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*BZA minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Audio-visual Department of the Monroe County Public Library at 303 E. Kirkwood Avenue. Phone number: 812-349-3111 or via email at the following address: [moneill@monroe.lib.in.us](mailto:moneill@monroe.lib.in.us)*

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

**APPROVAL OF MINUTES:** August 2019

**\*\*Throckmorton moved to approve the August minutes. Hoffmann seconded. Motion carried unanimously by voice vote.**

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:** None at this time

**PETITIONS CONTINUED TO:** October 17, 2019

V-17-19      **City of Bloomington**  
105/111 W. 4<sup>th</sup> St., and 222 S. Walnut St.  
Request: Variances from entrance and drive standards in the Commercial Downtown (CD) zoning district.  
*Case Manager: Jackie Scanlan*

UV/V-31-19      **Rimrock Companies**  
1901 W. 3<sup>rd</sup> St., and 307 S. Cory Lane  
Request: Use variance to allow for larger units in the 'Mini-warehouse Facility' use in the Commercial Arterial (CA) zoning district. Also requested is a variance from non-residential sign standards.  
*Case Manager: Jackie Scanlan*

**PETITIONS:**

UV-24-19      **Jason Hobson (Advancing Eco Agriculture)**  
901 W. 1<sup>st</sup> St.  
Request: Use variance to allow a business/professional office in the Medical (MD) zoning district.  
*Case Manager: Ryan Robling*

Ryan Robling presented the staff report. The petition site is located at the southwest corner of W. 1<sup>st</sup> St. and W. Wylie St. It is approximately 22,651 square feet in size and zoned Medical (MD). The property has been developed with a single-family residence which has been converted into a medical office, a surface parking lot, and a detached garage. The petitioner is requesting a use variance to allow a business/professional office in the Medical (MD) zoning district. The petitioner would like to relocate a portion of their current business into the existing 1,464 sq. ft. structure. The business would consist of making remote sales and providing customer service. The proposed use is not a permitted use in this zoning district and therefore would require a use variance to be

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allowed in the Medical (MD) zone. No exterior changes to the building are proposed. Robling noted that this property was formerly used as a medical clinic but that use was discontinued as of May 2018. To that end, the petitioner will be required to come into full compliance with Unified Development Ordinance (UDO) standards. The Plan Commission reviewed this petition at their August 12, 2019 meeting and the commission voted 8-0 to forward a positive recommendation to the Board of Zoning Appeals. Staff recommends approval of UV-24-19 based on the written findings in the staff report, including the following condition:

1. The site is required to be brought into limited compliance to the extent required by the UDO standards 20.08.060(b).

Robin Katowski spoke on behalf of the petitioner. If the variance request is granted, their company (Advancing Ego Agriculture) plans to enter into a lease agreement for the use of this building as office space. The company is headquartered in northeastern Ohio. Six (6) people work in Bloomington full-time including the company's CEO. This is a consulting business. Staff consults with remote customers via phone and internet; they also sell products. The company manufactures liquid fertilizers and plant nutrient formulas for growers ranging in size from large commercial entities to smaller farms and backyard gardeners in all 50 states. The goal is to have a higher, increased quality of plants and crops, a better yield, and to have disease and insect resistance. Katowski confirmed the property will be maintained in accordance to UDO standards. The hardwood trees on site will not be touched. The existing parking area will be utilized for the business.

