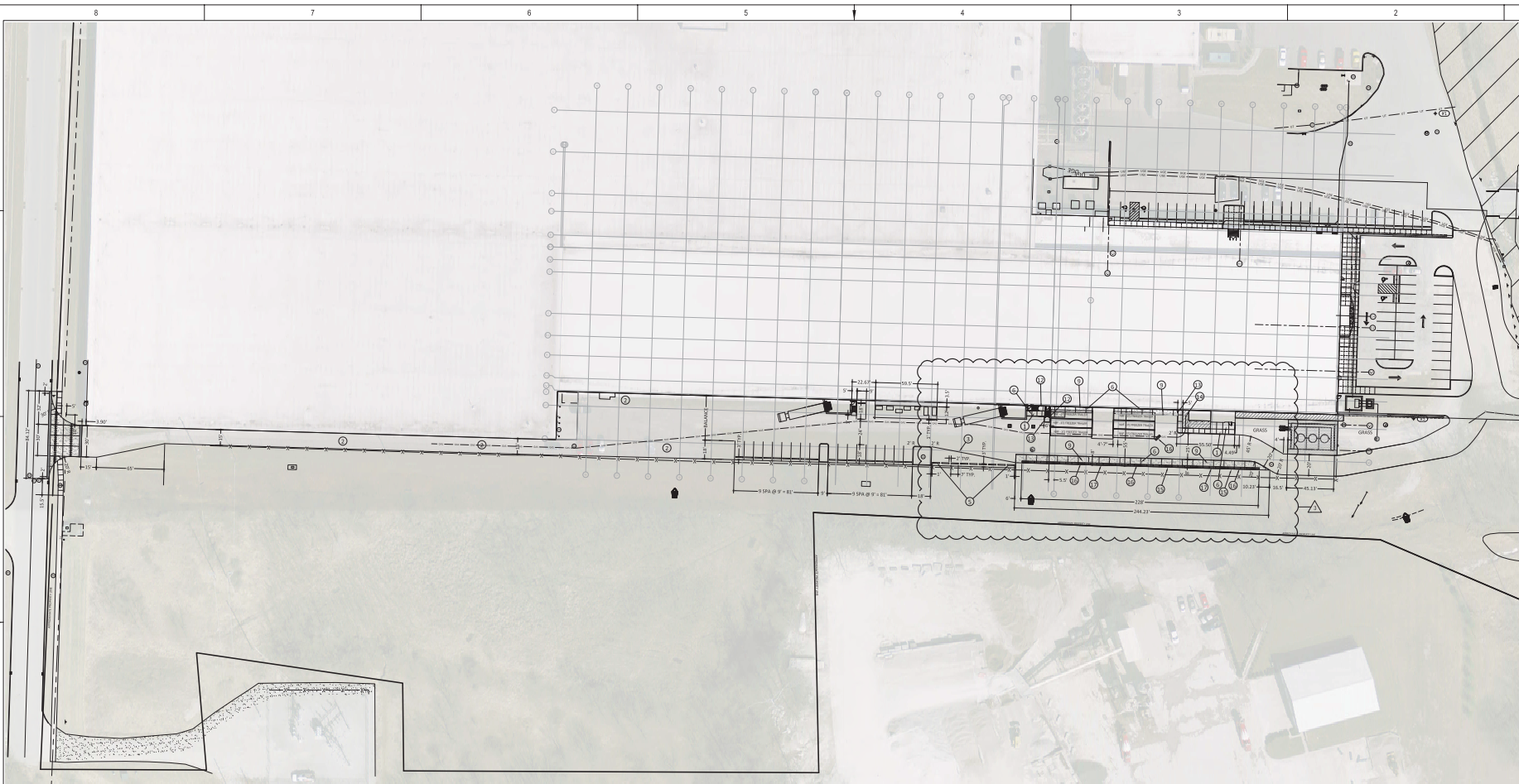
DATE: 10/11/20 DRAWN BY: GJM

CLASSIFICATION: AREA: B CHECKED BY: WSR

PROJECT NAME: BLOOMINGTON DP EXPANSION

DRAWING NAME: CIVIL SITE LAYOUT AND MATERIAL PLAN

DRAWING NUMBER: C01-03



1 CIVIL - SITE LAYOUT AND MATERIAL PLAN



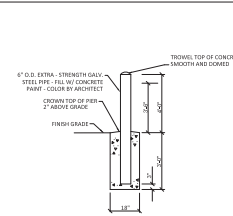
GENERAL NOTES

- 1. CONTRACTOR IS REQUIRED TO VERIFY FIELD CONDITIONS AND NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
- 2. ALL STREET CURBS AND UTILITIES AND OTHER IMPROVEMENTS SHALL BE REPAIRED TO MATCH EXISTING PAVEMENT SECTION OR BETTER.
- 3. ALL DISTURBED AREAS SHALL RECEIVE 6" OF TOP SOIL AND SEED OR BE IMPROVED AS NOTED OTHERWISE.
- 4. REFER TO DETAIL SHEETS FOR DETAILS CORRESPONDING TO PLAN NOTES.
- 5. ALL DIMENSIONS ARE TO FACE OF CURB, POINTS OF TANGENCY, EDGE OF PAVEMENT, CONTRACTOR TO VERIFY WITH ARCHITECTURAL AND STRUCTURAL DRAWINGS FOR ACTUAL BUILDING DIMENSIONS. ADVISE ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
- 6. ALL MARKS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
- 7. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING AND UTILIZATION AND DIMENSIONS.
- 8. CONTRACTOR SHALL MAINTAIN THE CONSTRUCTION OF STORMWATER POLLUTION PREVENTION MEASURES NECESSARY TO START OF WORK TO ENSURE SEDIMENT DOES NOT LEAVE THE SITE.

