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The Board of Zoning Appeals (BZA) met in the Council Chambers at 5:30 p.m. Members present: Barre Klapper, Jo Throckmorton, Nicholas Kappas, and Cassaundra Huskey.

**APPROVAL OF MINUTES:** August 23, 2018

**\*\*Throckmorton moved to approve the August minutes. Klapper seconded; motion carried unanimously.**

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

Jackie Scanlan, Development Services Manager, welcomed Cassaundra Huskey to the BZA as a new member. Scanlan noted there are now four members with one vacancy but Staff hopes to fill the vacancy soon.

Barre Klapper stated there are no petitions withdrawn or continued.

**PETITIONS:**

UV/V-28-18 **Monroe County Youth Services**

615 S. Adams St.

Request: Use variance to allow for a 9,500 s.f. addition to an existing non-conforming rehabilitation clinic. Also requested is a variance from parking setback standards.

***Case Manager: Amelia Lewis***

Amelia Lewis presented the staff report. The Board of Zoning Appeals approved the Use Variance portion of the petition at its September 20, 2018 hearing with a vote of 3:0. The Board continued the parking setback variance request and advised the petitioner and consultant to revise their plans to be further in compliance with code. The petitioner is proposing to expand an existing non-conforming youth shelter on the property. The property is surrounded by both commercial and residential uses. The petitioner proposes to demolish the 2,000 square foot structure and expand the existing 9,000 square foot structure. The proposed addition totals 9,485 square feet along the north side of the existing structure. There are two parking areas on the site; one parking area to the north of the existing structure and one parking area at the south-west portion of the site. Parking to the north will be removed. However; the parking area at the southwest portion of the site will be expanded. Since September, the petitioner has submitted two additional site plans showing the addition to the west, along with analysis of why those locations will not work. The primary reason behind the proposed site plan is to create separate areas for staff, children, and visitors within the building. The proposed design is intended to benefit staff and the children by providing additional physical space in a layout in the most logistical way for the organization. The layout allows for the preservation of open space and outdoor opportunities for the staff and children (see staff report). Staff recommends approval of this petition based on the written findings in the staff report, including the following conditions:

1. The landscaping plan shall meet UDO standards.
2. A grading permit shall be required and not issued without an approved landscaping plan.
3. A bike rack shall be provided for at least 4 bicycle parking spaces and shall be located within fifty (50) feet of the main entrance.
4. The proposed multiuse path should be extended to meet the north property line.
5. A building permit is required prior to any construction.

Matthew Oman of RQAW Engineering spoke on behalf of the petitioner. He talked about the building being expanded to the north and provided reasons why the proposal meets the internal function needs of the facility. In addition, locating the parking lot to the south of the building will eliminate the large open recreational space and de-escalation area; force children and staff to cross the parking lot to access the rear of the property; increase visibility from rooms where children stay to the parking lot; compromise direct access to the main entrance for ADA requirements, and require the installation of a retaining wall, stairs and ramps.

Louis Malone is from Monroe County Youth Services. He spoke about their services, programs offered, and the types of people that come through their door on a daily or weekly basis. He explained how important it is to maintain the confidentiality of those who are most vulnerable by making sure they are protected. Expanding the structure to the north gives them the opportunity to do just that by separating spaces. When abused children are upset you need to be able have good opportunities to move them to other spaces to de-escalate. Being able to go to the multi-purpose room where the children can get some of their energy out is essential, and not having to cross paths with the public to do that is something that is very important to youth services. Finally, it's important to the shelter to keep the recreation area as park-like as possible for the sake of the children and their activities.

~Discussion ensued between the BZA, Planning staff, and the petitioner. Jo Throckmorton confirmed the request before the Board is only for the parking variance because the Use Variance portion of the petition was approved at the September 2018 hearing. Throckmorton questioned whether or not the proposed plan remained the same from the September hearing. Matthew Oman (RQAW) confirmed the plan is the same; however, they provided additional information that demonstrated other options that were explored and why those options didn't meet the operational and functional needs of the facility. A study was conducted approximately 1-1/2 years ago, and as part of that study they looked at multiple options. At the conclusion of that study they had a plan very similar to what is being proposed. Throckmorton indicated the primary issue is getting an entrance for the administrative suite away from the youth who reside there. Oman agreed it's one of the primary issues but the other primary issue is the de-escalation opportunities that include the path to the south and the multi-purpose room, which is about half the size of an elementary school gym. Throckmorton explained that option #2, which the petitioner rejected, would flip-flop those two uses of the building and put the administration space essentially in the same spot of what the petitioner is currently proposing. Throckmorton stated he is having difficulty understanding why that

