

BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-32-23 / VAR2023-09-0013
STAFF REPORT

DATE: November 16, 2023

Location: 503 North Rogers Street

PETITIONER: Buckingham Properties
 941 North Meridian Street
 Indianapolis, IN

OWNER: Fell Iron & Metal Inc.
 8656 Emerald Lane
 Indianapolis, IN

CONSULTANTS: Bunger & Robertson
 211 South College Avenue
 Bloomington, IN

REQUEST: Variances from front building setback standards, use-specific standards for multifamily dwellings, and building design standards to allow construction of four buildings comprising a mixed-use development in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST)

REPORT: The property is located on the west side of North Rogers Street between West 8th Street and West 10th Street, immediately south of the B-Line trail's intersection with Rogers Street. The B-Line trail runs along the northern/northeastern boundary of the property between North Rogers Street and North Fairview Street. The property also has frontage on North Fairview Street between West 9th Street and the B-Line Trail, as well as a frontage on West 9th Street between North Jackson Street and North Fairview Street. The property is located in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST) and currently contains a scrap metal yard operating as Bloomington Iron and Metal (BIM). Adjacent properties to the north across the B-Line trail and to the south are also located in the MD-ST zoning district. The properties to the north across the B-Line trail include a multi-family dwelling use known as B-Line Heights and a mixed-use nonresidential center located in a former lumber yard. The adjacent properties to the south within the MD-ST district each contain one building that is a mixed-use nonresidential center. Adjacent properties to the east across North Rogers Street are also located in the Mixed-Use Downtown zoning district but within the Downtown Core downtown character overlay (MD-DC) and contain uses including the Trades District public parking garage. Adjacent properties to the south across West 9th Street are located in the Residential Small Lot (R3) zoning district and contain detached single-family dwellings. The adjacent property to the southwest across North Fairview Street is located in the Parks and Open Space (PO) zoning district and contains Revered Ernest D. Butler Park, a city park. The adjacent properties to the northwest across North Fairview Street are located in the Mixed-Use Medium Scale (MM) zoning district and contain detached single-family dwellings and a mixed-use nonresidential center.

The petitioner proposes to construct a mixed-use development in four buildings including 225 dwelling units of multifamily dwelling use comprising 220 units in three of the buildings and another five units in attached townhomes facing 9th Street; 3,000 square feet of commercial use; and 370 vehicle parking spaces in surface lots and a parking garage. The proposed development is

subject to major site plan review by the Plan Commission. The petitioner has chosen to petition for this variance request before petitioning to the Plan Commission for major site plan approval.

Two aspects of the proposed development are worth highlighting, even though they are not directly the subject of this variance request. First, the development must qualify as sustainable and must provide on-site affordable housing units or make a payment-in-lieu to support affordable housing. The City of Bloomington Unified Development Ordinance (UDO) established building floor plate maximums for buildings that contain multifamily dwelling uses, which applies to all four buildings of the proposed development. The general building floor plate maximum is 10,000 square feet, but this maximum goes up to 30,000 square feet for buildings in projects that achieve both the affordable housing and sustainable development incentives in the UDO. Because proposed Buildings One, Two, and Three have building floor plates close to 30,000 square feet, the project must achieve both incentives. Achieving the affordable housing incentive requires either that at least 34 of the 225 total dwelling units on the site (15 percent) be permanently income-restricted to households earning below 120 percent of the area median income, or that the petitioner provide a payment-in-lieu to the City's Housing Development Fund based on a calculation set forth in the Administrative Manual. The second aspect worth highlighting is that the proposed site plan includes a new multiuse trail open to the public approximately along the south edge of the site, providing a direct pedestrian and bicycle connection from Rogers Street at the B-Line trail to Rev. Butler Park. This variance petition, including the petitioner's statement as well as the submitted site plan, expresses a commitment to achieve both the affordable housing and sustainable development incentives and to provide a public multiuse trail connection through the site. General compliance with the UDO and with these commitments will be verified by the Plan Commission during site plan review.

Due to unique constraints of the site, the petitioner is requesting several variances from standards UDO in order to allow the proposed development. The variances are numbered below for convenience, following the numbering in the petitioner's statement.

1. UDO section 20.03.030(b)(5)(D) Use-specific standards for multifamily dwelling – Ground-Floor Units
 - Required:
 - i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays...*
 - ii. In the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building facade facing a public street.*
 - Proposed: Ground-floor dwelling units in all four buildings, including ground floor dwelling units within the first 20 feet behind the building facade of Building One along Fairview Street and the building facade of Building Four along 9th Street.

The UDO prohibits ground-floor dwelling units in the ST character area in order to implement the area's purpose "to promote mixed-used development focused on light industrial, manufacturing, and office uses" that are essential to the mission of the Certified Technology Park that covers this area. The UDO does allow upper-floor dwelling units in the ST character area, in recognition that a secondary purpose of the area is to target "live/work, young professional, single-family, empty nester and retiree housing markets".

For locations in other character areas within the MD zoning district, such as the Downtown Edges character area (MD-DE), ground-floor dwelling units are allowed but cannot directly

front on public streets. In comparison to the use consideration that leads to the UDO to prohibit all ground-floor dwelling units in the ST character area, this provision for the bulk of MD acknowledges that dwelling units can be an appropriate ground-floor use, but is intended to promote active ground-floor uses that interact with the public streets, including retail, restaurants, and the like, while also providing privacy for residents, in keeping with the lively and pedestrian-focus of downtown.

For some zoning districts outside downtown where multifamily dwelling uses are allowed, including Residential High-Density Multifamily (RH) and Mixed-Use Medium Scale (MM), ground-floor dwelling units are allowed without restrictions.

2. UDO section 20.02.020(g)(9)(B) Table 02-20 and UDO 20.04.020(c)(3) Table 04-4 Front building setback maximum in the MD-ST district
 Required: *Maximum 15 feet*
 Proposed: Building Three set back approximately 106 feet from the proposed edge of right-of-way of Rogers Street.