Discussion ensued between the BZA, Staff, and the petitioner about why they chose this specific site; where they plan to store their products, and questions about what the future zoning of the area might be considering the pending adoption of the new UDO (Unified Development Ordinance) in addition to Bloomington Hospital relocating to their new east side location. Katowski explained this building was chosen because they have six (6) people on the phone all day so it provided the right amount of private/individual space but also allowed for some additional meeting space. Confirmed their products will not be stored at this location. The warehouse and plant manufacturing facility is located in northeastern Ohio. Staff explained that the Medical (MD) zoning district will still exist in the new UDO and will also be adopted with similar standards. Jackie Scanlan, Development Services Manager, added that Staff doesn't know yet what will be in this area. The transition--if the new UDO is adopted as-is, it basically keeps this area Medical (MD) with similar uses. She said the plan would be to have a more specific look at the area after that in order to see what kind of zoning uses we want in each particular part of what is now the (MD) zoning district. Throckmorton added that since the Board isn't able to make decisions based on what "might" occur in the future relative to the new UDO he didn't want to have those discussions.

**Public comments in favor of the petition:**

Elizabeth Cox Ash and Mark Jackmon, residents of McDoel Gardens, spoke in favor of this business being in their neighborhood. Both residents believe the use is a good fit and it won't negatively impact their neighborhood. Jerry Jesseph, owner of the property, also spoke in favor of the proposed use. He thanked the BZA, Staff, and all parties involved in the variance process.

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**\*\*Hoffmann moved to approve UV-24-19 based on the written findings, including the one condition outlined in the staff report. Huskey seconded. Motion carried 4:0—Approved.**

V-33-19            **Catalent, LLC**  
1300 S. Patterson Dr.  
Request: Variance from riparian buffer and landscaping standards to allow for the construction of two new parking areas.  
*Case Manager: Eric Greulich*

Eric Greulich presented the staff report. The petition site is located at 1300 S. Patterson Drive, on Tract B within the Thomson Area PUD. The property has been developed with two (2) large buildings that were constructed as part of the Thomson/RCA manufacturing plant—the previous use on this site. The site was subsequently re-used in the early 2000’s by Cook Pharmica and now used by Catalent. The petitioner is requesting a variance from riparian buffer and landscaping standards to allow for the construction of two new parking areas. This will be a substantial remodeling project and allow for an increase in Catalent’s workforce. As a result of the new work and the associated employee increase, the petitioner is looking at opportunities to gain additional parking on-site. Two areas have been identified as possible areas for additional parking. These areas include adding parking along an existing driveway that runs along the south side of the building, as well as constructing a new parking area on the southwest side of the property. To that end, the petitioner is requesting a variance from riparian buffer and landscaping standards to move forward with the project. Staff recommends approval of this petition based on the written findings in the staff report, including the following conditions:

1. This variance applies to the scope of the work for this exact project as proposed only. Any subsequent encroachment would require a variance.
2. All required landscaping for the parking area on the south side of the site will be installed elsewhere on the property.
3. The parking area on the southwest corner will be landscaped as required and submitted.
4. The proposed parking area on the south side of the building will be paved and striped once construction is complete to meet all UDO parking lot minimum dimensions.

Bill Riggert of Bledsoe Riggert Cooper James, spoke on behalf of the petitioner. Riggert said he could address any questions specific to the parking lot expansion, which is needed to deal with their growing staff/business. Grant Eccles of Catalent said their site has experienced significant growth. There have been many commercial products approved which is increasing overall shipment demands. Over 120 commercial products have been approved in recent years, which has triggered the need for additional people to support the increased demand. Catalent has added over 400 positions in two years. The proposed remodeling project will add an additional 200 jobs at the Bloomington

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facility. Eccles reiterated that UDO (Unified Development Ordinance) landscaping standards would be adhered to.

Discussion ensued between the Board and the petitioner regarding the proposed culvert; the design and components of the parking lot, and how things are going to work on-site. Riggert confirmed the installation of the culvert would accommodate the drainage. Klapper referenced the difficult topography (hills). Riggert speculated that when the grading was done to the east in order to create the existing detention basin (this is when RCA built the warehouse to the west), a lot of the spoils were just pushed up and never graded out. It's like a lunar landscape that now has volunteer trees and a few utility poles between that and the Switchyard. Riggert explained there is a culvert that runs under Strong Drive and it ends just beyond the sidewalk on the east side. This culvert will be extended approximately 150 feet to get beyond the parking area so it can be graded. The detention basin will be analyzed and the outlet control structure upgraded. In doing so, the detention basin will take care of the increased impervious area meeting CBU's storm water management guidelines. Riggert added they will have to seek a 401 & 404 permits from IDEM and the US Corp of Engineers because it's considered waters of the U.S. Those guidelines will be followed with the extension of the culvert.