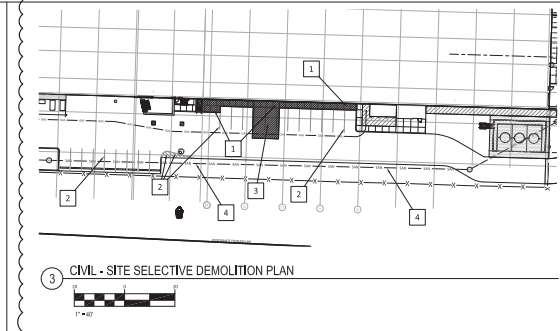
PLAN NOTES

- 1. MONOLITHIC CONCRETE CURB AND WALK- REFER TO DETAILS
- 2. HEAVY DUTY ASPHALT PAVEMENT- REFER TO DETAIL
- 3. PAVEMENT MARKING, 4" WIDE, WHITE, AUTO-PARKING
- 4. 2" TAPERED CONCRETE CURB- REFER TO DETAILS
- 5. CONCRETE WALK TOP- REFER TO DETAIL
- 6. CONCRETE SIDEWALK- REFER TO DETAILS
- 7. CONCRETE SIDEWALK WIDTH AND ALIGNMENT TO MATCH EXISTING- REFER TO DETAIL
- 8. 6" THICK COMPACTED #53 COARSE AGGREGATE
- 9. 7" THICK CONCRETE PAVEMENT- REFER TO DETAIL
- 10. CONCRETE HOUSE KEEPING SIAE REFER TO STRUCTURAL DRAWINGS.
- 11. BOLLARD- REFER TO DETAIL THIS SHEET
- 12. 1/2" OF CONCRETE TO BE AT THE END OF SLAB, EXTEND'S BEYOND WORKING OF FOOTPRINT FRAE.
- 13. 6" CONCRETE CURB- REFER TO DETAIL
- 14. 6" THICK SLAB ON GRADE.
- 15. REINFORCING WIRE.
- 16. WATER FILLED PLASTIC BERRY STYLE BARRIERS - 42" TALL x 12" LONG WITH 3/4" WIDE BASE.
- 17. THICKENED EDGE OF CONCRETE PAVEMENT- REFER TO DETAIL 1 ON SHEET 10/03.

LEGEND



2 BOLLARD DETAIL



3 CIVIL - SITE SELECTIVE DEMOLITION PLAN

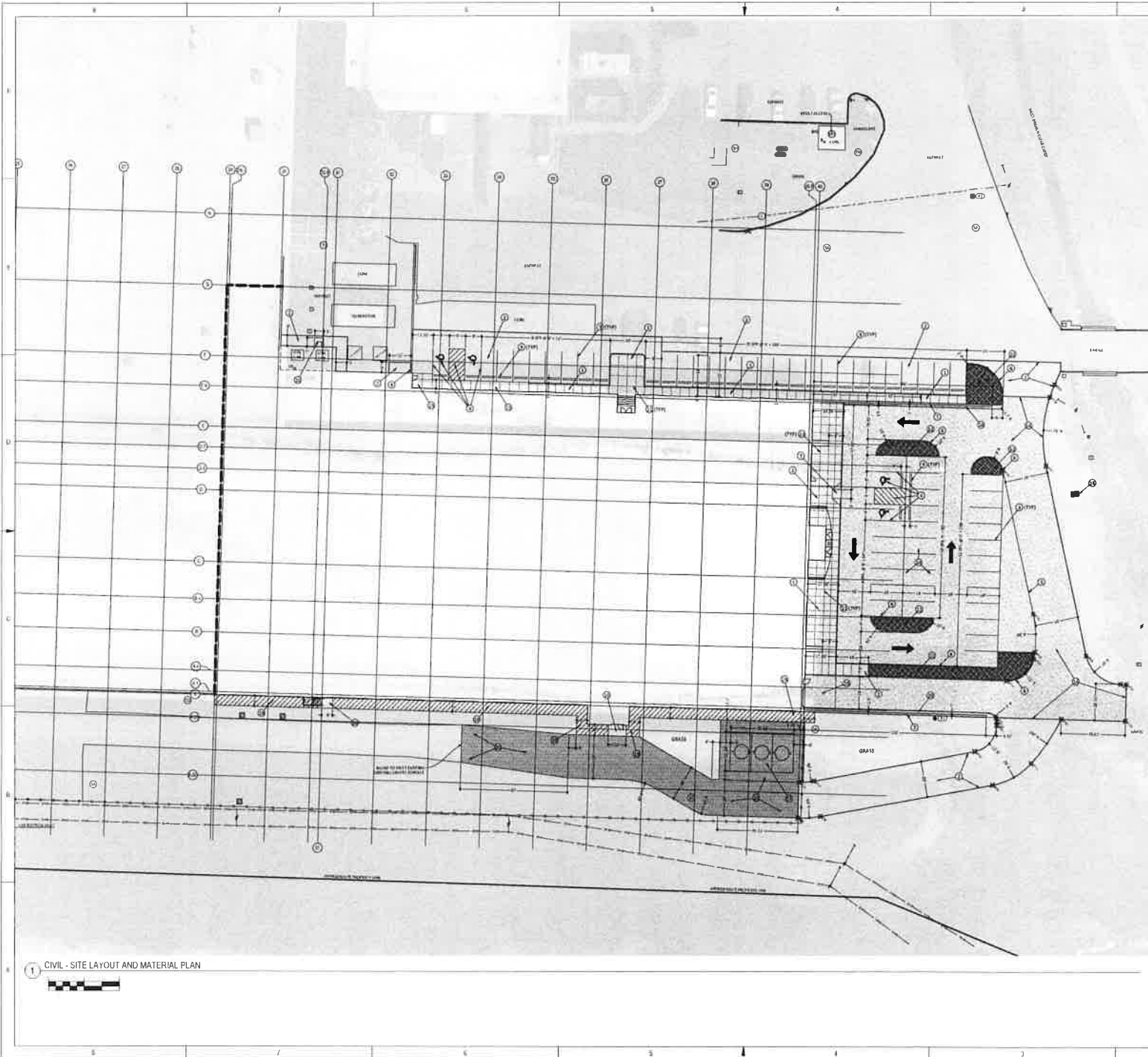


DEMOLITION NOTES

- 1. SAWCUT AND REMOVE EXISTING CONCRETE MONOLITHIC CURB AND WALK AS INDICATED.
- 2. REMOVE PARKING MARKINGS OR DO NOT INSTALL IN THIS AREA OF DEMOLITION.
- 3. SAWCUT AND REMOVE EXISTING BITUMINOUS PAVEMENT AS REQUIRED TO CONSTRUCT NEW BUILDING FOOTPRINT COORDINATE WITH STRUCTURAL AND ARCHITECTURAL DRAWINGS FOR EXACT LIMITS OF REMOVAL.
- 4. ACTIVE SANITARY SEWER LINE TO REMAIN IN SERVICE.

LEGEND





GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ILLINOIS CONSTRUCTION SPECIFICATIONS AND THE ILLINOIS STATE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD.

