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The Board of Zoning Appeals (BZA) met on June 23, 2022 at 5:30 pm; a hybrid meeting was held both in the Council Chambers, located in Room 115, at 401 N. Morton Street, City Hall – Bloomington, IN 47404 and remotely via Zoom. Members present in the Council Chambers: Jo Throckmorton, Flavia Burrell, Tim Ballard and Erik Coyne (Barre Klapper absent).

APPROVAL OF MINUTES: March 24, 2022

****Coyne moved to approve the minutes as distributed from March 24, 2022. Ballard seconded. Motion carried unanimously.**

PETITION CONTINUED TO: July 21, 2022

AA-17-22 **Joe Kemp Construction & Blackwell Construction** – Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Drive – Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022.

REPORTS, RESOLUTIONS, COMMUNICATIONS:

Jackie Scanlan, Development Services Manager, reported that four board members and the petitioner received two correspondences that we received related to the first variance tonight. Just to clarify for anyone watching or those newly involved, we cannot transmit information to the BZA within 5 days of the hearing. But because those letters came in, in time to be transmitted and were just inadvertently omitted from the information packet, it was determined that they could be given to you. We also received three other letters of correspondence as well and we let those people know that they were within the window, so we couldn't give those to you but if they are here tonight and ask for those to be transmitted then we can. So just FYI in case that happens.

Jo Throckmorton reiterated for the purpose of disclosure to the public, the additional letters were date June 16, 2022 were received beyond the five day window which is in the Rules of Procedure. Scanlan added the stipulation is also in the State code.

PETITIONS:

V-14-22 **Chris and Betsy Smith (Springpoint Architects)**
600 W. Kirkwood Ave.
Request: Variance from front building setback standards, front parking setback standards, and a determinate sidewalk variance to allow for the

construction of a new single-family residence in the Mixed-Use Medium Scale (MM) zoning district.
Case Manager: Eric Greulich

Eric Greulich presented the staff report. The 0.20 acre property is located at the northwest corner of W. Kirkwood Avenue and N. Jackson Street, zoned Mixed-Use Neighborhood Scale (MN), and located within the Near West Side Conservation District. The petitioners are requesting a variance from front building setback standards, front parking setback standards, and a determinate sidewalk variance (on the Jackson St. frontage) in order to allow for this property to be developed with a new single family residence. The property is currently vacant and previously contained a detached garage on it that was removed. Surrounding properties have all been developed with a mix of mostly single family residences and some multifamily residences. The site itself is relatively flat in topography with very little grade change along the property. There is a sidewalk along Kirkwood but no sidewalk along Jackson St. Proposed is a new single family residence with a driveway off of the alley along the north side of the site that accesses an attached garage. In addition, the petitioner received a Certificate of Appropriateness (COA-22-32) from the HPC for the proposed residence. Again, the request is for a variance to allow a 10-foot setback from the Kirkwood Avenue frontage and a 7-foot setback from the Jackson Street frontage. This is being requested to match the existing historic setback of the adjacent residences. This is also supported in the Plan for West Kirkwood to maintain existing historic block faces. The MN zoning district requires any areas used for parking to be located 20 feet behind the front building wall. This setback requirement is designed for commercial uses to ensure parking is not between a building and a street, and to promote pedestrian accessibility, which are aspects that are not applicable to a single family residence. The UDO does not have standards for single family residences specifically in the MN zoning district to better match that use. The petitioner is requesting a variance from the 20-foot front parking setback standard to allow a 3-foot setback for the driveway to the attached garage. The proposed driveway will be 20 feet wide and have a 15-foot setback from the improved alley; this meets the standard for a typical driveway. Also requested is a determinate sidewalk variance in order to not require a sidewalk to be constructed on the Jackson Street frontage. Staff is recommending approval of the two setback requirements from the building setback as well as the parking setback. Peculiar condition is found in the location of the adjacent residences and the existing block faces being closer to the streets than what the build-to-range would allow. The petitioner designed the site to be compatible with the adjacent residences, fit the historic pattern of the Conservation District, and fit within the design guidelines of the West Kirkwood Plan. Strict application of the Unified Development Ordinance (UDO) will result in practical difficulties in the use of the property; a typical driveway could not be constructed that is appropriate to the use. The granting of the variance allows for a driveway to be installed that is typical to a single family residence and appropriate for the neighborhood. The final variance request is from sidewalk installation requirements. No practical difficulties are found in the use of the property. A compliant sidewalk could be constructed on this site. As previously mentioned, the site is relatively flat so there are no topographic constraints that would

