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The Board of Zoning Appeals (BZA) met in the Council Chambers at 5:30 p.m. Members present: Klapper, Kappas, Huskey, and Becky Wann (Wann will serve as an alternate for Klapper for Case #V-40-18—CSO Architects on behalf of MCCSC due to a conflict of interest).

APPROVAL OF MINUTES: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Jackie Scanlan, Development Review Manager, said the second petition on the agenda Case #V-40-18 requires a unanimous vote in order to be heard per the BZA Rules of Procedure. Ms. Wann will be sitting in for Ms. Klapper who will be recusing herself. If the Board votes to hear it then it will be heard. The only three voting on the first petition will be Ms. Huskey, Ms. Klapper and Mr. Kappas, then Ms. Wann will take Ms. Klapper's voting place in the second petition.

PETITIONS CONTINUED: None at this time.

PETITIONS:

CU-38-18 **Goodfellas Pizzeria**
427 E. Kirkwood Ave.
Request: Conditional Use approval for a standardized business in the Commercial Downtown (CD) zoning district.
Case Manager: Amelia Lewis

Amelia Lewis presented the staff report. The petition site is located on the north side of E. Kirkwood Avenue between N. Grant and Dunn Streets. The building on the site is currently vacant. The petitioner proposes to renovate the interior of the existing single-story commercial building and open a new Goodfellas Pizzeria franchise. The property is zoned Commercial Downtown (CD) and is located within the *University Village Overlay* (see staff report). Staff recommends approval of this petition with the following conditions:

1. This approval is for the Goodfellas Pizzeria proposal, which includes only the exterior changes permitted as outlined in the petitioner's statement including a new awning, signage characteristic of the downtown, lighting, and the removal of the exterior wood paneling. Any significant changes to the building, deviating from this staff report or the petitioner's statement shall require further Conditional Use approval.
2. If the awning or lights extend into the right-of-way they shall receive encroachment approval from the Board of Public Works (BPW).

3. The proposed location of the grease interceptor will require a right-of-way encroachment agreement with the Board of Public Works and right-of-way excavation permit from the Planning and Transportation Department.
4. All proposed exterior lighting shall meet Lighting Standards in the UDO.
5. This approval applies to the proposed signage in the submitted sign application as well and any changes shall require further approval to this Conditional Use.
6. A building permit is required prior to any construction and a sign permit is required prior to any installation.

Jacob Gilliatte, Gilliatte General Contractors, spoke for the petitioner. He said Goodfellas Pizzeria is basically a “mom and pop” shop that was started by two friends who went to college together. Those same two friends would like to open a new pizzeria store in Bloomington. The pizza is sold by the slice and it’s affordable. Kirkwood is a perfect location because there is a lot of foot traffic.

~Discussion ensued between BZA and Planning staff. Huskey asked Staff to further explain the reasons behind the standardized business ordinance. Lewis said the idea behind the ordinance is to give special review to the petitions being added to the downtown and the Courthouse Square. Scanlan added even though the City is open to all types of businesses, this specific ordinance is intended to protect the unique qualities of the downtown. Discussion ensued between Huskey and the petitioner about whether or not the petitioner is a franchise or not; Gilliatte confirmed it isn’t because they don’t sell franchises. The proposed signage and awning along Kirkwood were also discussed. Kappas noted that Kirkwood is a main street in Bloomington that people walk down daily so it’s important that the proposed signage and awning have a continuous flow with the rest of Kirkwood.

No public comments.

****Kappas moved to approve CU-38-18 based on the written findings, including the six (6) conditions outlined in the staff report. Huskey seconded. Motion carried 3:0—Approved.**

~Let the record reflect that Barre Klapper is recusing herself from the next petition— Case #V-40-18 and Nick Kappas will serve as chair for the remainder of the meeting.

Kappas stated per the BZA rules a unanimous vote is needed to hear the next petition. ****Huskey moved for the BZA to hear and discuss #V-40-18. Wann seconded. Motion carried unanimously.**

V-40-18 **CSO Architects (for MCCSC)**
1000 W. 15th St.
Request: Variance from entrance drive standards to allow a driveway on 17th Street.
Case Manager: Jackie Scanlan

Jackie Scanlan presented the staff report. The petition site is located at 1000 W. 15th St. and zoned Institutional (IN). The site is approximately 21 acres and contains the existing

Tri-North Middle School. The site maintains frontage on 15th St. to the south, 17th St. to the north, and Monroe St. to the west. The existing 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. Scanlan noted that the petitioner received variances from the front yard parking setback standards and tree preservation requirements at the October 18, 2018 BZA hearing. At that time, the petitioner requested the exact variance listed in this petition (variance from entrance drive standards) which was denied. Since then the petitioner has gathered more information and re-filed the request to have a driveway on 17th St. (see staff report). Staff recommends approval of this petition with the following condition:

1. The driveway entrance on 17th Street will be used as an exit only.

Bill Riggert is present to speak on behalf of the petitioner. He spoke about their additional information based on a preliminary *Traffic Impact Study* for Tri-North Middle School. He also talked about the 32 buses that serve the school and the number of trips per day; 164 drop-offs in the morning and 64 pick-ups in the afternoon. He explained the levels of operation, including the existing conditions of the roundabout as it relates to 17th and Monroe Streets. He also discussed the different options they considered for the proposed new driveway. Judy Demuth, MCCSC Superintendent, spoke about the number of designs they've looked at and how there is a need to lessen the traffic impact on neighborhoods. She also discussed the need to alleviate the existing congestion in the parking lot with the children for safety reasons. The proposed design will improve safety by moving cars in front of the school and bringing buses through the neighborhood behind the school.

No public comments.

****Huskey moved to approve V-40-18 based on the written findings, including the one condition outlined in the staff report. Wann seconded.**

~Discussion ensued amongst BZA members. Huskey said the research has been done by the petitioner and this proposal seems like the best option available. Kappas said the difference between this meeting and the last one (referring to the previous month's denial) is the fact that the petitioner has now provided additional information and it's vetted. He agreed with Huskey in terms of future traffic on 17th St. He encouraged the petitioner to work with the City when 17th St. (as an EXIT) becomes somewhat of a traffic cluster, especially for those people who are trying to turn left to go west onto 17th St.

ROLL CALL: Motion carried 3:0—Approved.

Meeting adjourned.