6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

PLAN NOTES

1. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

2. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

3. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

Symbol/Point	Noting	Setting
CP1	NOT SET	
CP2	NOT SET	
CP3	NOT SET	
CP4	NOT SET	
CP5	NOT SET	
CP6	NOT SET	
CP7	NOT SET	
CP8	NOT SET	
CP9	NOT SET	
CP10	NOT SET	
CP11	NOT SET	
CP12	NOT SET	
CP13	NOT SET	
CP14	NOT SET	
CP15	NOT SET	
CP16	NOT SET	
CP17	NOT SET	
CP18	NOT SET	
CP19	NOT SET	
CP20	NOT SET	
CP21	NOT SET	
CP22	NOT SET	
CP23	NOT SET	
CP24	NOT SET	
CP25	NOT SET	
CP26	NOT SET	
CP27	NOT SET	
CP28	NOT SET	
CP29	NOT SET	
CP30	NOT SET	
CP31	NOT SET	
CP32	NOT SET	
CP33	NOT SET	
CP34	NOT SET	
CP35	NOT SET	
CP36	NOT SET	
CP37	NOT SET	
CP38	NOT SET	
CP39	NOT SET	
CP40	NOT SET	
CP41	NOT SET	
CP42	NOT SET	
CP43	NOT SET	
CP44	NOT SET	
CP45	NOT SET	
CP46	NOT SET	
CP47	NOT SET	
CP48	NOT SET	
CP49	NOT SET	
CP50	NOT SET	
CP51	NOT SET	
CP52	NOT SET	
CP53	NOT SET	
CP54	NOT SET	
CP55	NOT SET	
CP56	NOT SET	
CP57	NOT SET	
CP58	NOT SET	
CP59	NOT SET	
CP60	NOT SET	
CP61	NOT SET	
CP62	NOT SET	
CP63	NOT SET	
CP64	NOT SET	
CP65	NOT SET	
CP66	NOT SET	
CP67	NOT SET	
CP68	NOT SET	
CP69	NOT SET	
CP70	NOT SET	
CP71	NOT SET	
CP72	NOT SET	
CP73	NOT SET	
CP74	NOT SET	
CP75	NOT SET	
CP76	NOT SET	
CP77	NOT SET	
CP78	NOT SET	
CP79	NOT SET	
CP80	NOT SET	
CP81	NOT SET	
CP82	NOT SET	
CP83	NOT SET	
CP84	NOT SET	
CP85	NOT SET	
CP86	NOT SET	
CP87	NOT SET	
CP88	NOT SET	
CP89	NOT SET	
CP90	NOT SET	
CP91	NOT SET	
CP92	NOT SET	
CP93	NOT SET	
CP94	NOT SET	
CP95	NOT SET	
CP96	NOT SET	
CP97	NOT SET	
CP98	NOT SET	
CP99	NOT SET	
CP100	NOT SET	



1400 SOUTH PATTERSON AVENUE
P.O. BOX 500
BLOOMINGTON, IN 47402-0500
PH: 317.324.2000
WWW.CATALENT.COM

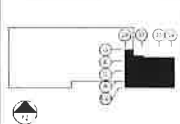


CRB ENGINEERING & ARCHITECTURE
1000 WEST WASHINGTON STREET
BLOOMINGTON, IN 47403
PH: 317.324.2000
WWW.CRB-ENR.COM



BRCU ENGINEERING & ARCHITECTURE
1000 WEST WASHINGTON STREET
BLOOMINGTON, IN 47403
PH: 317.324.2000
WWW.BRCU-ENR.COM

KEY PLAN



Symbol	Description
1	EXISTING BUILDING
2	PROPOSED BUILDING
3	EXISTING DRIVEWAY
4	PROPOSED DRIVEWAY
5	EXISTING PAVEMENT
6	PROPOSED PAVEMENT
7	EXISTING CURB
8	PROPOSED CURB
9	EXISTING SIDEWALK
10	PROPOSED SIDEWALK
11	EXISTING UTILITY
12	PROPOSED UTILITY
13	EXISTING FENCE
14	PROPOSED FENCE
15	EXISTING SIGN
16	PROPOSED SIGN
17	EXISTING LIGHT
18	PROPOSED LIGHT
19	EXISTING TREE
20	PROPOSED TREE
21	EXISTING LANDSCAPE
22	PROPOSED LANDSCAPE
23	EXISTING GRAVEL
24	PROPOSED GRAVEL
25	EXISTING ASPHALT
26	PROPOSED ASPHALT
27	EXISTING CONCRETE
28	PROPOSED CONCRETE
29	EXISTING BRICK
30	PROPOSED BRICK
31	EXISTING STONE
32	PROPOSED STONE
33	EXISTING METAL
34	PROPOSED METAL
35	EXISTING WOOD
36	PROPOSED WOOD
37	EXISTING PLASTER
38	PROPOSED PLASTER
39	EXISTING GYPSUM
40	PROPOSED GYPSUM
41	EXISTING STUCCO
42	PROPOSED STUCCO
43	EXISTING TERRAZZO
44	PROPOSED TERRAZZO
45	EXISTING MARBLE
46	PROPOSED MARBLE
47	EXISTING GRANITE
48	PROPOSED GRANITE
49	EXISTING SLATE
50	PROPOSED SLATE
51	EXISTING QUARTZ
52	PROPOSED QUARTZ
53	EXISTING LAMINATE
54	PROPOSED LAMINATE
55	EXISTING GLASS
56	PROPOSED GLASS
57	EXISTING CERAMIC
58	PROPOSED CERAMIC
59	EXISTING TILE
60	PROPOSED TILE
61	EXISTING CARPET
62	PROPOSED CARPET
63	EXISTING FLOORING
64	PROPOSED FLOORING
65	EXISTING CEILING
66	PROPOSED CEILING
67	EXISTING WALL
68	PROPOSED WALL
69	EXISTING DOOR
70	PROPOSED DOOR
71	EXISTING WINDOW
72	PROPOSED WINDOW
73	EXISTING ROOF
74	PROPOSED ROOF
75	EXISTING FOUNDATION
76	PROPOSED FOUNDATION
77	EXISTING STRUCTURE
78	PROPOSED STRUCTURE
79	EXISTING EQUIPMENT
80	PROPOSED EQUIPMENT
81	EXISTING MECHANICAL
82	PROPOSED MECHANICAL
83	EXISTING ELECTRICAL
84	PROPOSED ELECTRICAL
85	EXISTING PLUMBING
86	PROPOSED PLUMBING
87	EXISTING HVAC
88	PROPOSED HVAC
89	EXISTING INSULATION
90	PROPOSED INSULATION
91	EXISTING PAINT
92	PROPOSED PAINT
93	EXISTING FINISH
94	PROPOSED FINISH
95	EXISTING TRIM
96	PROPOSED TRIM
97	EXISTING MOLDING
98	PROPOSED MOLDING
99	EXISTING CABINETRY
100	PROPOSED CABINETRY

NOT FOR CONSTRUCTION

THIS DRAWING AND ALL THE INFORMATION CONTAINED THEREIN IS THE PROPERTY OF CATALENT BIOLOGICS AND IS NOT TO BE REPRODUCED OR USED WITHOUT THE WRITTEN CONSENT OF CATALENT BIOLOGICS.