prohibit a sidewalk from being constructed. The site will continue to be used as a single-family development even if the sidewalk is built. The petitioner has not supplied sufficient data or reasoning indicating that there are practical difficulties in the use of the site and that a variance is necessary for relief. Staff finds adverse impacts to the use and value of the surrounding area associated with the proposed sidewalk variance. The granting of the variance is expected to have off-site negative consequences, as it will continue the existing design that lacks a sidewalk connection to the network north of Kirkwood Avenue. Greulich reiterated there is no justification for the determinate sidewalk variance given that none of the variance criteria have been met. Staff recommends that the Board of Zoning Appeals adopt the proposed findings for V-14-22 and approve the variances for building setback and parking setback and deny the determinate sidewalk variance with the following conditions:

1. This variance is for the driveway location as submitted. Any new driveway design or placement will require a new variance.
2. A minimum 6-foot wide concrete sidewalk is required along the property frontage.

Note: Greulich noted there were three conditions listed in the staff report; however, condition #2 “***A zoning commitment for the determinate sidewalk variance must be recorded and submitted prior to approval of a building permit.***” is listed in error in the staff report. There should only be two conditions of approval. Those two conditions are listed above.

Dawn Gray, Springpoint Architects, is representing the petitioners. Our intention with this project was to respect the historic fabric of the neighborhood. In doing so, we carefully looked at the neighboring properties, overall patterns of the neighborhood, and locating the house where it is. As you can see, the house is offset on Kirkwood and on Jackson. It received a *Certificate of Appropriateness* (COA) from the Historic Preservation Commission (HPC). We also met with the neighborhood committee and the Near West Side Conservation District and everyone was supportive of the project. In addition, the HPC was supportive of the determinate sidewalk variance. The neighborhood pattern of the Near West Side does not particularly include the inclusion of sidewalks on the north/south streets; narrow streets 20 feet wide. In this neighborhood there are houses to the north and south that are right up next to the property. These are strictly historically designated homes that would require a demolition delay and much debate if they were ever to be torn down or removed. It seems unlikely that a network of north and south sidewalks would happen in the near future. In the future, if sidewalks are deemed appropriate and established within the neighborhood, a sidewalk could be added to this property. Because this is an underdeveloped piece or plot, creating a sidewalk along Jackson St. is really creating an anomaly within the neighborhood and may not be serving the neighborhood in a productive way.

BZA Discussion:

Tim Ballard asked Staff if there is a bigger plan for where sidewalks would be going in on the Near West Side. Things are in place the way they are to create walkability for the neighborhood, but it seems like things are pretty random. Looking at the property (referring to the north) it's got a huge retaining wall, so is there a larger overarching plan or scope to where sidewalks will go in this neighborhood? **Greulich** said no, there is not a city-wide or neighborhood specific plan for sidewalks; however, we recently crafted several sections of the Unified Development Ordinance (UDO) that address when sidewalks are required. In general, sidewalks are required when you have property frontage on classified streets. **Scanlan, Development Services Manager**, added we made big sidewalk changes in the code in 2017. The rule used to be that if you were building a new single family house and you were on a road, no matter what the context, you built the sidewalk. We, the Department, felt like there would be no benefit to have a sidewalk in areas where there were literally no sidewalks. As a department, we took an amendment to the Council and got it approved to the changes that Eric now mentions. But if you're on a classified road or immediately adjacent or connecting to an existing sidewalk, we still feel it's appropriate for those sidewalks to be built—when new single family homes are built. So that's kind of where we are now.