**Public comments:**

Isabel Piedmont, Common Council representative, believes Catalent should do some transportation demand management to try and provide other options as well as encourage their employees to use other options rather than driving cars. Large organizations can do a lot to decrease demands on parking before granting a variance such as preferable treatment for people who car pool, a parking cash out option for people who ride bikes or ride the bus, and free bus passes. Piedmont wanted everyone to pay attention to the massive amount of paved surface that is already in this area. The City should think about priorities; reducing greenhouse gas emissions by discouraging driving should be a high priority for the City and a priority for all of the major players in the City.

**\*\*Throckmorton moved to approve V-33-19 based on the written findings, including the four conditions outlined in the staff report. Hoffmann seconded.**

Hoffmann acknowledged that Piedmont had a valid point.

**Roll Call: Motion carried by voice vote 4:0—Approved.**

► Let the record reflect that Jackie Scanlan will present the next three petitions: **CU-34-19, CU-35-19, CU-36-19** as one staff report but the details of each site will be presented separately. In addition, each petition will be voted on separately. All three (3) petitions involve conditional use approvals to allow rehabilitation clinic(s) in the Medical (MD) zoning district.

CU-34-19     **Indiana Center for Recovery, LLC & ICFR Residence, LLC**  
909 W. 1<sup>st</sup> St.  
Request: Conditional use approval for a 'Rehabilitation Clinic' in the Medical (MD) zoning district.  
*Case Manager: Jackie Scanlan*

CU-35-19      **Indiana Center for Recovery, LLC & ICFR Residence, LLC**  
1004 W. 1<sup>st</sup> St.  
Request: Conditional use approval for a 'Rehabilitation Clinic' in the  
Medical (MD) zoning district.  
Case Manager: Jackie Scanlan

CU-36-19      **Indiana Center for Recovery, LLC & ICFR Residence, LLC**  
637 ½ S. Walker St.  
Request: Conditional use approval for a 'Rehabilitation Clinic' in the  
Medical (MD) zoning district.  
Case Manager: Jackie Scanlan

Jackie Scanlan presented the staff report. Again, the petitioner is requesting a conditional use approval for each site to allow the use 'Rehabilitation Clinic' as defined by the Unified Development Ordinance (UDO) in the Medical (MD) zoning district. The definition of 'Rehabilitation Clinic' encompasses many forms of rehabilitation and is as follows: A facility used for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use addiction. ICFR as an organization is an addiction service provider certified to provide addiction services by the Indiana Division of Mental Health and Addiction. Each of the locations provide a different portion of the services provided by that group. There are various surrounding uses for all of these properties that include a rehabilitation clinic, offices and residential, a vacant use to the east, a mobile home park, single-family residential homes, and light industrial use.

— **909 W. 1<sup>st</sup> St.** was previously an apartment building so it was obviously used as a residential structure. This building is to be used as a transitional level residential facility for individuals who have already gone through a detox facility process; some of them at the property to the north at 1000 W. 1<sup>st</sup> St. The facility currently contains (22) units with (34) bedrooms. No exterior changes to the building are proposed.

— **1004 W. 1<sup>st</sup> St.** is north of 1<sup>st</sup> St., and northwest of 909 W. 1<sup>st</sup> St. The structure is an office building and previously used as a doctor's office. It is to be used primarily as an ancillary office building for the overall facilities. Again, requesting a conditional use for a 'Rehabilitation Clinic' because it will be used by the rehabilitation group, and will also have (potentially) some treatment done at that site as well. No exterior changes are proposed to the building as this time.