DATE	ISSUED BY	APPROVED BY	CHK
01/15/2024	J. SMITH	M. JONES	MS

PROJECT NAME: BLOOMINGTON
BY: [Signature]

DRAWING TITLE: SITE LAYOUT AND MATERIAL PLAN
SCALE: AS SHOWN

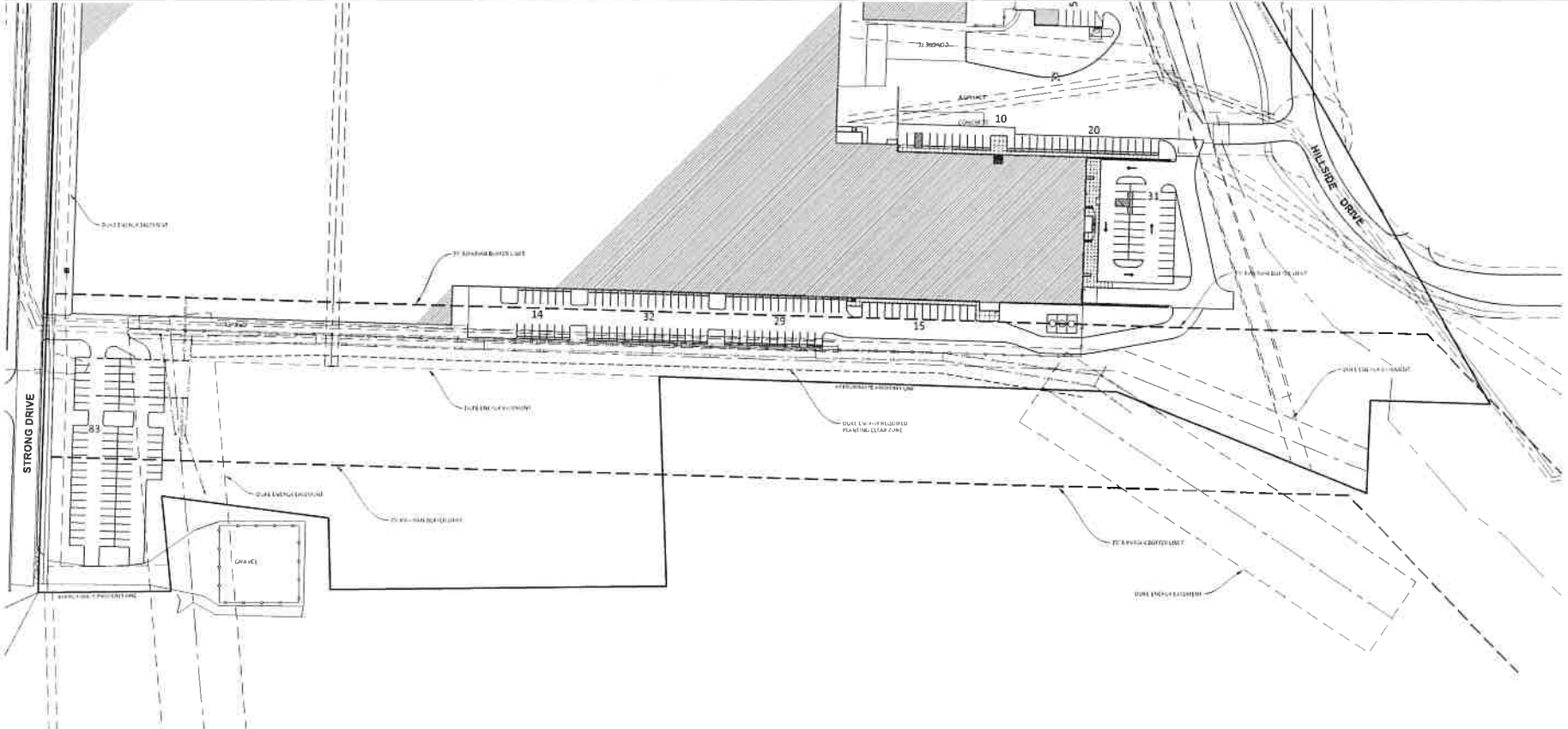
DRAWING NUMBER: C01-01

CIVIL - SITE LAYOUT AND MATERIAL PLAN



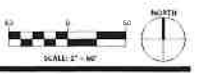
1351 West Tappan Road
Bloomington, Indiana 47403
Phone: 812.336.8277
Fax: 812.336.0633
www.brcuill.com

