

R E M O N S T R A N C E

2011-DV3-020 829 Broad Ripple Avenue, Kilroy's Bar n' Grill
Petition for Variance of Development Standards



SATURDAY NIGHT ON BROAD RIPPLE AVENUE

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Executive Summary

About BRVA

Since 1969, the BRVA has served the Broad Ripple community and is a recognized neighborhood group that serves as a liaison to the City of Indianapolis. Members include both residential and commercial constituencies who help the volunteer organization fulfill its mission of "a spirit of cooperation" in enhancing and improving the neighborhood.

Petitioner's Findings of Fact

The Petitioner's "Findings of Fact" are insufficient to warrant granting the variance. The BRVA agrees with the 1997 Village Master Plan Update [*'97 Update*], which states that "local development proposals seeking to deviate from the existing development code regulations should be critically reviewed." Petitioner's proposal is at odds with development standards and parking recommendations for the Village made in the *'97 Update* & the 2007 Broad Ripple Parking Study by Walker Parking Consultants [*Walker Study*].

Specifically:

- **The grant will be injurious to the public health, safety, morale, and general welfare of the community because:**
 - a) **there is a severe deficiency of parking for such a high-traffic, high-intensity use;** *Walker Study* found this property located in an area already at 107% of parking capacity in 2007 - a situation that has worsened since then;
 - b) **Broad Ripple Village already has a high concentration of alcoholic beverage establishments serving late-night clientele. We agree with the Update's recommendation that "requests for severe parking deficiency waivers ... should be discouraged."**
- **The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because:**
 - a) The site lies within 500' of a residential area. The *'97 Update* recommended finding ways to "mitigate the late night noise, pedestrian traffic, litter and other nuisances currently being experienced by residents close to restaurants and bars." **Letters from nearby residents are included in the appendix as well as in DMD staff report which supports the '97 Update which describes "solidly residential areas to the south" [of the subject site] "that have suffered negative impacts as a result of the influx of traffic-intensive eating and drinking establishments."**
- **The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because:**
 - a) Current C-4 tenant meets *'97 Update's* recommendation to **include supplying sufficient parking spaces that are available to their specific user as well as to the general public;**
 - b) Other permitted C-4 uses such as substance abuse treatment facility, repair services, indoor commercial amusement/recreation establishments or retail-type uses would not experience practical difficulties in using the site.

If Petitioner's proposal incurs practical difficulties, it is because the proposal itself is impractical for Broad Ripple.



Trash on the Avenue



Disgusting Residue in Neighborhoods



Morning leftovers

Remonstrance Details

Deficiencies in Petitioner’s Findings of Fact

1) The grant will not be injurious to the public health, safety, morale, and general welfare of the community because:

The use is allowed in the subject C-4 commercial classification and adequate parking is provided either on-site, on-street nearby, or at publicly accessible pay-as-you-park facilities in the general vicinity. The parking deficiency is modest given the development pattern within the commercially developed portions of the Broad Ripple community. Given the availability of on-street parking in the immediate vicinity, the parking deficiency will not be injurious to the public health, safety, morals, and general welfare of the community. Additionally, the application protected district nearby is utilized for non-protected uses.

- **Granting a variance for a permitted C-4 use is not obligatory.**

At right: a list of permissible C-4 uses from Chapter 732 Commercial Zoning Ordinance. Note the reference to “high traffic generators” that “require excellent access from major thoroughfares.” Petitioner plans to remove access from Broad Ripple Avenue and shunt traffic onto Guilford Ave. a residential street not listed on the Official Thoroughfare Plan according to Staff Report.



• **Parking is inadequate in the subject property area**

The Walker Study clearly identifies Zone C as “one of several individual blocks [that] experienced higher occupancy” than the rest of the Village. “Overall, zone C experienced the highest occupancy, with 107 percent occupancy.”

NOTE: Zone E is a residential area.