Public Comments: _____

Dr. Joan Middendorf, 1010 W. 7th Street has lived in Bloomington for 34 years. She is in favor of having sidewalks. Anytime of day or night, people are walking in this neighborhood and going to work in the morning, going downtown to eat, going to the bars, or going home from work. It's very different living in downtown Bloomington and the sidewalks are key. This property is right along Kirkwood and there is a bus stop a half block down the street, so it's very important for people to be able to get to the bus stop. Sidewalks are for safety; people like sidewalks. I took a petition around the neighborhood and 18 people were happy to sign it. However; people in our neighborhood are not happy with the neighborhood association because they are not taking input from the neighborhood. We want sidewalks. It's an important issue in our neighborhood and in the future with climate change. It's been a habit in our neighborhood if you built a house and it adjoined a street, you had to put in a sidewalk. Its disturbing if there is going to be a trend that you're not going to have that happen. We're asking the City to please continue this rule. If you build a house that adjoins a street, you have to put in the sidewalk. **(Antonio, last name inaudible)** is a physics researcher at IU and he moved to the neighborhood in 2021 at 117 N. Jackson Street. He and his family walk often in the neighborhood and he is advocating for a sidewalk at this location for visibility and overall safety. **Cara Snyder**, 117 N. Jackson Street, submitted a letter not within the five day limitation so she apologized for that. She, too, is advocating for a sidewalk to be built. She said there are many kids on this street and people pushing strollers, so it's an important precedent to set to have new properties build sidewalks and, hopefully in the future, the sidewalk could extend along N. Jackson. Jackson Street is heavily trafficked by both pedestrians and cars so without a sidewalk it's a dangerous situation. **Susan Savastuk** sent in a letter as well. She lives near

Fairview School. The car traffic in our neighborhood has been increasingly more threatening to pedestrians. People drive through stop signs and speed up and down 7th Street. Sidewalks make it safer for me and my family to negotiate the neighborhood. Many of us in the neighborhood are in favor of having more sidewalks, not fewer safe passages. I support putting in a sidewalk at this location.

Back to the Petitioner:

Chris Smith, property owner, said there wasn't a secret Historic Preservation (HPC) meeting. I didn't call a secret meeting of the Board and ask for a sidewalk variance. It was kind of implied by someone who spoke earlier. I was told to come to a meeting of the HPC Board and get approval for the historic design of the house in order to meet their guidelines. There is no infrastructure in this neighborhood, specifically storm sewers. We can build the sidewalk but the street would have to be narrowed even more. A 6-foot sidewalk is extremely excessive. The word "determinate" is important because it doesn't mean I'm never going to build a sidewalk, it means if the City comes up with a plan to add sidewalks to the Near West Side then the City could make me build a sidewalk. The house north of this sits on the alley and 1-foot over the property line. It's a tough conversation.

Dawn Gray emphasized that we met with the neighborhood committee because the HPC requested we do that prior to being heard by the HPC. We requested the meeting from the appropriate person that was given to us as the contact. There was never any intention or desire to exclude anyone from the neighborhood. We were trying to do our due diligence but there seems to be conflicting thoughts and desires within the neighborhood.

BZA Discussion:

Burrell said if the sidewalk is built on the east side of this property going south to north, are there any sidewalks that will be going in the same direction on the houses above? **Scanlan** responded there is north/south sidewalk on the west side of Jackson north of 6th Street, so one block north there is sidewalk on the west side. **Throckmorton** said to clarify there would be a half block of no sidewalk? **Scanlan:** Correct.

Throckmorton said this is unusual but we're going to go back to an additional public comment.

