

CITY OF BLOOMINGTON



September 23, 2021 @ 5:30 p.m.

Zoom Meeting:

<https://bloomington.zoom.us/j/94983397156?pwd=bTQ2UzBxM3IyNTFjdmJuYkNQMis4QT09>

Meeting ID: 949 8339 7156 Passcode: 953960

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
September 23, 2021 at 5:30 p.m.**

❖**Virtual Meeting:**

<https://bloomington.zoom.us/j/94983397156?pwd=bTQ2UzBxM3lyNTFjdmJuYkNQMis4QT09>

Meeting ID: 949 8339 7156 Passcode: 953960

ROLL CALL

APPROVAL OF MINUTES: July 22, 2021

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS CONTINUED TO: October 21, 2021

- V-16-21 **Michael Coradro (Johnson Creamery)**
335 W. 8th St.
Request: Variance from front building setbacks, upper floor facade setback, ground floor void-to-solid ratio, and required pedestrian entrance along the B-Line Trail.
Case Manager: Eric Greulich
- CU-18-21 **Shawn Eurton**
412 E. 4th St.
Request: Conditional Use approval to allow the use “Student Housing or Dormitory” in the University Village Downtown Character Overlay in the Mixed-Use Downtown (MD-UR) zoning district to allow for one new building containing two, four-bedroom apartments.
Case Manager: Eric Greulich
-

PETITIONS:

- CU/V-19-20 **Robert Iatarola**
1504 W. Arlington Rd.
Request: Conditional Use approval for a Home Occupation in the R2 zoning district. Also requested are variances to allow a Home Occupation to be located within an accessory structure and to allow deliveries (of pallets) to the property.
Case Manager: Jackie Scanlan
- V-08-21 **Starbucks Coffee Company**
S. Liberty Dr. (Parcel #53-09-12-101-001.000-016)
Request: Variance to allow vehicle parking in excess of the Maximum Vehicle Parking Allowance for a ‘restaurant’.
Case Manager: Jackie Scanlan

****Next Meeting: October 21, 2021**

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-13-21 **Marissa Engel**
422 E. Kirkwood Ave.
Request: Conditional Use approval for a standardized business (Raising Cane's Fried Chicken) in the MD-UV (Mixed-Use Downtown-University Village) zoning district.
Case Manager: Keegan Gulick
- V-17-21 **Strauser Construction Co.**
1300 N. Lincoln St.
Request: Variance from the required 8-foot side parking setback to allow for a 5-foot parking setback.
Case Manager: Keegan Gulick

Petition Map:

****Next Meeting: October 21, 2021**

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BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1504 W. Arlington Road

CASE#: CU/V-19-20
DATE: September 23, 2021

PETITIONER: Robert Iatarola
 1504 W. Arlington Road

CONSULTANT: Vincent Taylor
 4975 N. State Road 37 Business

REQUEST: The petitioner is requesting conditional use approval for a home occupation in the Residential Medium Lot (R2) zoning district and a variance to allow deliveries to the property.

REPORT: The property is located on the east side of W. Arlington Road, roughly 1000 feet north of 17th Street and is zoned Residential Multifamily (RM). The zoning was changed with the May 2021 zoning map update. The property has been developed with a duplex residential dwelling and there is multifamily immediately to the south and east, with single family to the north and west across W. Arlington Road. The petitioner lives in the home and has been conducting a pallet recycling business from the site for roughly 10 years.

The Department received a complaint about a potential illegal business on the site in June 2020. Notices of Violation were sent to the site in July 2020 and September 2020. The petitioner contacted the Planning and Transportation Department, and a Conditional Use and Variance request was filed in October 2020. The petition has been continued since that time as a result of numerous factors, the greatest being that the Department proposed changes to the Unified Development Ordinance that would affect Home Occupations in the fall of 2020, and the outcome could affect this petition. Those changes were approved in Spring 2021, and the original Conditional Use and Variance package sought by the petitioner was altered. The changes allow a Conditional Use to take place in an accessory structure, which was previously not allowed.

The petitioner recycles pallets that are used for standard delivery, as well as agricultural delivery purposes. The petitioner collects pallets from local businesses and distributes them to other locations. The petitioner picks up roughly 30% of the pallets, and has the other roughly 70% delivered to the site. The petitioner currently stores the pallets outside of the residence. A Home Occupation is allowed at the site, but the current operations will need to be altered in order for this particular use to meet the Unified Development Ordinance requirements for a Home Occupation in this zoning district. Those changes are discussed below in the standards and proposed findings.

HOME OCCUPATION STANDARDS: BMC 20.03.030(6) lists requirements, as follows.

1. Operator Residency Required: The petitioner lives in the home.
2. Maximum Number of Nonresident Employees: The petitioner does not intend to have any additional employees.
3. Maximum Floor Area: The home occupation must be conducted within a structure. The proposed 'future structure' on the site is too large for the zoning district maximum size requirements. If the petitioner can meet the maximum size requirements, the UDO allows for

the home occupation to take place in the accessory structure.

Per 20.03.030(g)(6)(G)(iv): “For Home Occupations located within an accessory structure no more than 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less may be used in connection with the Home Occupation.”

The petition site is zoned RM. The maximum total cumulative square footage for accessory structures in the RM zoning district is 840 square feet. On this site, the petitioner can have a maximum of 840 square feet of accessory structure square footage, and all of it can be dedicated to the Home Occupation. The site currently contains a detached garage that is roughly 360 square feet. As such, any additional structures have a maximum cumulative square footage of 480 square feet. The petitioner’s current proposed site plan does not meet this requirement. A condition of approval that indicates that the use shall take place entirely within an accessory structure that meets the square footage requirements listed above is included.

4. Multiple Home Occupations: Only one home occupation is planned.
5. Residential Character: The petitioner will not be making any changes to the exterior of the residence. All future use on the site related to the business must be conducted in the accessory structure, and that will require changes to the planned accessory structure.
6. Location and Entrance: No additional entrance will be utilized for the home occupation and no changes to off-street parking are proposed.
7. Outdoor Display and Storage: The petitioner mentions an outside trailer that is used to store wood pieces and then dumped when full. This trailer/dumpster must be stored within the accessory structure. A condition of approval has been added.
8. Sales: No direct sales are planned or approved.
9. Signage: No signage is planned or approved with this petition.
10. Off-street Parking and Loading: No off-street parking specifically for the use is required or planned.
11. Hours of Operation: No customers visit the home occupation, unless the deliveries are considered customers. His deliveries arrive in the late afternoon or early evening. A condition of approval has been added that the hours of operation are limited to between 8:00 am and 8:00 pm, as per the UDO requirements.
12. Commercially Licensed Vehicles: The Department does not believe that a CDL license is required for the type of vehicles utilized by the petitioner, but a condition of approval has been added for clarity.
13. Deliveries: The petitioner receives deliveries of pallets for roughly 70% of his business. The deliveries occur in the late afternoon or evening for a maximum of 1.5 hours a day. The petitioner is requesting a variance from this standard.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6) Approval Criteria

(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards

iv. Compliance with Prior Approvals

PROPOSED FINDING: The petition, as presented, does not comply with multiple aspects of the code. However, if all conditions of approval are met, the petition can comply with the UDO, and other applicable regulations, and utility, service, and improvement standards as required by the general compliance criteria. No prior approvals related to the use are found.

(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: The petition, as conditioned, is consistent with the Comprehensive Plan. The petition site is located in the Neighborhood Residential area in the Comprehensive Plan. Neighborhood Residential is designated for primarily residential uses, but does include allowance for small-scale commercial uses.

ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: This use has been located on the site for a number of years, and utilizes the public road for access, but no other public services or facilities are required for the use. Adequate public service is found.

iii. Minimizes or Mitigates Adverse Impacts

1. *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.*
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.*
3. *The hours of operation, outside lighting, and trash and waste collection must not 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: The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, historic feature of significant importance, and will take place in an accessory structure. No nuisance regarding noise, smoke, odors, vibrations,

lighting, or hours of operation, lighting, and trash and waste collection is found if the conditions of approval listed are met. No pre-submittal neighborhood meeting was required.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE: Deliveries

20.06.080(e)(1) 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; and*

PROPOSED FINDING: No injury is found with the allowance of limited deliveries from typical small-scale vehicles within the UDO-allowed hours of operation.

- (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; and*

PROPOSED FINDING: No adverse impacts to the use and value of the surrounding area associated with the proposed variance are found if deliveries are expected to be from small-scale trucks and on a limited basis of maximum 1.5 hours a day and transactions take place within an accessory structure, similar to the traffic and visits to the site of a personal service home occupation.

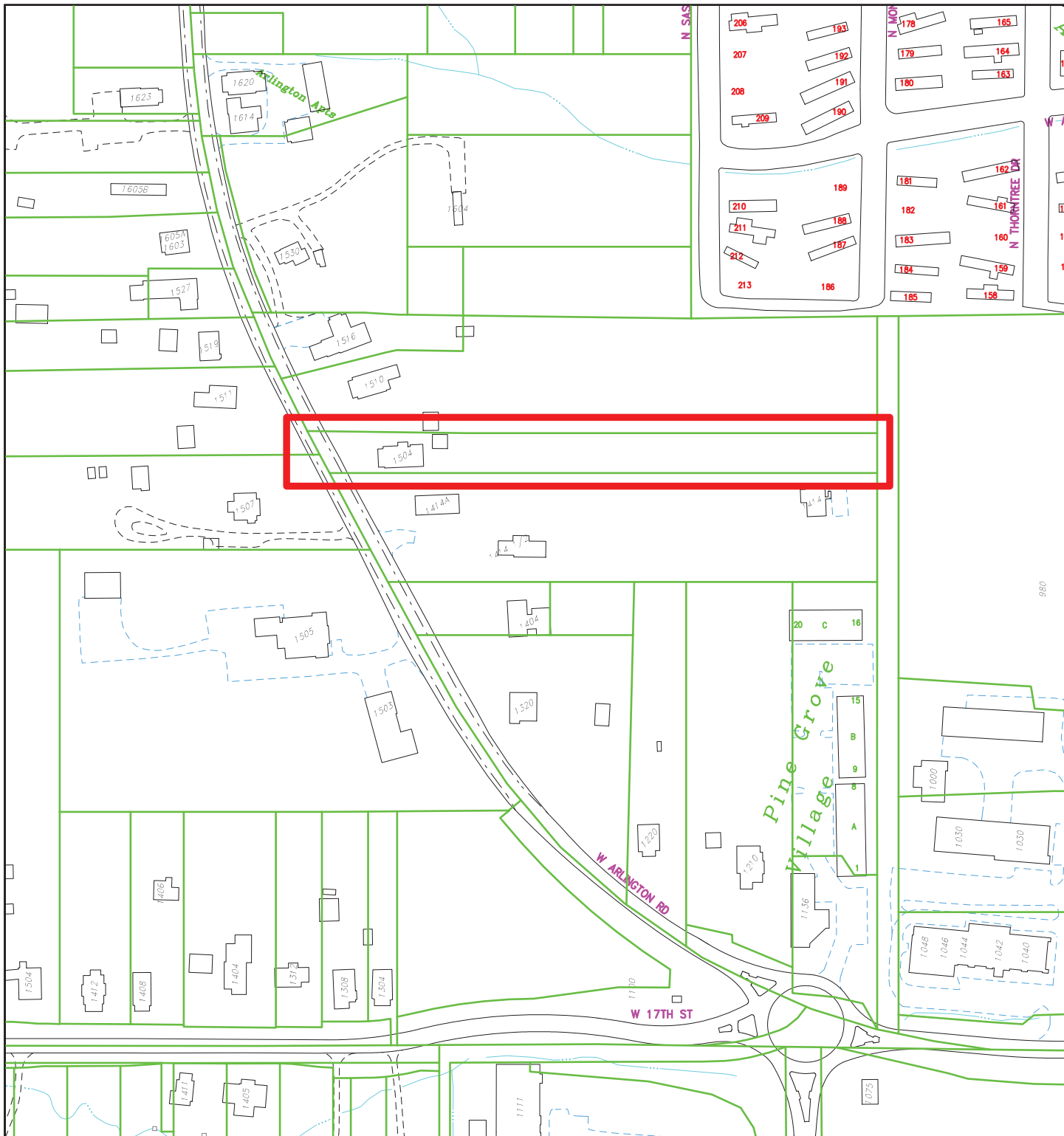
- (3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in questions; that the development standards variance will relieve the practical difficulties; and*

PROPOSED FINDING: No practical difficulty is found on the property that requires allowance for delivery. However, it is unclear what types of delivery vehicles are being used, and whether or not they could be seen as similar to the types of vehicles and visits that would be allowed for other home occupations, such as personal services. The UDO does make allowance for deliveries that are done by “typical residential delivery services at a frequency similar to homes that do not operate a Home Occupation.” More information is needed.

CONCLUSION: The Home Occupation rules are intended to allow small businesses to be run on residential properties as accessory to the primary residential purposes. These businesses should not detract from the residential character of the property, and should not have detrimental effects on the surrounding properties. The use, as it is on the site now, does not meet the requirements for a Home Occupation, as described in the Unified Development Ordinance. However, it seems possible that there may be changes that can be made so that the business can meet requirements, primarily, an appropriately-sized accessory structure to be located on the lot so that the business can take place entirely within the building.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU/V-19-20 with the following conditions:

1. This approval is a conditional use approval for a Home Occupation for a pallet business, to take place in an accessory structure. No other business or work is approved.
2. This approval does not approve the variance to allow deliveries to the property that do not comply with those excluded in 20.04.030(g)(6)(P).
3. All of the pallet business, including storage and transfer of pallets, and storage of waste materials, shall take place inside an accessory structure that meets the size requirements of 20.03.030(g)(6)(G).
4. No outdoor storage, including a dumpster or trailer for storage of materials related to the business, is allowed.
5. The business shall only operate on the site between the hours of 8:00am and 8:00pm.
6. A Zoning Commitment indicating compliance with 3-5 above shall be recorded in the Monroe County Recorder's Office before a Conditional Use permit is issued.

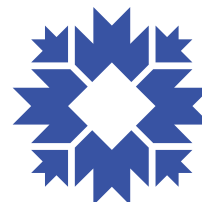


By: scanlanj
17 Sep 21



For reference only; map information NOT warranted.

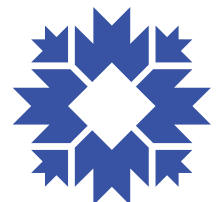
City of Bloomington
Planning



Scale: 1" = 200'

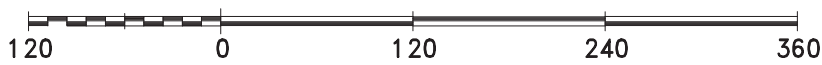


City of Bloomington
Planning



Scale: 1" = 120'

By: scanlanj
17 Sep 21



For reference only; map information NOT warranted.



**City of Bloomington
Planning and Transportation Department**

July 17, 2020

James Green and Robert Iatarola
1504 W. Arlington Road
Bloomington, IN 47404

Re: Notice of Violation (warning)

Operation of a Home Occupation without a CZC
Failure to Comply with Development Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Home Occupation]** and **Section 20.03.030(e)(1) [Storage, Outdoor]** at 1504 W. Arlington Road. Records show that you are the owner of this property.

The City of Bloomington Planning and Transportation Department received a complaint of Operation of Home Occupation without a Certificate of Zoning Compliance (CZC) and outdoor storage of pallets at 1504 W. Arlington Road on 06/25/2020. On 06/26/2020 staff observed evidence of a home occupation without a CZC at 1504 W. Arlington Road and outdoor storage of pallets (photos attached). The property is currently zoned R2 (Residential Medium Lot) and would require a Conditional Use Approval and a CZC prior to the operation of a home occupation.

According to **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Home Occupation]**;

(B) Certificate of Zoning Compliance.

Except as noted in subsection (A)(ii) above, no person shall conduct a Home Occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any Home Occupation other than the one appearing on the certificate of zoning compliance.

(C) Conditional Use Approval.

In Residential zoning districts, a Conditional Use Approval shall be required for Home Occupations prior to the issuance of a certificate of zoning compliance.

According to **Unified Development Ordinance (UDO) Section 20.03.030(e)(1) [Storage, Outdoor]**;

(A) Parking of Vehicles

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

- (i) Vehicles and trailers shall not be stored or parked on an unimproved surface.
- (ii) Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.