The ‘97 Update describes “solidly residential areas to the south” of the subject site “that have suffered negative impacts as a result of the influx of traffic-intensive eating and drinking establishments.”

subject site: 8/13/11



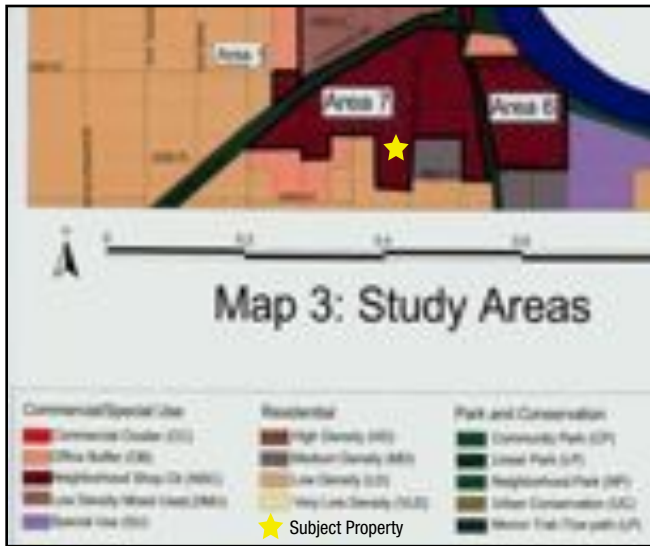
Walker Plan recommendation: “Ensure that future developments ... include supplying sufficient parking spaces that are available to their specific user as well as the general public.” Current C-4 use does so and after regular business hours a pay lot adds capacity during hours of peak demand. If Petitioner’s variance is granted, capacity is reduced.

‘97 Update: “Non-adherence to businesses’ on-site parking requirements exacerbates Village parking difficulties.”

- The requested parking deficiency is severe.

'97 Update: "Requests for severe parking deficiency waivers...should be discouraged."

Staff report: "[T]he parking space reduction would be a fairly large deviation from the Ordinance standards. ... The proposed bar and grill use would reduce the parking requirement from 119 parking spaces to 46 spaces, or 61 percent."



'97 Update: "Area 7 (site of subject property) has some high traffic generating C-4 uses, such as nightclubs and restaurants. Since the parking impacts of these Areas are already being felt, attention should focus on identifying additional parking opportunities for existing tenants."

As noted in the DMD Staff report, "The site is located within the boundaries of the Broad Ripple Village Plan which designates the site for neighborhood shopping center development."

*'97 Update: "These centers should include establishments that **predominantly draw customers from the immediate neighborhood.**"*

Additionally, the *'97 Update* reports: "Higher intensity eating and drinking establishments **draw patrons from well beyond the neighborhood borders, spilling parking congestion, noise, litter and late-night traffic into the solidly residential areas to the south during their peak evening hours. Ironically, these higher-intensity businesses that find success, in part, through Broad Ripple's unique sense of place dilute that very character by increasing the amount of car traffic and demand for parking lots during evening peak operating hours.**" [emphasis added.]

BRVA and adjacent neighborhoods feel that adding another high-traffic, high-intensity late-night business to an already congested late-night hotspot will be injurious to the general welfare of the community. The Kilroy's "brand" has a reputation that would be detrimental to the Village.



61st St. between Winthrop & Guilford; residential area within 500' of site.



Overflow parking, 6100 block of Winthrop starts early, stays late.



Broad Ripple Avenue at Guilford on an August Saturday night

2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The combination of parking provided on-site, on-street nearby, or at publicly accessible pay-as-you-park facilities in the general vicinity have proven to represent the typical standard in the commercially developed portions of the Broad Ripple community. Additionally, the subject site is far-removed from the residentially developed portions of the Broad Ripple community. Additionally the applicable protected district nearby is utilized for non-protected uses.

• **The granting of parking variances over the decades has had demonstrable negative impacts.**

The '97 Update reports: "Economic success, accelerated during the 1980s and 1990s, has attracted a more traffic-intensive commercial mix, primarily restaurants and nightclubs which draw patrons from all parts of Marion and nearby counties. Evidence of the Village's inability to accommodate the growth of more traffic-intensive uses can be seen in the dearth of parking for day and nighttime patrons of the commercial core south of the Canal."



left: a display of variances granted in the Broad Ripple area compiled by Pat Andrews of Marion County Alliance of Neighborhood Associations using data provided by DMD.

A total of 29 variances have been granted for 22 addresses since 1987 totaling 646 spaces. Instead of 912 spaces as specified by code, variances required only 266.

The cumulative effect of granting such variances through the years is major congestion of streets and sidewalks, noise, trash & nuisance for residential neighborhoods as patrons have used adjacent residential streets for parking.

While it may have been possible to suggest that negative consequences were unanticipated in 1987, the '97 Update made it clear that variances were indeed having a negative impact.

Ignoring the '97 Update and the 2007 Walker Study is no longer an option. The well-documented Village parking problem cannot be solved by adding to the demand through variances that would permit intensive uses with insufficient on-site parking.