The east front property line along Rogers Street is approximately 50 feet in width, of which 20 feet is proposed for entrance drive and 10 feet is proposed for a multiuse trail. The front setback is measured from the proposed right-of-way as indicated in the City of Bloomington Transportation Plan. The existing right-of-way width for this segment of Rogers Street is approximately 50 feet, but the proposed width per the Transportation Plan is 84 feet, meaning that the front setback is measured starting at 42 feet (half of 84) from the centerline of Rogers Street. The maximum front setback from Rogers Street is therefore $15' + 42' = 57$ feet from centerline. Building Three, measured from its closest point to the street at the northeast corner of the building, is approximately 148 feet from the street centerline. This proposed setback can be equivalently expressed as 123 feet from the existing front property line, or 106 feet from the proposed edge of right-of-way according to the Transportation Plan, or 91 feet farther back than the maximum front setback.

Buildings One, Two, and Four are compliant with the maximum front setback. The smallest building front setback for Building One along Fairview Street is near the north end of the building, where the west facade is 15 feet from the proposed edge of right-of-way per the Transportation Plan. Building Two is compliant because per UDO section 20.04.020(e)(2)(A) “[m]ultifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks,” meaning that Building Two is compliant as long as the three other buildings closer to adjacent streets are compliant with the maximum front setback standard. The smallest building setback for Building Four along 9th Street is 6.5 feet from the proposed edge of right-of-way per the Transportation Plan.

3. UDO section 20.02.050(a)(5) Upper Floor Facade Step Backs
 Required: *Portions of the building facade facing the street above two stories in the DG and ST character area shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.*
 Proposed: No upper story step back for Building One along Fairview Street and Building Three along Rogers Street.

Building One is proposed to be four stories in height, while Building Three is proposed to be five stories in height. Full compliance with this upper floor step back standard would require

the third and fourth stories (and fifth story on Building Three) to be stepped back at least 15 feet from the front facade of the first two stories. Instead, the petitioner has proposed facades that rise the full height without any step backs.

Due to the UDO's limitations on the building floor plate standards, Building One is designed with a width that varies from approximately 62 feet to approximately 75 feet. The interior layout is arranged with a central corridor and dwelling units on both sides. Reducing this width on the upper stories by at least 15 feet would prevent the central corridor layout, effectively reducing the upper stories to only one row of dwelling units per floor.

Building Three is designed with primary uses (commercial tenant space and amenities on the ground floor, and dwelling units on upper floors) wrapping around a parking structure. Due to the building floor plate standards, the width available for the primary uses varies from approximately 33 feet to 38 feet. Reducing this width on the upper stories by at least 15 feet would effectively prevent usable dwelling units on the upper stories.

Within the UDO's limitations on building floor plate and height, full compliance with the upper floor step back standard would significantly reduce the number of dwelling units possible with this site plan.

4. UDO section 20.02.050(a)(6) Table 02-25 Windows and Doors on Primary Facades
 Required: *Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least the following percentages of the total wall/facade area*
First Floor (Building Base) Facade Facing a Street in the ST character area: 40 percent
First Floor (Building Base) Facing the B-Line Trail: 60 percent
 Proposed: Building One west facade (facing Fairview Street), Building One north facade (facing the B-Line), and Building Four south facade (facing 9th Street): 20 percent

Because the petitioner proposes dwelling uses for the ground floors of Buildings One, Two, and Four, the proposed facade designs show fenestration appropriate for residential use with windows and doors comprising at least 20 percent of the ground-floor facade area. However, these primary facades are not compliant with the applicable UDO standard for windows and doors.

The portions of the proposed buildings that do not contain ground-floor dwelling units, including the north facade of Buildings Two and Three facing the B-Line trail as well as the east facade of Building Three facing Rogers Street provide glazing appropriate for nonresidential ground-floor uses with windows and doors comprising at least 60 percent of the ground-floor facade area. These primary facades are compliant with this UDO standard.

5. UDO section 20.02.050(a)(8)(B)i. Facade articulation – Projections and Recesses

Required: *Each facade of a primary building facing a street or the B-Line Trail shall be articulated through recessing, banding, articulation of exterior materials, or change of materials, by incorporating patterns that:*

- i. Are offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module*

Proposed: Facade modules offset by 5 feet

The total length of west facade Building One along Fairview Street is approximately 367 feet. An off-set of at least five percent of this would have to be nearly 18.5 feet. Instead, the petitioner is proposing facade modules that are off-set by projections and recesses of at least 5 feet.

The total length of the east primary facade of Building Three along Rogers Street is approximately 126 feet. Due to the angle of the building orientation, the southernmost portion of the east facade that is set back, and which contains a stairwell and a portion of the parking structure, is at no point the nearest portion of the facade to Rogers Street and therefore may be considered not to be part of the primary facade along Rogers Street. An off-set of at least five percent of the primary facade's 126 feet would have to be 6.3 feet. Instead, the petitioner is proposing three facade modules that are off-set by from each other by recesses of 5 feet.

The total length of the north facade of Building Three along the B-Line Trail is approximately 227 feet. An off-set of at least five percent of this would have to be more than 11 feet. Instead, the petitioner is proposing three facade modules that are off-set from each other by recesses of 5 feet, with a fourth facade module on the west end off-set by a recess of 38 feet.

The total length of the south facade of Building Four along 9th Street is approximately 120 feet in length. An off-set of at least five percent of this would have to be 6.1 feet. Instead, the petitioner is proposing five facade modules, one each for the five proposed townhouse dwelling units, which are off-set by projections and recesses of 5 feet.

The other two facades facing the B-Line Trail, namely the north facades of Buildings One and Two, are less than 100 feet in length and therefore can consist of one module without off-sets. The north facades of Buildings One and Two are compliant with the facade articulation standard.

As discussed above for variance 3, narrowing the building width within some facade modules in order to fully comply with facade articulation standards would significantly reduce the number of dwelling units possible with this site plan.

Per UDO Table 02-27, facade modules in the ST character area have no minimum length and may be up to a maximum length of 100 feet. The plans submitted for this variance petition show facade modules of varying lengths, all less than 100 feet and many much less than 100 feet. The effect is significantly more facade modulation than otherwise required by the UDO, even if the off-sets between the modules are not as deep as required by the UDO standard.

