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The Board of Zoning Appeals (BZA) met in a virtual (Zoom) meeting at 5:30 pm. Members present: Barre Klapper, Flavia Burrell, Jo Throckmorton, and Jesica Sonneborn (standing BZA alternate).

APPROVAL OF MINUTES: July 22, 2021

****Burrell moved to approve the minutes as distributed. Klapper seconded. Motion carried unanimously 4:0.**

REPORTS, RESOLUTIONS, COMMUNICATIONS:

Scanlan welcomed Jesica Sonneborn to the BZA as an alternate member. Erik Coyne has also been appointed to serve on the BZA as a permanent member. Both are appointments by the Office of the Mayor.

PETITION CONTINUED TO: October 21, 2021

V-16-21 **Michael Coradro (Johnson Creamery)**
335 W. 8th St.
Request: Variance from front building setbacks, upper floor facade setback, ground floor void-to-solid ratio, and required pedestrian entrance along the B-Line Trail.
Case Manager: Eric Greulich

CU-18-21 **Shawn Eurtion**
412 E. 4th St.
Request: Conditional Use approval to allow the use “Student Housing or Dormitory” in the University Village Downtown Character Overlay in the Mixed-Use Downtown (MD-UR) zoning district to allow for one new building containing two, four-bedroom apartments.
Case Manager: Eric Greulich

PETITIONS:

CU/V-19-20 **Robert Iatarola**
1504 W. Arlington Rd.
Request: Conditional Use approval for a home occupation in the R2 zoning district. Also requested are variances to allow a home occupation to be located within an accessory structure and to allow deliveries (of pallets) to the property.
Case Manager: Jackie Scanlan

Jackie Scanlan presented the staff report. The petitioner is requesting Conditional Use approval for a home occupation in the Residential Medium Lot (R2) zoning district and a Variance to allow deliveries to the property. The property is located on the east side of W. Arlington Road, roughly 1000 feet north of 17th Street and is zoned Residential Multifamily (RM). The zoning was changed with the May 2021 zoning map update. The property has been developed with a duplex residential dwelling and there is multifamily immediately to the south and east, with single family to the north and west across W. Arlington Road. The petitioner lives in the home and has been conducting a pallet recycling business from the site for roughly 10-years. The Department received a complaint about a potential illegal business on the site in June 2020. Notices of Violation were sent to the site in July 2020 and September 2020. The petitioner contacted the Planning and Transportation Department, and a Conditional Use and Variance request was filed in October 2020. The petition has been continued since that time as a result of numerous factors, the greatest being that the Department proposed changes to the Unified Development Ordinance (UDO) that would affect Home Occupations in the fall of 2020, and the outcome could affect this petition. Those changes were approved in the spring of 2021, and the original Conditional Use and Variance package sought by the petitioner was altered. The changes allow a Conditional Use to take place in an accessory structure, which was previously not allowed. The petitioner recycles pallets that are used for standard delivery, as well as agricultural delivery purposes. The petitioner collects pallets from local businesses and distributes them to other locations. The petitioner picks up roughly 30% of the pallets, and has the other roughly 70% delivered to the site. The petitioner currently stores the pallets outside of the residence. A Home Occupation is allowed at this location but the current operations will need to be altered in order for this particular use to meet the UDO requirements for a Home Occupation in this zoning district. Scanlan stated the Home Occupation Standards and Proposed Findings as detailed in the staff report. No practical difficulty is found on the property that requires allowance for delivery. However, it is unclear what types of delivery vehicles are being used, and whether or not they could be seen as similar to the types of vehicles and visits that would be allowed for other home occupations, such as personal services. The UDO does make allowance for deliveries that are done by “typical residential delivery services at a frequency similar to homes that do not operate a Home Occupation.” More information is needed. The Home Occupation rules are intended to allow small businesses to be run on residential properties as accessory to the primary residential purposes. These businesses should not detract from the residential character of the property, and should not have detrimental effects on the surrounding properties. The use, as it is on the site now, does not meet the requirements for a Home Occupation, as described in the UDO. However, it seems possible that there may be changes that can be made so that the business can meet requirements, primarily, an appropriately-sized accessory structure to be located on the lot so that the business can take place entirely within the building. Staff recommends approval of CU/V-19-20 based on the written findings outlined in the staff report including the following conditions:

1. This approval is a Conditional Use approval for a Home Occupation for a pallet business, to take place in an accessory structure. No other business or work is approved.