(iii) Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

(B) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

In accordance with UDO Section 20.06.100, violations of this nature may result in a two hundred dollar (\$200) fine for the Operation of Home Occupation without a CZC and a one hundred dollar (\$100) fine for the Failure to Comply with Development Standards (Outdoor Storage). Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

1. Cease operation of the home occupation at 1504 W. Arlington Road by 07/31/2020, **AND;**
2. Remove pallets from outdoor storage at 1504 W. Arlington Road by 07/31/2020, **OR;**
3. Make a phone appointment with a Planner to discuss seeking a conditional use approval for the home occupation. The appointment must be on or before 07/31/2020, **OR;**
4. Make a phone appointment with a Planner to discuss filing a variance request. The appointment must be on or before 07/31/2020 for the 09/24/2020 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Sincerely,



Emily Venesky
Zoning Compliance Planner, Planning and Transportation

Enclosure: (1)

Cc: Jackie Scanlan, AICP
Scott Robinson, AICP
Terri Porter, AICP



Photo 1: Outdoor storage of pallets and home occupation activity reported at 1504 W. Arlington Road.



Photo 2: Outdoor storage of pallets and home occupation activity reported at 1504 W. Arlington Road.



City of Bloomington
Planning and Transportation Department

September 1, 2020

Robert Iatarola
 1504 W. Arlington Road
 Bloomington, IN 47404

Vince Taylor's Law Office
 4975 NSR 37 Business
 Bloomington, IN 47404

Re: Notice of Violation

Use-Specific Standards, Home Occupation

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Home Occupation]** at 1504 W. Arlington Road. Records show that you are the owner of this property.

The City of Bloomington Planning and Transportation Department received a complaint of Operation of Home Occupation without a Certificate of Zoning Compliance (CZC) and outdoor storage of pallets at 1504 W. Arlington Road on 06/25/2020. On 06/26/2020 staff observed evidence of a home occupation without a CZC at 1504 W. Arlington Road and outdoor storage of pallets. A letter dated 07/17/2020 was sent to the property owner. The letter established a deadline of 07/31/2020 by which the above violation(s) were to be corrected. On 08/04/2020 the attorney for the property owner contacted the Department and inquired about applying for a Conditional Use Approval and CZC for the home occupation and the attorney was put in touch with a Planner in the Department. On 08/28/2020 and 08/31/2020, staff observed that the pallets at 1504 W. Arlington were relocated from the front yard and placed behind a fence visible from the right-of-way and observed the pallet business was apparently still operating without a Conditional Use Approval or CZC. As of the date of this letter, the property has not been brought into compliance.

Staff received an additional complaint that concrete was being poured behind the house that may cause the impervious surface coverage for the lot (40% maximum for the R2 zoning district) to be exceeded. Staff does not enter private property so we are requesting that you submit the square footage of concrete added to the back of the property. Staff also observed that a new concrete driveway was installed and there is the potential that more concrete could be poured which could cause the driveway width limit for a residential lot (maximum of 18'). The property is not in violation by adding the driveway but Staff would like to confirm the property owner's intent to ensure that the property is in compliance.

According to **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Home Occupation]**;

(B) Certificate of Zoning Compliance.

Except as noted in subsection (A)(ii) above, no person shall conduct a Home Occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any Home Occupation other than the one appearing on the certificate of zoning compliance.

(C) Conditional Use Approval.

In Residential zoning districts, a Conditional Use Approval shall be required for Home Occupations prior to the issuance of a certificate of zoning compliance.

According to **Unified Development Ordinance (UDO) Section 20.03.030(e)(1) [Storage, Outdoor];**

(A) Parking of Vehicles

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

- (i) Vehicles and trailers shall not be stored or parked on an unimproved surface.
- (ii) Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.
- (iii) Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

(B) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

In accordance with UDO Section 20.06.100, violations of this nature may result in a two hundred dollar (\$200) fine for the Operation of Home Occupation without a CZC and a one hundred dollar (\$100) fine for the Failure to Comply with Development Standards. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

If the violation remains unresolved, fines will being to accrue daily on 09/16/2020 in accordance with above referenced UDO Section 20.10 [Enforcement and Penalties] until such a time as the violation is remedied. You have the following options to remedy the situation.

1. Cease operations of the home occupation at 1504 W. Arlington Road by 09/15/2020, **AND;**
2. Continue to work with a Planner to seek a Conditional Use Approval and Certificate of Zoning Compliance (CZC) for the home occupation by 09/15/2020, **AND;**
3. Submit the square footage of concrete added behind the house for staff to make a determination about impervious surface coverage (maximum 40%) by 09/15/2020, **OR;**
4. Make a phone appointment with a Planner to discuss filing a variance request. The appointment must be on or before 09/15/2020 for the 10/22/2020 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,

Emily Herr
Zoning Compliance Planner, Planning and Transportation

Enclosure: (1)

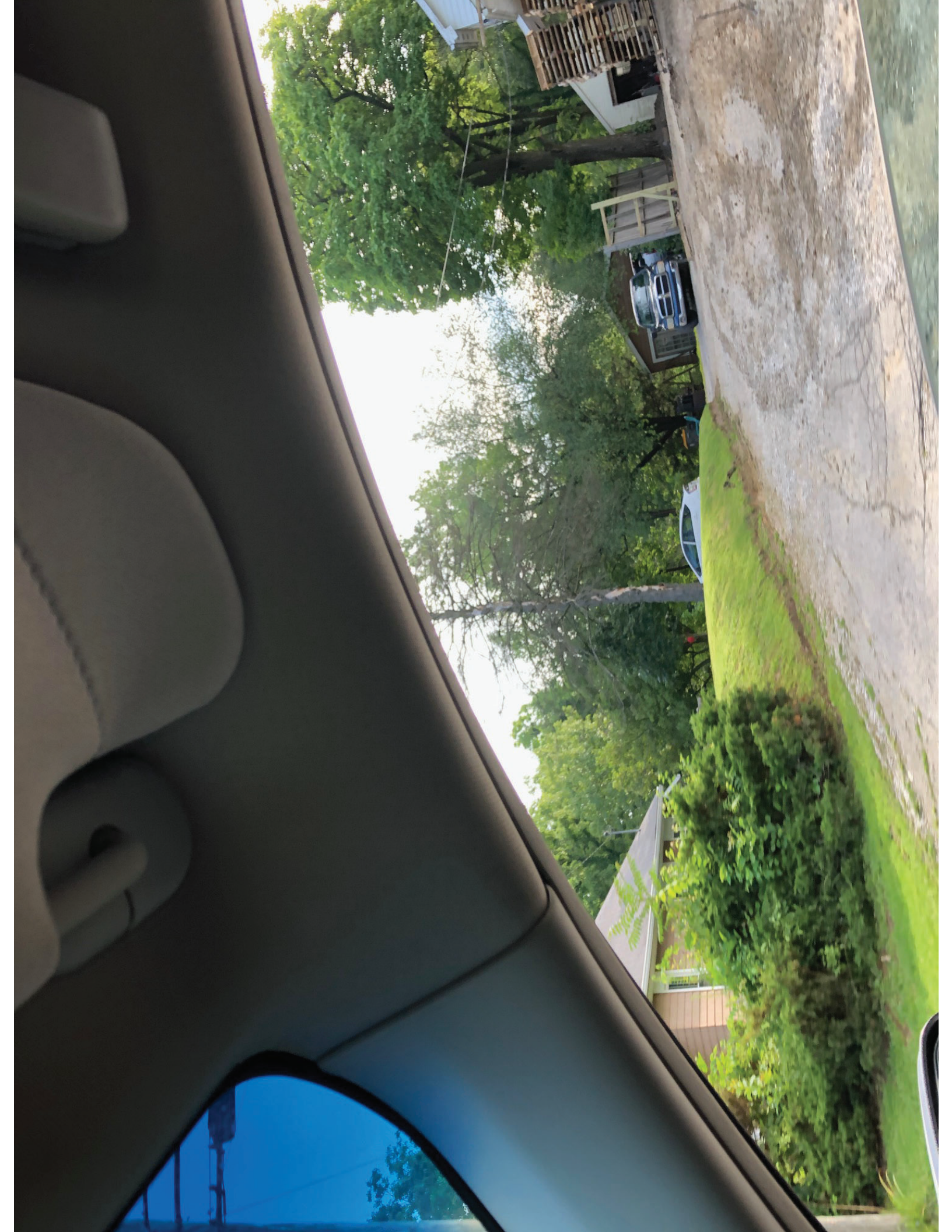
Cc: Jackie Scanlan, AICP
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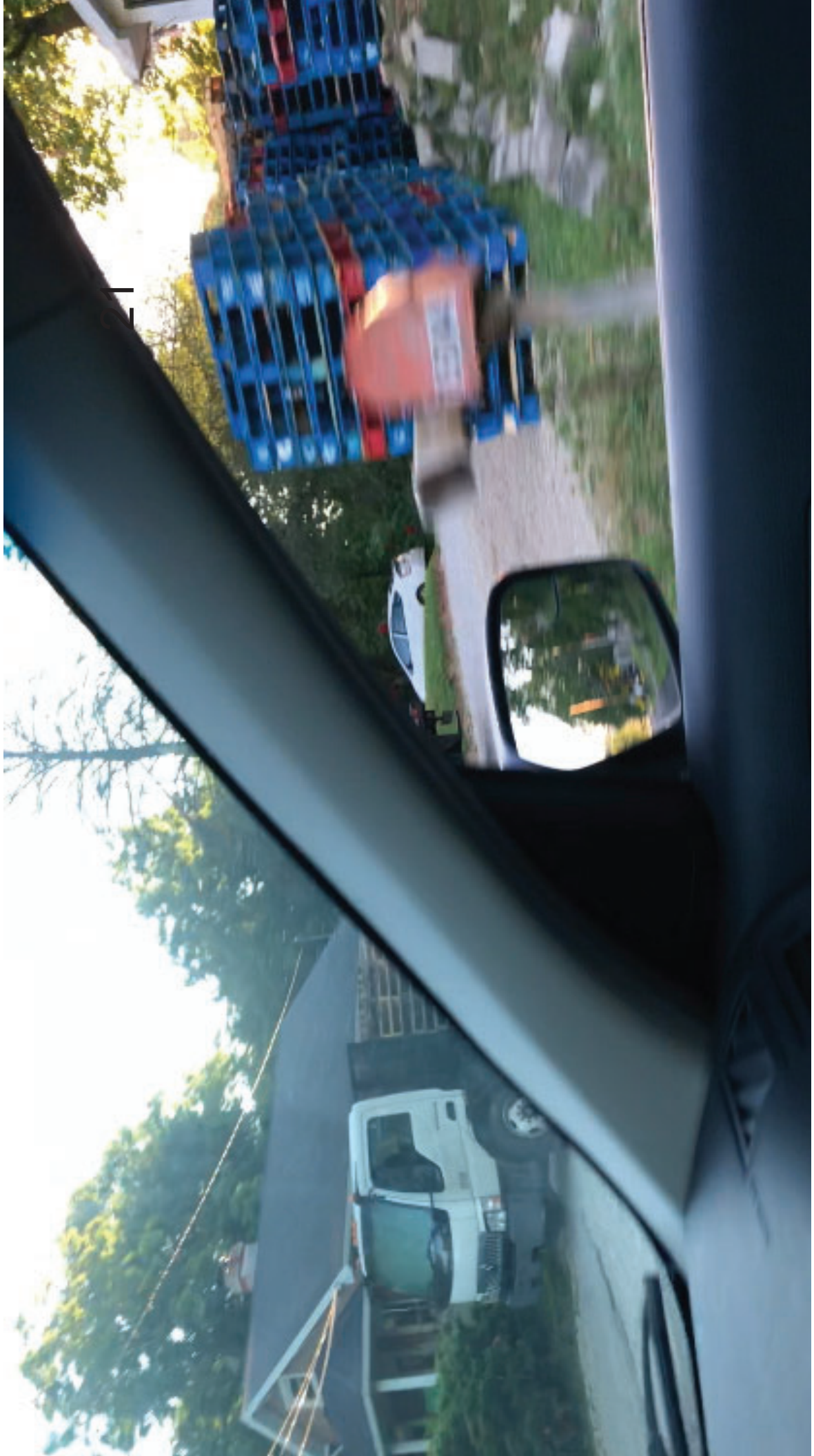


Photo 1: 1504 W. Arlington Road shows the outdoor storage of pallets (partially screened) and business activity associated with a home occupation without a Conditional Use Approval or Certificate of Zoning Compliance.



Photo 2: 1504 W. Arlington Road shows the outdoor storage of pallets (partially screened) and business activity associated with a home occupation without a Conditional Use Approval or Certificate of Zoning Compliance. Photo also shows the addition of a driveway and potential area that more concrete could be poured to complete the driveway.





PETITIONER'S STATEMENT
FOR CONDITIONAL USE AND VARIANCE FOR:

1504 W. Arlington Road
Bloomington, IN 47404
Robert Iatarola, Property Owner

I hope through this statement to explain the business that I have been operating at my home for the last ten years. After I have described the business I will attempt to address the criteria that Ryan Robling, the Planning Department Representative, has given to me as criteria in determining whether requests for variances and conditional use may be approved.

I recycle pallets used for shipping. I recycle two types of pallets. One type is called a 48" by 40" 4-way, which is the standard pallet and called a gross remanufactured pallet. The other type is a 48" by 40" block pallet to carry more weight, which is largely used in agriculture.

Around Bloomington there are at least 40 businesses or other entities (such as the City of Bloomington and Monroe County) that receive goods on pallets and need the pallets removed. I pick up about 30% of the pallets that I recycle and the rest are delivered to my property. I would estimate that most deliveries are in the late afternoon or early evening and the time span for those deliveries is no longer than 1 1/2 hours a day.

The standard pallets that are picked up or are delivered to me go to recyclers in Louisville and Indianapolis. The block pallets are picked up from four spots in Indianapolis and are delivered to area farmers.

I have been doing pallet recycling from my property for approximately 10 years. Before that I was an Operations Manager for a pallet recycler in Gosport, Indiana.

Below I will attempt to address all the criteria that the Planning Department has indicated have to be considered by you in evaluating my request.

Conditional Use Criteria [BMC 20.05.023(b)]

(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;

Response: I am not sure exactly what this means but I feel that the use of my property does not conflict with other uses in the neighborhood.

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

Response: No nuisance is created 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;

Response: The proposed use fits in well with the varied surrounded uses in this area as further discussed below under number 2 of Development Standards Variance Criteria.

(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;

Response: The business is conducive to all available public services.

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

Response: As further discussed below under Development Standards Variance Criteria this is not a residential neighborhood. At one point it was considered to be a commercial corridor into Bloomington. The area is not very conducive to being a residential neighborhood since there

is a significant amount of fast moving traffic all along the area of this and other homes and businesses. This request would add virtually no additional traffic to the area. There are some deliveries made to the property but they are all in all insignificant.

(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;

Response: The proposed use clearly does none of these things.

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

Response: The hours of operation are barely noticeable. There are no outside lights left on. There is no trash other than a trailer for miscellaneous wood parts that is dumped as soon as it is full.

(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

Response: There is no signage.

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

Response: I am not sure what additional standards there are but hope they are otherwise addressed by the rest of my statement.

Development Standards Variance Criteria

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

Response: It seems clear that this criteria is met based upon the comments previously made.

(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.

Response: The adjacent area should not be affected. This is along a strip on the near north side of town, considered in the past to be a commercial corridor. There are a number of mixed used properties including residences, apartments, a church, and several businesses. This particular property is barely visible as you drive by and easily missed when going west.

(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.

Response: The property is 90' wide and 1200' long. Most of the real estate is not practical to use as anything other than a long narrow back yard. The business provides a valuable service to the community. As previously stated this was over time considered an emerging commercial corridor because of the existing traffic and the length and shape of most of the properties in the area. In other words, it is not an ideal residential neighborhood which is apparent from the numerous mixed uses in that area.

I am more than willing to attempt to address any concerns that anyone has. I also thank you in advance for your consideration of my request.