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The typical and common development pattern in the commercially developed portions of the Broad Ripple community have, over a series of decades, established uses without adequate on-site parking. In such a circumstance in which numerous parking spaces are indeed provided on-site, although technically deficient, the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. Additionally, the applicable protected district nearby is utilized for non-protected uses.

- The current C-4 tenant, a health club, meets '97 Update's recommendation to **include supplying sufficient parking spaces that are available to their specific user as well as the general public.** Other permitted C-4 uses as listed on page 4 would not experience practical difficulties in using the site. **If Petitioner's proposal incurs practical difficulties, it is because the proposal itself is impractical for Broad Ripple.**

Deficiencies in Staff Report

Staff reports that such a high-intensity use would be typical of the surrounding area but the proposed 2,000 square foot outdoor area is out of scale with its neighbors:

BAR	KILROY'S	BROTHERS	BW3	LA JOLLA	USUAL SUSPECTS
SQ FT	2000	400	700	1500	600

Petitioner has not submitted a detailed site plan. No indication of where load-in would occur; dumpsters / recycling bins; seating plan. According to the Fire Marshal's formula for calculating occupancy loads, a 7,500 sq. ft. bar and grill with approximately 5,000 square feet of usable space plus 2,000 square feet of outdoor could hold anywhere from 300 inside and 130 outside to a maximum of 700 inside and 280 outside. This is a potentially high concentration. Is Staff prepared to hold the Petitioner to the 250 seat limit set by the 1987 variance?

By comparison, neighboring establishments have the following occupancy rates: **Average Joes: 162; Brothers: 300; Chumley's: 265; Landsharks: 300; Mineshaft: 114; OPT: 200; Rock Lobster: 457, TRU: 200; Union Jack: 200.**

By removing 50+ late-night pay parking, the City is ignoring the '97 Update's recommendations to create adequate parking provisions. The pedestrian character of the Village would be negatively affected by the addition of a high-intensity establishment on a congested corner of the Village. DMD Staff is also ignoring the '97 Update's recommendation for Neighborhood Shopping Centers: "These Centers should include establishments that predominantly draw customers from the immediate neighborhood as a way of mitigating negative impacts from higher intensity uses."

Refusing to recognize the cumulative effect of bypassing the '97 Update's recommendations that were crafted after a three year-long public planning process devalues the many hours of thoughtful deliberation that went into creating the plan that was adopted by the Metropolitan Development Commission in May, 1997. This serves to undermine public confidence that planning processes result in durable, enforceable guidelines for development.

R E M O N S T R A N C E

2011-DV3-020 829 Broad Ripple Avenue, Kilroy's Bar n' Grill
Petition for Variance of Development Standards

APPENDIX A

Map of Alcoholic Beverage Permits in Broad Ripple



Picture boundaries: North: 64th St.; West: College Ave.; East: Winthrop; South: 62nd St.

Exhibit boundaries: North: 66th Street; West: College Ave.; East: Compton; South: 62nd St.

NOTE: Does not include grocery and package store permit



Broad Ripple Avenue at Guilford



Typical late-night Saturday traffic on the Avenue

List of Alcoholic Beverage Permits in Broad Ripple

- ∞ Permit type code
 - 210 Restaurant with 3-way license
 - 220 Sunday Sales
 - 112 Restaurant with beer/ wine only
 - 115 Grocery
 - 101-1 Small brewer
 - 217 Package store