BLOOMINGTON BEDFORD PAOLI



**CATALENT
PARKING IMPROVEMENTS**
1300 S. Patterson Drive
Bloomington, Indiana
BRG Project No. 10241

**OVERALL SOUTHSIDE
PARKING LAYOUT PLAN**



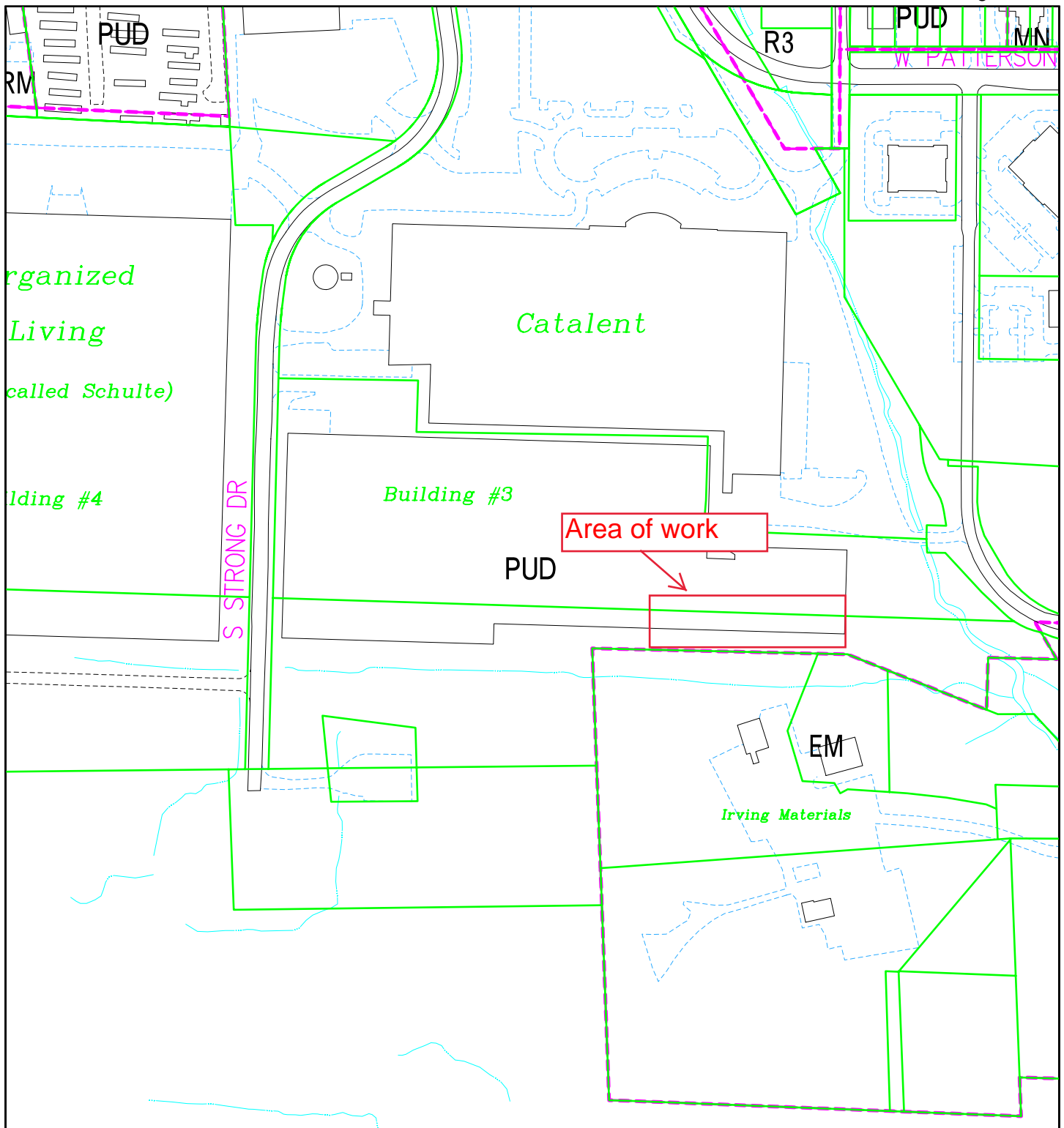
NO CONSTRUCTION SCHEDULE

NO.	DATE	DESCRIPTION

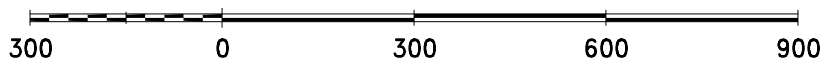
City BZA Variance V-33-19

Drawn By: GBM
Designed By: GBM & WSR
Checked By: WSR

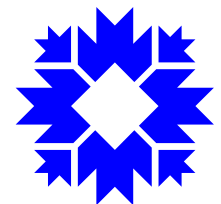
17
C301



By: greulice
18 Dec 20

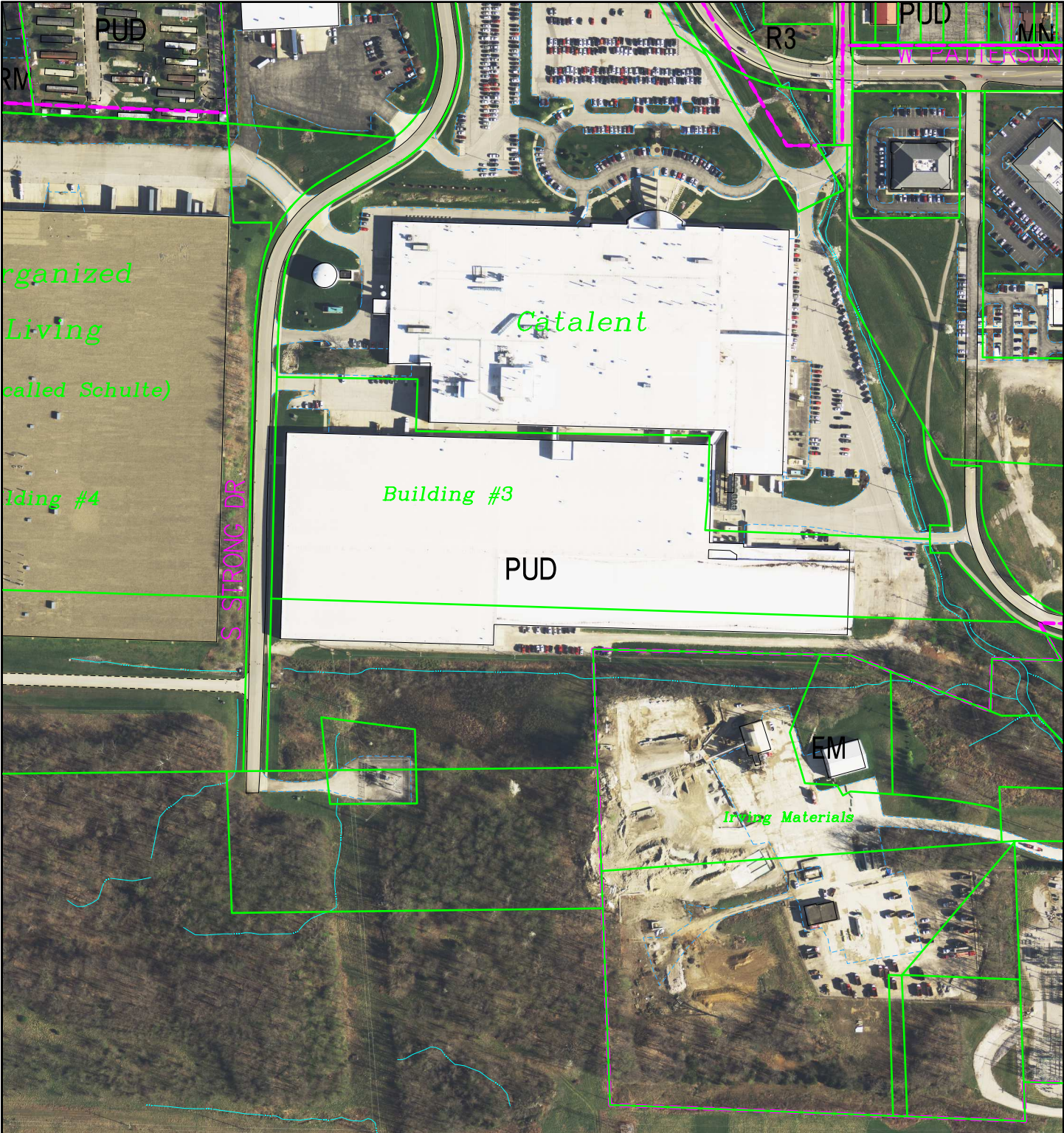


City of Bloomington
Planning & Transportation

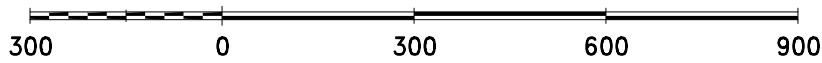


Scale: 1" = 300'

For reference only; map information NOT warranted.