Sincerely,



Bob Iatarola

Arlington Rd

40 FT

All yellow is concrete

Yard

120 FT

Concrete Neighbors

Ironworker

Garage

Neighbor Garage

Pole

Barnd
Future site

Future Pour Concrete

40 FT

40 FT

48 FT

30 FT + 2 FT

Approx 1500 FT

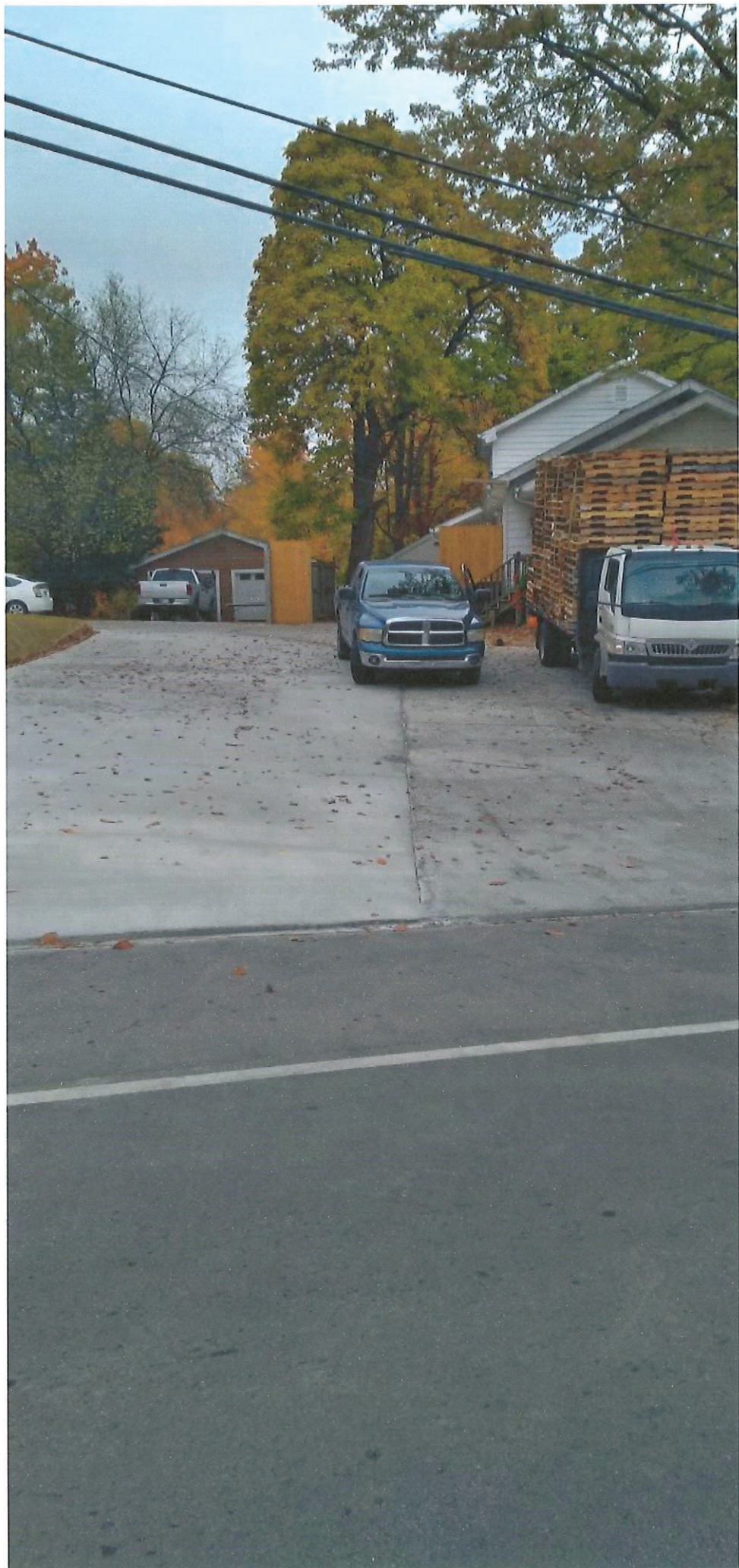
1504 Property

WOODS

Approx 500 FT 60 FT wide









46

45

69

45

ARLINGTON

The Reserve at
Chandler's Glen

South Central
Community Action

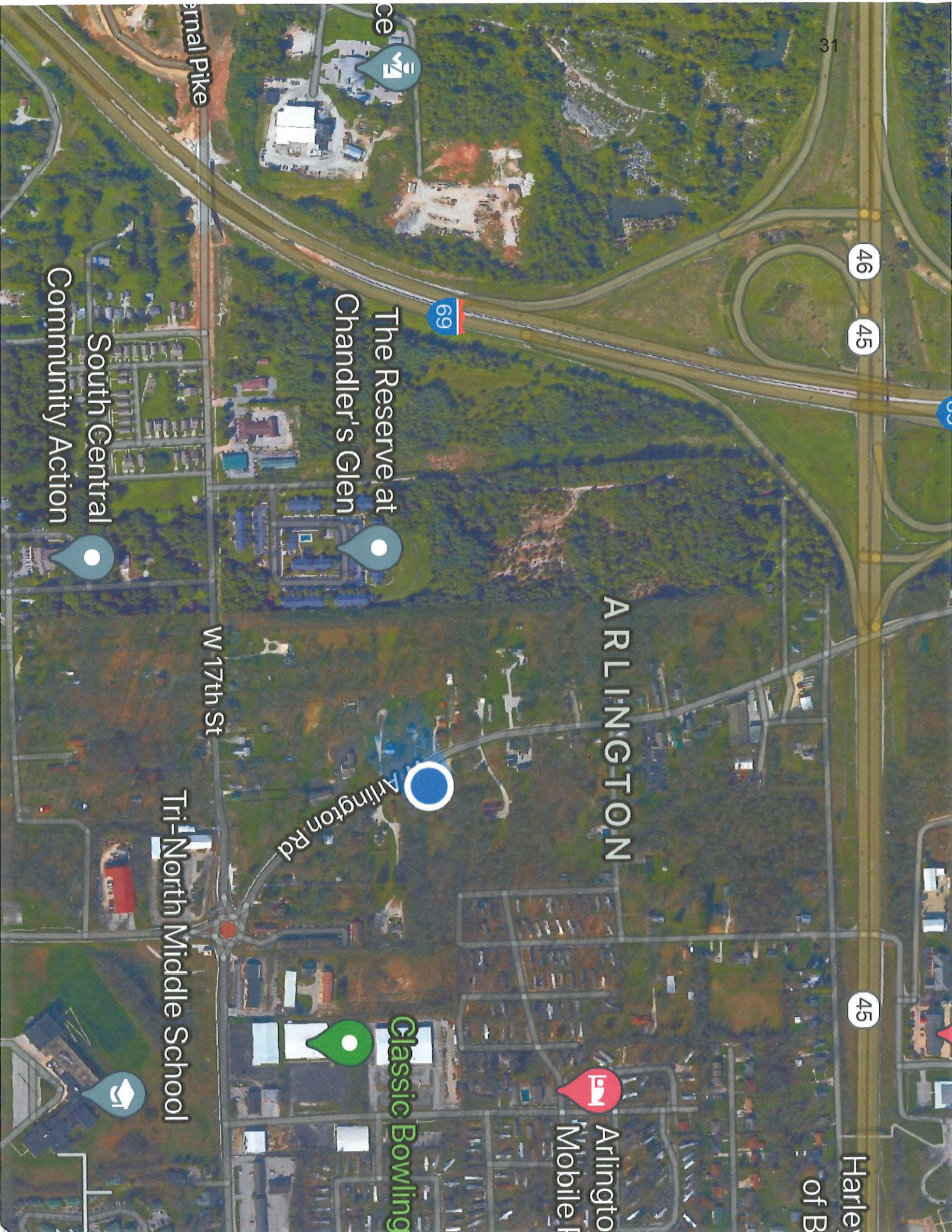
W 17th St

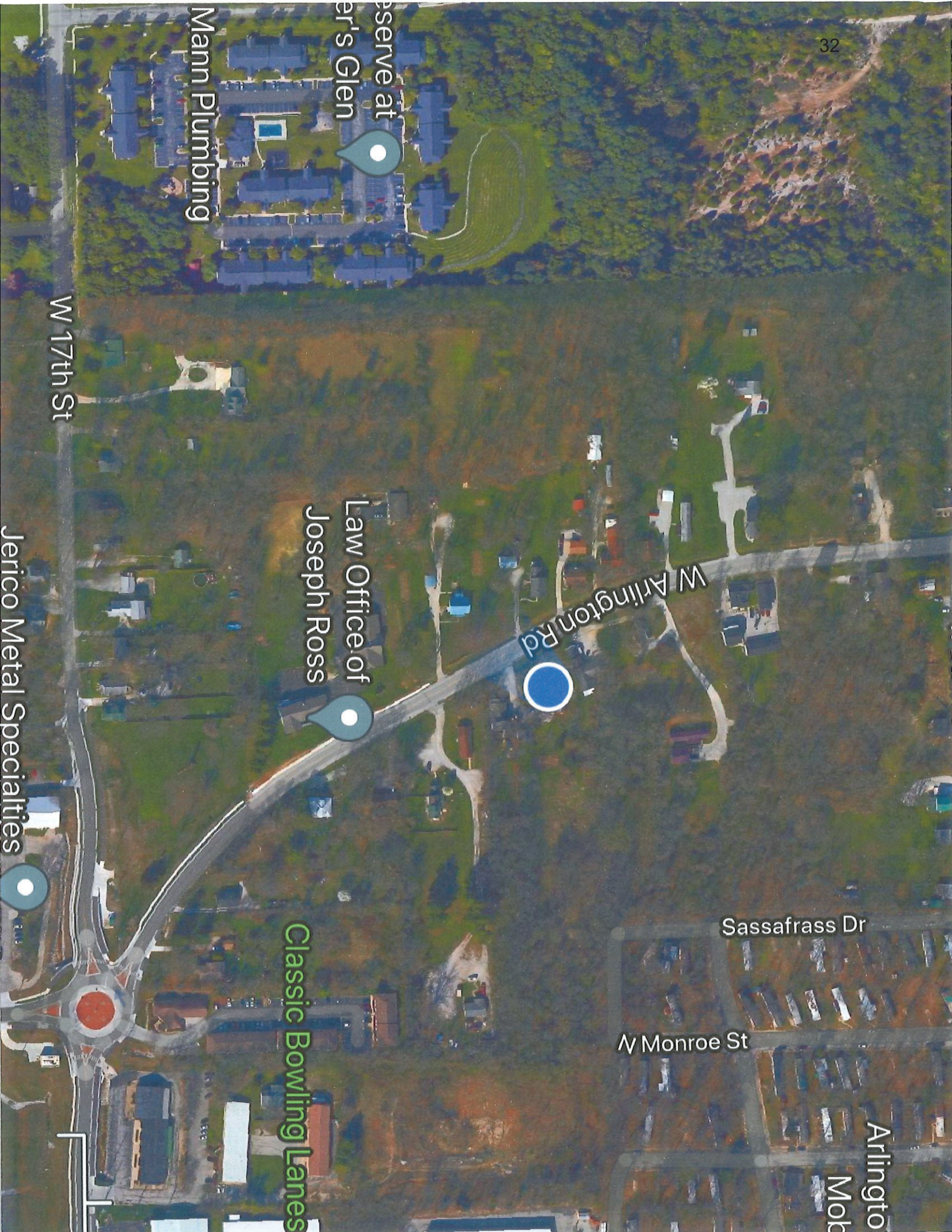
Tri-North Middle School

Classic Bowling

Arlington
Mobile

Harley
of B





Reserve at
er's Glen

Mann Plumbing

W 17th St

Law Office of
Joseph Ross

W Arlington Rd

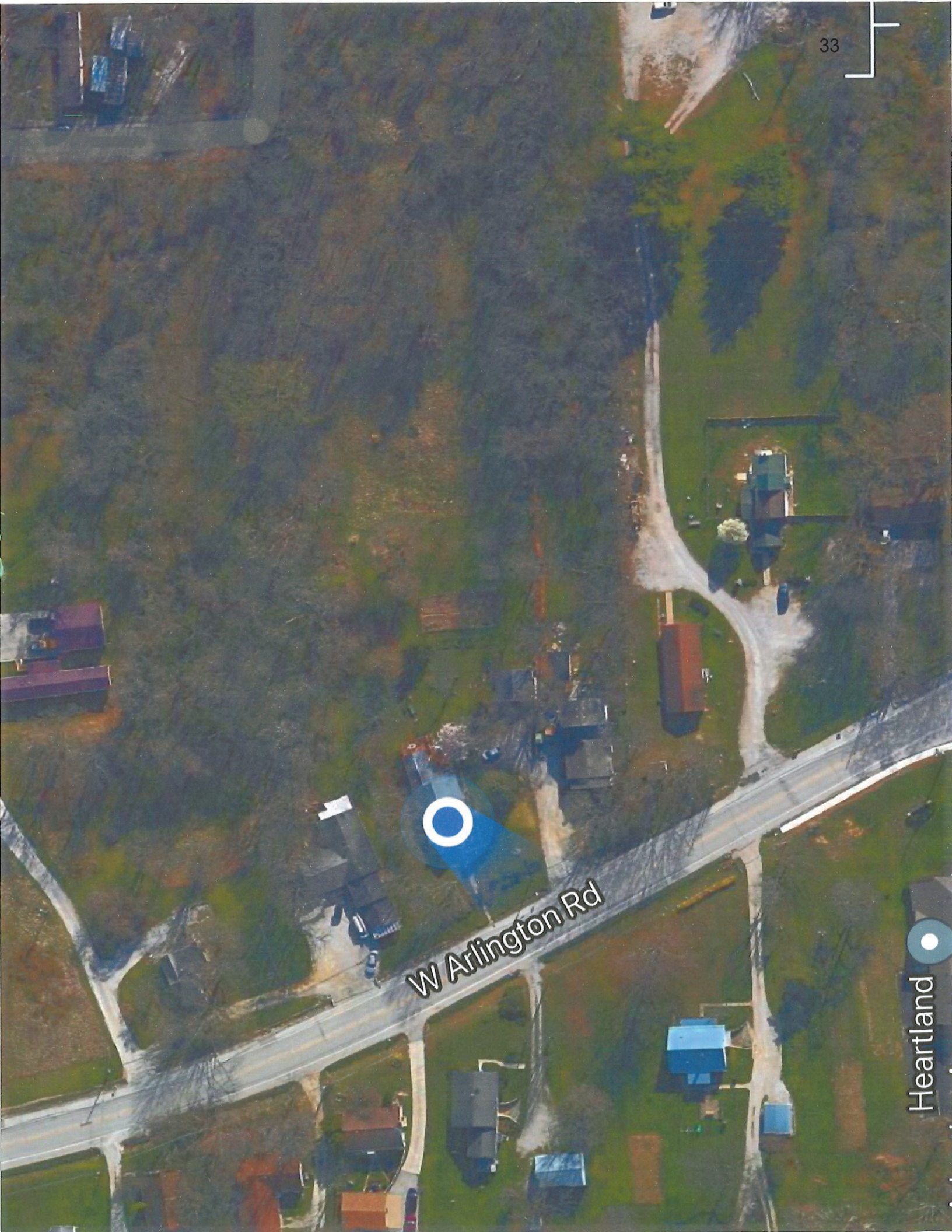
Jerico Metal Specialties

Classic Bowling Lanes

Sassafrass Dr

N Monroe St

Arlington
Mok



W Arlington Rd

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: S Liberty Drive (N of Bloomfield Road)**

**CASE #: V-08-21
DATE: September 23, 2021**

PETITIONER: Starbucks Coffee Company
111 North Canal Street, Chicago IL

Bryan Rental Inc.
1440 S Liberty Drive, Bloomington IN

CONSULTANT: Kimley-Horn & Associates
250 E 96th Street Suite 580, Indianapolis IN

REQUEST: A variance to allow vehicle parking in excess of the Maximum Vehicle Parking Allowance for a ‘restaurant’.

INFORMATION SINCE JULY HEARING: The petitioner submitted car counts for regional Starbucks locations with similar characteristics to the requested location, such as near a highway interchange. The count is attached to this report. The averages for the three locations were 26.6, 20.04, and 24.2 cars at 8am Monday through Friday, which is during the peak service time for all locations. The highest daily count was 29 cars, with 27 cars appearing three times and 28 cars appearing once. The Board of Zoning Appeals discussed potentially coming to a compromise below the requested 33 spaces and above the 11 allowed spaces at the July hearing.

INFORMATION SINCE FIRST HEARING: The petition was heard at the June 2021 Board of Zoning Appeals hearing. The Department recommended continuance of the petition until the petitioner provided information about typical need for the use that demonstrated support for the variance request. The petitioner did not submit anything before the Final Revision Deadline, but when contacted by staff, did produce a document indicating the number of parking spaces at area Starbucks locations. The data requested was related to how many of the spaces were actually used on a regular basis. The Department finds that listing the number of spaces with no indication of their typical use does not address the request for three times the allowed parking at this site. However, based on the conversations had at the previous hearing, the BZA may find that this is enough information to act on the petition.

REPORT: This 1.05 acre property is located northeast of the intersection of S. Liberty Dr. and W. State Road 45 and was zoned Planned Unit Development (PUD) at the time of filing. The properties to the north, east, and west were within PUD 26 at the time of filing and have been developed with commercial uses. The property to the south was a part of PUD 83 at the time of filing and has been developed with commercial uses.