Active alcoholic beverage permits

1.	10-01 Food & Drink #RR49-12025	927 Broad Ripple Ave.	210	Smoke free
2.	Alley Cat Lounge #RR49-09855	6267 Carrollton Ave.	210 and 220	
3.	Ambrosia Ristorante #RR49-10074	915 Westfield Blvd.	210 and 220	
4.	American Legion Kennington Post #346440 #RC49-18060	Westfield Blvd.		210 and 220
5.	Applebee's Grill #RR49-06601	1050 Broad Ripple Ave.	210 and 220	Smoke free
6.	Average Joe's #RR49-06331	814 Broad Ripple Ave.	210 and 220	
7.	Bazbeaux #RR49-89222	811 Westfield Blvd.	112 and 220	Smoke free
8.	Biscuits Café #RR49-22829	1035 Broad Ripple Ave.	112	
9.	Binkley's Kitchen & Bar #RR49-03381	5902 College Ave.	210 and 220	Smoke free
10.	Bleecker Street #RR49-08515	6311 Guilford Ave. Tax protest & open violations	210	
11.	Broad Ripple Brewpub #M49-90203	840 E. 65 th Street	101-1 and 210	Smoke free
12.	Brothers Bar & Grill #RR49-02651	910 Broad Ripple Ave.	210 and 220	Smoke free
13.	B.R. Tavern #RR49-06013	745 Broad Ripple Ave.	210 and 220	
14.	Brugge Brasserie #RR49-21046	1011 Westfield Blvd.	101-1, 210 and 220	Smoke free
15.	BW-3's #RR49-08370	6235 Guilford Ave.	210 and 220	
16.	C.T. Peppers #RR49-05050	6283 College Ave.	210 and 220	
17.	Canal Bistro/Sphinx # RR49-03086	6349 Guilford Ave.	210 and 220	Smoke free
18.	Casba & The Usual Suspects #RR49-03055	6319 Guilford Ave.	210	
19.	Chef J.J.'s Back Yard #RR49-26127	1040 Broad Ripple Ave.	112	
20.	Chumley's Grill #RR49-02574	838 Broad Ripple Ave.	210 and 220	
21.	Connor's Pub #RR49-04646	6331 Ferguson St.	210	

22.	Corner Wine Bar #RR49-04794	6331 Guilford Ave.	210	
23.	Crackers Comedy Club #RR49-02824	6281 College Ave.	210 and 220	
24.	CVS Pharmacy #DL49-85353	6290 College Ave.	115	
25.	Egyptian Café #RR49-22728	6265 Carrollton Ave.	112	
26.	Fat Dan's Deli #RR49-26261	815 Broad Ripple Ave.	112	
27.	Fire by the Monon #RR49-27452	6523 Ferguson St.	112	
28.	Flatwater Restaurant #RR49-07131	832 Westfield Blvd	210	Smoke free
29.	H2O Sushi #RR49-18662	1912 Broad Ripple Ave.	112	Smoke free
30.	India Garden #RR49-90232	830 Broad Ripple Ave.	112 and 220	Smoke free
31.	Kroger Grocery #DL49-03580	6220 Guilford Ave.	115	
32.	Khoury's #RR49-01423	1850 Broad Ripple Ave.	210 and 220	Smoke free
33.	La Jolla Mexican #RR49-01635	921 Broad Ripple Ave.	210 and 220	Smoke free
34.	La Piedad #RR49-21162	6524 Cornell Ave.	112	Smoke free
35.	Landsharks #RR49-11398	810 Broad Ripple Ave.	210 and 220	
36.	Midtown Grill #RR49-11445	815 Westfield Blvd.	210 and 220	
37.	Mineshaft Saloon #RR49-01910	812 Broad Ripple Ave.	210 and 220	
38.	Monon Food Co. #RR49-26851	6420 Cornell Ave.	210	Smoke free
39.	Naked Tchopstix #RR49-11596	6253 College Ave.	210 and 220	Smoke free
40.	New Paradise	6314 Winthrop Ave. #RR49-25343	112	
41.	Old Pro's Table #RR49-02899	827 Broad Ripple Ave.	210	
42.	Petite Chou #RR49-12010	823 Westfield Blvd.	210	Smoke free
43.	Plump's Last Shot #RR49-04358	6416 Cornell Ave.	210 and 220	
44.	Qdoba #RR49-19486	6334 Guilford Ave.	210 and 220	Smoke free
45.	Red Room #RR49-05386	6335 Guilford Ave.	210	
46.	Rock Lobster #RR49-12302	820 Broad Ripple Ave.	210 and 220	
47.	Scotty's Thr3e Wise Men Brewing Company #RR49-26939	1021 Broad Ripple Ave.	112 and 101-1	
48.	Shalimar Indian #RR49-92157	1043 Broad Ripple Ave.	210 and 220	Smoke free

49.	The Northside Social #RR49-01011	6525 College Ave.	210	Smoke free
50.	TRU #RR49-03305	6235 Guilford Ave.	210	
51.	Thai Café #RR49-97420	1041 Broad Ripple Ave.	112 and 220	Smoke free
52.	The Ripple Inn #RR49-08117	929 Westfield Blvd.	210 and 220	Smoke free
53.	The Jazz Cooker & Monkey's Tale Bar RR49-03804	925 Westfield Blvd.	210	
54.	United Package Liquor #DL49-03826	1002 Broad Ripple Ave.	217	
55.	Union Jack Pub #RR49-17047	924 Broad Ripple Ave.	210 and 220	Smoke free
56.	Village Pantry #DL49-85388	6302 College Ave.	115	
57.	Vogue #RR49-02470	6259 College Ave.	210 and 220	
58.	Wasted Space #RR49-01635	919 Broad Ripple Ave. Using permit from LaJolla for catering only		
59.	Wild Beaver Saloon #RR49-10185	723 Broad Ripple Ave.	210 and 220	
60.	Won #RR49-06518	6308 Guilford Ave.	210	
61.	ZA Pizzeria #RR49-28082	801 Broad Ripple Ave.	112	

Hearing September 6, 2011 at 9:30 a.m.