Additional Public Comment:

Christine Glaser apologized for not being able to access the Zoom meeting earlier during the public comment period. She resides at 917 W. 6th Street. She said I walk a lot for exercise all around the neighborhood. My grandchildren and I walk to the park on 9th. I'm asking the Board to insist on having a sidewalk built whenever possible. It's important for our safety.

Dawn Gray had no further comment.

Throckmorton: We will return to the actual Rules of Order.

****Burrell moved to adopt the proposed findings for V-14-22 and approve the variances for building setback and parking setback and deny the determinate sidewalk variance with the three conditions outlined in the staff report.**

Throckmorton said I would like to clarify that was the old language. The one presented by Eric earlier took out item #2. Would you like to amend that? Burrell said yes. Throckmorton asked Burrell to read the motion with condition #1 and #2 for the record.

Burrell restated the conditions of approval:

- 1. This variance is for the driveway location as submitted. Any new driveway design or placement will require a new variance.**
- 2. A minimum 6-foot wide concrete sidewalk is required along the property frontage.**

Ballard seconded.

Back to the BZA:

Burrell asked the petitioner what the practical difficulty is in building the sidewalk. **Gray**, petitioner's representative, explained from an overall planning or historic perspective that the north/south streets in this neighborhood are narrow and not designed to include sidewalks. Originally we were trying to respect what we felt the neighborhood wanted and felt it was appropriate with the existing patterns in the neighborhood. Those streets are not heavily trafficked or traveled, although I do respect and understand the concerns of the neighbors. I think because this is an undeveloped lot in a historic neighborhood that is being overlaid with modern and contemporary planning perspectives, we asking for consideration to be given that this is not a historic pattern. **Coyne** asked if the sidewalk had to be a minimum of 6 feet. Is there any flex on that? **Greulich** said the 6-foot is updated from our Transportation Plan so that was an increase from the previous 5-foot. The UDO says that we would work with them to get as much in the ROW as possible. If there are any portion that have to encroach on private property those would just be covered with a pedestrian easement. There is also a section of the code that says if any portions of a sidewalk that are on private property, do not count against the maximum impervious or minimum landscape area so it would not impact their development in terms of having to create any additional permeable area as a result of the sidewalk. It looks like there is about 5-foot of ROW now so the road would not have to be narrowed in order to accommodate the sidewalk. Placement of the sidewalk would not have any impact on setbacks or location of the house. **Ballard** agreed with Chris

Smith that placement of the sidewalk is a tricky thing. I think the fact that we can't see the long-term right now is why the UDO has these things are in place. The walkability factor is important for any neighborhood. I think the environmental impact does play a role, and I think that is an important factor to take into consideration that differentiate the Near West Side neighborhood from most other neighborhoods where people can walk to work downtown. **Burrell** asked Greulich if the requirement of a sidewalk counts toward the petitioner's impervious surface coverage allowance. **Greulich** said it will not count against them. **Throckmorton** said Mr. Smith mentioned that they may have to encroach and build out into the street in order to meet this requirement is that accurate? **Scanlan** said that won't happen. If it can't fit in the grass immediately adjacent, then we will do a pedestrian easement for whatever portion has to be on the lot—that's what the UDO recommends.