The petitioners are proposing to construct a ‘restaurant’ at this location, with a total of 33 parking spaces. PUD 26’s District Ordinance does not create standards for parking and loading. The UDO limits “restaurant” uses to a maximum vehicle parking allowance of 10 spaces per 1,000 sq. ft. Gross Floor Area (GFA) of indoor seating, and 5 spaces per 1,000 sq. ft. GFA of outdoor seating. The proposed site design would allow for a maximum of 11 spaces. The petitioners are proposing to include a total of 33 vehicle parking spaces on the site. The 22 spaces over the limit are proposed to utilize permeable pavers. The petitioners are requesting a

variance to allow 22 parking spaces over their maximum vehicle parking allowance.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(e)(1) 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; and

PROPOSED FINDING: No injury is found with the allowance of additional parking spaces. The spaces will be designed as permeable to offset their runoff and the site will still meet impervious surface requirements.

(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; and

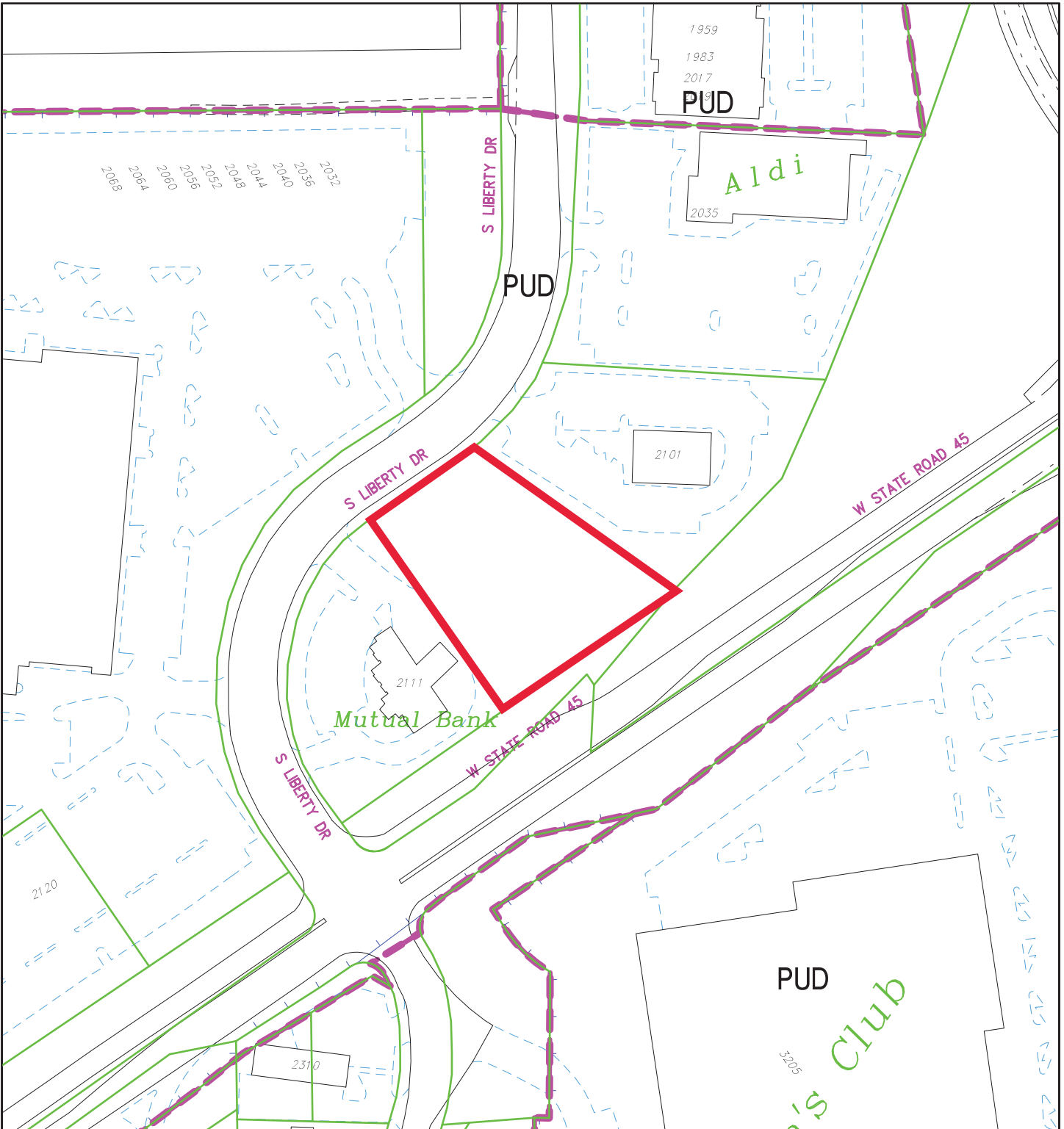
PROPOSED FINDING: No adverse impacts to the use and value of the surrounding area associated with the proposed variance are found. The variance is not expected to have off-site negative consequences, and in fact, will allow for more room on the site to hopefully decrease vehicular stacking.

(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 questions; that the development standards variance will relieve the practical difficulties; and

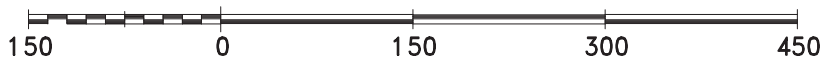
PROPOSED FINDING: Practical difficulty is found in the use of the property with the combination of the particular allowable use and the customary traffic that it generates and no on-street parking opportunities at this location. However, the need for 33 spaces has not been demonstrated. The Department suggests a maximum of 30 parking spaces, which is still 19 spaces more than allowed by code and almost 3 times the amount of allowed parking, and is in excess of the peak hour parking totals supplied for similar locations in Indiana. The variance more than makes up for lost on-street parking opportunities at this location.

RECOMMENDATION: Based upon the written report, the Department recommends that the Board of Zoning Appeals adopts the proposed findings and approves V-08-21 with the following conditions:

1. The variance is approved for a maximum of 30 parking spaces.
2. The petitioner will work with the Department to identify the best location to remove the excess parking spaces from the site plan.
3. The variance is for parking space total only. Any additional changes that do not meet code will require additional variance.

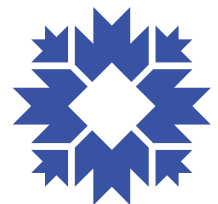


By: greulice
2 Mar 21



For reference only; map information NOT warranted.

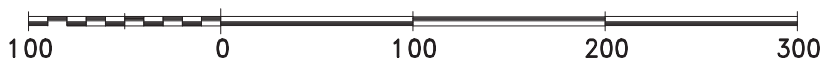
City of Bloomington
Planning



Scale: 1" = 150'

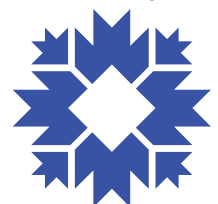


By: greulice
2 Mar 21



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 100'



May 25, 2021

City of Bloomington
401 N Morton St
Bloomington, IN 47404

**Re: Starbucks Bloomington
Development Standard Variance Request
2105 Liberty Drive
Bloomington, IN**

Dear BZA Member,

On behalf of Starbucks, we respectfully request the acceptance of the attached Development Standards Variance Application and supporting documents for the development of the proposed Starbucks quick serve restaurant facility (QSR).

Project Narrative:

Starbucks is proposing to develop approximately 1.05 acres into a quick serve restaurant located at 2105 Liberty Drive. The existing property is currently vacant land and is zoned PUD, Planned Unit Development. It is proposed that two points of ingress and egress be provided and located off Liberty Drive.

We respectfully request variance from : Bloomington Indiana Unified Development Ordinance, 20.04.060 Parking and Loading, Table 4-10 Maximum Vehicle Parking Allowance for a “Restaurant”

The petitioner requests to be permitted to develop the site with additional parking spaces that exceed the defined maximum allowable (as stated above). The proposed Starbucks would provide approximately 800SF of interior seating space and 350SF of outdoor seating. Per the UDO, a restaurant use is allowed to provide 10 spaces for every 1,000SF of interior seating space and 5 parking spaces for every 500SF of outdoor seating space. Per these ratios the proposed Starbucks would be permitted to provide 11 parking spaces. We are requesting that the proposed Starbucks be permitted to provide 33 parking spaces for their employees and customers.

There are several key reasons why we believe the proposed increase in the permissible parking is necessary. A Starbucks does not fit the mold of a traditional restaurant use. Starbucks are frequented by a high volume of customers, most of which are making quick trips. Many of Starbucks customers come to the restaurant individually. In a traditional restaurant setting, there are typically multiple customers in a single vehicle, but given that many customers are commuting during the peak hours, there is a higher ratio of vehicles per customers for this restaurant. Given the beverage emphasis on the menu, many of the seating options inside the restaurant are more compact than a traditional dining environment. Additionally, while most restaurant buildings reserve approximately two-thirds of the building area for seating, a Starbucks generally reserves closer to one-third of the building area for seating. The average Starbucks restaurant has 10 employees during the maximum shift. In addition to employee parking spaces and spaces required to be reserved for Handicap Accessibility, we are also proposing three spaces to be reserved for mobile order pickup. As many have observed over the course of the past year, the mobile ordering and curbside pickup service has increased tremendously. As a result of this, having multiple spaces reserved for this purpose is crucial to Starbucks' business. Although many of the trips made into Starbucks are quick, there are also those customers that utilize Starbucks as a café that offers wifi to its customers which can prolong a few of the customer time in the store.

Lastly, the location of the proposed store is in a traditional interchange outlot style development and not a mixed-use urban area. These types of traditional interchange type developments do not have the walk-in traffic that a more urban store would have thus increasing the number of cars entering and exiting the site. Also, given the site's proximity to I-69, it is likely that this restaurant will be visited by not only locals but also those traveling along I-69.

The proposed parking ratio is a result of providing one parking space per employee at the maximum shift, one parking space per one and a half seats, and three designated mobile order pickup spaces. The stand-alone quick serve restaurant building with associated parking for the subject property are as depicted by the attached proposed site plan.

Development Standards Variance Criteria:

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

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the additional parking spaces will provide enough spots to safely accommodate the public. Without the additional parking additional traffic may create a safety hazard to the traveling public. Additionally, the adjacent properties may be adversely impacted by the additional traffic if customers use their parking as overflow. The proposed parking is not substantially different parking conditions than surrounding properties.

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:

Without additional parking there may be added traffic, which would create an adverse impact to the adjacent properties. The variance will reduce the potential for vehicles backing up into Liberty Drive. Even with the increase in parking, the proposed site plan is still compliant with the landscaping and maximum lot coverage requirements. The proposed parking layout will only have single drive aisle around the building, which is consistent with the neighboring properties.

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:

Given the small size of the property and its proximity to the interstate, it would be difficult to meet the high parking demands required for this use with the strict application of the code. A Starbucks close to an interstate sees not only local customers, but also those traveling through Bloomington along I-69. The proximity to the interstate attracts a higher number of commuters which results in higher peak volumes. This further amplifies the need for additional parking during the peak hours. Another unique constraint for this site is the limited access along SR 45. Even though the property has two frontages, access can only be granted from Liberty Drive. Since all customers must enter and exit to and from Liberty Drive, it is even more important that there be an adequately sized parking lot to allow customers sufficient space to maneuver around the restaurant and drive-thru. In addition to the unique conditions of the site, the unique characteristics of Starbucks mentioned above drives the need for additional parking. The requested additional parking will reduce the potential traffic issues along Liberty Drive, overflow onto adjacent properties, and also alleviate the pressure on the drive-thru.

Thank you for your time and consideration of this request. Please contact me at (317) 218-9566 or Mike.Timko@Kimley-Horn.com should you have any questions

Sincerely,
Kimley-Horn and Associates, Inc.
Mike J. Timko, PE



July 12, 2021

City of Bloomington
401 N Morton St
Bloomington, IN 47404

**Re: Starbucks Bloomington
Development Standard Variance Request – Additional Information
2105 Liberty Drive
Bloomington, IN**

Dear BZA Member,

Per the request of the board made at the June BZA hearing, additional information is being provided to justify the variance request for parking spaces exceeding the permissible amount. In order to do this, several Starbucks in this region of Indiana were analyzed to gather average parking count information. It should be noted that these facilities are of a similar nature in that they are freestanding Starbucks with isolated parking lots. Any Starbucks that are a part of multi-tenant retail building or a shared parking lot facility were not included in the study.

On average, the Starbucks reviewed had a parking count of 33 parking spaces. See below for a summary table of the number of parking spaces provided at each location. Also provided below is a brief overview of the vicinity in which each of these Starbucks are located to provide better context.

Location	Parking Count
1921 South Walnut Street, Bloomington	35
4257 North Tupelo Drive, Bloomington	27
2198 Burton Lane, Martinsville	48
3015 West 16 th Street, Bedford	14
2355 West Jonathon Moore Pike, Columbus	31
4900 South US 41, Terre Haute	45

1921 South Walnut Street, Bloomington

Walnut Street is a four-lane road. The site is near Bloomington High School South.

4257 North Tupelo Drive, Bloomington

Tupelo Drive is a four-lane road. The site is located near several other commercial developments and large number of single-family residences.

2198 Burton Lane, Martinsville

The property is located at the intersection of Burton Lane and US 37.

3015 West 16th Street, Bedford

16th Street is a four-lane road with a two-way turn lane. The site is located in a heavy commercial area and is less than a half mile from US 37.

2355 West Jonathon Moore Pike, Columbus

Jonathon Moore Pike (SR 46) is a four-lane road with a median and designated left turn lanes. The site is in a commercial area and less than a half mile from I-65.

4900 South US 41, Terre Haute

US 41 is a four-lane road with a median and designated left turn lanes. The site is in a commercial area and approximately one and a half miles from I-70.

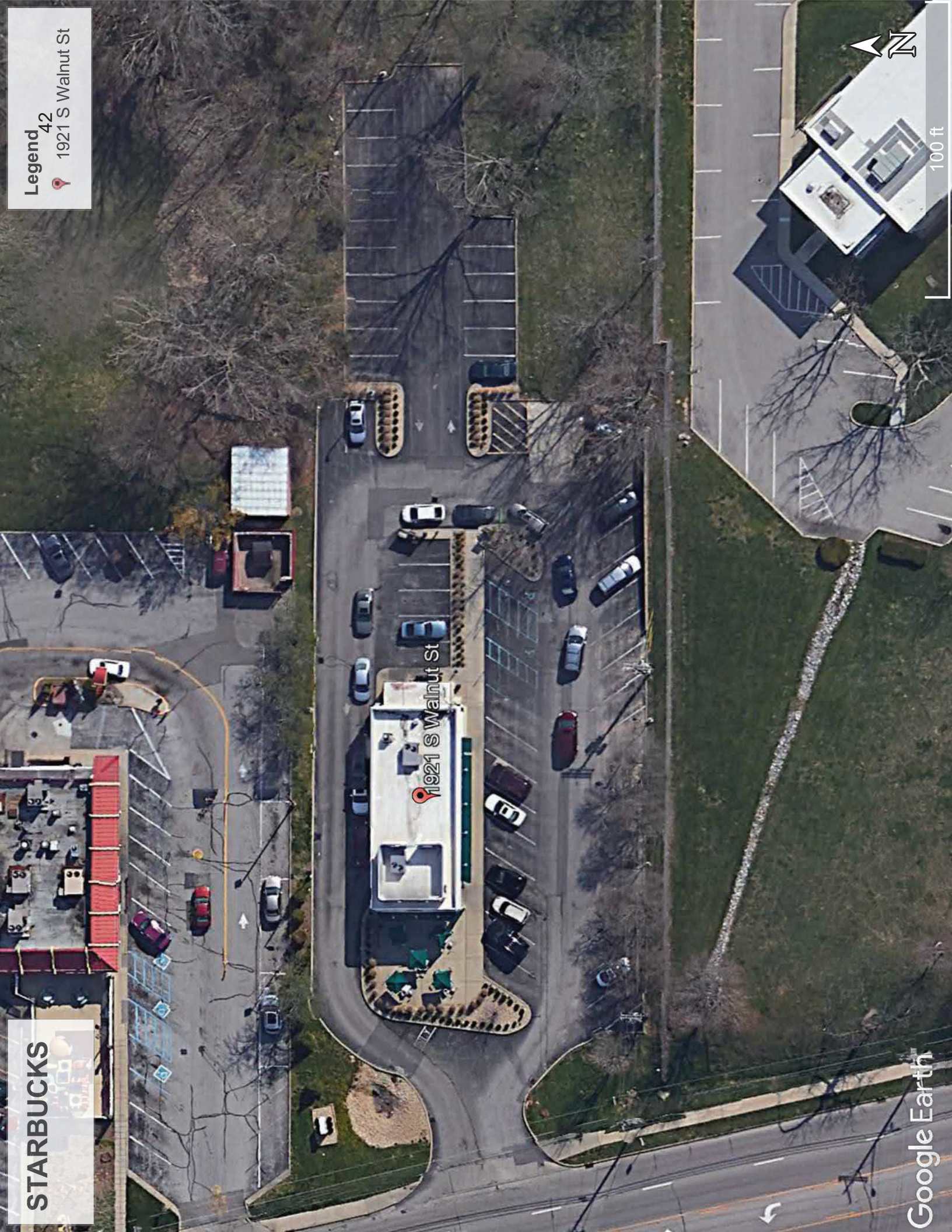
These nearby examples are representative of our proposed site and the anticipated parking conditions. It is our opinion that this study adequately demonstrates a practical difficulty with providing the number of parking spaces permitted by code and provides justification for the number of proposed parking stalls, which is coincidentally the average parking count provided amongst the six Starbucks studied.