APPENDIX B

FIRE MARSHAL OCCUPANT LOAD FORMULAS



INDIANAPOLIS FIRE DEPARTMENT

Fire Prevention Bureau
Mary K. Pitts
Deputy Fire Marshal
Indianapolis Fire Department
300 E. Fall Creek Place W. Dr. Suite 500
Indianapolis, IN 46204

Office 317-327-1544
Pager 317-781-6648
Main Office 317-327-6000
Fax 317-327-6013

August 5, 2011

Rob Sabatini, President
Broad Ripple Bar and Restaurant Association

Dear Mr. Sabatini,

Occupant loads are done in several ways. There are several different factors involved in determining occupant loads; one of the building or business, number of exits, width of exits, and square feet. The use of the building you are talking about would be an A-2.

For an A-2 occupancy there are 3 different numbers to divide by. The most important number is 7 square feet per person. That is the number for the entire area of the dining floor. So if you have 4500 sq. ft. the most you can have is 642.8 people as long as there are 3 exits and there is the proper exit width. 2 exits are required when the occupant load hits 500 when there are 300. This is not space. So areas like the bar and large pillars, etc. will be deducted.

When the dining area is tables and chairs only the number is 15 sq. ft. per person. So 4500 divided by 15 would be 300. If there is a dance floor divide that area by 5 sq. ft. Say the dance floor is 100 sq. ft. Divide that by 5, then 4000 by 15. The new occupant load is 313.

Tables and chairs = 15 sq. ft. / person
Chairs only = 7 sq. ft. / person
Standing room = 5 sq. ft. / person

There are multiple ways to figure occupant loads. So, none of the above may apply to every A-2 business. The above is an example and since we don't know the exact usable area this is all hypothetical.

Feel free to contact me with any questions.

Sincerely,

Mary K. Pitts
Deputy Fire Marshal
Indianapolis Fire Department

APPENDIX C

DRUG FREE MARION COUNTY FACTS

- IU criminologist William Pridemore and IU geographer Tony Grubestic recently conducted a study on the relationship between alcohol sales and assault in communities. The two Indiana University professors led a study that found that the more alcohol sales sites in a neighborhood, the more violence occurs in premises surrounding it.
- In California, eliminating one bar per ZIP code would lead to 209 fewer assaults per year. Speer PW, Gorman DM, Labouvie EW, et al. *Violent crime and alcohol availability: Relationships in an urban community*. Journal of Public Health Policy 1998;19(3):303-318
- Studies have found that the complaints about alcohol outlets most often reported to city planners had to do with noise, traffic or loitering. Freedom from unwanted interruptions in one's house or place of business are fundamental legal rights. A basic tenet of law is the right to the "quiet enjoyment" of one's own property. *Preventing Problems Related to Alcohol Availability: Environmental Approaches*. U.S. DHHS Pub No. (SMA) 99-3298.
- The pattern of alcohol-related injuries among underage youth and young adults is not random; their occurrence is shaped by the density and type of alcohol outlets in a neighborhood. For example, when young adults reach the minimum legal drinking age, they begin legally drinking in bars where events such as bar fights are relatively common, and more likely when the density of bars increases. March 2010 issue of *Alcoholism: Clinical & Experimental Research*

APPENDIX D

PUBLIC SAFETY, HEALTH, MORALS AND GENERAL WELFARE

INDIANA DAILY STUDENT
Bloomington, Indiana, 2011 | Last Update: 10:41 AM EDT on Friday

HOME | NEWS | SPORTS | OPINION | ARTS | BLOGS | MULTIMEDIA | WEEKEND | WASH | ANALYSIS | SPECIALS

CITY & STATE

Kilroy's on Kirkwood to close Thursday, Saturday nights due to violations

No alcohol to be served because of earlier violations

By LARRY KRASINSKI | 10:41 AM EDT
PHOTO BY LARRY KRASINSKI | 10:41 AM EDT
Kilroy's on Kirkwood, 1001 S. Kirkwood Ave., is closed Thursday and Saturday nights, will not serve alcohol during those days and will pay a \$500 fine — all the result of alcohol violations involving minors, and Indiana State Trooper Police Enforcement Officer Jimmy Feltz.