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

Vince Taylor, Attorney at Law, is representing the petitioner. Mr. Robert (Bob) Iatarola is also in attendance. He explained how he got started in the pallet business. He ran a recycling business on S. Rogers St. until he sold it to Monroe County. After that he ran a pallet recycling business out of Gosport, IN. Mr. Taylor commented that they are working to see how Bob's business can comply with the conditions recommended by Staff. Taylor said all of Bob's neighbors love him; he runs a very clean business. Iatarola explained that most pallets are made out of hardwoods and our landfills don't need to be filled up with those hardwoods. He doesn't have any semi-trucks. He only has two people making deliveries to his property weekly. 840 sq. ft. would have to tear down the garage. Pallets wouldn't be seen from the road. During the time he was resurfacing his driveway, there wasn't anywhere to put the pallets while it was being resurfaced. Bob believes he has increased the value of his property (Taylor presented pictures to show how clean Bob's business is run). He also referenced the complaint received by the City and noted that the petitioner recently had his entire driveway resurfaced which is the reason for the stacked up pallets. There were letters from neighbors in the information packet who are fully supportive of this request.

BZA Discussion:

Klapper asked Staff to restate #13 in the staff report regarding deliveries relative to the "use specific" standards. Scanlan said the petitioner receives deliveries of pallets for roughly 70% of his business. The deliveries occur in the late afternoon or evening for a maximum of 1.5 hours a day. The petitioner is requesting a Variance from this standard. Was there any consideration for this property to be zoned something else? Scanlan responded that it was discussed but doing that would really just address this one Lot to address an enforcement issue. How many trips or deliveries per week. Iatarola said at most 5 deliveries per week. Throckmorton said what we're really talking about is coming into the "use requirements" if he would comply with the six (6) conditions outlined in the staff report. Throckmorton asked Staff what is the follow-up by the City. Scanlan said the petitioner could supply a timeline and the BZA could decide if his timeline is reasonable or not. How long will it take for him to build a secondary structure? Discussion ensued regarding the types of deliveries that are being made to a home based business with

small scale vehicles. Klapper asked if the BZA has purview to say that the Variance and the way that we interpret that (the Development Standards Variance) isn't required. Klapper asked the petitioner how long it would take him to come into compliance. Iatarola responded he would like to have at least 9-months to come into compliance. Sonneborn wondered if more complaints would occur when the second structure is being built. Iatarola said he would handle this construction differently with regard to the storage of pallets. The complaint occurred because concrete was being poured for the driveway and I didn't really have any place to put them. Iatarola said Bloomington needs a place to recycle pallets. Burrell commented the petitioner is doing 50-60% of the pickups himself, so he has approximately 40% delivered to him but how often? How many trips per day or week are those deliveries? Taylor responded the petitioner has five this week and three next week so on average about two deliveries—it's not a lot. Throckmorton asked what the follow-up time is by the City in terms of compliance, is it weeks, months, years? Scanlan explained that Staff hoped there would be discussion between the petitioner and the Board relative to him providing a timeline for when he could meet imposed conditions. The Board could determine if the timeline was reasonable, and if so, include those stipulations in the amended conditions. Scanlan said we're saying that, "You have to meet all 13 conditions of approval." So you have to find a way to meet them all, and if you can, you can keep operating. Let's set a deadline for when you will build the accessory structure and be fully operational within the code. If you aren't done by that time Staff will start enforcement. Scanlan said he has to meet those conditions if he wants to continue to run his business, and if he can't, he has to stop. Discussion ensued regarding the types of deliveries received at the home; Amazon deliveries versus large trucks with large pallets. Klapper asked the petitioner to explain the size of trucks being used in comparison to FedEx trucks. The petitioner's representative (Taylor) explained these are flatbed trucks approximately 22 feet long. It would be the equivalent of me having my pickup truck with a long car behind it. It's just safer to use the flatbed. People bring the pallets to the petitioner's home based business. He added that local businesses use pick-up trucks for the most part for their pallet deliveries. The petitioner added that it's similar to guys going around Bloomington that have a private trash pickup truck. Scanlan said the idea is probably to exclude lots of extra truck traffic and this particular use doesn't appear to be generating that. Klapper wondered if the Board had purview to say that what's happening with people dropping off pallets isn't technically even deliveries as described in the UDO. Meaning that no Variance would be necessary? Scanlan deferred to Mike Rouker, Legal Dept., who said the Board could absolutely do that but it could still be an enforcement question somewhere down the road and I don't want to foreclose that route. Throckmorton thinks the Variance agreement is leverage for meeting the Conditional Use Standards on the property. Throckmorton had concerns about requests like this where things get lost in time and no one ever goes back to check and guess what, the secondary structure was never built and things continue as-is. Further, he doesn't think the BZA is qualified to determine what constitutes a delivery; it's a slippery slope. Discussion ensued regarding a timeline for the petitioner to come into compliance and to build the new structure; the petitioner would like to be given at least 9-months. He would start construction immediately. The weather is going to change soon and it's going to be difficult to pour concrete, so I would like until at least June or July of 2022. He would also like to continue running his business during the construction phase. Sonneborn said there aren't any neighborhood complaints right now but she wondered if the construction