Thank you for your time and consideration of this request. Please contact me at (317) 218-9566 or Mike.Timko@Kimley-Horn.com should you have any questions

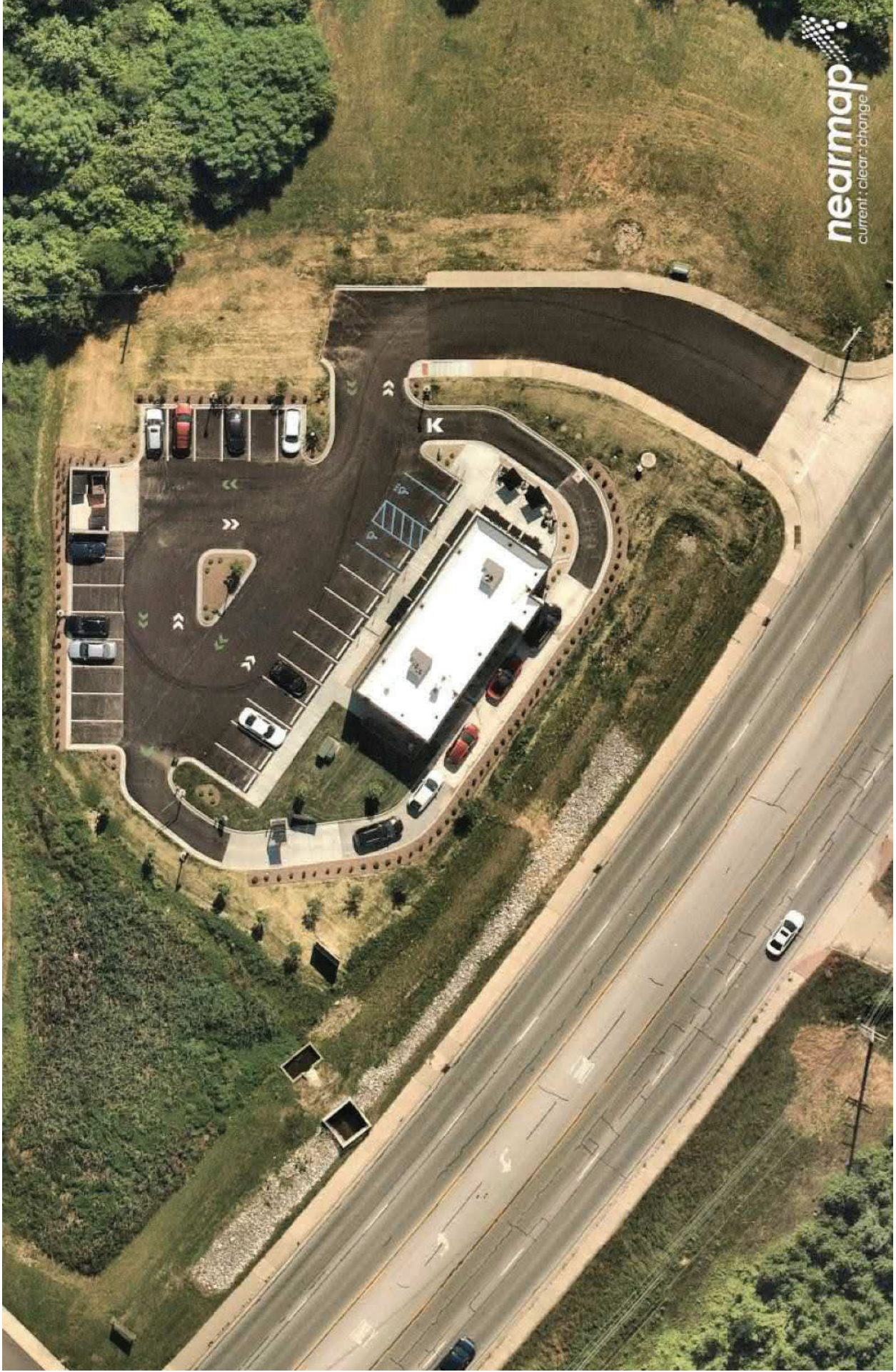
Sincerely,
Kimley-Horn and Associates, Inc.
Mike J. Timko, PE

STARBUCKS

Legend
42
1921 S Walnut St

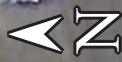


100 ft



STARBUCKS

Legend
44
2198 Burton Ln



100 ft

Google Earth

© 2021 Google

STARBUCKS

Legend

45



3015 16th St

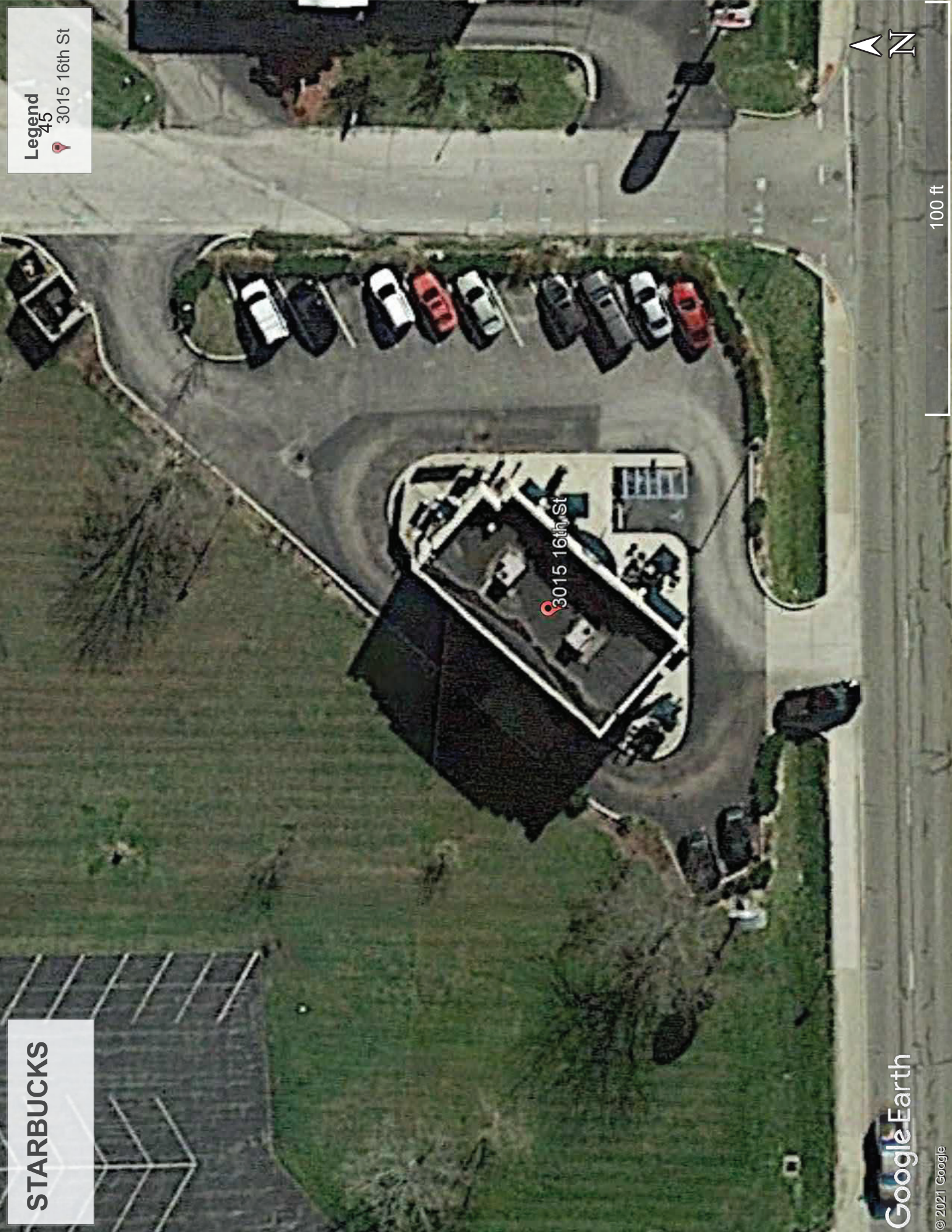
3015 16th St



Google Earth

© 2021 Google

100 ft



STARBUCKS

Legend

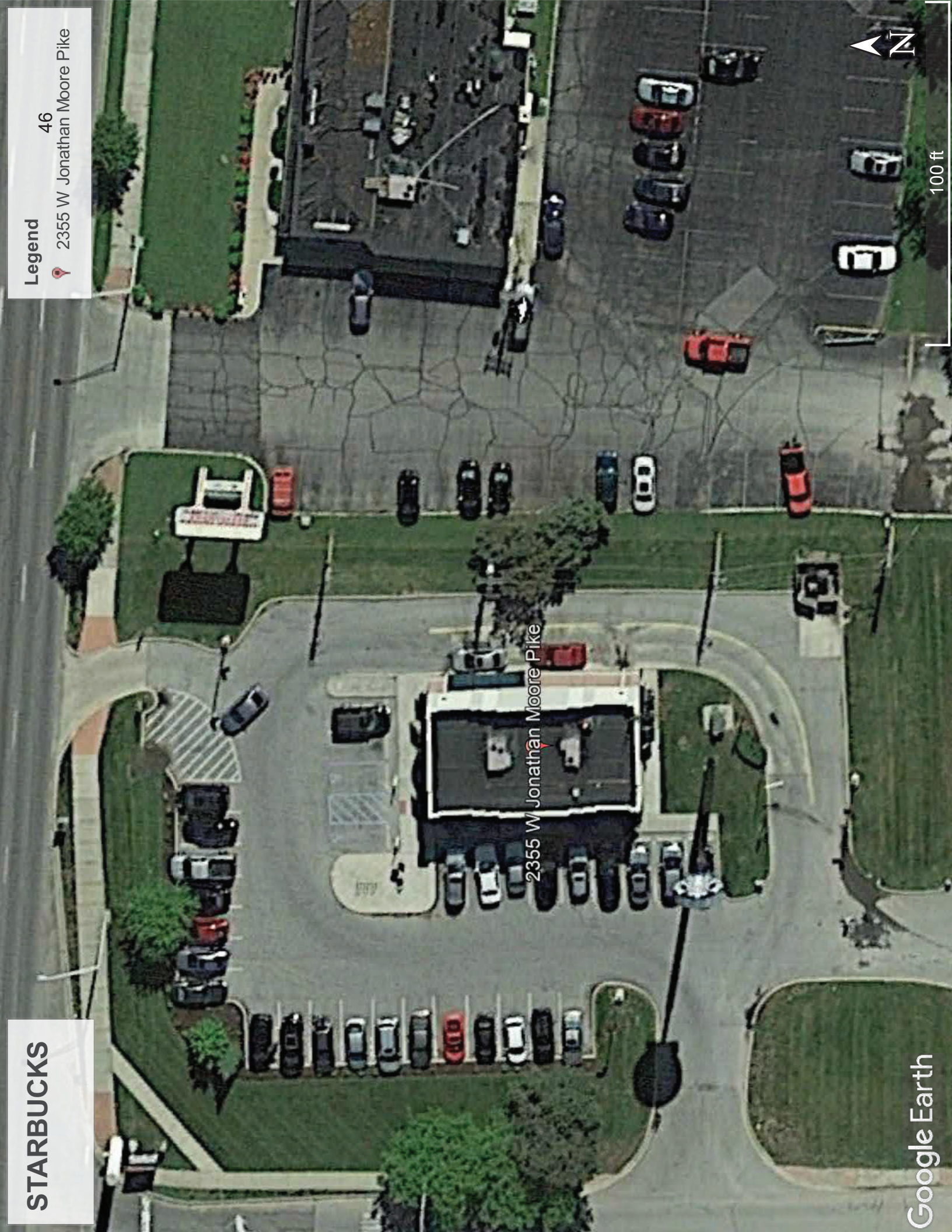
46

2355 W Jonathan Moore Pike

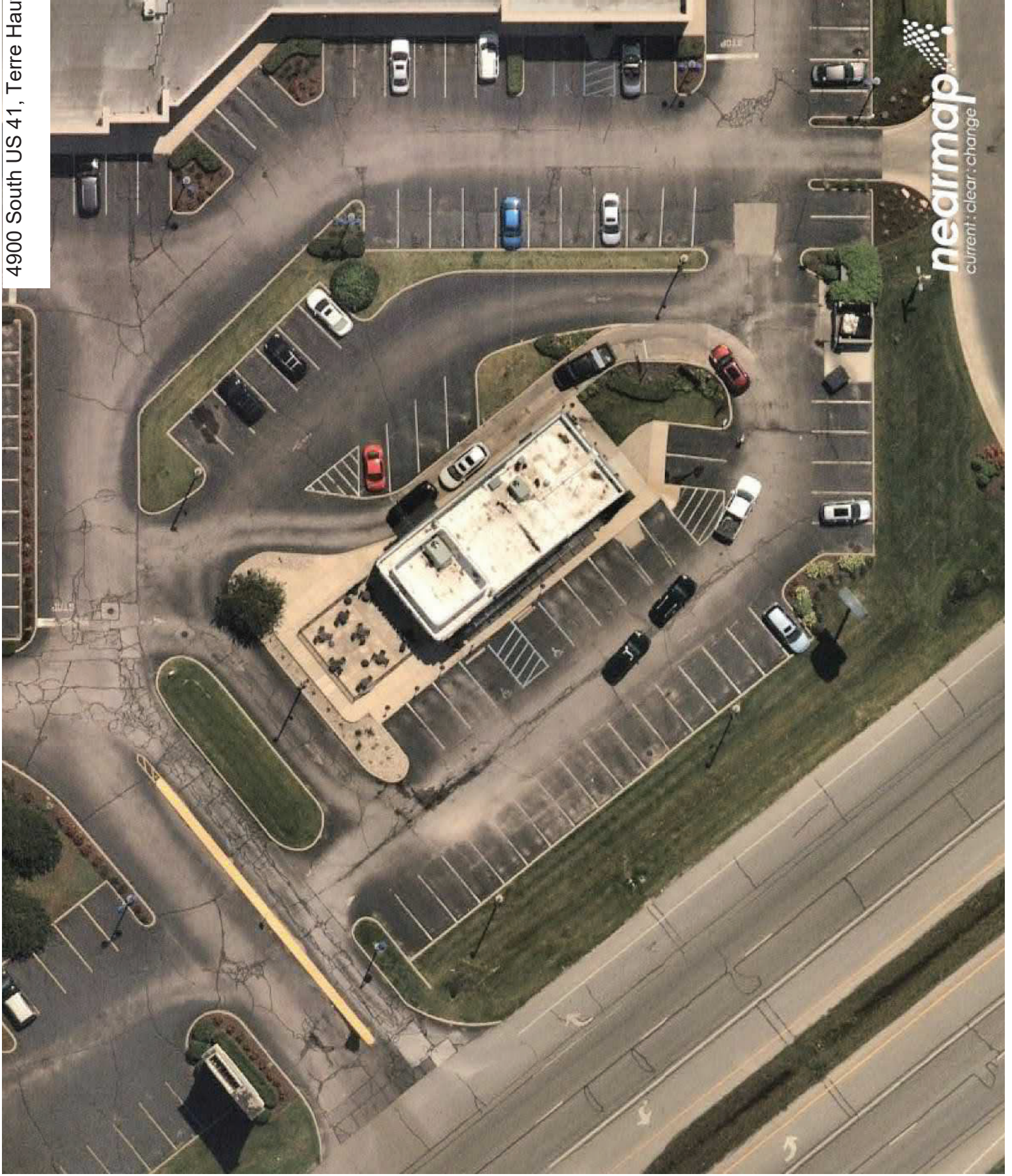
2355 W Jonathan Moore Pike



100 ft



4900 South US 41, Terre Haute



nearmap
current: clear: change



Starbucks Coffee Company
111 N Canal St
Chicago, IL 60606

CC Roberts
Store Development Manager
MidAmerica Region
Starbucks Coffee Company

Date: 7/30/2021

To Whom It May Concern:

As Starbucks is seeking a parking variance in the city of Bloomington, IN for 33 parking spots, as requested, we want to provide you with car counts on 3 different stores for a week (Monday – Friday) at 8am everyday, which falls within our peak hours. The daily car count is as follows:

Week of 7/26	1-69 & 116th (Fishers, IN)	Cassopolis & Windsor (Elkhart, IN)	SR-23 & Main Street (Granger, IN)
Monday	29 Cars	23 Cars	27 Cars
Tuesday	22 Cars	19 Cars	24 Cars
Wednesday	27 Cars	17 Cars	26 Cars
Thursday	27 Cars	22 Cars	19 Cars
Friday	28 Cars	21 Cars	25 Cars

The average car count for the stores are 26.6, 20.4 and 24.2 respectively. It should also be taken into consideration that at our peak hours, most stores have an employee count of about 9-12 employees at a time. We will need to account for the parking spots that will be used during the “shift change” hours, which will be between 18-24 for employees alone.