wouldn't move the administration space away and keep the classroom & multi-purpose room accessible to the youth without having to interact. Oman replied the administrative suite in both the proposed plan and the one before the BZA is immediately adjacent to the existing clinic space. There are a lot of files, computers, etc., so the adjacency to the existing clinic/counseling space and other administrative components, including support space is critical. Barre Klapper asked someone to address the issue from last month's hearing regarding the de-escalation area and its relationship to the parking lot. With the proposed addition, Klapper wondered how the relationship between the two would be handled because the proposed parking lot is in plain view to the de-escalation path. Lewis Malone was not at the last BZA meeting. He explained the parking lot was so the general entrance would be located in the south. If you were coming from the south; anyone entering from the south would be plain view of the residents. With that it would be significantly different than what it is now. With the parking lot to the north they cannot see who is entering the building. The other part at looking at triggers is that no one knows what will trigger people, so minimizing crossover is essential. In the proposed plan, the vast majority of things that happen with the shelter happen in the back of the building as opposed to the front of the building, whereby offering more control as to who moves in to that part of the building. Klapper question the possible need for a screening of the parking area. Malone acknowledged there is always a concern anytime people are outside, but there is a larger chance for triggers to occur if people are routinely walking by. Oman indicated there would be plantings along the sidewalk adjacent to the escalation path. So it will be controlled from both a view standpoint and also with plantings and shrubs. Staff recommends approval of this petition based on the written findings, including the five conditions outlined in the staff report.

No public comment.

**\*\*Kappas moved to approve UV/V-28-18 based on the written findings including the five conditions outlined in the staff report. Huskey seconded.**

~Throckmorton planned to vote against this petition because of the reasons that were brought up during this meeting as well as the last meeting and not being addressed in the project's current design. He is not in favor of having an even larger parking lot in front of the existing building (essentially the entire frontage) won't do anything to alleviate the concerns brought forward. Nicholas Kappas appreciated the work the petitioner put into the design in terms of the de-escalation path and the multi-purpose room. Barre Klapper appreciated seeing some of the earlier thoughts on the site and understanding how things have been arrived at because the Board needed a little more background before taking a vote. The Board appreciated the extra month to do that.

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

V-31-18

**Jim Funk – CSO Architects (for MCCSC)**

1000 W. 15<sup>th</sup> St.

Request: Variances from the front yard parking setback standard, tree preservation requirements, and entrance drive standards.

**Case Manager: Jackie Scanlan**

Jackie Scanlan presented the staff report. The site is 21 acres in size and zoned Institutional (IN). The site contains the existing Tri-North Middle School. The school

maintains frontage on 15<sup>th</sup> Street to the south, 17<sup>th</sup> Street to the north, and Monroe Street to the west. The school is aging and the Monroe County Community School Corporation (MCCSC) has been working on a plan to replace the existing structure. The current building will need to remain in place and operational during construction. To that end, the petitioner is requesting variances from the front yard parking setback standard, tree preservation requirements, and entrance and drive standards. Staff recommends approval of this petition based on the written findings, including the following conditions:

1. \*\*Please note condition #1 has been revised since the digital packet material was distributed to the Board. Therefore; condition #1 reads as follows: **“Replacement trees shall be native species.”**
2. The petitioner shall record a tree preservation easement identifying those portions of the site that will remain tree canopy as a Zoning Commitment in the Monroe County Recorder’s Office prior to the issuance of final occupancy.
3. A construction site plan indicating measures to be incorporated to protect the trees that will remain must be submitted and approved by the City of Bloomington Senior Environmental Planner before a grading permit is issued.
4. \*\*Please note condition #4 has been revised since the digital packet material was distributed to the Board. Therefore; condition #4 reads as follows: **“Petitioner shall include a tree replacement plan outlining the area of replacement trees in the landscape plan. The replacement area will be based on either square footage or removal area to be replaced 1:1 in the replacement area.”**
5. The driveway entrance on 17<sup>th</sup> Street will be used as an exit only.