By: greulice
18 Dec 20



City of Bloomington
Planning & Transportation

N

Scale: 1" = 300'

For reference only; map information NOT warranted.

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 210 E Kirkwood Ave**

**CASE #: CU-28-20
DATE: December 23, 2020**

PETITIONER: Lyle Feigenbaum (Orange Theory Fitness)
208 S. Dunn Street

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

REPORT: This property is located at 210 E. Kirkwood Ave. and is within the University Village Overlay (UVO) District of the Commercial Downtown (CD). Surrounding land uses include a bank to the east and west, offices and a church to the north, and a church to the south. The property was developed in 2018 with a five-story, mixed-use hotel. The petitioner is proposing to move into the ground floor of the building and is requesting conditional use approval to allow a standardized business, “Orange Theory Fitness”, at this location.

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

The UDO defines a Standardized Business as:

Any type of commercial establishment located in the Courthouse Square Downtown Overlay or University Village Downtown Character Overlay, that are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design. This use does not include “Office” uses located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage that is visible to a street.

The Planning and Transportation Department determined that the proposed Orange Theory Fitness is a Standardized Business based on the following facts:

- Orange Theory Fitness has locations across the United States that share the same name, logos, products, and signage.
- The proposed location will sell the same types of merchandise as the other locations, thus meeting the “...maintain standardized services, merchandise....or exterior design” aspect of the definition.

CRITERIA AND FINDINGS

The Hearing Officer or Board of Zoning Appeals shall review the conditional use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d)(7)), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria), and the following specific approval criteria:

20.06.040(d)(6)(B) General Compliance Criteria

- i. *Compliance with this UDO*

Proposed Finding: The size of the proposed sign exceeds the 100 square foot allowance that is allowed for individual tenants within the Downtown. The proposed sign is approximately 130 square feet and needs to be adjusted in size to meet the UDO maximum allowance.

ii. Compliance with other applicable regulations

Proposed Finding: Besides internal remodeling, there are no other changes to the building that are proposed with this use. No changes to the exterior are proposed. The existing building was approved by the Plan Commission and was reviewed for compliance with all applicable UDO provisions at that time.

iii. Compliance with Utility, Service, and Improvement Standards

Proposed Finding: There are no changes to utilities needed with this use.

iv. Compliance with prior approvals

Proposed Finding: There are no changes to the exterior of the building proposed with this use. The hotel was approved by the Plan Commission (SP-14-14) and was reviewed for compliance with all of the applicable UDO regulations in place at that time.

20.06.040(d)(6)(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans

Proposed Finding: The Comprehensive identifies this area as “Downtown.” The use of the property as a mixed-use building with a ground floor fitness studio is a permitted use and will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

ii. Provides Adequate Public Services and Facilities

Proposed Finding: This site is adequately served by public services and facilities.

iii. Minimizes or Mitigate Adverse Impacts

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

Proposed Finding: There are no natural, scenic, or historical features associated with the use of this interior tenant space.

2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*

Proposed Finding: There are no expected significant adverse impacts on surrounding properties as a result of this proposed use of an existing tenant space.

3. *The hours of operation, outside lighting, and trash and waste collection shall not*

pose a hazard, hardship, or nuisance to the neighborhood.

Proposed Finding: The hours of operation, outside lighting, and trash and waste collection are not expected to pose a hazard, hardship, or nuisance to the neighborhood.

4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

Proposed Finding: No concerns of adjoining property owners have been expressed.

iv. *Rational Phasing Plan*

Proposed Finding: The petitioner will be utilizing an existing tenant space and all work will be completed at one time.

20.03.010(E)(2) Standardized Businesses

In the MD-CS and MD-UV character areas a standardized business shall require conditional use permit review in accordance with Section 20.06.050(b) (Conditional Use Permit), and shall comply with the following standards:

(A) *The proposed standardized business shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to:*

- i. *Architecture;*
- ii. *Scale;*
- iii. *Façade; and*
- iv. *Signage.*

Proposed Finding: The petitioner has worked to create an exterior wall sign that will be unique to this location by utilizing a more shallow sign design, different sign design with side and backlit lighting rather than typical front lighting, and utilizes a backer plate behind the sign rather than typical channel letters. This results in a custom designed sign for this location that is different than the typical franchise sign package. This sign is not atypical then other wall signs in the area and is appropriate.

(B) *If the use is proposed for a site that contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's façade.*

Proposed Finding: The existing building is not historic and was constructed in 2018.