Please feel free to reach out with any additional questions regarding the need for the 33 parking spots that we are requesting at this locaton in Bloomington, IN.

Thanks,

Christina C. Roberts

CC Roberts
Store Development Manager

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 422 E Kirkwood Avenue**

**CASE#: CU-13-21
DATE: September 23, 2021**

PETITIONER: Marissa Engel (ADA Architects)
17710 Detroit Avenue,
Cleveland, OH 44107

OWNER: Michael Eaton
2755 East Canada Drive, Suite 102
Bloomington, IN 47401

REQUEST: The petitioner is requesting conditional use approval for a standardized business (Raising Cane's Fried Chicken) in the Mixed-Use Downtown.

REPORT: The property is located at 422 E Kirkwood and currently zoned Mixed-Use Downtown and located in the University Village downtown character overlay (MD-UV). Surrounding properties are also zoned MD-UV. The property is currently developed with a mixed-use structure with multifamily dwellings above and commercial space on the first floor. The petitioner is proposing a Raising Cane's Fried Chicken in the first-floor commercial space of the structure. Their proposal involves a remodel of the space along with new signage. This property is not within a historic district or listed on a historic preservation survey. This use requires approvals from City of Bloomington Utilities and the Monroe County Health Department.

STANDARDIZED BUSINESS STANDARDS: UDO 20.03.010(e)(2) lists the following standards for 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:

- i. 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:
 - a. Architecture;
 - b. Scale;
 - c. Façade; and
 - d. Signage.
- ii. 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.
- iii. 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: This petition meets the criteria for a standardized business. The proposal does not call for any changes to the façade or exterior of the structure. The only proposed changes are to signage and the interior. The proposed signage shows differentiation from the typical Raising Cane’s sign package. The colors visually compliment the surrounding structures by only using red, black, and white colors which is similar to the Chipotle restaurant that is adjacent to the property. The channel letter sign is a unique sign design that is appropriate for this area. The design is minimal but still readily identifies the restaurant.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6) Approval Criteria

(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: The petition complies with the UDO, other applicable regulations, and utility, service, and improvement standards as required by the general compliance criteria. No prior approvals are found. The petitioner will comply with CBU and Health Department regulations for this use.

(C) Additional Criteria Applicable to Conditional Uses

- i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as “Downtown.” The Downtown district is meant to be a commercial hub that offers a variety of businesses and series. This restaurant is ideally located next to other restaurant uses. The MD-UV district and standardized business criteria ensures that businesses in this district will maintain the character of the district while still allowing for new growth and development. This proposal will fill a vacant restaurant space which will improve the character of the block.

- ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: This use requires a grease interceptor. The petitioner will work with

City of Bloomington Utilities regarding grease interceptors and utility capacity.

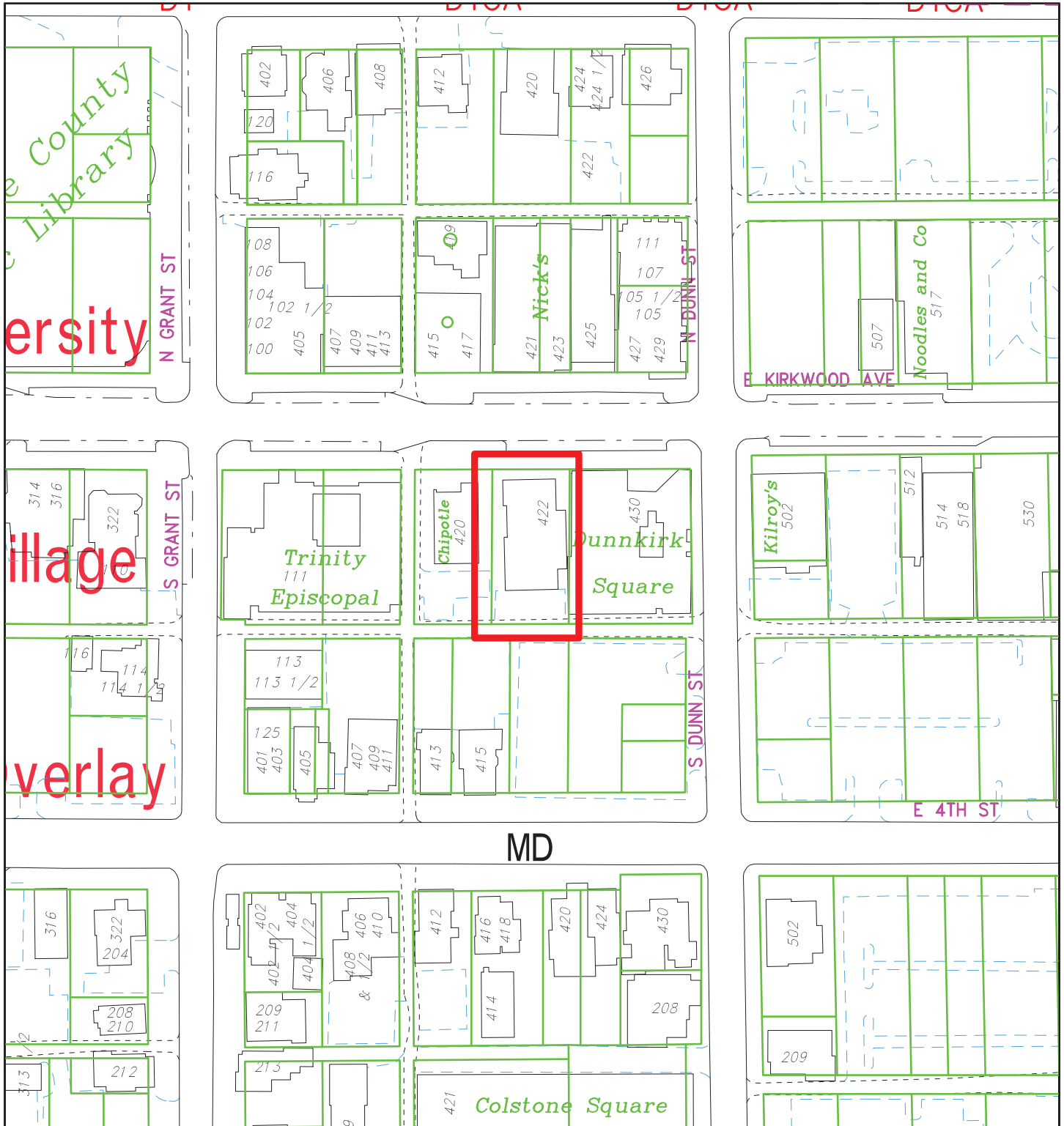
iii. Minimizes or Mitigates Adverse Impacts

1. *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.*
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.*
3. *The hours of operation, outside lighting, and trash and waste collection must not 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.*

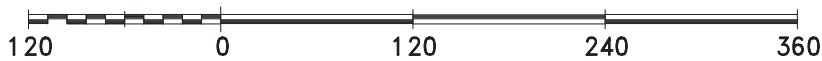
PROPOSED FINDING: No exterior changes are being proposed with this conditional use approval. No additional lighting outside of what is typical of a restaurant is being proposed. No nuisance regarding noise, smoke, odors, vibrations, lighting, or hours of operation is found. The proposed signage will be required to meet lighting requirements. No pre-submittal neighborhood meeting is required.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-13-21 with the following conditions:

1. This conditional use is limited to the proposed use, no other use is approved.
2. The petitioner must meet all City of Bloomington Utilities standards, including the installation of a grease interceptor.
3. The petitioner must meet all Monroe County Health Department standards.
4. A sign permit is required, and the design shall meet that of the sign shown in this approval.

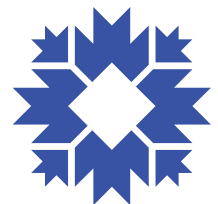


By: scanlanj
17 Sep 21

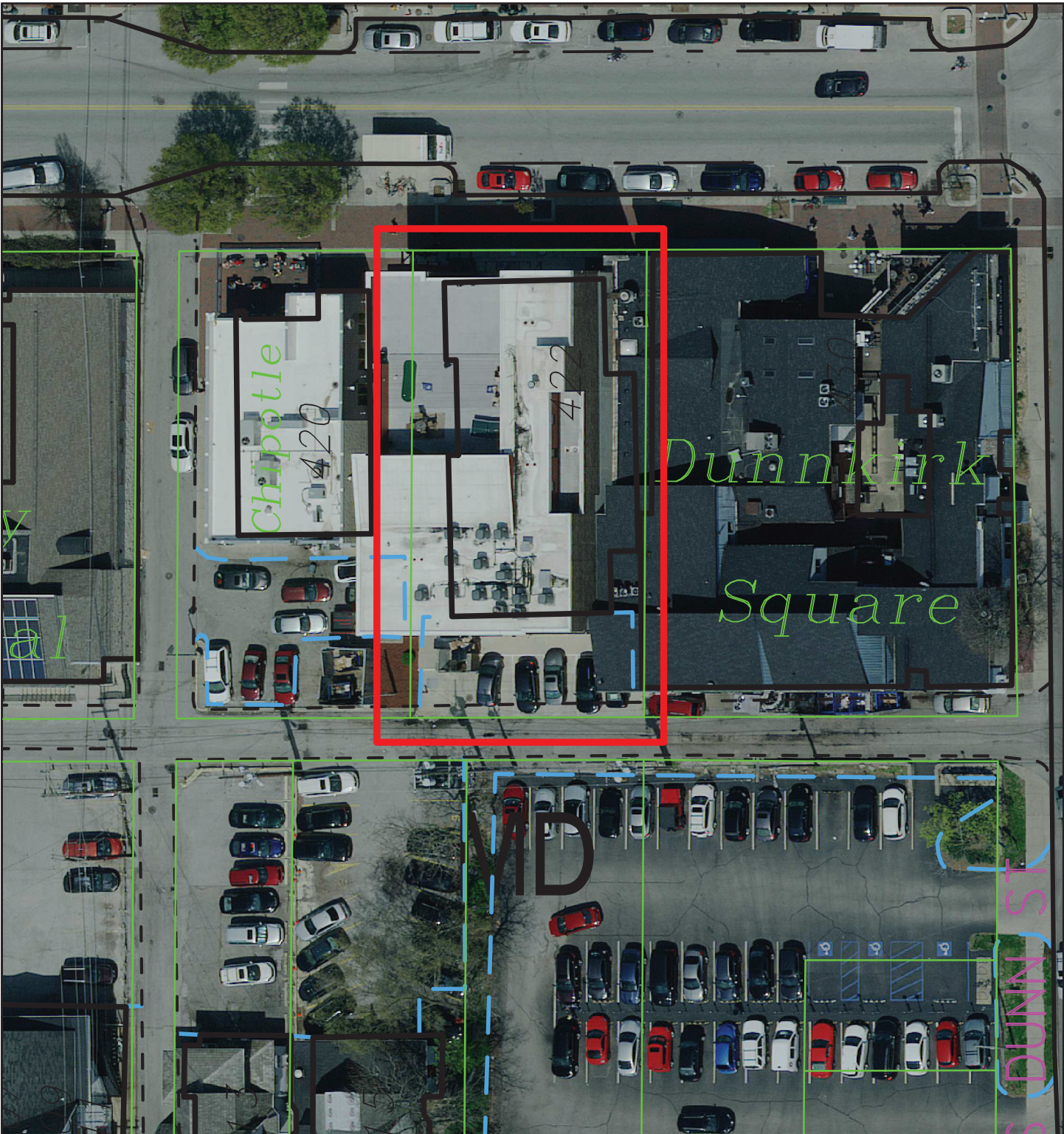


For reference only; map information NOT warranted.

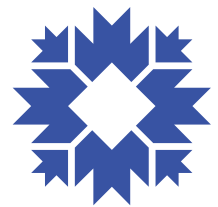
City of Bloomington
Planning



Scale: 1" = 120'

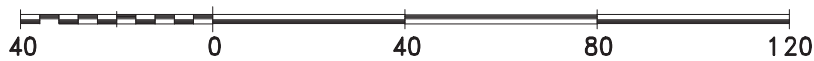


City of Bloomington
Planning



Scale: 1" = 40'

By: scanlanj
17 Sep 21



For reference only; map information NOT warranted.



17710 DETROIT AVENUE
LAKEWOOD, OHIO 44107
TEL. (216) 521-5134
FAX (216) 521-4824

July 22, 2021

Regarding:
Raising Cane's Chicken Fingers
422 E. Kirkwood Ave
Bloomington, IN 47408

RC Store #: 833
ADA Project #: 21159

Dear Members of the Zoning Appeals Board,

I am writing this letter to petition on behalf of our new Raising Cane's Chicken Fingers restaurant going in at 422 E. Kirkwood Ave. Our new restaurant will be going into an existing building space formerly occupied by another restaurant. This building is located a Mixed-Use Downtown zoning district, which requires us to submit for a CUP (Conditional Use Permit) since a restaurant is classified as a standardized business.

This CUP is sought for the alteration of an existing building space. Most of our construction will be limited to the interior of the building with some minor updates to the building exterior. Our exterior improvements consist of a new operable full height window to merge our outdoor patio area with our indoor dining area during summer months. We will also be installed a walk-up order window along the side of our building for quick service to our online order customers. Finally, we will be applying our restaurant signage to the façade of the building.

Included within our submittal package you will find our proposed interior floor plan layout along with exterior elevations of the building showing the signage and building elements mentioned above.

In view of all the above, it is considered that the proposed alteration would not have a significant impact on the surrounding residents. As such, it is considered the proposed development accords with local planning policies. We feel we will not impact the surrounding buildings/businesses or impose any negative outcomes.

Thank you for your kind attention to this petition,

Marissa Engel

Marissa Engel
ADA Architects, Inc



STORE: RAISING CANES RESTAURANT
 422 E KIRKWOOD AVE
 BLOOMINGTON, IN 47408
 PROTOTYPE: NTV
 SCHEME:
 RESTAURANT #RC353
 VERSION: 2020-2-18-REVISION # 2020



This document (including drawings) is prepared by the Architect for the use of the Contractor. It is to be used in conjunction with the contract documents and shall not be used for any other purpose. The Contractor shall be responsible for obtaining all necessary permits and for the accuracy of the information provided. The Contractor shall be responsible for the construction of the project by others without AIA's prior written consent. AIA disclaims any liability for the construction of the project by others without AIA's prior written consent. The Contractor shall be responsible for the construction of the project by others without AIA's prior written consent. The Contractor shall be responsible for the construction of the project by others without AIA's prior written consent.