The petitioner has noted that they may wish to modify the lengths of the various facade modules by a few feet in order to accommodate adjustments to the unit mix when the final

100-percent project design is completed at a later step in the process. The petitioner has therefore requested some flexibility to modify the lengths of the various facade modules, but has committed to providing no less than seven modules on the west facade of Building One along Fairview Street, no less than three modules on the east facade of Building Three along Rogers Street, and no less than four modules on the north facade of Building Three along the B-Line Trail. Conditions have been added to the staff recommendation.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

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

PROPOSED FINDING: Approval of the requested variances will not be injurious to the public health, safety, morals, and general welfare of the community. For each of the UDO standards that the petition is requesting relief from, the proposed project achieves or addresses the goals and purpose of the UDO standard by other means, ensuring that the intent of the UDO to protect public health, safety, morals, and general welfare is upheld.

For variance 1 (ground-floor dwelling units), there is currently ample developable area within the Certified Technology Park and the ST character area to developed the light industrial, manufacturing, and office uses related to innovation and technology that the character area seeks to promote. Dedicating some of the land within the ST character area to primarily residential use at this time will not interfere with the current stage of development of the area as a technology park. In contrast, there is currently a pressing need for more housing, including affordable housing, throughout Bloomington and the surrounding area. The proposed development can help toward meeting the current pressing need for housing. With conditions that set reasonable time limits on the future continuation of ground-floor dwelling units on this property, approval of the requested variance to allow ground-floor dwelling units at this time will not foreclose or significantly restrict the future development of the Trades District or the rest of the Certified Technology Park as a hub for innovation and technology. It is sound public policy to promote the redevelopment of this particular property to allow ground floor dwelling units, so that this development can serve as a catalyst for adjacent redevelopment within the Trades District. Furthermore, the requested variance will allow the proposed development to facilitate the transition from low intensity uses of the park and existing single family residential to the higher intensity uses proposed within the remainder of the ST character overlay to the north and east of the site. The proposed development achieves the hierarchical goals with on-site lower density residential uses on the west and south sides, to higher intensity commercial/retail with structured parking in close proximity to Rogers Street.

For variance 2 (front setback maximum), Building Three is designed to be visible and inviting from the street and to contribute to the active streetscape of Rogers Street. Of the available 50 feet of property frontage along Rogers Street, 10 feet is proposed for a new

public multiuse trail that will increase mobility and access to the benefit of the general welfare of the community.

For variance 3 (upper floor facade step back), the greater building setback from Rogers Street, made necessary by the narrow frontage width on Rogers and as requested in variance 2, ensures that the height of Building Three will not create an undesirable “canyon effect” of buildings towering of the public street. Likewise, the presence of Rev. Butler Park across Fairview Street from Building One, as well as the grade change that effectively makes the southern end of Building One shorter in relation to street level than the nominal building height, both help prevent an undesirable canyon effect along Fairview Street. Even though the proposed buildings are taller than two stories, all of the building facades are designed to present a welcoming pedestrian-scale face toward the street and public realm, with a recognizable base, middle, and top, in keeping with the goals of the Downtown Vision and Infill Strategy Plan.

For variance 4 (ground-floor windows and doors), the proposed facade designs provide visual interest and architectural detail while also providing appropriate privacy for ground-floor dwelling units as requested in variance 1. The request to align residential uses with appropriate openings is practical and necessary (safety/security and privacy of residents) to the cohesive design of the site.

For variance 5 (facade projections and recesses), the proposed facade design provides articulation and facade modules that successfully break up the visual bulk of the building and avoid blank, uninterrupted walls. All facade modules are off-set by projects or recesses of at least five feet, the overall minimum off-set required by the UDO.

- (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: Approval of the requested variance will not result in substantial adverse impacts to the use and value of surrounding properties. None of the requested variances will limit the current use or future redevelopment of any surrounding properties.

For variance 1 (ground-floor dwelling units), the site design provides practical application of transitioning from lower-intensity uses to the south and west to higher-intensity uses to the east, in particular reducing any potential impacts on the adjacent residential areas to the south and west.

For variances 2-5, the proposed facade designs present visually attractive faces toward all adjacent properties, while maintaining appropriate privacy for the proposed dwelling units on the site as well as the uses on adjacent 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 questions; that the development standards variance will relieve the practical difficulties.*

PROPOSED FINDING: The layout and configuration of the property as well as its past and current industrial use result in practical difficulties in the use of the property. The

unique property configuration includes the relatively narrow frontage on Rogers Street, which is the property's only frontage on an arterial street designed to handle significant traffic. The relatively narrow frontage on Rogers Street, compared to the depth and total area of the property, and the limited opportunities for access from 9th Street and Fairview Street result in limited access and visibility of the site. Strict application of the UDO results in practical difficulties in the use of the property, including practical difficulties for the specific use and site design that the petitioner has proposed, as well as site design in general because of the shape and multiple frontages. The requested variances provide the minimum relief necessary to overcome these practical difficulties.

For variance 1 (ground-floor dwelling units), practical difficulty is found in the unique site configuration, limited access, and limited visibility of the site from adjacent primary vehicular streets, which result in difficulty developing allowed uses, especially nonresidential uses.

For variance 2 (front setback maximum), practical difficulty is found in the relatively narrow width of the street frontage along Rogers Street compared to the depth and total area of the property. Strict application of the UDO's maximum front building setback standard, in combination with other building design standards, would result in a building taking up most of the available 50 feet of property frontage, thereby preventing or significantly limiting vehicle access from Rogers Street, including posing a practical difficulty in providing the desired multiuse path connection.