phase would generate more complaints. The petitioner responded he didn't think so. The problem before was the pouring of concrete for the driveway and there was nowhere to put the pallets. The petitioner guaranteed the Board things would be a lot smoother this time around. He urged the Board to work with him on this because he's put a lot of time and years into this business. Klapper asked if it's possible for the petitioner to shift his business to pick up more of the pallets off-site. The petitioner said for some of them yes, but others no, because they live in residential areas and they can't be parking in apartment complexes. He thinks Bloomington needs a pallet business and someplace to recycle them because we don't need to keep dumping pallets in the landfill and killing trees.

No public comments.

****Throckmorton moved to approve CU/V-19-20 based on the written findings in the staff report with the following conditions:**

1. This approval is a Conditional Use approval for a Home Occupation for a pallet business to take place in an accessory structure. This work is to be completed by July 31, 2022. No other business or work is approved.
2. This approval does not approve the Variance to allow deliveries to the property that do not comply with those excluded in 20.04.030(g)(6)(P). Further, those deliveries may be redefined by the City.
3. All of the pallet business, including storage and transfer of pallets, and storage of waste materials, shall take place inside an accessory structure that meets the size requirements of 20.03.030(g)(6)(G).
4. No outdoor storage, including a dumpster or trailer for storage of materials related to the business is allowed.
5. The business shall only operate on the site between the hours of 8:00 am and 8:00 pm.
6. A *Zoning Commitment* indicating compliance with 3-5 above shall be recorded in the Monroe County Recorder's Office before a Conditional Use permit is issued.

Burrell confirmed that the petitioner is going to be allowed to continue his business as-is as long as his deliveries are non-obtrusive to the neighborhood. Throckmorton agreed that is the intent of his motion.

Klapper seconded. Motion carried 4:0—Approved.

V-08-21 **Starbucks Coffee Company**
S. Liberty Dr. (North of Bloomfield Road)
Request: Variance to allow vehicle parking in excess of the Maximum Vehicle Parking Allowance for a 'restaurant'.
Case Manager: Jackie Scanlan