ENGINEER INFORMATION:

SHEET REVISIONS	
#	DATE / TYPE
1	
2	
3	
4	
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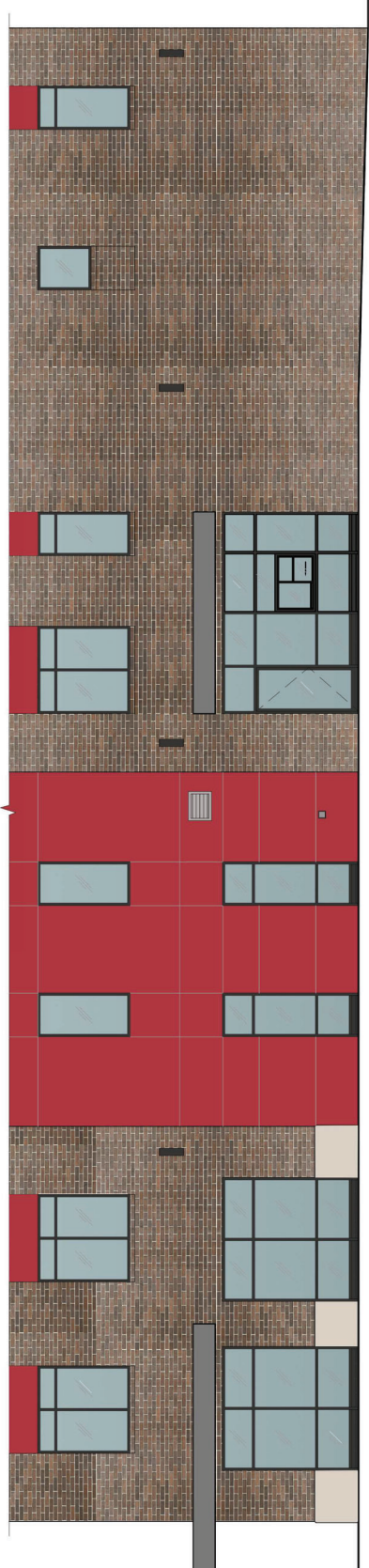
PRELIMINARY ELEVATIONS
 PERMIT DATE: 08/05/2021
 JOB NO. 21159
 SHEET NO. EL-1



1 NORTH ELEVATION
 EL-1 SCALE: 1/4" = 1'-0"

3 SOUTH ELEVATION
 EL-1 SCALE: 1/4" = 1'-0"

EXACT SIZE OF OVERHEAD DOOR TO BE USED AND COORDINATED WITH SUPPLIER



2 WEST ELEVATION
 EL-1 SCALE: 1/4" = 1'-0"

TO CANOPY
 TO CANOPY
 TO SF.
 TO SF.
 GRADE

TO CANOPY
 TO CANOPY
 TO SF.
 TO SF.
 GRADE



6000 Strong Road, Plain, NJ 07524
 Tel: 972-769-3100 Fax: 972-769-3101
 Restaurant Support Office

RAISING CANE'S RESTAURANT
 402 E KIRKWOOD AVE
 BLOOMINGTON, IN 47408
 PROTOTYPE: NTY
 SCHEDULE: RC333
 RES: 10/20/20
 VERSION: 2020-2 RELEASE 7/14/2020



17710 Devoe Avenue Lakewood, Ohio 44147
 Phone (216) 521-5134 Fax (216) 521-4824
 www.adaarchitects.com

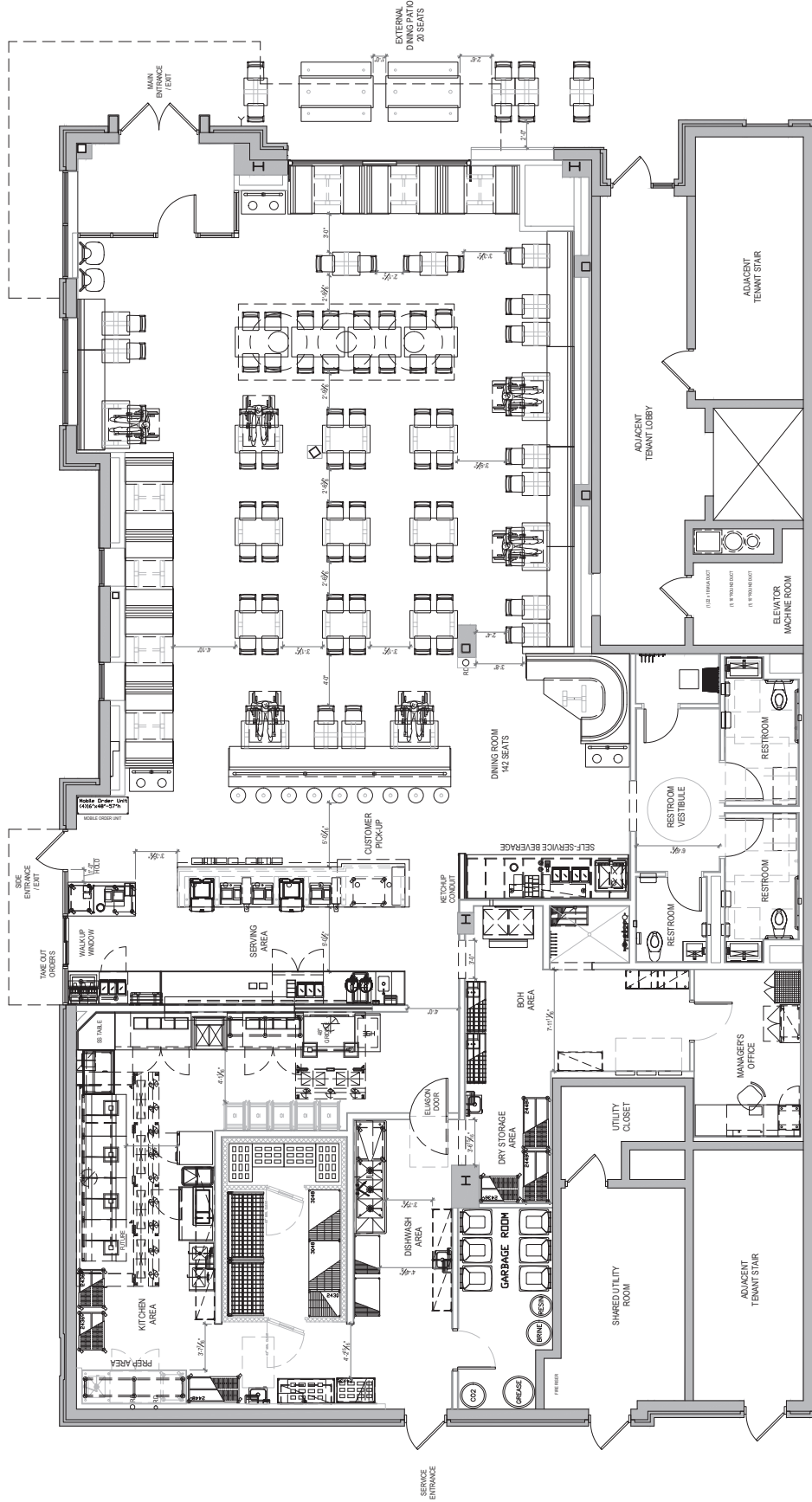
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ENGINEER INFORMATION
 BRIAN QUINN, ARCHITECT

NO.	DATE	TYPE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PRELIMINARY FLOOR PLAN
 PERMIT DATE: 07/07/2021
 JOB NO. 21159

FP-1
 SHEET NO.



PRELIMINARY FLOOR PLAN
 SCALE: 1/8"=1'-0"

Z & C Teriyaki & Sushi

Takeout • Delivery

APPROXIMATE PROPERTY LINE

±59'-5"



Chipotle Mexican Grill
Takeout • Delivery

414

422

±4,747 GROSS S.F.

ADJACENT BUILDING



Upstairs Pub

S Dunn St

Falafels Middle
Eastern Grill
Temporarily closed

±102'-4 1/2"

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1300 N Lincoln Street**

**CASE #: V-17-21
DATE: September 23, 2021**

PETITIONER: Strauser Construction Co
453 S Clarizz Blvd.
Bloomington, IN 47401

CONSULTANT: Smith Design Group, Inc.
2755 E Canada Dr., Suite 101
Bloomington, IN 47401

REQUEST: The petitioner is requesting a variance from the required 8' side parking setback to allow for a 5' side parking setback.

BACKGROUND:

Area: 0.21 acres
Current Zoning: Mixed-Use Student Housing (MS)
Comp Plan Designation: Neighborhood Residential
Existing Land Use: Dwelling, Multifamily
Proposed Land Use: Dwelling, Multifamily
Surrounding Uses: North – Dwelling, Multifamily
South – Dwelling, Single-Family
East – Dwelling, Multifamily
West – Dwelling, Single-Family

REPORT: The property is located at the northeast corner of the intersection of 17th and Lincoln Streets. This property is currently zoned Mixed-Use Student Housing (MS) and has been developed with a single-family structure and a 6-unit multifamily structure. All surrounding properties are also zoned MS. The petitioner is requesting a variance from the required 8' side parking setback to allow for a 5' side parking setback.

The proposed site plan shows a 4-story structure with a mix of studio and 2-bedroom apartments for a total of 24 bedrooms. The side parking setback is required so there is sufficient buffering and landscaping from a parking lot to the adjacent properties. For this development, a portion of the parking garage is below ground. Because of the requirements for a 20' drive aisle, parking, and building setback requirements, the petitioner has designed the site so that a portion of the parking extends out from below the building. Because it is not enclosed, it is considered surface level parking and is required to meet the 8' side parking setback. The petitioner is showing 18 foot parking stalls, however, the UDO allows 16 foot parking stalls for 90 degree parking. While this would decrease moving space in the garage, it could help to preserve setback and green space outside of the building.

The petitioner is requesting a variance to allow a 5' side parking setback.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(e)(i) 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 to the public health, safety, morals, and general welfare is found as a result of this petition. The petitioner will meet impervious surface and landscaping total plant count requirements. They will have a reduced side parking setback so that they can include sufficient parking on the site.

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.*

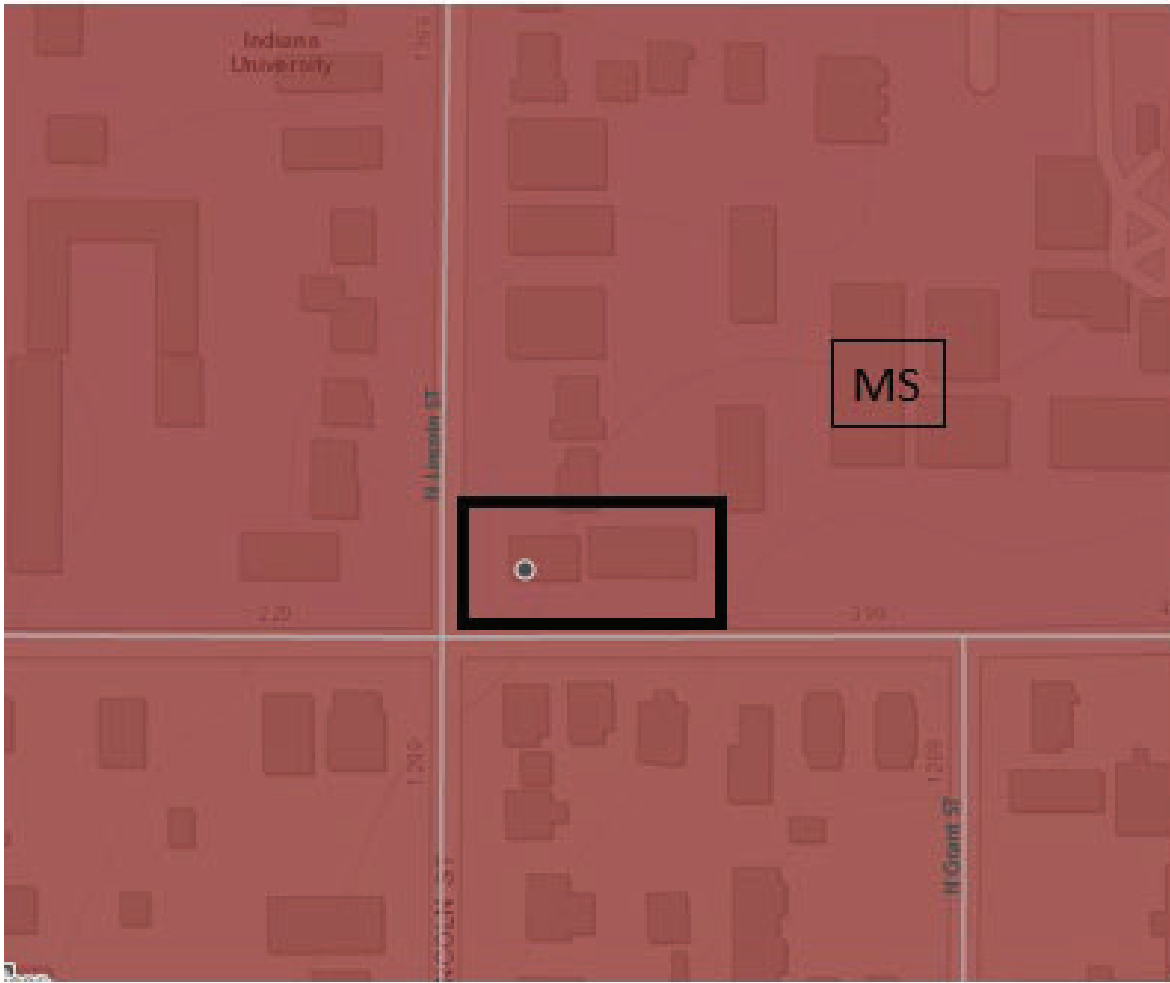
PROPOSED FINDING: No adverse effect to the use or value of the adjacent properties is found as a result of this petition. The proposed use is multi-family which is permitted in this zoning district. The proposed development is of a similar scale to the adjacent developments and would improve the pedestrian infrastructure and access on the site. The proposed setback is also of a similar scale to the adjacent property to the north.

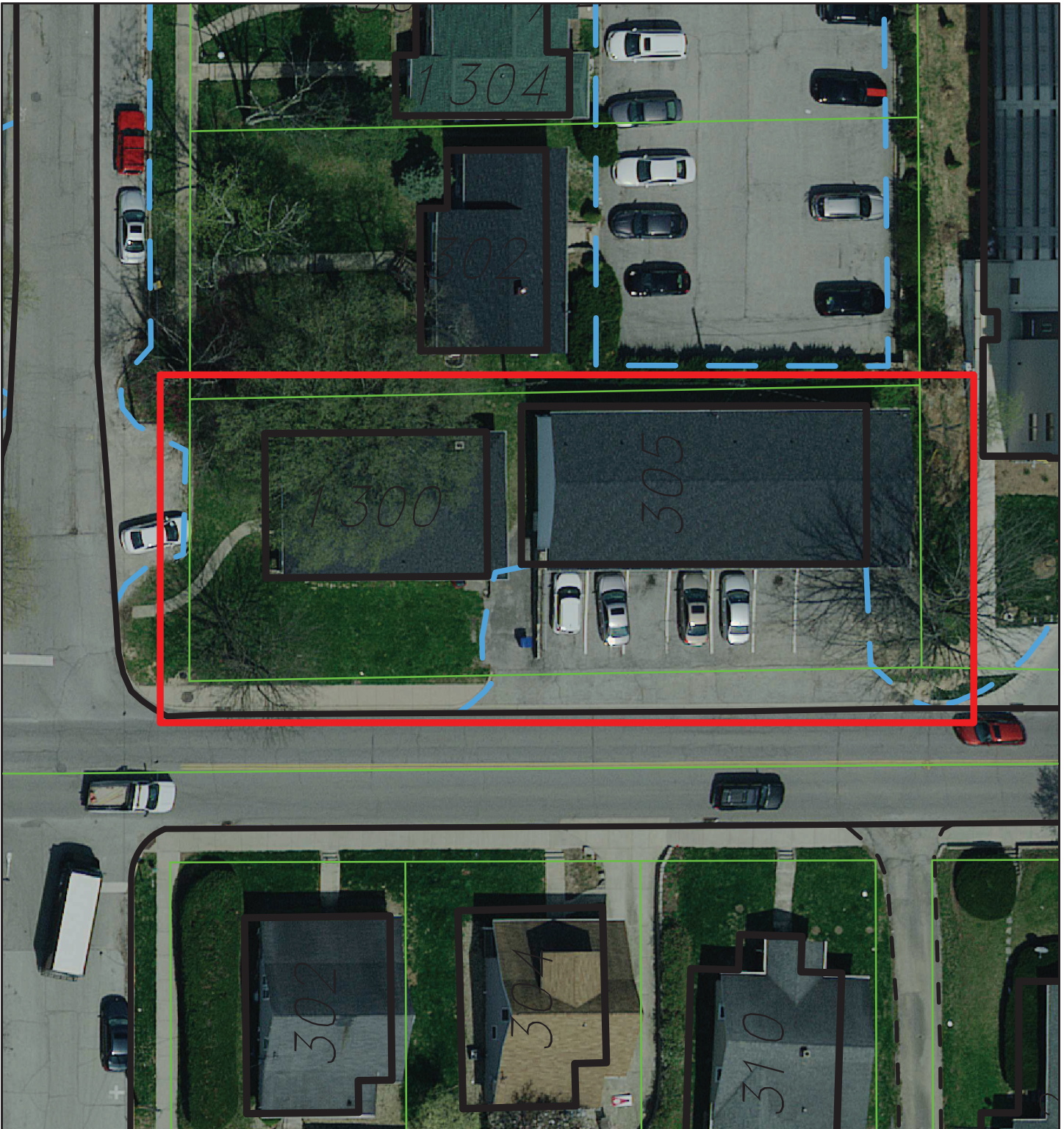
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

PROPOSED FINDING: Practical difficulty is largely found in the 60 foot width of the property in combination with the required building setbacks, minimum drive aisle width, minimum parking space length, and side parking setback requirements. There is not street parking available on both frontages. Including some parking in the building is ideal at this location. For the petitioner to still have sufficient parking on the site that meets all other aspects of the UDO, would require some encroachment into the side parking setback. The current design shown by the petitioner does not take advantage of the reduced parking space lengths included in the UDO. If the petitioner utilizes those 16 foot spaces, the side parking setback can be increased to 7 feet, only one foot short of the required 8 feet, while still allowing parking on site within the constraints of the property.