Chris Smith talked about possible sidewalk options along Jackson St. He said a 6-foot sidewalk is a current planning tool but not appropriate for this location. When the City redid Kirkwood, they turned the curb up Jackson Street but they didn't turn the sidewalk with it. Where the curb stops, they widened the entrance wider than the width of Jackson, so we got that grass median. So if I'm going to pull sidewalk up, I'm going to take out the stop sign and tie in the existing sidewalk and run it back at curb. Am I running it straight up and leave a 5-foot strip of grass or am I offsetting it and running up the edge of asphalt? Well, I'm going to want to offset it because, if not, almost all 6 feet of that sidewalk will be on my property. I'm not really happy about that. We're going to have to meet with an engineer to design all of this. We will do what we have to do to keep the sidewalk as much in the right-of-way as possible. I don't think I will be required to rebuild storm infrastructure, maybe I will, but if I have to run storm infrastructure up the street to handle the water, we're going back to an apartment building. This is probably a \$40,000 conversation on a \$30,000 permitting process. My guess is that the City is going to put it all on me and it's going to be way beyond a sidewalk because this is not setup for it. If the City wants sidewalks in all of the downtown neighborhoods, they need to put a plan in place through the Transportation Plan. **Scanlan** added that if the petitioners were not requesting multiple variances, they would just be applying for a building permit. In the design, they would be showing how they are meeting the sidewalk requirements. Those requirements come from the Transportation Plan which is a community vetted document that contains the minimum 6-foot requirement for roads just like this. Maple Street which is two streets to the west, has north/south sidewalks. Just because a neighborhood is historic or houses are old and the people who develop them at that time didn't have the money to put in appropriate infrastructure, doesn't mean that for the rest of the existence of those homes (when possible), we shouldn't try to improve those public amenities. This doesn't have an existing corner update, but that is something we can work with Engineering and figure it out. **Coyne** asked if the 6-foot requirement is non-negotiable. **Scanlan** responded that having the 1-foot of extra space (meaning going from 5 feet to 6 feet) has become the standard as outlined in our Transportation Plan. **Burrell** said the curb encroaches into the property. Where is the sidewalk going to go? **Greulich** explained there is some language in the code (the UDO) that does seem to give some difference to the Director and City Engineer to allow

modifications to sidewalk width at staff level if the 6-foot doesn't work here. But in terms of location, you know the easiest location would be behind the curve and then it could either wrap around to the east a little bit to stay more within the right-of-way, or it could extend to the North. There is nothing unique about the property that would prohibit the installation of a sidewalk. **Burrell** is concerned about the 7-foot setback and the 6-foot sidewalk which only leaves 1-foot. It might be necessary in this case for the sidewalk to be built immediately adjacent to the street. **Scanlan** said I just want to be super clear; the code requires a 6-foot sidewalk with a 5-foot separation. The code allows that the Transportation Department can allow some changes to that but 6-foot is still required. The thing it allows is the removal of the 5-foot tree plot. Discussion ensued regarding sidewalk installation including working with the Engineering Department for exact placement.

ROLL CALL: 4:0—Variance from front building setback and parking setback standards is approved. The determinate sidewalk variance is denied.

V-19-22

Peoples State Bank

202 W. 17th St.

Request: Variance from front parking setback standards. Also requested is a variance from drive access standards to allow construction of a 34,200 sq. ft. commercial building in the Mixed-Use Corridor (MC) zoning district.

Case Manager: Gabriel Holbrow

Gabriel Holbrow presented the staff report. The property is located on the north side of 17th Street, covering the entire block from College Avenue to Woodburn Avenue, and zoned Mixed-Use Corridor (MC); Comprehensive Plan designation is Urban Corridor. The site currently has a Peoples State Bank branch and a former Pepsi bottling plant. The City of Bloomington Engineering Department is in the final stages of design and planning for a new multi-use path along the north side of 17th Street adjacent to the property. The petitioner is proposing to redevelop the site as a corporate office and local bank branch for Peoples State Bank. The proposal consists of one 4-story building, approximately 34,200 gross square feet. The building would be located near the corner of 17th and College at the southeast of the site. Holbrow noted this petition is subject to major site plan review by the Plan Commission at a public hearing on July 11, 2022. The petitioner is requesting a total of three variances. **#1** Front parking setback variance. This variance is to allow parking areas between the building and Woodburn Avenue to the west. The UDO requires a minimum 20 feet behind the primary structure's front building wall. Because this setback applies to all public streets, the Unified Development Ordinance (UDO) requires all parking to be at least 20 feet behind the building wall nearest each of the three adjacent streets, including Woodburn Avenue. As proposed, the development will provide 58 off-street parking spaces, including 6 spaces in the building and 52 spaces in the surface parking area. This is well below the maximum of 136 parking spaces that could be allowed for this amount of square footage. **#2** Drive