"The state trooper on Aug. 14, 2011, advised when our officers entered across streets inside the bar and Kilroy's was charged with allowing minors to enter and furnishing alcohol beverages to a minor," Feltz said.

SEARCH: Site, Web, Yellow Pages, A-List Businesses

THEINDYCHANNEL.COM NEWS

Job Search: Job Title, Location, In: p, name, City, state

Indiana News

Bar Missing Student Visited Draws Many Fake IDs

64 Percent Of Fake ID Tickets Issued At Kilroy's Bars

PHOTO BY LARRY KRASINSKI | Aug 14, 2011

BLOOMINGTON, Ind. — The company that runs a bar where a missing Indiana University coed was drinking before she disappeared four weeks ago has been the scene of citations for fake IDs by Indiana Excise police over the last 18 months.

Three Kilroy's bars in Bloomington, were the sites of 64 percent of the 188 tickets issued to people younger than 21 for possessing a fake ID. The Herald-Times reported.

INDIANA DAILY STUDENT
Bloomington, Indiana, 2011 | Last Update: 10:41 AM EDT on Friday

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CITY & STATE

Student arrested at Kilroy's after pointing loaded gun

By SARAH HUTCHINS | 10:41 AM EDT
PHOTO BY LARRY KRASINSKI | 10:41 AM EDT
PRINT | EMAIL | 2011 | ARCHIVE | COMMENTS | 22 | BLOOMINGTON, IN

RELATED CONTENT: # 819911 - A day night with the BPS

BACKYARD 400: This year's NASCAR Sprint Cup race winners continued Sunday night on the NASCAR Sprint Cup

BLOOMINGTON WEATHER

APPENDIX E

CURRENT PLANNING EFFORTS

The most recent comprehensive effort to update the Village's Master Plan is called Envision Broad Ripple. The process began in April, 2008 as a collaboration between BRVA and its allies Green Broad Ripple and HARMONI — the historic Midtown initiative. Senior planning staff from DMD have been key partners in this process. Twenty-two two-and-a-half-hour public planning sessions involving the community's diverse constituency have been held to craft a sustainable plan that preserves and enhances the Village's "look and feel."



Parking has been a huge issue in those meetings. Village leaders were able to incorporate principles generated during Envision Broad Ripple in the language of the Request For Qualifications for a mixed-used parking structure earlier this year, to participate in the project review process and engage in on-going discussions with the development team selected by the Mayor.

As members of the Board are no doubt aware, the winning proposal involves a parking structure for 350 cars that will also contain additional retail space at the corner of Broad Ripple Avenue, College Avenue and Westfield Boulevard. As excited as we are about the parking garage, it addresses parking deficiencies identified in 1997 and reaffirmed in 2007. The structure will not solve all of Broad Ripple's current parking problems, much less any new ones.

Besides, it is only one piece of a comprehensive approach recommended by the *Walker Study*. First - a parking structure for at least 300 vehicles to add capacity during times of peak demand. Next a neighborhood parking permit program that would help drive demand for the structure and safeguard our calm and lovely adjacent residential streets. Another component was a shuttle between Glendale and the Village - similar to what you use during the Art Fair and Jazz Fest. The community needs time to implement each component of the comprehensive plan and assess the effectiveness.



Broad Ripple Village Association

Remonstrance

APPENDIX F

LETTERS OF SUPPORT



**THE COUNCIL
CITY OF INDIANAPOLIS
MARION COUNTY**

RYAN VAUGHN
President
Councillor, District 3

Melanie Mullens
Senior Planner
DEPARTMENT OF METROPOLITAN DEVELOPMENT
Board of Zoning Appeals
200 East Washington Street
City-County Building
Indianapolis, IN 46204

Re: 829 Broad Ripple Avenue
Petitioner: Kilroy's Bar & Grill
Petition No.: 2011-DV3-020


Dear Ms. Mullens:

Please consider this letter my expression of support for the Broad Ripple Village Association's ("BRVA") position regarding the above referenced petition for variance. The BRVA has worked tirelessly within the community and alongside the City to develop a comprehensive plan for the future development and redevelopment of Broad Ripple. The efforts of this organization deserve deference during this Board's review.