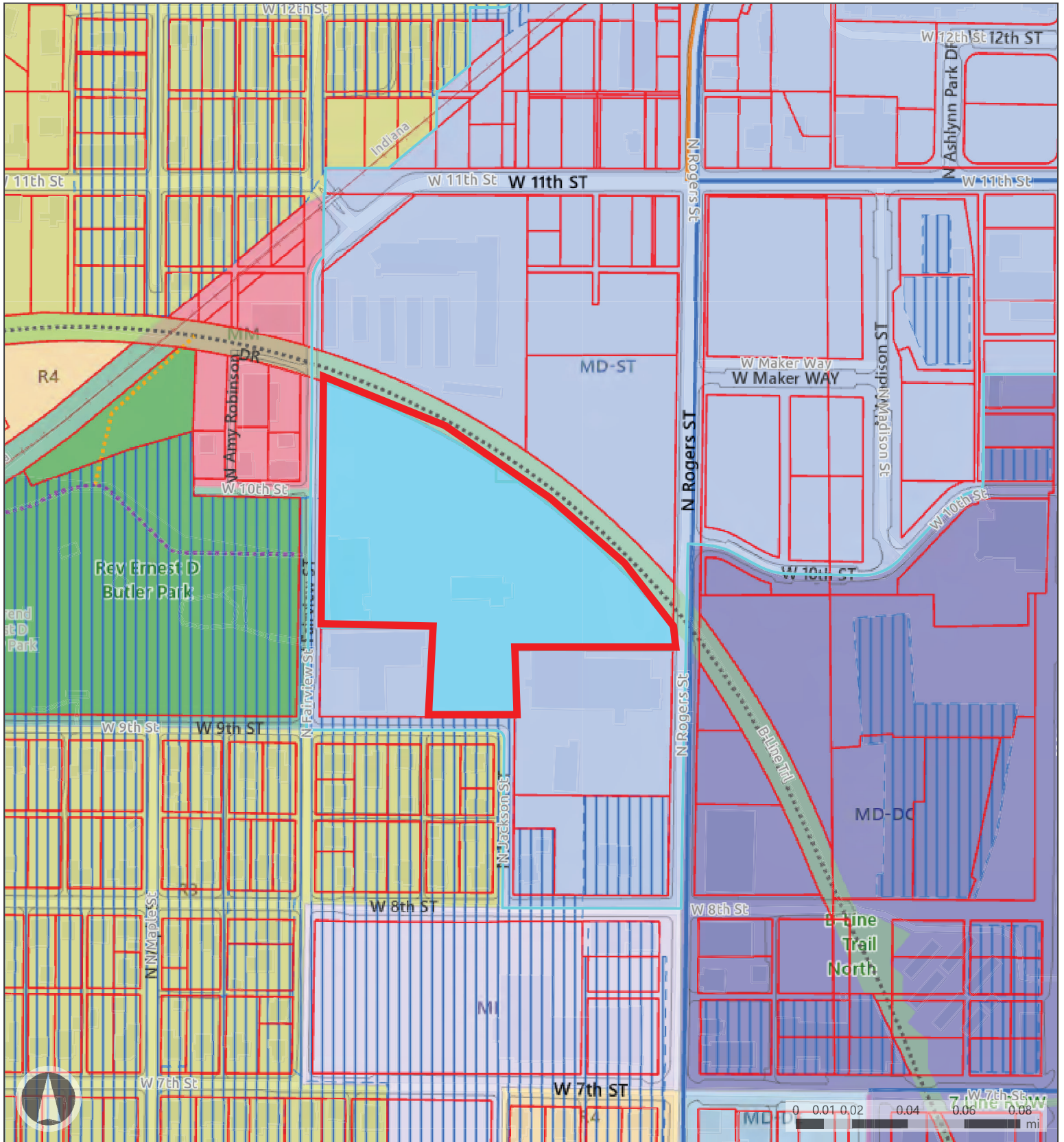
For variance 3 (upper floor facade step back), practical difficulty is found in the unique property configuration which limit the viability of developing the site with allowed uses. Strict application of the upper floor facade step back standard would significantly reduce the number of dwelling units possible with this site plan. The inefficiencies of applying this standard render the project impractical with the loss of buildable floor area at the loss of the UDO's incentivized goals.

For variance 4 (ground-floor windows and doors), practical difficulty is found in the unique site configuration, limited access, and limited visibility of the site from adjacent primary vehicular streets, which result in difficulty developing nonresidential uses, as found above for variance 1. Strict application of the UDO standards for 40 percent or 60 percent ground-floor windows and doors would result in practical difficulties providing appropriate privacy and fenestration for dwelling units. In combination with the practical difficulty in developing nonresidential uses on the site, strict application of this standard would make it difficult to develop the ground floors of the proposed buildings with any allowed use.




For variance 5 (facade projections and recesses), practical difficulty is found in the unique property configuration which limits the viability of developing the site with allowed uses. Strict application of the facade articulation standards would significantly reduce the number of dwelling units possible with this site plan. The inefficiencies of applying this standard render the project impractical with the loss of buildable floor area at the loss of the UDO's incentivized goals.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-32-23 / VAR2023-09-0013 and approve the requested variances with the following conditions:




1. The project shall earn the affordable housing incentives and the sustainable development incentives established in UDO section 20.04.110(c), as demonstrated in an approved site plan.
2. The site shall provide a new multiuse trail with access easement that is open to the public providing a direct pedestrian and bicycle connection from Rogers Street at the B-Line trail to Rev. Butler Park as shown on the submitted conceptual site plan and as demonstrated in an approved site plan.
3. The variances are approved only for the proposed buildings as shown on the submitted conceptual site plan. Any future additions or new structures on the property shall comply with all applicable standards in the UDO.
4. Prior to issuance of a recommendation for final occupancy, the property owner shall record a zoning commitment with the Monroe County Recorder, in a form approved by the Planning and Transportation Department, committing to the following: Beginning on the date that is three years after the date the zoning commitment is recorded, if any of the ground-floor dwelling units is removed or is vacant and not used for residential use for a continuous period of twelve months, the variance to allow that dwelling unit shall lapse and become null and void and any subsequent use of that portion of the property shall comply with use standards and all other standards of the UDO. This condition shall act independently on each ground-floor dwelling unit.
5. All building facades shall conform to the facade designs shown on the submitted conceptual site plan, including materials, facade layout, and detailing. Minor changes to the facade designs that are consistent with the intent of the submitted designs and comply with conditions 6 through 9 shall be considered compliant with this condition. The determination whether a proposed change to facade design is compliant with this condition shall be made by the Planning and Transportation Department.
6. The west facade of Building One facing Fairview Street shall consist of no fewer than seven facade modules off-set by projections or recesses of at least five feet in depth. Each of the seven facade modules shall have a length between a minimum of 30 feet and a maximum of 100 feet.
7. The east facade of Building Three facing Rogers Street shall consist of no fewer than three facade modules off-set by projections or recesses of at least five feet in depth. Each of the three facade modules shall have a length between a minimum of 20 feet and a maximum of 100 feet.
8. The north facade of Building Three facing the B-Line Trail shall consist of no fewer than four facade modules off-set by projections or recesses of at least five feet in depth. Each of the four facade modules shall have a length between a minimum of 20 feet and a maximum of 100 feet.
9. The south facade of Building Four facing 9th Street shall consist of no fewer than five facade modules off-set by projections or recesses of at least five feet in depth. Each of the five facade modules shall have a length between a minimum of 20 feet and a maximum of 40 feet.