location variance. This variance relates to driveway access for the site's parking areas and drive through on 17th St. The UDO requires that drive access be located on the street assigned the lower functional classification. College Avenue is classified as a primary arterial street, 17th St. is classified as a secondary arterial, and Woodburn Avenue is not classified (otherwise known as a local street). Because Woodburn Avenue is the lowest classified street or local street, the UDO requires that all drive access be on Woodburn. The petitioner is requesting a variance to allow drive access on both Woodburn and 17th Streets. Proposed is a two-way driveway on Woodburn to the west and a second two-way driveway on 17th St. to the south. The driveway on 17th St. crosses the planned multi-use path along the north side of the street. #3 Driveway pavement width variance. This variance is specific to the design and width of the driveway on 17th St. and therefore is contingent on a variance approval to allow the driveway in the first place. As proposed, the driveway runs north/south from 17th St. and intersects with both the drive-through exit coming from the east and the continuation of the two-way driveway running diagonally to and from the northwest. The petitioner has chosen to design the driveway in such a way that this intersection starts forward (or south of) the front building setback line. This design creates nonconformities with the UDO in terms of driveway pavement width and the driveway being less than 45 degrees from parallel to the street and is forward of the front building setback line. For these reasons a variances is necessary. Staff recommends denial of the variance from drive access standards and recommending approval of the variance from front parking setback standards. The granting of the variance to allow parking areas between the proposed building and Woodburn Avenue will not be injurious to the welfare of the community. Given the configuration of the site with three street frontages, the location of the proposed building near the corner of 17th and College including the location of parking on the Woodburn side of the building maximizes the public realm-facing and pedestrian accessibility aspects of the site design, compared to other possible locations on the site. Potential impacts to adjacent properties will not be substantial Proposed is a landscaped area approximately 9 feet wide from the edge of the proposed sidewalk along Woodburn to the edge of the parking lot surface. This width exceeds UDO requirements for parking lot perimeter landscaping by at least 1-foot. The landscaped area will be planted with trees and shrubs in accordance with the landscaping requirements of the UDO. Practical difficulty is found in the configuration of the site having three street frontages. Without a variance, the area available for parking would be severely limited and the amount of surface parking that could be provided would be significantly below the maximum amount allowed by the UDO, and also below the amount necessary to support a branch bank and corporate office. The granting of the variance to a driveway on 17th Street with a driveway width greater than 24 feet will enable more vehicle-focused infrastructure in the street frontage area of the property which is necessary to provide access. Also, the two-way drive on 17th Street will be injurious to public health and safety. There is nothing peculiar to this property that creates a need for a wider driveway surface. The amount of asphalt designed between the building and 17th Street is in conflict with the goals of the UDO. There is no need for the excess asphalt. The driveway intersection could be relocated a few feet to the north in order to conform to driveway width standards. Staff recommends that the Board of

Zoning Appeals adopt the proposed findings for V-19-22, denies the requested variances from drive location standards and driveway width standards to allow drive access on 17th St., and approves the requested variance from front parking setback standards with the following conditions:

1. The front parking setback variance is approved for the site plan, including building and parking lot design, as submitted with this petition.