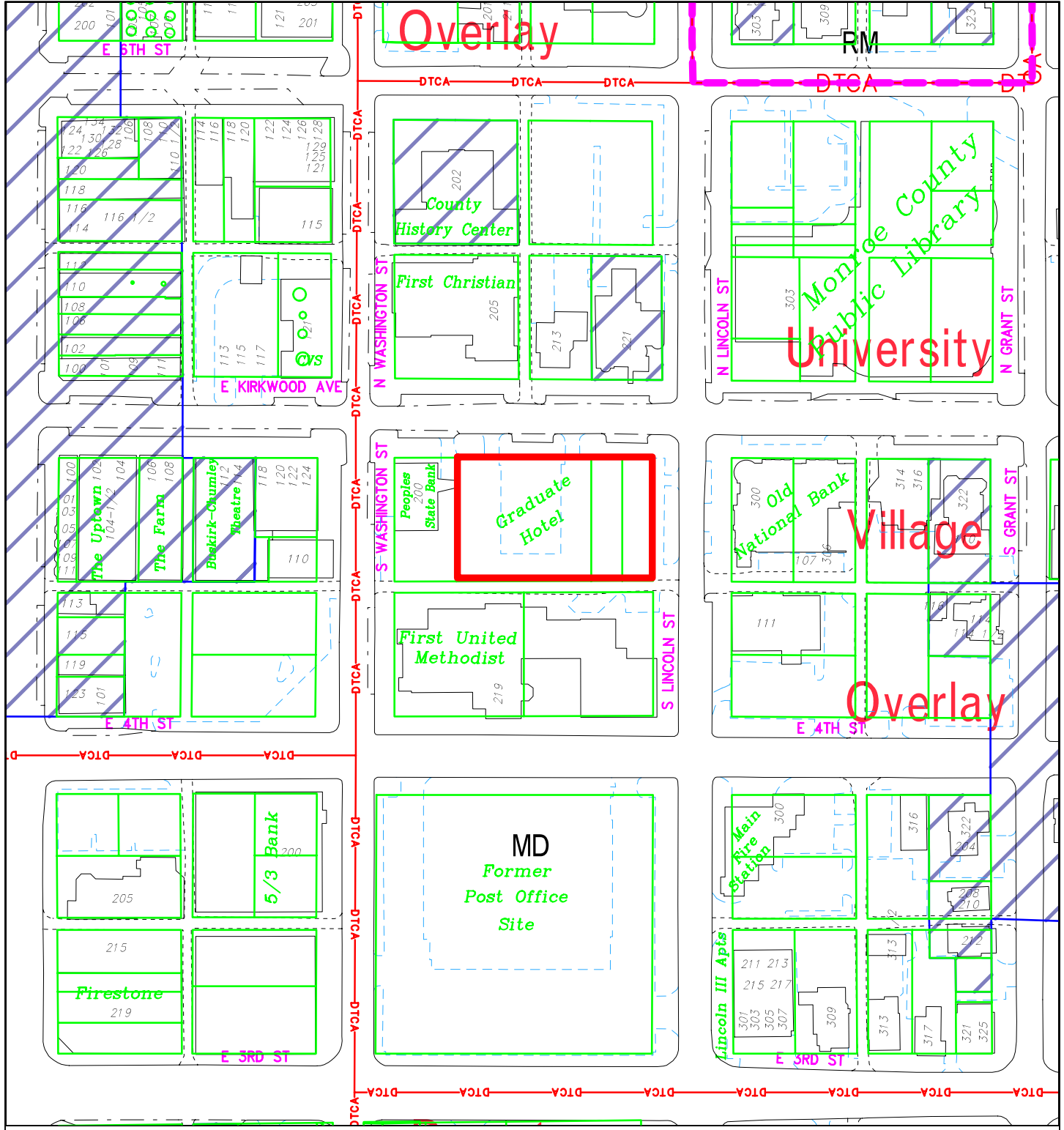
(C) *Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered.*

Proposed Finding: No specific signage for the interior is proposed. The interior of the spaces

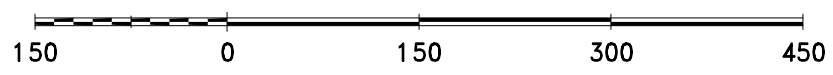
are typically occupied by exercise stations and workout machines, excessive signage on the interior is not typical or proposed.

RECOMMENDATION: The Department recommends that the Hearing Officer adopts the Proposed findings and recommends approval of CU-28-20 with the following condition:

1. The proposed sign must be reduced in size to not be larger than 100 square feet.



By: greulice
18 Dec 20

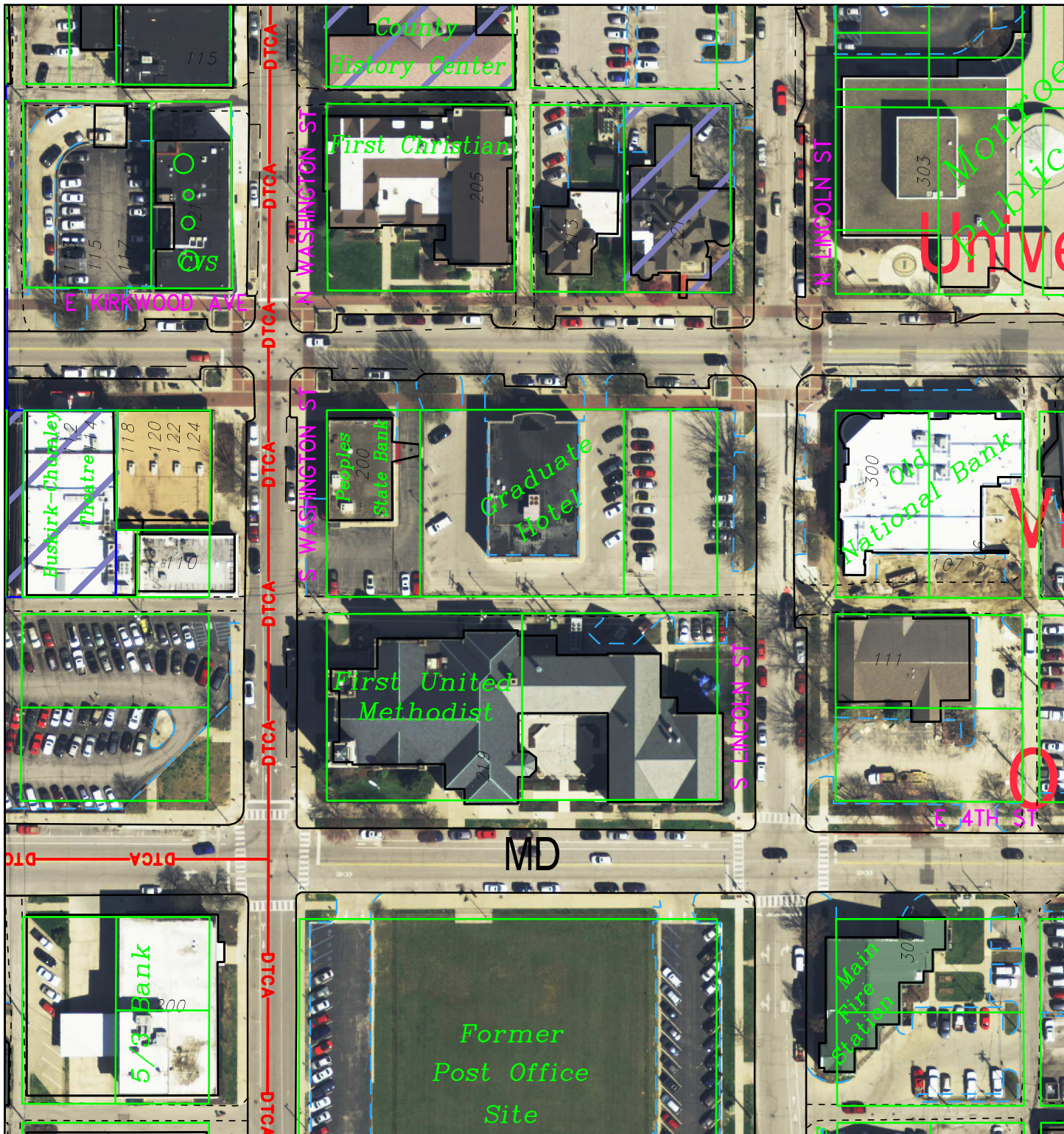


City of Bloomington
Planning & Transportation

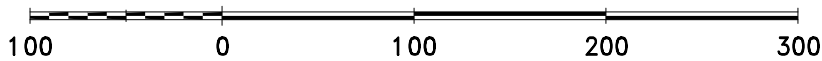
N

Scale: 1" = 150'

For reference only; map information NOT warranted.