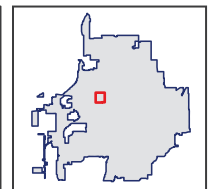
Map Legend

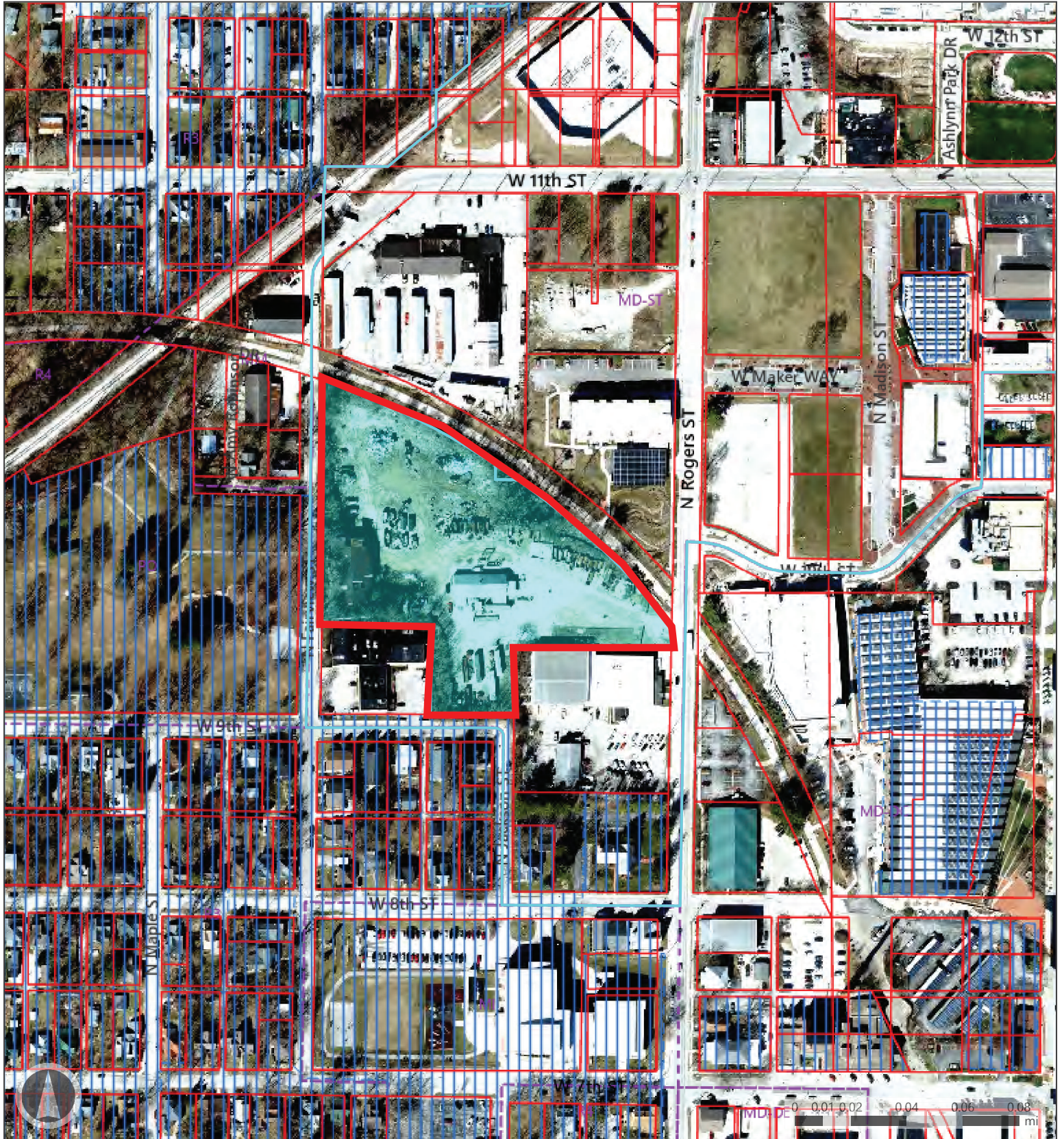
-  Parcels
-  Local Historic Districts
-  Edge of Pavement

 **503 North Rogers Street**

-  Railroad
-  Shared Lane
-  Bike Lane

-  Signed Bike Routes
-  Paths
-  Multiuse

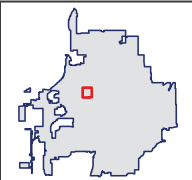




Map Legend

- Parcels
- Local Historic Districts
- Zoning District Boundary

503 North Rogers Street





November 2, 2023

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

**RE: Request for Variances for 503 North Rogers Street Parcel
Redevelopment of Bloomington Iron & Metal Site**

BZA Members:

Buckingham Properties, LLC (“Buckingham”) proposes to redevelop the 5.18-acre Bloomington Iron & Metal, Inc. property located 503 North Rogers Street (“Site”). The redevelopment of the Site into a vibrant mixed-use project will activate a critical area on the western edge of downtown Bloomington with sustainability and affordability as key components of its design. As a part of the Showers Technology Downtown Character Overlay (MD-ST) (“Overlay”), the project incorporates thoughtful site planning with complementary massing and scaling to adjacent uses. The project is strategically planned to promote mixed-used for young professionals, single families, empty nesters and retiree housing with commercial and office uses.