Steve Brehob, petitioner's representative, said Exhibit #1 shows the site in its present condition. It's the old Pepsi bottling building that has been there forever it seems. Peoples State Bank has had a branch bank for several years on the end of the building. On the 17th St. frontage there is approximately 212 feet of driveway; there is a loading dock. On one end of the building there is perpendicular parking that allows vehicles to pull in from 17th St. and then back out onto 17th St. to leave. There is also a drive access that is close to the intersection that provides access to the drive through window and the front of the bank if you come around the corner on College. Around the corner on College is approximately 113 feet of driveway where trucks pull out of the bottling plant onto 17th St. The site is peculiar. It has three street frontages and the site limits parking to that little area. We don't feel it's detrimental to have vehicles exit the site onto 17th St. **Johnny Lindsey**, President of Peoples State Bank, said this is a pretty substantial project and it's an opportunity for us to provide community banking in Bloomington. This will be a big corporate office for the community. It's a substantial building at 44,000 square feet. The UDO is a bit unclear. Our property is a bit unusual with three street frontages. I don't think the UDO really addresses a site like ours. We're losing access on College Ave., we're giving up access as part of this project. Moving all of that traffic in/out of Woodburn would be detrimental to property owners on that street. When we had a neighborhood meeting they expressed that moving all of that traffic in/out of Woodburn would be detrimental to them. Woodburn is very narrow and not conducive to the amount of customer and employee traffic that would have to flow in/out of there. 17th Street is actually better because it gives more open access. Access is important to us. There will be between 50-75 people employed at this location. Access is also important for customers. **Tim Cover**, Studio 3 Design, fully supports the Staff recommendation for approval. He said having access from 17th St. makes perfect sense. This site has multiple curb access points on three streets. In a normal corner situation with two primary streets, we wouldn't be going down 17th St. as our point of access. We would not be here, we would not be having this discussion because that's where we will be asked to put the drive entrance. Staff is doing their job but they are looking at the UDO very literally. If Woodburn did not exist, we would be going down to 17th St. as our point of access and we wouldn't even be before the BZA.

BZA Discussion:

Burrell asked the Peoples State Bank in your line of business w/the drive through; I looked at the other sites you have to see if this warrants the variance. All of the other sites you have 2 entrances because of the drive through. You come into the site through

one entrance and you go out through another entrance. Is this something that's necessary to operate your business? When I see this plan, I see the reasoning for two drive through cuts. Will your business be affected if you don't have both drive cuts? **Lindsey** said yes. If we only have one driveway access it would affect our business significantly, not only because of two cuts would affect our business significantly. It would be unreasonable, I think, to ask customers to continuously loop around property like they would have to with the Woodburn access. The Woodburn access is also challenging; the road is difficult to navigate because of its width. I would strongly suggest that it's a neighborhood road, it's a residential road not really anticipating the amount of traffic that would be going in and out of Woodburn by itself if that's the only entrance and exit. **Burrell** asked if he knew how many cars go in and out of the site. **Lindsey** said I don't have traffic counts in/out of our current drive through. What I would say is that this building will be our primary location in the Bloomington market in our downtown location, so I would anticipate that even traffic counts today would be much higher. Not to mention the number of employees that we plan to employ at this building, between 50-75 employees, who will also be entering and exiting this property will be significant. It makes a lot of sense to have two entryways and exits both from a practical standpoint as well as for emergency issues or road closures. **Burrell** asked if the design of the building addresses safety concerns. **Lindsey** said I would say, having multiple points of entrance and exit really benefits safety as well, because that allows police and fire better access to this property which is key anytime you have a situation such as a robbery or a fire in a building this size. **Coyne** asked if Staff is aware of any accidents at this location. **Jackie Scanlan, Development Services Manager**, I wouldn't say we're having a bunch of accidents and incidences. I would say that it's well known in our field that when you have those touch points where vehicles and pedestrians meet, that you want to have that be minimized and that is part of the reason why the code is written the way it is. **Ballard** said he can't picture any other commercial building, let alone a bank, that only has one entrance—that's an anomaly. It seems if the two entrances are not allowed it's pretty much a deal breaker. **Lindsey** said that's right. We view 17th and College as a major entryway into the City of Bloomington in the downtown area. We wanted to make this building visually and aesthetically pleasing so it reflected the character of Bloomington. If we can't do this at this location, we will have to look at other alternatives that give us better access, possibly a location in the County (Monroe County). **Coyne** said from a safety perspective College Avenue seems like a safer option rather than 17th St. **Lindsey** said it's something we considered. We would have preferred access from College from a business standpoint; we were just trying to be as accommodating. Obviously there is a sidewalk down College Avenue as well that pedestrians and bicyclists could potentially use. **Coyne** asked how far away the proposed entrance on 17th St. is from the west, from Woodburn Avenue. **Scanlan** said the right-of-way is about 175 feet from the eastern property line.