Brent Hite (CSO Architects) and Bill Riggert (Bledsoe Riggert Cooper and James) spoke on behalf of the petitioner. Designing the new school was a challenge in terms of the circulation plan and the phasing in of the project with the existing school. Challenge #1 was having over 100 feet of grade change across the site. Hite indicated they like to separate buses and automobile traffic for the safety of students. And MCCSC is starting to do that across all of their existing campuses. The plan is to separate the buses off the south side in the existing drive access points and add a parent drop-off and stacking area along the east of the building stretching down to 17<sup>th</sup> St. They believe access to 17<sup>th</sup> Street will allow them to pull traffic off of the City streets for those high congestion times during drop-off and pickup. Other building layouts were looked at that might be more conducive to maintaining the current tree preserve, but the challenge was being able to fit the gym and cafeteria within the width that was provided—meaning within the existing tree line and up to the grading point that needs to be maintained. Most of the new drives; one on Monroe attaches across the street from the park located right there so those intersections would be aligned. The intersection on 17<sup>th</sup> St. would align with Willis.

Bill Riggert had concerns about condition #5. The original design has a two-way entrance/exit onto 17<sup>th</sup> St. to allow for more flexibility. He said they are still in the process of designing the site. Variances are being sought in order for them to continue with their design. Proposed is two driveways on Monroe; one in line with 16<sup>th</sup> Street and one that

is just north of 14<sup>th</sup> Street. Monroe Street is at approximately 8 percent slope. They are still looking to provide access through for the parent drop-off and for service vehicles to come in. If they would be allowed the flexibility to have two-way access off 17<sup>th</sup> Street with potential improvements to 17<sup>th</sup> Street to accommodate it, they could better evaluate the drives on Monroe. The school arrival and departure times aren't in sync with the typical rush hour traffic. Morning rush hour traffic would be before school arrival and after work is after school departure. The additional traffic that would be in and out on 17<sup>th</sup> Street would not be in direct conflict with rush hour traffic. He urged the Board to allow them to keep that option open as they continue with the design. To that end, they would work with the City Engineer to finalize the actual driveway on 17<sup>th</sup> Street. The parking is also key.

~Discussion ensued between the BZA, Planning staff, and the petitioner. Kappas wondered if what the petitioner just commented on had been presented to the City Engineer. Scanlan explained she got comments initially from the City Engineer just based on the plans before the Board. Scanlan noted the plans are not fully engineered. The City Engineer's first preference is for it to be exit only. In doing so, it avoids potential pressures on the roundabout in the morning. Once the petitioner knows what they're doing and they have further engineered plans, there may be ways to have it be two-way that could be mitigated with work on 17<sup>th</sup> that the City Engineer would probably be open to. Staff would be find leaving that up to the City Engineer. Kappas had some concerns about adding a fifth exit in terms of it creating possible problems for people trying to avoid the roundabout. Kappas questioned the 1:1 tree replacement and asked if the petitioner planned to take an inventory of the trees that would be taken out. Riggert said they plan to do a square foot canopy replacement. If they were to do a 1:1 it would be very difficult to get in and account for each of the individual trees into what size is taken out. Right now there are many invasive species; very few specimen trees that you would even want to have. Riggert said they still have to figure out the exact spacing of the plants. The plan is to work with the City's Urban Forester, Lee Huss, to establish the planting equation to reestablish the canopy. Again, it's a square footage and not a 1:1. Scanlan added this particular area is so dense and full of mostly invasive that it may not be beneficial to have them go through and do the tree survey. Scanlan explained that Staff would interpret the 1:1 area meaning that it would be to the City's satisfaction regarding the exact number of trees that would fit within that 1:1 area. Huskey had concerns about the 17<sup>th</sup> Street access due to the increased traffic in the area from the roundabout and also future traffic. She wondered how far traffic would be backed up from the proposed drive onto 17<sup>th</sup> Street; would this work well or flow well. Hite said the traffic would stack from the main entry back and then unload 1-2 cars at one time so they would be able to control the distribution as cars exit so it should be a little less. Hite said they also have a traffic study underway and they are working on the final report in order to evaluate some of those things. Further, they have looked at many options and this is the best, the strongest, and the one that gives the school the most flexibility in terms of the future of how they can exit the site quickly, especially when the school has big events. Throckmorton wanted to confirm if the plan called for a two-way entry/exit. Hite confirmed it is. Throckmorton said the City has countered with the fact that they would like for it to be an exit only. Throckmorton confirmed there would be an exit-only onto to Monroe and that people could go to the northeast onto 17<sup>th</sup> Street. Hite said they could in an everyday, normal operation they could but in a drop-off, pick-up high-volume sense they would not exit left out onto 13<sup>th</sup> because they would picking up and dropping off at the main door. Hite added they've talked about possibly having a traffic gate that closes during those peak times. The reason for the drive being up front is so that visitors