Project Description:

Conceptually, the project will consist of four new structures with a mix of approximately: 220 multifamily units, 5 townhomes, 3,000 square feet of commercial/retail use and 370 surface/structured parking spaces. Building One, paralleling N Fairview St, is an all-residential use four story structure and will provide a compelling and complementary urban edge facing the Rev. Ernest D. Butler Park (“Park”). Building Two, a four-story structure, located internal of the site, fronts the B-Line Trail (“Trail”) with amenity features including co-working space and creates an internal park-like setting in combination with Building One. Building Three, nearest N Rogers St, engages the Trail with active uses and includes the Site’s leasing office and clubhouse on the ground floor with four stories of residential above connected conveniently to the lined structured parking. Additionally, Building Three provides the most compelling commercial use facing N Roger St providing an accessible and inviting opportunity for both Trail users and vehicular traffic to stop and visit. Building Four consists of five - two/three story split townhomes with the two-story portion facing 9th Street and the three-story portion located toward the interior of the Site providing complementary transition from the single family residential across 9th Street. The Site also incorporates Class A exterior amenities including resort style pool, exterior fitness equipment, park like settings, outdoor workspace, pickle ball courts and a dog park. Additionally, the Site has been designed to accommodate direct connection from the Park to the Trail for greater public access and enjoyment of the City’s amenities.

Although extensive efforts have been made to develop and plan the Site in compliance with Unified Development Ordinance (“UDO”), the Site has unique constraints which drive the request for five (5) variances to implement a creative, thoughtful redevelopment of this parcel with a transformational project. In particular, the Site is bounded by a curved section of the Trail along the northern property line. While it encourages interaction and active use, it also discourages the extension of the traditional rectilinear street grid. Opposing the north side of the Trail, also within the same Overlay, is a non-complimentary use of aged and unattractive light industrial buildings and a non-Trail-engaging three/four split story multi-family residential use setback nearly 100’

from the Trail. The eastern property line is limited to approximately 50 linear feet along North Rogers Street presenting a significant-distinctive disadvantage for traditional manufacturing, light industrial and office users that typically gravitate to highly visible and easily accessible locations. The southern portion of the Site is impeded by two (2) industrial warehouse uses flanking the Site's southern projection with frontage on 9th Street. With limited frontage on 9th Street, insufficient property width and topographical challenges; a creative and complementary use is desired with single family residential immediately to the south of 9th Street. The Site's western boundary, N Fairview St, encounters over 15' of elevation change and is bisected by public storm sewer providing drainage for the Park as well as adjacent areas to the north and west. N Fairview St as a local street does not have capacity for significant manufacturing, light industrial or offices uses as suggested in the Overlay. Additionally, vehicular parking for the Park is accessed from N Fairview St and additional vehicular traffic from the Site would be detrimental to its use.

Variance Requests listed below (in compliance with City of Bloomington Unified Development Ordinance ("UDO" 20.06.080(b)) also reference BZA Concept Package Exhibit:

1. **UDO 20.03.030(b)(5)(D) Ground Floor Units:** Ground floor dwelling units shall be prohibited in the MD-ST Overlay District.
 - a. **Description:** The unique site constraints of the storm sewer and topographic challenges; property line geometry; N Fairview St traffic capacity; and limited access from N Rogers St and 9th St, render the site with limited viability as a desirable location for light industrial, manufacturing, office, or other high intensity uses, given its adjacency to park and single family uses. To the greatest practical extent, the perimeter of the site adjacent to N Rogers St and the Trail have been activated with commercial/retail uses and amenities to provide the look and feel of non-residential uses while the remainder of the site is proposed to have ground floor dwelling units. Buckingham respectfully requests that ground floor dwelling units be permitted in Building One in its entirety, Building Two except for the portion of the building facing the Trail, Building Three except for the portion of the building facing the Trail or N Rogers St, and Building Four in its entirety.
 - b. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
 - i. **PROPOSED FINDINGS:** Granting the variance will not be injurious to the public health, safety, morals, and general welfare of the community. The variance will allow the Site to facilitate the transition from low intensity uses of the Park and existing single family residential to the higher intensity uses proposed within the remainder of the Overlay to the north and east of the Site; the proposed development achieves the hierarchical goals with onsite lower density residential uses on the west and south sides, to higher intensity commercial/retail with structured parking in close proximity to N Rogers St. The proposed change of allowing ground floor dwelling units, except in specific areas along the Trail and N Rogers St, does not present safety hazards or concerns or otherwise endanger public health or general welfare.
 - c. *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.*

nonfunctional, non-aesthetically pleasing structure to be constructed with no practical purpose. Allowing the 15' maximum setback from N Rogers St to be eliminated presents no external adverse impacts that adversely affect the use and value of surrounding properties.

d. *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.*

i. PROPOSED FINDINGS: The strict application of the terms of the UDO directly inhibit the development of the site as a practical and logical result of the unique site configuration, limited access, and frontage of the Site along N Rogers St. Given the approximately 50' of frontage along N Rogers St, the practicality of the installation of a curb cut to access the Site and the requirement to provide a path connecting the Trail to the Park through the Site, render the maximum 15' setback impractical to achieve with a functional-marketable structure that is usable. Granting the variance to eliminate the maximum 15' setback from N Roger St will relieve the practical difficulties.

3. **UDO 20.02.050(a)(5) Upper Floor Façade Step Backs:** Portions of the building façade facing the street above two stories in the DG and ST character areas, shall step back from the lower story vertical façade/wall plane a minimum of 15 feet.

a. Description: The overall design of the project is predicated on UDO 20.04.110 Incentives encouraging Affordable Housing and Sustainable Development which allow for more efficient and economical development and construction of floorplates of up to 30,000 square feet allowing for the inclusion of the stated incentives. The benefits of utilizing these incentives are negated and de-incentivized with the strict compliance with the Upper Façade Step Backs provision with the project incurring significant inefficiency to building circulation, significant reduction in developable floor area ratio and consequently increase project cost. Additionally, the primary purpose of a step back is most often associated with an urban core with flanking structures on either side of a public street to provide air and sunlight to reach the lower levels. For this unique location, such flanking structures are highly unlikely if not impractical as the Site's neighboring uses are the Park to the west, the Trail to the north, single family to the south, and (Variance #2, if granted) a setback from N Rogers St that supersedes the step back utilization. Buckingham respectfully requests the elimination of the Upper Floor Façade Step Backs for the Site.

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

i. PROPOSED FINDINGS: Granting of the variance to eliminate the Upper Floor Façade Step Back for the Site will not be injurious to the public safety, morals, and general welfare of the community. The step back is an architectural consideration that is not congruent with the physical and practical application of the Site's proposed configuration. The proposed change of eliminating the 15' step back for the Site does not present safety hazards or concerns or otherwise endanger public health or general welfare.