— **637-1/2 S. Walker St.** is actually located north of 1000 and 1004 W. 1<sup>st</sup> St. Access is derived from the west off of S. Walker St. It is a large office building. Again, requesting conditional use for a 'Rehabilitation Clinic'. The petitioner has submitted that this building would be used for a partial hospitalization program, intensive outpatient program, and an outpatient program. Each of those designations relates to a level of care offered similarly to the use operated at 1000 W. 1st St. No changes are being proposed to the exterior of the building; little changes are being proposed to the interior.

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Scanlan said the department is recommending adoption of the *Findings of Fact* included in the staff report, which includes the fact that this area is mixed-urban residential in the Comprehensive Plan. No expansion of any of the existing buildings is proposed. In the *Community Services and Economics* portion of the Comprehensive Plan, Policy 1.2.1 gives guidance to “work with community partners to facilitate access to mental health services and addictions treatments.” The use of these properties as a rehabilitation clinic does further that particular policy and goal of the Comprehensive Plan. Additionally, all of planned uses for these properties will take place inside of the structures. Because of the nature of the use of the properties, vehicular impacts on the neighborhood (which are often considered) are planned to be minimal. Usually people don’t bring cars when they seek help from ICFR. The property at Walker and also the properties on the north side of 1<sup>st</sup> Street do have some parking as well as the residential portion. The petitioner believes they have ample parking for the people who work there and for the few cars they do have. No new infrastructure is required. Basically all properties will have to meet the typical or regular requirements for reasonable noise, smoke and odor, and having no objectionable nuisances on the surrounding neighborhood. Staff received several letters of support for the petition or via email. Staff has also received questions and interest about the petition from several neighbors on 1<sup>st</sup> St. Staff’s understanding is that the petitioner reached out to the City’s contact for the neighborhood association; however, didn’t receive a reply so it didn’t go before the association this go around. Staff recommends approval of all three petitions based on the written findings outlined in the staff report, including the following conditions:

1. Petitioner will submit a site plan for each of the three locations to meet UDO requirements.

Cheyenne Riker, Clendening Johnson & Bohrer, is representing the petitioner. He is accompanied by Jackie Daniels, who is the Executive Director of ICFR. He outlined the specifics of their proposal and provided details for each petition site. The 1000 W. 1<sup>st</sup> St. property is the detox—the highest level of care. Once the patient leaves the detox facility they are transitioned to another facility such as Centerstone, Meadows, and Fairbanks or at 909 W. 1<sup>st</sup> St, which is where this petition request comes into play. This is a 3-stage process. The first step is detox, the second step is inpatient, and the third step is outpatient. If approved, the plan is to apply for licensure for a residential living facility for individuals with psychiatric disorders or additions as defined by the Indiana Administrative Code. Once licensed, they will begin offering inpatient treatment, partial hospitalization, and intensive outpatient treatment. The intensive outpatient program is through two properties. It will take place at 1004 and 637 S. Walker Streets. And that transitions into the third phase of the treatment process, which is to transition into integration into society from a state of active addiction. On the third step, those treatments are undertaken at 1004 and 637 S. Walker. Riker said 1004 is located immediately to the west of the detox and it shares a parking space with the detox. The employees of 1004 may park in the detox parking lot and vice versa. There is actually more parking at the 1004 property but there is even more parking than that at the 637 property. The purpose of the 1004 property will be for administrative office and intake procedures for new patients, but there will also be limited treatment—meaning treatment with some of the healthcare providers; behavioral health techs, etc. at the 1004 property from time-to-time. If approved, the bulk of the treatment will occur at the 637 S. Walker property. It’s currently being used for group therapy and office space. ICFR offers the space to various 12-step programs on the 2<sup>nd</sup> floor of the building, and they also offer it to Indiana

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Recovery Alliance for some of their recovery initiatives. It also makes the space available for a number of other recovery related activities. If approved, they will be using it for the final stages of recovery for the people staying at both 909 W. 1<sup>st</sup> St. and out in the community. For these two buildings, the services will include intensive outpatient therapy and treatment, partial hospitalization, outpatient program, and group therapy. Riker proceeded to walk through the (9) conditional use standards and why each property qualifies under each standard. In closing, he said landscaping will be upgraded for all sites in a number of ways; they plan to work with Staff to be in compliance with the UDO. He believes granting this petition will allow ICFR to continue saving lives and therefore urged the BZA to approve the conditional use request.