No public comment.

****Coyne moved to adopt the proposed findings for V-19-22 and approve all three variances requested by the petitioner. Approving the front parking setback**

variance for the site plan, including the building and parking lot design as submitted with the petition. Ballard seconded the motion.

Burrell reiterated that we're approving the variance from driveway location standards, the driveway surface standards, and the front parking setback variance with the plan that is in place.

Scanlan added that Gabriel pointed out that if you do choose to vote to approve the two variances including the one we denied, we would suggest you alter this condition by saying, "This variance is approved for the site plan including building and parking design as submitted" so that it would incorporate all three variances. In addition, if you want to approve all three variances you have to propose alternative findings.

Discussion ensued regarding amending the Findings of Fact.

AMENDED FINDINGS FOR THE FRONT PARKING SETBACK VARIANCE:

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

FINDING: The granting of the variance to allow parking areas between the proposed building and Woodburn Avenue will not be injurious to the public health, safety morals, or general welfare of the community. Given the configuration of the site with three street frontages, the location of the proposed building near the corner of 17th and College and the location of parking on the Woodburn side of the building maximizes the public realm-facing and pedestrian-accessibility aspects of the site design compared to other possible locations on the site for a 34,200 gross-square-foot commercial building.

- (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

FINDING: Any potential adverse impact on the use and value of properties on Woodburn Avenue adjacent to the proposed parking area will not be substantial. The petitioner has proposed a landscaped area approximately nine feet wide from the edge of the proposed sidewalk along Wood burn to the edge of the parking lot surface. This width exceeds UDO requirements for parking lot perimeter landscaping by at least one foot. The landscaped area will not be planted with trees and shrubs in accordance with the landscaping requirements of the UDO.

- (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.

FINDING: The configuration of the site with three street frontages poses a particular practical difficulty that is not explicitly anticipated by the front parking setback standards in the UDO. Without a variance, the area available for parking would be severely limited and the amount of surface parking that could be provided would be significantly below the maximum amount allowed by the UDO and significantly below the amount necessary to support the proposed permitted use as a bank branch and corporate office.

AMENDED FINDINGS FOR THE DRIVE LOCATION VARIANCE:

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

FINDING: The Board finds that the granting of the variance to allow two-way drive access on 17th Street will not be injurious to public health and safety, and conversely requiring only access on Woodburn would be detrimental.

- (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

FINDING: The Board finds that the granting of the variance to allow two-way drive access on 17th Street will not be injurious to public health and safety, and conversely requiring only access on Woodburn would be detrimental.

- (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.

FINDING: The Board finds that while the drive location standards in the UDO explicitly anticipate the case of corner lots, and require drive access to be provided on the lowest classified street, in this case, the third street is strictly residential, which is not ideal. 17th Street is the lowest classified commercial street and appropriate for vehicular access.

AMENDED FINDINGS FOR THE DRIVEWAY PAVEMENT WIDTH VARIANCE:

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

FINDING: The Board finds that the variance is not injurious to the public health, safety, morals, and general welfare of the community. The small area in excess of width maximums will not cause injury.

- (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

FINDING: The Board finds that the variance is not injurious to the adjacent properties and will not substantially adversely affect them. The small area in excess of width maximums will not cause injury.

- (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.

FINDING: The Board finds that the only way that the dimensions could be met would require difficult and possibly dangerous maneuvering from the 17th Street entrance. Meeting the UDO requirements would complicate the angles of the proposed driveways for little gain. The conditions are peculiar to the property because of the location of the proposed drive-through related to the driveway entrance.

ROLL CALL: 4:0—Approved with amended Findings of Fact.

Meeting adjourned at 6:00 p.m.