- c. *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.*
 - i. PROPOSED FINDINGS: There are no adverse impacts to the use and value of surrounding properties that would result from the variance eliminating the 15' step back for the Site to be approved. Granting of the variance will allow for the development and construction of a desirable, efficient project that delivers on the UDO Incentives of Affordable Housing and Sustainable Development. Allowing the variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.
 - d. *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.*
 - i. PROPOSED FINDINGS: The strict application of the terms and goals of the UDO are in contradiction to the physical constraints of the Site. The Site is not within the downtown urban core where competing developments may preclude light and air to reach the lower levels. This particular site is adjacent to low intensity uses and will not be competing with future developments for light and air. The inefficiencies of including this provision render the economic viability of the project impractical with the loss of buildable floor area and increased project costs at the loss of the UDO Incentivized goals. Granting the variance to eliminate the Upper Floor Façade Step Back will relieve the practical difficulties.
4. **UDO 20.02.050(a)(6) Windows and Doors on Primary Facades:** First Floor (Building Base) Façade Facing a Street & B-Line Trail; 40% and 60%, respectively.
- a. **Description:** In correlation with Variance #1 (if granted), request the practical application of the Windows and Doors on Primary Facades at ground level for facades facing a street or the Trail to be congruent with the proposed residential use of the ground floor space where approved/allowed. Buckingham respectfully requests for portions of structures containing approved/allowed ground floor dwelling units facing a street or the Trail to utilize the UDO requirement of 20% minimum of transparent glass or façade openings as defined in UDO Table 02-25: Upper Floors (Building Middle) Facing a Street.
 - b. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
 - i. Granting the variance will not be injurious to the public health, safety, morals, and general welfare of the community. The request to align residential uses with appropriate openings is practical and necessary (safety/security and privacy of residents) to the cohesive design of the Site. The proposed change of aligning percentage of Windows and Doors on Primary Facades does not present safety hazards or concerns or otherwise endanger public health or general welfare.
 - c. *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.*
 - i. PROPOSED FINDINGS: There are no adverse impacts to the use and value of surrounding properties that would result from the variance aligning ground floor residential units to their respective UDO design standards

related to façade treatment. Allowing this variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.

d. *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.*

i. PROPOSED FINDINGS: The strict application of the terms of the UDO directly inhibit the development of the site as a practical and logical result without aligning internal uses with external façade treatment in an aesthetically cohesive manner.

5. **UDO 20.02.050(a)(8)(B) Other Articulation Required:** Each façade of primary building facing a street or the B-Line Trail shall be articulated ... offset by a minimum depth (projecting or recessing) of five percent of the total façade length, at a minimum five feet...

a. **Description:** The overall design of the project is predicated on UDO 20.04.110 Incentives encouraging Affordable Housing and Sustainable Development which allow for more efficient and economical development and construction of floorplates of up to 30,000 square feet allowing for the inclusion of the stated incentives. The benefits of utilizing these incentives are negated and de-incentivized with the strict compliance with the Façade Articulation provision with the project incurring significant inefficiency to building circulation, significant reduction in developable floor area ratio and consequently increased project cost. Buckingham respectfully requests to replace the Façade Articulation requirements of this UDO section for the Site to a minimum 5' offset for each 100' of Façade Articulation Module with no less than seven (7) modules along N Fairview St, three (3) modules along N Rogers St, and four (4) modules along the B-Line in lieu of the greater of 5' or 5% of façade length and 100' module.

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

i. PROPOSED FINDINGS: Granting of the variance to reduce the Façade Articulation for the Site will not be injurious to the public safety, morals, and general welfare of the community. The proposed reduction of minimum façade offset to 5' is coupled with a minimum number of Façade Articulation Modules with no less than seven (7) modules along N Fairview St, three (3) modules along N Rogers St, and four (4) modules along the B-Line resulting in an increased number of modules along longer façade lengths while still maintaining the benefits of façade articulation. The proposed change of revision to the Façade Articulation does not present safety hazards or concerns or otherwise endanger public health or general welfare.

c. *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.*

i. PROPOSED FINDINGS: There are no adverse impacts to the use and value of surrounding properties that would result from the variance reducing Façade Articulation offset with reduced module length for the Site to be approved. Granting of the variance will allow for the development and construction of a desirable, efficient project that delivers on the UDO Incentives of Affordable Housing and Sustainable Development. Allowing

the variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.

- d. *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.*
- i. PROPOSED FINDINGS: The strict application of the terms and goals of the UDO are in contradiction to the physical constraints of the Site and the benefits of the UDO Incentives to achieve larger/longer floor plates by providing Affordable Housing and Sustainable Development. In particular this provision, if strictly enforced, would result in a Façade Articulation Offset of nearly 20' for a structure that is approximately 60' in width. The inefficiencies of including this provision render the economic viability of the project impractical with the loss of buildable floor area and increased project costs at the loss of the UDO Incentivized goals. Granting the variance to replace the Façade Articulation requirements of this UDO section for the Site to a minimum 5' offset for each 100' of Façade Articulation Module with no less than seven (7) modules along N Fairview St, three (3) modules along N Rogers St, and four (4) modules along the B-Line will relieve the practical difficulties.

Conclusion:

In summary, Buckingham has put forth a thoughtful and comprehensive plan for the redevelopment of the Site, emphasizing sustainability, affordability, and mixed-use development to invigorate downtown Bloomington. Recognizing the unique site challenges, Buckingham has meticulously requested variances in accordance with the UDO. These variances, as outlined in the proposal, have been carefully considered, with findings indicating that they would not harm public health, safety, morals, or general welfare. The variances offer practical solutions to site-specific constraints, enabling a seamless transition from lower-intensity uses to higher-intensity commercial and residential uses, in harmony with the Overlay's objectives.

In light of these considerations, Buckingham believes approving these variances would benefit the community by facilitating the transformation of this property into a vibrant and functional space, aligning with evolving community needs. This project promises not only to enhance the value of the immediate area but also to contribute positively to the broader downtown Bloomington landscape. Buckingham respectfully urge the City of Bloomington Board of Zoning Appeals to grant the requested variances, allowing this exciting redevelopment endeavor to proceed and contribute significantly to the ongoing growth and vitality of the City.