Discussion ensued between the Board and the Planning staff regarding the Administrative Appeal that was filed by the petitioner in 2018 with respect to 909 and 1004 W. 1<sup>st</sup> St. Scanlan explained what the Administrative Appeal was about by saying there was a *Notice of Violation* issued for the operation of a rehabilitation clinic at 909 W. 1<sup>st</sup> St., and that *Notice of Violation* was appealed. The Administrative Appeal was denied by the BZA. There was also a court action after that. Throckmorton added there was a request to grant approval but there was no request for a conditional use. The Board recommended that the petitioner go through the conditional use process. The petitioner didn't want to engage in a conditional use request at that time, so the petition was ultimately denied. Scanlan further added that Staff sent a *Notice of Violation* saying, "It appears that you are operating a rehabilitation clinic and you need to file a conditional use." They said we do not agree that we meet the definition of 'Rehabilitation Clinic' so we're going to file an Administrative Appeal, which comes to the Board of Zoning Appeals. The petitioner presented that appeal and it was denied; the next step is judicial. Riker said if this conditional use is granted then the judicial case (re: 909 and 1004 W. 1<sup>st</sup> St.) becomes moot.

**Public comments in opposition of the petition:**

Mark Jackman and Elizabeth Cox Ash spoke in opposition of the proposed request and the impacts on the neighborhood. The consensus is that there certain businesses that should be in a neighborhood, which are businesses that aren't disruptive. And there are certain businesses that should not be in single-family neighborhoods. Paul Ash is also opposed to the petition and would like to see them evicted. He urged the Board to hold ICFR accountable.

**Public comments in favor of the petition:**

Alexandra Hall, Kate Young, Fox Martins, Sara Schwartz, Nikki and Jackson Nolton (mother/son), Katelyn Dibble, Joshua Flay, and Gracie. All parties are in favor of ICFR. The overall consensus is that ICFR provides the much needed support for patients in their program and they save lives. Hall believes if it hadn't been for ICFR, she wouldn't be alive today. They truly saved her life during a time when she was in an abusive relationship and turned to drugs to cope. Young is in favor and understands the need to expand these types of services in the community. Her hope is that the issues surrounding ICFR versus the neighborhood can be resolved through conversation. Everyone is proud to have this type of facility in this neighborhood. ICFR has also helped many people find jobs and apartments, whereby helping many to become productive

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members of society. Isabel Piedmont Smith also spoke in favor of the petition. She said this treatment center is needed in the community—ICFR saves lives.

Isabel Piedmont Smith, City Council, also lives in the McDoel Gardens neighborhood on S. Rogers Street. She is in favor of this request. She thinks addiction treatment is needed. She believes ICFR does good work and they save lives. However; this process should have happened two years ago. ICFR has been at that location since 2017. The City had to prod them into applying for a conditional use which was 10-months after they had already been there. She thinks ICFR has been disingenuous and late in gaining the confidence of this community, and the confidence of the neighbors, which is very unfortunate. She believes Ms. Daniels is trying to make up for that now. In her opinion, the people who opened this clinic didn't do it the right way. Further, Mr. Riker did not tell that truth last December at the BZA hearing. The building at 637-1/2 S. Walker had been used by ICFR for at least 10-months when he spoke and said he had no idea what it was. With that being said, let's not punish the people who need the help of ICFR.