By: greulice
18 Dec 20



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

N

Scale: 1" = 100'



Eric Greulich <greulice@bloomington.in.gov>

Orange Theory Fitness at 210 E Kirkwood Ave

Lyle Feigenbaum <lfeigenbaum@orangetheoryfitness.com>

Mon, Nov 16, 2020 at 11:03 AM

To: Eric Greulich <greulice@bloomington.in.gov>, Mike Mitchell <mike@mattinglygc.com>, Steve Mattingly <steve@mattinglygc.com>, "Curran, Shawn" <scurran@curran-architecture.com>

Eric,

Below is my petitioner's statement:

We are petitioning for a conditional use approval to allow for a standardized business to allow Orangetheory Fitness in the ground floor space along Kirkwood Avenue of the Graduate Hotel. There will be no exterior changes other than exterior signage. The exterior sign proposal (one wall sign and one projected sign that have been designed within the city sign code -no signage variance is requested) has been emailed to you previously.

Sincerely,

Lyle Feigenbaum *Master Franchisee France & Monaco*

Owner

Studio #0910 - Bloomington, IN

p 812.727.4002 / **c** 812.327.7220

2894 E. Third St. Suite 113, Bloomington, IN 47401

* Independently owned and operated Orangetheory Fitness© Franchise.



Our heartbeat is to deliver proven fitness results for a healthier world.



This electronic mail transmission and any attachments are confidential and may be privileged. They should be read or retained only by the intended recipient. If you have received this transmission in error, please notify the sender immediately and delete the transmission from your system.

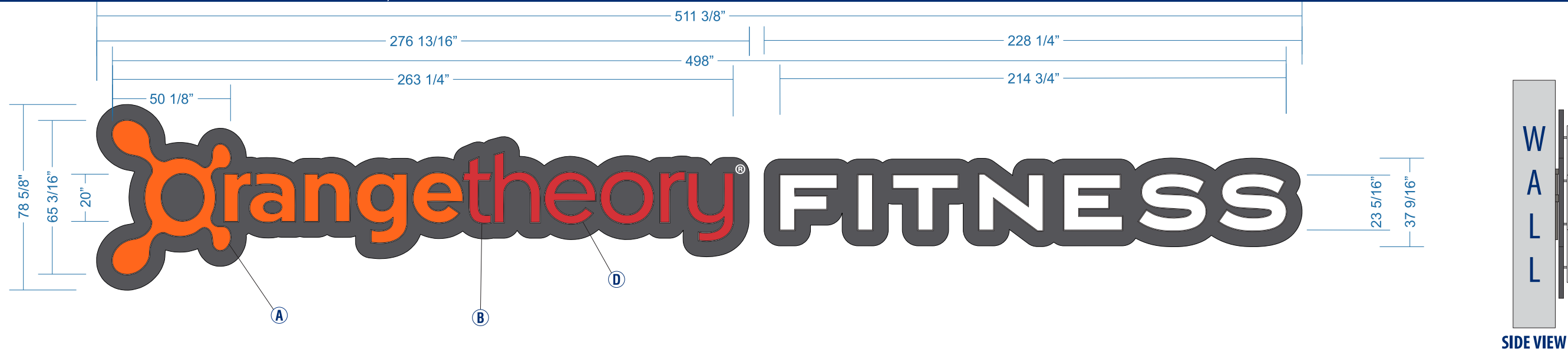
From: Eric Greulich <greulice@bloomington.in.gov>

Sent: Monday, November 16, 2020 10:23:28 AM

To: Lyle Feigenbaum

Subject: Re: Orange Theory Fitness at [210 E Kirkwood Ave](#)

[Quoted text hidden]



EXAMPLE OF LETTERS

280.14 SQ FT
FABRICATE AND INSTALL QTY 1 INTERNALLY ILLUMINATED WALL SIGN

LOGO (SLIM TEK-RS)
FACES - CAST ACRYLIC PAINTED TO MATCH SPECS
RETURNS - 50MM SIDE LIT
BACKS - CLEAR - BACK LIT
LEDS - EMBEDDED WHITE

BACKER
BODY - 2" ALUMINUM ANGLE SKINNED IN .090 ALUMINUM PAINTED TO MATCH SPECS
VINYL - MATCH SPECS
DEPTH - 2"

INSTALLATION - MOUNTED 1 1/2" OFF FASCIA

INSTALLATION - MOUNTED FLUSH TO FASCIA



NIGHT VIEW



PHOTO SCALE: 3/32" = 1' - 0"



COLOR SPECIFICATIONS:
A PMS 165 C ORANGE

B PMS 1797 C RED

C ORACAL 651-010 WHITE

D 3M 7725-20 MATTE WHITE

E

F

G

H

I

J

NOTE: THERE WILL BE COLOR VARIATIONS FROM THIS PRINTED DRAWING TO THE FINAL PRODUCT. COLORS SPECIFIED WILL ALWAYS BE MATCHED AS CLOSELY AS POSSIBLE. RENDERING IS BASED ON ESTIMATED DIMENSIONS. A FINAL SURVEY MAY ALTER ILLUSTRATED REPRESENTATION AND PLACEMENT.

IF ILLUMINATED: WILL BE WIRED TO 120 VOLT UNLESS OTHERWISE SPECIFIED. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

SCI REP:
JV

DATE:
10/22/2020

DESIGNER:
NK

REVISION DATE:
12/01/2020

PERMIT INFORMATION:
1.5 SQ FT FOR EVERY LINEAR FOOT OF TENANT SPACE (FOR ALL SIGNAGE)

FINAL DATE & BY:
SHEET #:
1/2