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-17-21 with the following conditions:

1. The site plan shall be amended to allow for 16 foot parking spaces in the building.
2. This variance is for a 1 foot parking side setback encroachment. Any additional deviations from the UDO would require variance approval.



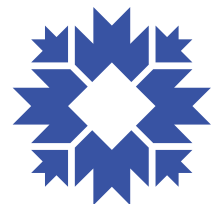


By: scanlanj
17 Sep 21



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 30'



Todd M. Borgman, P.L.S.

Katherine E. Stein, P.E.

Don J. Kocarek, R.L.A.

Stephen L. Smith

September 23, 2021

City of Bloomington Board of Zoning Appeals / Hearing Officer
City of Bloomington Planning & Transportation Department
Showers Building Suite 130
401 N Morton St
Bloomington, Indiana 47404

Dear Keegan and Members of the BZA or Hearing Officer,

For your consideration, University Properties VI, LLC is submitting to you this request for a variance from the development standards of the UDO. The variance requested is a **reduction in the side yard parking setback from 8ft to 5ft**. The site is a 0.21 acre property located at 1300 N Lincoln St. The site is zoned Mixed-Use Student Housing (MS).

The surrounding properties consist of single-family residential, multi-family residential, and office uses. The site is currently fully developed and there are no known environmental issues on site. There are two existing buildings on site: a six-unit multifamily residence and a single family residence. There are currently three driveways with 8 perpendicular parking spaces off of E 17th St and 2 off of N Lincoln St on the property.

The proposed project consists of the demolition of the two existing buildings on site and the construction of a four story multifamily residential building with 16 units and a basement level 10-space parking garage. Per the city's 2019 Transportation Plan guidance the street frontage along E 17th St will be improved to have a 5 foot wide street tree planter area and a 10 foot wide multi-use path. The street frontage along N Lincoln St will be improved to have a 6 foot wide street tree planter and a 6 foot wide sidewalk. The existing three driveways will be reduced to one driveway off of N Lincoln St and the existing perpendicular parking off of the public streets will be eliminated. Six bicycle parking spaces as required by the UDO will be provided near the building's primary entrance off of E 17th St. The project will provide a minimum of 30% landscape area and a maximum of 70% impervious surface area per the UDO. Drainage from the site will be managed as required by city utilities.



Todd M. Borgman, P.L.S.

Katherine E. Stein, P.E.

Don J. Kocarek, R.L.A.

Stephen L. Smith

The architectural design responds to the scale and character of recent development in the area, particularly the Evolve complex directly to the east, by incorporating a playful mix of materials, balconies and scale. The exterior will consist of a mixture of stone and brick veneers, fiber cement siding, metal railings and awnings and large windows and glass doors. Each unit contains an ample patio or balcony that adds visual interest and activity along 17th Street. The main pedestrian entry at the SE corner of the building is highlighted by a large awning and building setback above as well as larger amounts of glass and building address/signage. The basement level parking will be wrapped with a combination of brick and thin stone veneer and broken up with ample patios and stairs that provide direct access to the new pedestrian pathway along 17th Street. The upper level apartments contain a mix of studio and 2 bedroom units accessed via an exterior balcony from the north that connects the stair towers at each end.

The desire is to begin construction in October of 2021 and be complete by August of 2022.

Please see below for our rationale as to how this variance request is in alignment with the General Approval Criteria for variance requests.

[a] The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

Cars being parked three feet closer to the property line will not be injurious to the public health, safety, morals or general welfare of the community. The existing multifamily residential building on site was actually closer to the property line than the proposed parking will be if this request is granted. The parking is recessed and it will not be possible for vehicles to back onto adjacent property and will be well screened by the retaining wall and landscaping that is proposed on site.

[b] 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; and

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner if this variance request is approved. Prior to the revisions to



Todd M. Borgman, P.L.S.
Katherine E. Stein, P.E.
Don J. Kocarek, R.L.A.
Stephen L. Smith

the UDO being passed this year (2021) there were no side or rear parking setback requirements whatsoever. Other lots developed prior to this change would have been permitted to have parking up to the side and rear parking lines. If this request is approved the parking area will still be set back from the property line 5 feet. The parking lot directly north of the petition site is within 5-6 feet of the property line as well so this request seems to be in line with what's been done in the surrounding community.

[c] The strict application of the terms of this UDO 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.

The size of this lot is approximately 155 feet by 60 feet which is typical for this area. However, this is a corner lot and as such has front setbacks along two sides of the parcel (including the long side) rather than just along one of the short sides like most of the lots in the area. This causes the area that can be used for parking to be reduced much more than a non corner lot. Additionally, the narrow lot width and parking setbacks on this lot make it difficult to provide a drive aisle and parking stalls without this variance being granted. With the additional 3 feet afforded by this variance, the drive aisle and parking stalls are able to fit on the site and some parking can be provided which will reduce the demand on surrounding public streets.

Thank you for your consideration of this petition.

Regards,

A handwritten signature in blue ink, appearing to read 'Kendall Knoke'.

Kendall Knoke
Smith Design Group, Inc.
812-336-6536 Ext. 3
kknoke@smithdgin.com



NOT FOR CONSTRUCTION

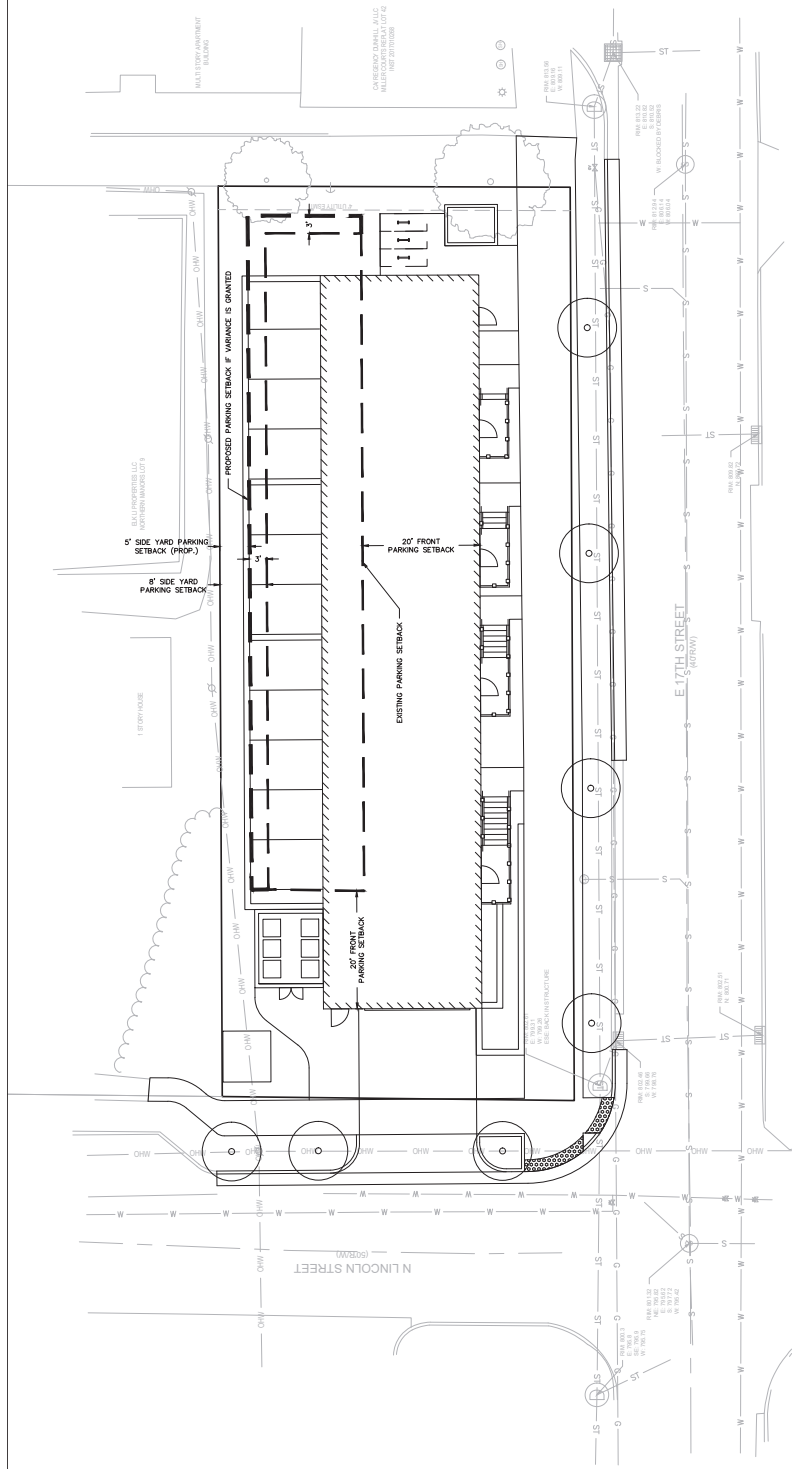
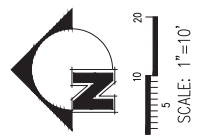
XXX/XX/XX

17TH AND LINCOLN APARTMENTS, INDIANA

NO.	REVISIONS	BY	DATE

DESIGNED BY	KCR
CHECKED BY	KCR
DATE	08/11/2021

PROJECT NUMBER: 6295
SHEET: 2 OF 5
DATE: 08/11/2021
SITE PLAN





17th and Lincoln Apartments
 Zoned: Use Multi Family Housing
Streetscape Landscape
 1 tree per every 40' of right of way required.
 Lincoln Street, R/W = 60' @ 30' spacing for small trees under power lines +3 trees
 17th Street right of way 135', 4 trees required.
 1 tree per every 40' of right of way required.
Parking lot perimeter 2' parking spaces total
 1 tree per every 40' of right of way required.
 3 shrubs required for every parking space; 36 shrubs required.
 One endcap tree provided.

Interior plantings
 Area not covered by building and hardscape = 66 ac
 1 tree per every 40' of right of way required, and 5 medium or small canopy trees per acre of previous area.
 1 large canopy tree required, 1 medium/small tree required.
 36 shrubs per acre, with a minimum of 50 percent of the required shrubs being evergreen species, 2 shrubs required.

Total Site = 21.4'

PLANT TABLE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
AG 1	AESOLUS glabra	Ohio Buckeye	2' Caliper
CC 1	CORNUS canadensis	Eastern Redbud	2' Caliper
CC 2	CORNUS florida	Flowering Dogwood	2' Caliper
GD 2	GEORGIA SPRUCE	Yamouco Coffee Tree	2' Caliper
LI 1	LIRIODENDRON tulipifera	Tulip Tree	2' Caliper
LI 2	NYSSA sylvatica	White Pine	4' Height
PS 2	PRUNUS SPERDUS	Northern Red Oak	2' Caliper
QR 2	QUERCUS rubra	White Oak	2' Caliper
SHRUBS			
IB 22	ILEX glabra	Holly	3 Galton
IV 14	ITEA virginica	Virginia Sweetgale	3 Galton
TC 2	TAXUS canadensis	Canadian Yew	3 Galton

ADDITIONAL PLANTS NOT REQUIRED BY CODE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
CA 9	CELANOTHUS americanus	New Jersey Tea	3 Galton
IV 6	ITEA virginica Little Henry	Dwarf Virginia Sweetgale	3 Galton
GRASSES AND GROUNDCOVERS			
SS 13	SCHIZACHYRIUM scoparium	Little Blue Stem	1 Galton
ST 9	SEDUM ternatum	Wild Stonecrop	1 Galton

LANDSCAPE NOTES
 1) PLANT MATERIAL SUBSTITUTIONS MUST BE APPROVED IN WRITING.
 2) ALL LANDSCAPED BEDS AND SPACES SHALL RECEIVE A MINIMUM OF 8" OF PLANTING MEDIA.
 3) ALL PLANTING MEDIA SHALL BE A MINIMUM OF 10" DEEP.
 LANDSCAPE BEDS TO BE REPAIRED SHALL HAVE A 3" GRADE CUT EDGE.
 4) ALL PLANTING MEDIA SHALL BE A MINIMUM OF 10" DEEP.
 LANDSCAPING AS SHOWN ON THE APPROVED PLAN.

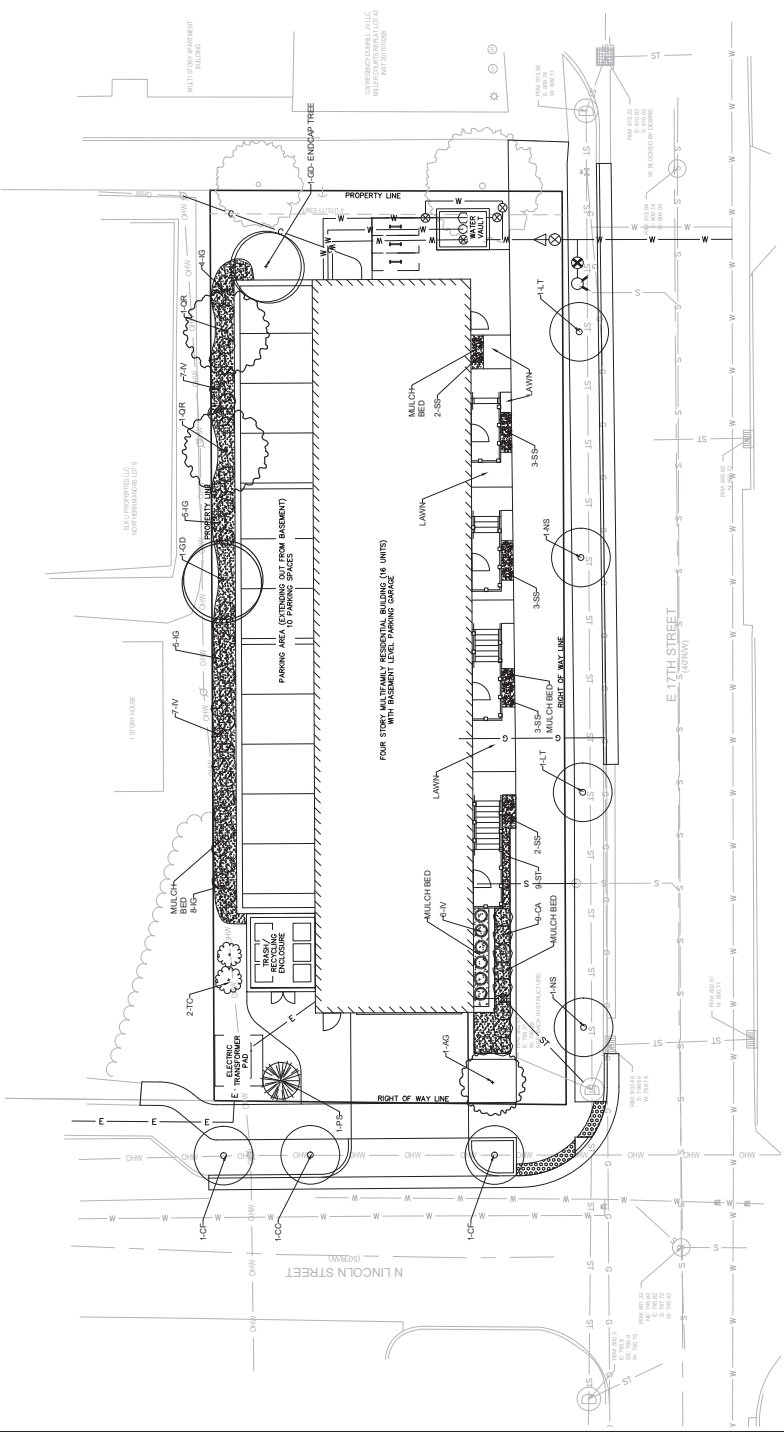
FINISH LAWN TYPE
 TOTAL SITE AREA = 21 AC
 PREVIOUS AREA = 25 AC
 IMPERVIOUS AREA = 16 AC



REVISIONS

NO.	DATE	BY

6295
 SHEET
 5 OF 5
 DATE: 08/26/2021
 LANDSCAPE PLAN



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