► Back to the Board and petitioner.

In rebuttal Riker denied Piedmont's comment "Mr. Riker did not tell the truth" as previously stated. He is the lawyer for ICFR and ICFR, LLC. If he's asked a question he's truthful and he has no interest in telling lies. He hasn't stepped foot in 637 S. Walker St. until March of 2019. He doesn't know what they do on a day-to-day basis except to the extent of what is discussed during these meetings. He said this isn't a place where I go every day. I'm the lawyer—I work in a law firm. The suggestion that I told a lie under oath back in December 2018 is offensive but let's not punish the people who need this service the most.

Throckmorton said he wanted to redirect; the hearing is not a referendum on the value of what ICFR is nor what it does, but it's about proper use of a location within the City code which is why it's in front of us (BZA) for a request for conditional use. Throckmorton confirmed the zoning designation is Medical (MD). Throckmorton asked the petitioner how this particular use would be enhancing the existing neighborhood (in general). Riker said it won't change and will largely be the same as it is now. The petitioner has installed a 6-foot privacy fence around the 909 W. 1<sup>st</sup> St. property (the residential property). This was done for two purposes to provide a buffer to the neighbors, but also to give the patients some privacy. Everyone who lives at 909 W. 1<sup>st</sup> St. receives treatment across the street. As for 1004 and 637; if you saw a doctor's office open there you wouldn't see anything different than you see now with Indiana Center for Recovery in terms of traffic. The petitioner said there won't be any objectionable lights on-site; all lighting will remain the same. Riker maintains there really isn't a noise issue but there is a concern about the people who are being treated. Riker said if people are going there they have no interest in doing anything other than recovery. Throckmorton asked Staff to expand on why a conditional use request is valuable to the City. Scanlan responded that if a use is allowed by right or a permitted use in a zoning district, then there is a general agreement that the use and the items that come along with it are appropriate for the area 100% of the time unless they would need to vary from something in which case they would have to request a variance. For conditional uses, they may be uses that the City has determined may need extra care/extra look by the Board of Zoning Appeals or Hearing Officer to make sure they fit into a particular area as opposed to being approved for a wider swath. Rehabilitation clinics have probably changed a lot in the last ten years. With



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the epidemic we're going through now it's just different than when the current code was written. Huskey asked Staff if there are other zoning districts that allow for this type of use as a conditional use. Scanlan said rehabilitation clinics are allowed as conditional uses in three (3) commercial districts, Business Park and Institutional.

Jackie Daniels, ICFR, first communicated with Mr. Jackman in November of 2017 regarding his complaints and concerns. Those conversations led to changes in some of their policies and regulations for residents in the apartment building but also in their program in general. After that more complaints were received from the neighborhood. Daniels said ICFR decided to hold an Open House and they had great representation from the community; people walked through and interacted with their staff and residents. Daniels wanted to point out that Mr. Jackman chose not to attend their Open House, but instead, set up a lemonade stand for people to talk with him about ICFR and about his complaints and concerns. Daniels said Mr. Jackman's comments from the December hearing were offensive and she took them very personally. His actions and comments have destroyed her ability to communicate with him. Daniels believes they are doing their best and ICFR is still open to communication. She would like to be part of the solution and not part of the problem.

**\*\*Throckmorton moved to approve CU-34-19 (re: 909 W. 1<sup>st</sup> St.) based on the written findings, including the one condition outlined in the staff report. Hoffmann seconded. Motion carried by voice vote 4:0—Approved.**

**\*\*Throckmorton moved to approve CU-35-19 (re: 1004 W. 1<sup>st</sup> St.) based on the written findings, including the one condition outlined in the staff report. Hoffmann seconded. Motion carried by voice vote 4:0—Approved.**

**\*\*Throckmorton moved to approve CU-36-19 (re: 637-1/2 S. Walker St.) based on the written findings, including the one condition outlined in the staff report. Hoffmann seconded. Motion carried by voice vote 4:0—Approved.**