Jackie Scanlan presented the staff report. The petitioner is requesting a Variance to allow vehicle parking in excess of the Maximum Vehicle Parking Allowance for a 'restaurant'. Information since the July hearing: The petitioner submitted car counts for regional Starbucks locations with similar characteristics to the requested location, such as near a highway interchange. The count is attached to this report. The averages for the three locations were 26.6, 20.04, and 24.2 cars at 8am Monday through Friday, which is during the peak service time for all locations. The highest daily count was 29 cars, with 27 cars appearing three times and 28 cars appearing once. The Board of Zoning Appeals discussed potentially coming to a compromise below the requested 33 spaces and above the 11 allowed spaces at the July hearing. Information since the first hearing: The petition was heard at the June 2021 Board of Zoning Appeals hearing. The Department recommended continuance of the petition until the petitioner provided information about typical need for the use that demonstrated support for the Variance request. The petitioner did not submit anything before the Final Revision Deadline, but when contacted by Staff, did produce a document indicating the number of parking spaces at area Starbucks locations. The data requested was related to how many of the spaces were actually used on a regular basis. The Department finds that listing the number of spaces with no indication of their typical use does not address the request for three times the allowed parking at this site. However, based on the conversations had at the previous hearing, the BZA may find that this is enough information to act on the petition. The property is 1.05 acres and located northeast of the intersection of S. Liberty Dr. and W. SR45 and was zoned PUD (Planned Unit Development) at the time of this filing. Surrounding properties have been developed with commercial uses. The petitioner is proposing to construct a 'restaurant' at this location with a total of 33 parking spaces. The UDO limits restaurant uses to a maximum vehicle parking allowance of 10 spaces per 1,000 sq. ft. of Gross Floor Area of indoor seating, and 5 spaces per 1,000 sq. ft. Gross Floor Area of outdoor seating. The proposed site plan would allow for a maximum of 11 spaces. Starbucks is proposing to include a total of 33 vehicle parking spaces on the site. The 22 spaces over the limit are proposed to utilize permeable pavers. Also requested is a Variance to allow 22 parking spaces over their maximum vehicle parking allowance. No injury is found with the allowance of additional parking spaces. No adverse impacts are found to the use and value of the surrounding area. Approval of the Variance will allow for more room on the site to hopefully decrease vehicular stacking. Practical difficulty is found in the use of the property in terms of allowable use, customary traffic the business generates, and no on-street parking opportunities. The Planning Department suggests a maximum of 30 parking spaces, which is still 19 spaces more than allowed by code and almost three times the amount of allowed parking, including the fact that it's in excess of the peak hour parking totals presented for similar locations in Indiana. The Variance more than makes up for lost on-street parking. Staff recommends approval of V-08-21 based on the written findings outlined in the staff report including the following conditions:

1. The Variance is approved for a maximum of 30 parking spaces.
2. The petitioner will work with the Department to identify the best location to remove the excess parking spaces from the site plan.

3. The Variance is for parking space total only. Any additional changes that do not meet code will require additional Variance.

Mike Timko, PE from Kimley-Horn and Associates is representing Starbucks. The reason they think the Variance is appropriate is because Starbucks has a unique characteristic in terms of use compared to a traditional restaurant. Given proximity to the interstate this site is somewhat peculiar to a typical site. A parking study was provided to the Planning staff; this included one week of field collections – 3 different stores in Indiana using their peak times of the day. He believes the parking request is warranted and therefore the Variance request remains at 33 parking spaces.

BZA Discussion:

Throckmorton said both times the Board heard this petition, it's been referenced that this location is an interstate Starbucks where people exit the interstate and go through the drive-through to get their coffee, so that's how you're characterizing this as the majority use of this restaurant, correct? Timko didn't think it would be the majority. He believes the majority "user" is going to be the local commuter. Throckmorton asked if the majority user would be using the drive-through versus going into the store. Timko said yes, during peak hour transactions. Throckmorton said we talked about the idea of having shared parking. Did you have any conversations about what appears to be widely accessible parking across the street? Timko said no. The reason we don't want to have shared parking is because of safety concerns for pedestrians. Starbucks never encourages mid-block pedestrian crossings especially on curves, so I would not be in favor of doing shared parking across the street. Burrell said she was glad to see the parking study for comparison purposes during peak hours. Discussion ensued regarding customers ordering ahead, parking, and going into the store to pick-up their order. This seems to be on the rise. Timko agreed. Unfortunately this is a byproduct of Covid but we're finding out quickly that we don't see this going away even as Covid does. He said a lot of quick service restaurants are making that part of their typical site plan now.

No public comments.

Back to the petitioner:

Dave Kamen, property owner, said he's friends with the neighbor across the street (Tom) so he spoke to him about the parking situation unbeknownst to Mr. Timko. Tom didn't think it was a good idea to have people traverse across the street due to accidents and people getting run over by cars. He added that 30 parking spaces seems to be the right number or possibly even 32 spaces given basketball and football events, auditorium events, festivals and so on, so those spaces will be needed.

BZA:

Final comments were made by the Board in terms of the number of parking spaces being requested versus the number that should be allowed in regards to an overall compromise.

****Burrell moved to approve V-08-21 based on the written findings including the three conditions outlined in the staff report. Sonneborn seconded.**

Throckmorton said I think we're giving up too much. We are missing an opportunity for a business to work responsibly to find alternative parking for their employees that's accessible. I think it's a missed opportunity and I won't vote for this.

Roll Call: 3:1 (Throckmorton opposed)—Approved.