who come to the school throughout the day, aren't driving to the back of the building but driving to the front door.

No public comment.

Riggert said there are ways to secure the site with gates and keep those gates closed during times when they aren't doing dismissals and arrivals. Hite reminded the Board that they aren't finished with the design phase and therefore there is still time to work on the overall circulation of the site including the access point.

**\*\*Kappas moved to approve V-31-18 based on the written findings including the first four conditions of approval and striking the fifth condition, "The driveway entrance on 17<sup>th</sup> Street will be used as an exit only" for the purposes of talking to the City's Engineer.**

Scanlan stated if the BZA approved the variance, the petitioner could have a driveway on 17<sup>th</sup> Street. Staff would continue to work with them about regarding the best design. The petitioner is open to a condition that says they have to get the City Engineer's approval if the Board wanted to add it as a condition.

**Huskey seconded. Motion carried 3:0—Approved. Throckmorton clarified this approved the two variances and denial of 17<sup>th</sup> Street.**

~Barre Klapper rejoined the Board and will preside. Scanlan explained that when a petition is disapproved in that way, the BZA would only be able to hear it within the next 6 months if they were to unanimously vote to hear it again at that time. The BZA can require that the petitioner demonstrate that they have made a material change but you don't have to, but you would have to vote it back onto the docket.

V-31-18      **Jeff Meyer (for Culver's Restaurant)**

1914/1918 W. 3<sup>rd</sup> St.

Request: Variances from drive-through sign maximum size in the Commercial Arterial (CA) zoning district.

**Case Manager: Jackie Scanlan**

Jackie Scanlan presented the staff report. The site is 2.3 acres in size and zoned Commercial Arterial (CA). The site is currently under construction with a Culver's restaurant. The petitioner is requesting variances to allow a drive-through sign that is sized above the maximum permitted by the Unified Development Ordinance (UDO). The petitioners are requesting a sign size of just over 38 square feet and the code allows 36 square feet. The sign would be located behind the building if you were looking directly on the building from 3<sup>rd</sup> Street. The proposed sign size is 38.4 square feet. The UDO requires that the calculation of the sign size be done through a regular geometry shape around the sign. For a typical wall sign, the petitioner is allowed to break up a sign design into multiple signs (Example: one shape around the words, one shape around the logo) in order to meet the size maximum requirements for a wall sign. If that was done in this case, the sign could meet code. However, because the code specifically says "one (1) freestanding sign" related to drive-through signs, a variance is required. Scanlan noted the proposed sign meets the height requirement of 6 feet from the ground. Staff recommends approval of this petition based on the written findings, including the following conditions

1. The variance is for the previously submitted drive-through sign only. The sign cannot be enlarged and must still meet the height requirement of the UDO.
2. 'Culvers' on the post can only remain if square around words will keep the total separated count below 36 square feet.

Jeff Fanyo (Bynum Fanyo & Associates) as well as the owners of the store are present to speak on behalf of the petition. He said they hope to be open around November 5, 2018. The drive to the west that goes up to Master Rental and around to the back parking lot is about 5 ½ feet above the base of the sign. It's going to look like a canyon. The sign is going to be blocked from the building, blocked by the railroad and retaining wall on the north side, and blocked from the elevation to the west. The proposed sign is not going to provide any visual clutter. You won't even know it's there unless you're in line and go through the drive-through.

No public comment.

**\*\*Huskey moved to approve V-22-18 based on the written findings, including the two conditions outlined in the staff report.**

Klapper asked to make a friendly tweak and add the following observation to the proposed Findings of Fact regarding practical difficulties: ***“The relative elevation of the street to the sign also diminishes the impact of the sign.”***

**ROLL CALL: 3:0—Approved.**

Meeting adjourned.