V-37-19      **City of Bloomington Redevelopment Commission**  
489 W. 10<sup>th</sup> St.  
Request: Variance from maximum driveway width and setback from adjacent intersection to allow a new driveway and entrance for a new parking garage.  
*Case Manager: Eric Greulich*

Eric Greulich presented the staff report. The site is located at 489 W. 10<sup>th</sup> St., and zoned Commercial Downtown (CD). The petitioner is requesting a variance from minimum driveway separation requirements in order to allow for an existing driveway to be relocated. The subject property is encumbered with a surface parking lot. The petitioner has been working to further the goals of the Certified Technology Park by providing a public parking garage on this property. This location is somewhat unique in that this is one of the only large areas that is owned by City that can be redeveloped for parking that doesn't take away from developable land within the Certified Technology Park just to the north of this. This proposal was heard at the Plan Commission approximately two weeks ago and received approval, pending approval from the BZA. This request involves the construction of a new 3-story garage. It would have a retail component on the west side facing the B-Line Trail. The garage would be used for parking for both County and

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CFC employees as well as public parking, and would be utilized for future users of the Certified Technology Park. This petition helps further many of the goals of the Comprehensive Plan as well as the Certified Technology Park Master Plan. The garage would have one new access drive on 10<sup>th</sup> St. The existing access drive that serves the parking lot from 10<sup>th</sup> St. now is proposed to be moved to the east as close to the building as possible. This would still provide for sidewalk and tree plot. The new access drive that will be relocated to the east will have a sidewalk and tree plot on the west side of that as well. In order to best utilize the limited area that is involved and still maintain access to the parking lot to the south, the access drive has to be moved to the east, which places it within 100 feet of Madison St. that is just to the east of this. The UDO requires 100 feet of separation between a drive and an adjacent intersection. The petitioners are requesting a variance to allow for 85 feet of separation. As you know, 10<sup>th</sup> St. was recently redone. As part of the design for 10<sup>th</sup> St. it was designed to severely limit speed limits through that area; narrow travel lanes and is a low-traffic street. It primarily serves the office uses here and future users to the north of this site. Relocating the access drive to the east provides access through 10<sup>th</sup> St. to 8<sup>th</sup> St., and provides access to the parking lot. With that being said, the petitioners are unable to meet the 100-foot requirement due to the limited amount of space currently on the site and are therefore requesting a variance to allow the required separation to be 85 feet. Staff recommends approval of this petition based on the written findings in the staff report, including the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. Approved per terms and conditions of Plan Commission case #SP-31-19.
3. A minimum of 4 bicycle parking spaces will be provided adjacent to the commercial spaces.
4. Any street trees or street lights displaced with the construction must be replaced.

Bill Riggert of Bledsoe Riggert Cooper James, is present to speak on behalf of the Redevelopment Commission. He reiterated what Greulich outlined in the staff report pertaining to the need for a variance. He noted that CSO is the architectural firm working on the garage project. He had nothing further to add to the staff report and urged the BZA to approve the variance request.

Throckmorton asked Staff to explain how you prevent a conflict of interest in a situation like this and how Staff makes a recommendation. Greulich explained the department views this request just like any other request from multiple City departments. The BZA and other City departments have heard a couple of requests. Certainly the 4<sup>th</sup> Street garage is one; the Parks Department had several variances that were heard not too long ago for the Switchyard Park. These are common. Occasionally the City develops property and deals with the same encumbrances, problems, and difficulties that a private developer has. Obviously, Staff has to make a recommendation and be present for the staff report, so we look at it the same as anybody else and hold City departments to the same expectation that Staff holds everybody else to.

*No public comment.*

**\*\*Huskey moved to approve V-37-19 based on the written findings, including the four conditions outlined in the staff report. Hoffmann seconded. Motion carried by voice vote 4:0—Approved.**

Meeting adjourned.