Regards,

Ryan M Gallmeyer
SVP, Development
Buckingham Properties, LLC

Enclosures



Concept Package

503 N. Rogers Street

Bloomington, IN

November 2, 2023





MATERIAL BREAKDOWN	
BRICK	39.4%
F.C. LAP SIDING	27.6%
BOARD AND BATTEN	0.7%
CAST STONE	4.6%
OPENINGS	23.9%
STOREFRONT	3.8%
TOTAL	100%

KEY	
■	STUDIO
■	ONE BEDROOM
■	TWO BEDROOM
■	THREE BEDROOM
■	TOWNHOME
■	RETAIL
■	AMENITY



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Conceptual & Subject to Change

Site Plan
 Scale: 1" = 80'-0"





Conceptual & Subject to Change



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Ground Floor Plan | Apartments

Scale: 1" = 50'-0"





KEY	
■	STUDIO
■	ONE BEDROOM
■	TWO BEDROOM
■	THREE BEDROOM
■	TOWNHOME
■	RETAIL
■	AMENITY



Conceptual & Subject to Change

Upper Floor Plan | Apartments

Scale: 1" = 50'-0"



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Conceptual & Subject to Change

Ground Floor Plan | Townhomes

Scale: 1" = 50'-0"



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1. WEST ELEVATION

MATERIAL BREAKDOWN	
BRICK	36.7%
F.C. LAP SIDING/ PANEL	27.8%
BOARD AND BATTEN	0.7%
CAST STONE	5.4%
OPENINGS	29.0%
STOREFRONT	0.4%
TOTAL	100%



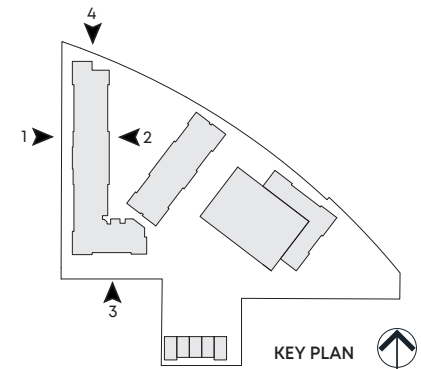
2. EAST ELEVATION



3. SOUTH ELEVATION



4. NORTH ELEVATION



KEY PLAN

Conceptual & Subject to Change



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Building One Elevations

Scale: 1" = 30'-0"





1. EAST ELEVATION

MATERIAL BREAKDOWN	
BRICK	40.1%
F.C. LAP SIDING	33.7%
BOARD AND BATTEN	1.1%
CAST STONE	1.5%
OPENINGS	20.8%
STOREFRONT	2.8%
TOTAL	100%

NOTE: GROUND FLOOR ELEVATION ALONG THE B-LINE CONTAINS 60% STOREFRONT



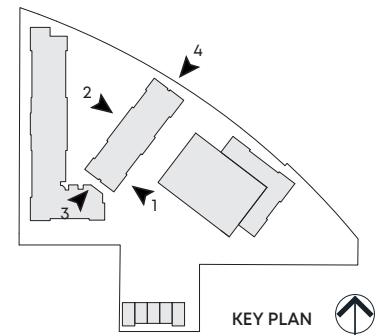
2. WEST ELEVATION



3. SOUTH ELEVATION



4. NORTH ELEVATION



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Conceptual & Subject to Change

Building Two Elevations

Scale: 1" = 30'-0"





1. EAST ELEVATION



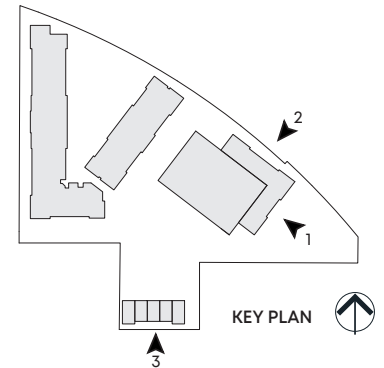
2. NORTH ELEVATION



3. SOUTH ELEVATION

MATERIAL BREAKDOWN	
BRICK	44.6%
FC. LAP SIDING	18.1%
BOARD AND BATTEN	0.0%
CAST STONE	7.7%
OPENINGS	17.0%
STOREFRONT	12.6%
TOTAL	100%

NOTE: GROUND FLOOR ELEVATION ALONG THE B-LINE CONTAINS 60% STOREFRONT



Conceptual & Subject to Change

Building Three & Townhome Elevations

Scale: 1" = 30'-0"



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Fairview Street Perspective

Scale: NTS





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Fairview Street Perspective





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Perspective

Scale: NTS





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Rogers Street Perspective

Scale: NTS





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Townhome Perspective

Scale: NTS





Gabriel Holbrow <gabriel.holbrow@bloomington.in.gov>

Rogers & 9th Street (BIM) Zoning

Christine Lovelace <christineclovelace@gmail.com>

Wed, Oct 18, 2023 at 12:41 PM

To: "gabriel.holbrow@bloomington.in.gov" <gabriel.holbrow@bloomington.in.gov>

Dear Board of Zoning Appeals,

I am a resident on W 9th Street very near the proposed residential development on the property that is currently Bloomington Iron and Metal recycling (BIM). I wanted to comment on the proposed variance for this property because I feel strongly that, as we develop more high-density housing in Bloomington, we also need to create ways for neighborhoods to engage and gather as a community. Studies show that people are happiest when they can meet their daily needs close to home. Human-scaled streets and a balanced mix of shops and housing enable walkable, engaged neighborhoods. Without a balance of shops interspersed, high density housing creates more reliance on cars, and diminishes the potential for human connectedness.

We have a choice, with this variance decision, to build in community or to build in isolation. I'm glad to hear that there is a multi-building approach with communal outdoor space being proposed; however, I believe keeping some commercial spaces that have the potential for public interaction as part of the plan for the development of this land would help build a sense of community and connect the new housing into the existing neighborhood. The original idea of having spots where neighbors might go for a cup of coffee or to gather or patronize a local business on the B-line seemed like a great way to prevent this residential development from being isolated from the larger community. Only filling the commercial spaces with amenities for the residents of the complex would isolate them from the established neighborhood the complex was built within.

I hope the Board chooses building-in community in this decision.

In gratitude,
Christine