CU-13-21 **Marissa Engel**
422 E. Kirkwood Ave.
Request: Conditional Use approval for a standardized business (Raising Cane's Fried Chicken) in the MD-UV (Mixed-Use Downtown-University Village) zoning district.
Case Manager: Keegan Gulick

Keegan Gulick presented the staff report. The petitioner is requesting Conditional Use approval for a standardized business (Raising Cane's Fried Chicken) in the Mixed-Use Downtown. The property is located at 422 E Kirkwood and currently zoned Mixed-Use Downtown and located in the University Village Downtown Character Overlay (MD-UV). Surrounding properties are also zoned MD-UV. The property is currently developed with a mixed-use structure with multifamily dwellings above and commercial space on the first floor. The petitioner is proposing a *Raising Cane's Fried Chicken* in the first-floor commercial space of the structure. Their proposal involves a remodel of the space along with new signage. This property is not within a historic district or listed on an historic preservation survey. This use requires approvals from City of Bloomington Utilities and the Monroe County Health Department. This petition meets the criteria for a standardized business. The proposal does not call for any changes to the façade or exterior of the structure. The only proposed changes are to signage and the interior. The proposed signage shows differentiation from the typical Raising Cane's sign package. The colors visually compliment the surrounding structures by only using red, black, and white colors which is similar to the Chipotle restaurant that is adjacent to the property. The channel letter sign is a unique sign design that is appropriate for this area. The design is minimal but still readily identifies the restaurant. The petition complies with the UDO, other applicable regulations, and utility, service, and improvement standards as required by the general compliance criteria. No prior approvals are found. The petitioner will comply with CBU and Health Department regulations for this use. This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as "Downtown." The Downtown district is meant to be a commercial hub that offers a variety of businesses and series. This restaurant is ideally located next to other restaurant uses. The MD-UV district and standardized business criteria ensures that businesses in this district will maintain the character of the district while still allowing for new growth and development. This proposal will fill a vacant restaurant space which will improve the character of the block. The proposed use requires a grease interceptor. The petitioner will work with City of Bloomington Utilities (CBU) regarding grease interceptors and utility capacity. No exterior changes are being proposed with this Conditional Use approval. No additional lighting outside of what is typical of a restaurant is being proposed. No nuisance

regarding noise, smoke, odors, vibrations, lighting, or hours of operation is found. The proposed signage will be required to meet lighting requirements. No pre-submittal neighborhood meeting is required. Staff recommends approval of CU-13-21 based on the written findings outlined in the staff report including the following conditions:

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

Melanie Bagley, Property Development Manager for Raising Canes, is present for the petitioner as well as Dusty Johnston and Marissa Angle from ADA Architects. Also in attendance for the petitioner is the building owner, Michael Eaton with Rubicon. The proposed sign design on the front façade on the canopy is channel letters with a small oval logo, which is not typical of our other locations. There is a cabinet sign on the back of the oval and that is back at the parking area. This will help identify that there are three parking spaces at the rear of the building that will be utilized for the operation of the store. A blade sign was proposed; however, out of concern for the tenants above and their wellbeing (not keeping them up at night), we eliminated that design and proposed the one before you. I will yield the rest of my time to anyone with questions. No comments or questions from the BZA.

No public comments.

****Throckmorton moved to approve CU-13-21 based on the written findings including the four conditions outlined in the staff report. Burrell seconded. Motion carried 4:0—Approved.**

V-17-21 **Strauser Construction Co.**
1300 N. Lincoln St.
Request: Variance from the required 8-foot side parking setback to allow for a 5-foot parking setback.
Case Manager: Keegan Gulick

Keegan Gulick presented the staff report. The property is located at the northeast corner of the intersection of 17th and Lincoln Streets. This property is currently zoned Mixed-Use Student Housing (MS) and has been developed with a single-family structure and a 6-unit multifamily structure. All surrounding properties are also zoned MS. The petitioner is requesting a Variance from the required 8' side parking setback to allow for a 5' side parking setback. The proposed site plan shows a 4-story structure with a mix of studio and 2-bedroom apartments for a total of 24 bedrooms. The side parking setback is required so there is sufficient buffering and landscaping from a parking lot to the adjacent properties. For this development, a portion of the parking