As the City County Councillor for District 3, the proposed development is located in the district I represent. Broad Ripple is a thriving community but not without logistical challenges. Not the least of those challenges is Broad Ripple's ongoing late-night parking problem. In an effort to address this problem, the BRVA, the City and I have worked hard to begin the process of building a parking garage in Broad Ripple and have strengthened the laws regarding towing. While these efforts are steps in the right direction in addressing decades-old problems, it makes little sense to exacerbate the existing problem before we know the full impact of the garage and a neighborhood parking permit program will have in mitigating the parking issues.

Such a position should not be interpreted to be "anti-development." To the contrary, the BRVA is a leading organization in the City when it comes to future development / redevelopment. As the elected representative of the area I understand my job to be one that facilitates the community's vision of what it wants to become. In this instance, the BRVA has demonstrated a thorough and fair review of the proposed request for variance and decided that at this time the increased parking requirements are incompatible with the community's needs. Please afford their judgment the appropriate deference in your deliberation of this variance request.

Thank you for your consideration of my opinion.



Ryan Vaughn
Councillor, District 3

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July 14, 2011

To: Melanie R. Mullens, Senior Planner
Department of Metropolitan Department

Re: 2011-DV3-020; 829 Broad Ripple Avenue

The Meridian-Kessler Board of Directors at its July 14, 2011 meeting has voted to support the Broad Ripple Village Association in its opposition to a variance for Kilroy's Bar in the current Cardinal Fitness location on Broad Ripple Avenue.

Meridian-Kessler residents visit Broad Ripple regularly whether it be walking the Monon Trail or having dinner at Broad Ripple's fine restaurants. We shop, buy stamps at the local post office or take an art class at the Art Center. In January 2011, a letter of support was sent from Meridian-Kessler supporting the new Broad Ripple garage.

Broad Ripple, while a great place for Meridian-Kessler residents to visit is already home to the greatest concentration of bars in Indianapolis. The spill over in the late evening hours is already felt by the surrounding neighborhoods, particularly Meridian-Kessler which is located just blocks south of Broad Ripple. There will be an increase in traffic, public safety issues, parking problems, trash and strain on infrastructure.

Meridian-Kessler has a tremendous respect for Broad Ripple and what it has accomplished over the past few years. The Metropolitan Development staff has worked tirelessly with Broad Ripple Village Association to create a new plan for their residents and is now in the process of doing the same for Meridian-Kessler. We would hate to see the first test of this new and strengthened relationship result in a substantial deviation from the desires of residents in both Broad Ripple and Meridian-Kessler. We would request The Department of Metropolitan Development deny this variance.

Respectively yours,

Judy Goldstein
President,
Meridian-Kessler Neighborhood Association

526 East 52nd Street, Indianapolis, IN 46205 317-283-1021 www.mkna.org meridiankessler@aol.com

Warfleigh Neighborhood Association July 15, 2011

Melanie Mullens, Senior Planner
Department of Metropolitan Development
City-County Building, Room 1841
200 East Washington Street
Indianapolis, IN 46204

RE: Case 2011-DV3-020

Dear Ms. Mullens,

Our neighborhood of Warfleigh is bordered on the east by College Avenue and on the south by the Central Canal. The activities in Broad Ripple Village have a great impact on Warfleigh, especially when it comes to nightlife. Noise, trash, fast traffic and drunken revelers often spill over into Warfleigh on any given night of the week.

The Warfleigh Neighborhood Association (WNA) is opposed to a variance in development standards (Case 2011-DV3-020) for the current Cardinal Fitness property, at 829 Broad Ripple Avenue, to allow Kilroy's Bar N Grill to open in this location, for these reasons:

- 1.) There is currently insufficient parking for established Broad Ripple Village businesses and their customers. Spaces in the soon-to-be built garage will help lessen the current shortage, but will not provide the additional spaces Kilroy's will require with its variance request. Consider the following:
 - a. The Kilroy's variance request requires exemption for 82 parking spaces. This represents nearly 25% of the total number of parking spaces proposed for the new parking garage. This is clearly out of proportion to the number of other businesses in the Village whose customers and employees will be competing for these spaces.
 - b. The current parking lot at Cardinal Fitness is inadequate to accommodate the number of customers projected by Kilroy's. To complicate this matter, Kilroy's plans call for most of these spaces to be converted into an outdoor dining area, further increasing the pressure on Broad Ripple's already inadequate parking accommodations.
 - c. The City plans a permit parking system to ensure parking for residents of Warfleigh and other residential properties bordering Broad Ripple Village; this process will take several years to implement successfully. Adding another high-volume consumer of nonexistent parking spaces at this point is irresponsible and will be a setback to solving the current parking problem.
- 2.) The infrastructure of the Village is stretched thin by the masses of visitors who patronize the bars and clubs already open in Broad Ripple. The opening of yet another large bar will place additional stress on the necessary services such as police, fire and trash removal that such businesses and their patrons require.
- 3.) Residents and business owners throughout the northside have worked diligently for three years on the Envision Broad Ripple project which represents their goals for Broad Ripple Village far into the future. One of these goals is to attract a variety of new businesses to the Village. To permit this variance to allow another bar to open in a prime location goes against the plans and guidance set forth by the Envision process. When there is a balance of businesses there will be diverse economic activity, benefiting both Broad Ripple and Warfleigh.

We hope you will consider these points carefully during your deliberations. Thank you for the opportunity to comment on this petition for variance.

Sincerely,

Will Carlson, WNA President 22 W. 62nd Street

Jenny Hicks, WNA Vice President , 6497 Broadway Street

Lynn Levy, WNA Treasurer , 6452 Broadway Street

Bridget Carson, WNA Secretary, 6494 Broadway Street



July 6, 2011

To Whom It May Concern

The Forest Hills Neighborhood Association supports the decision of the Broad Ripple Village Association to oppose a zoning variance for the proposed Kiroy's Sports Bar on Broad Ripple Avenue.

Forest Hills abuts Broad Ripple Village to the immediate south and sits within easy walking distance of Broad Ripple's clubs, shops and restaurants. While our residents enjoy being able to walk to the village for dinner, or to shop, over the past decades we have experienced considerable problems with the consequences of late night drinking at Broad Ripple's bars.

Since 1990, we have seen numerous houses hit by cars in the wee hours of the morning, and have lost even more trees from drunk drivers' escapades. We've even experienced one home invasion.

Broad Ripple simply has too many bars already. The idea of the proposed parking garage, which our neighborhood supports, is to lessen late night parking in surrounding neighborhoods, including Forest Hills. Adding hundreds of new bar patrons to the already congested mix is an unwise move.

Forest Hills respectfully requests that the variance be denied.

very truly yours'

Beau King
President
Forest Hills Neighborhood Association
5695 N. College Avenue
Indianapolis, IN 46220
797-7269

ADDITIONAL LETTERS AND EMAILS

The following are among those sent electronically to DMD:

From: Kathy Rosenberg <skkathy@email.com>
Date: Fri, Aug 12, 2011 at 1:21 PM
Subject: Kilroy's Bar petition for variance

Dear Ms. Mullens:

The above mentioned petition is set for hearing Tuesday August 16. I cannot attend due to a previous commitment; however, I want to tell you that I strenuously object to having Kilroy's in Broad Ripple. I am a Broad Ripple resident, active in the community, fairly knowledgeable about all the happenings here. We do NOT need another bar. Many of our neighborhood's problems stem from having so many bars in a small area. Drunks, fights, robberies, litter are a few of the results. Kilroys would compound these problems. Every resident and every business owner with whom I have spoken feels exactly like I do.

I strongly urge the hearing panel to DENY this petition.

Sincerely,
Kathy Rosenberg
Phone: 257-7800

From: Richard Vonnegut [<mailto:vonnegut@indy.net>]
Sent: Friday, August 12, 2011 2:29 PM
Subject: opposition to Kilroys in RB

Melanie Mullens:

Please register my opposition to the Kilroy's plan to use all of Cardinal Fitness and parking lot for liquor sales. In my sixty years of living mostly in Indpls, and much of the time at 58th and College, I can remember when Broad Ripple was much more family and village oriented than it is now. BR needs more general village and retail businesses and operations (family oriented) than eateries with Liquor licenses.

Indeed, when I compare BR to Irvington, Beech Grove, Speedway, and other areas in Indpls to a village status, I find myself ranking BR lower to these villages, because of the loss of hardware, library, school, dress and habedashery shops, lumber yards, barber shops, hobby shops, shoe stores, camera stores, a pancake and breakfast eatery, etc, etc. These and others made BR into a family business node in decades past.

BR itself should be weaned away from it being inebriated on the liquor business.

Please reject the plans for Kilroy's.

Thank you,
Richard Vonnegut, Jr.
440-9069
710 East 58th St. 46220