garage is below ground. Because of the requirements for a 20' drive aisle, parking, and building setback requirements, the petitioner has designed the site so that a portion of the parking extends out from below the building. Because it is not enclosed, it is considered surface level parking and is required to meet the 8' side parking setback. The petitioner is showing 18 foot parking stalls, however, the UDO allows 16 foot parking stalls for 90 degree parking. While this would decrease moving space in the garage, it could help to preserve setback and green space outside of the building. No injury is found to the public health, safety, morals, and general welfare as a result of this petition. The petitioner will meet impervious surface and landscaping total plant count requirements. They will have a reduced side parking setback so that they can include sufficient parking on the site. Staff finds no adverse effects to the use or value of adjacent properties as a result of this petition. The proposed use is multi-family which is permitted in this zoning district. The proposed development is of a similar scale to the adjacent developments and would improve the pedestrian infrastructure and access on the site. The proposed setback is also similar in scale to the adjacent property to the north. Practical difficulty is largely found in the 60-foot width of the property in combination with the required building setbacks, minimum drive aisle width, minimum parking space length, and side parking setback requirements. There is no street parking available on both frontages. Providing some parking in the building is ideal at this location. In order for the petitioner to still have sufficient parking on the site that meets all other aspects of the UDO, it would require encroachment into the side parking setback. The current design shown by the petitioner does not take advantage of the reduced parking space lengths included in the UDO. If the petitioner utilizes those 16-foot spaces, the side parking setback can be increased to 7 feet, only 1-foot short of the required 8 feet, while still allowing parking on site within the constraints of the property. Staff recommends approval of V-17-21 based on the written findings outlined in the staff report including the following conditions:

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

Ryan Strauser, Strauser Construction, is present for the petitioner. The site is really tight and we've been working with Matte Black Architecture and Smith Design on this project. Right now we're asking for 18-foot parking spaces. We understand that 16 feet is allowed by the UDO; however, as a design team we don't think that 16 feet takes into account a typical underground/parking garage with columns, walls, including a reducing turning radius. This is a parking garage. Typical parking spots would be 17-18 feet at minimum. An 18-foot parking space would be typical with drive aisles being closer to 22 feet. The ADA parking space also requires a decent amount of maneuvering clearance in order to get the van in/out of the garage. He said they are also proposing additional trees and landscaping on the side of the building towards 17th Street to make it better since they are going over the setback to the north just a bit. He's happy to answer questions.

BZA Discussion:

Flavia Burrell asked to see elevations to see how the parking lot operates because it's underground. Gulick said the west side of the garage is where the entrance is located. The dumpster enclosure; behind that is where the parking sticks out. Jackie Scanlan, Development Services Manager, explained the reason why the parking is sticking out is because there is a building setback on that side of the property of 15 feet and they don't want to meet that requirement. Scanlan added that parking isn't required at this location. The petitioner would like to have on-site parking so we worked with them so they could do this kind of bizarre hybrid building plan (we don't see this much) where the basement won't be visible from 17th St., but from the northern side of the property the front of vehicles will stick out. Below the building will be a retaining wall. All parking in the UDO requires some sort of setback. In order to meet that setback, they hid that level so it wouldn't be visible from the road, so they wouldn't have to deal with the 20-foot setback from the southern wall. However, they still have to deal with the 8-foot setback from the northern wall. Scanlan added the property is only 60 feet wide so the petitioner was going to have difficulty meeting the front and rear setbacks, including parking setbacks, so an encroachment was necessary. Scanlan acknowledged the unique design. It's basically a basement floor with no roof on it so it's just open to the open air. Discussion ensued regarding green roofing and if it could be applied here. Strauser said it really wasn't possible due to grade changes; the grade falls a lot from east to west on the site. Klapper asked Staff to talk about the UDO change in parking depth from 18 feet to 16 feet. Scanlan said historically parking spaces are 9 x 18 feet minimum unless they are compact spaces. With the code update, we looked at other codes and trends to see what makes the most sense. Parking space minimums in many places are being reduced to 16 feet, so that allows for and provides a better use of land. We are dedicating less of our space to vehicles but still having enough space for them to be able to utilize the parking lot and parking spaces. Parking lot length is reduced to 16 feet for 90 degree parking.

No public comments.

****Throckmorton moved to approve V-17-21 based on the written findings including the two conditions outlined in the staff report. Sonneborn seconded. Motion carried 4:0—Approved.**

Meeting adjourned.