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

APPROVAL OF MINUTES: September 2019

► Let the record reflect that the September minutes will be deferred to the November hearing; not enough board members present to vote who attended the September hearing.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Eric Greulich, Planning staff, announced that UV/V-31-19 (Rimrock Companies) would be continued to the November hearing.

PETITIONS CONTINUED TO: November 2019

- V-17-19 **City of Bloomington**
105/111 W. 4th 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-26-19 **Kimberly Carballo** (continued from the 8/22 hearing straight to November 2019)
1300 S. Lincoln St.
Request: Use variance to allow the raising of goats on a single lot in the Residential Core (RC) zoning district.
Case Manager: Ryan Robling
- UV/V-31-19 **Rimrock Companies**
1901 W. 3rd 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:

V-38-19 **City of Bloomington**
1649 E. Rhorer Rd.
Request: Variance from riparian buffer requirements 20.05.041 for the purposes of a trail.
Case Manager: Eric Greulich

Eric Greulich presented the staff report. The petition site is located on the north side of Rhorer Road on the west side of Jackson Creek; the site spans from Rhorer Road to Sherwood Oaks Park to the north. The property is zoned Planned Unit Development (PUD-55-87). The City is continuing work to expand the Jackson Creek trail system based on the approved plan outlined in the Jackson Creek Trail Master Plan and the Transportation Plan. In order to accomplish the designs outlined in those plans, there will be a new extension of the trail constructed south from Sherwood Oaks Park to Rhorer Road. The construction of the trail would involve a new 12-foot wide, asphalt multiuse trail. The trail would be constructed predominately at existing grade with only minimal grading necessary for installation. The trail will be located on property owned by the City of Bloomington Utilities and Parks Department(s) along the corridor. The section of land owned by the Utilities Department is very narrow and is constrained by an existing access drive to single-family residences, underground utility line, and Jackson Creek itself. The petitioner has attempted to locate the new trail as far from Jackson Creek as possible; however, given the narrow property width and existing constraints, it isn't possible to meet the 25-foot riparian buffer setback required by the Unified Development Ordinance(UDO) for all sections of the trail. Portions of the trail cross through the floodway and floodway fringe of Jackson Creek. Therefore a variance from riparian buffer standards is being requested to allow a multiuse trail within the 25' wide Zone 1 area of the adjacent creek. No injury is found with this petition. The majority of the trail will be located outside of the Zone 1 area. Staff finds no negative effects from this proposal on the areas adjacent to the property. The construction of the trail will improve access of adjacent properties to the overall pedestrian network in the area. Practical difficulty is found in the limited area to work within on the land owned by the City. Peculiar condition is found in the limited amount of area along this portion of the site because of the existing driveway and amount of land owned by the Utilities Department. The petitioner has worked with the Indiana Department of Environmental Management (IDEM) as well as the Indiana Department of Natural Resources (IDNR) as part of the permit process. Greulich noted there is a substantial mitigation plan that the City will have to put into place for any trees that are being taken down. To that end, there will be a lot of plantings installed as part of those permits and requirements. Staff recommends approval of the requested variance based on the written findings in the staff report, including the following condition:

1. A permit from the Indiana Department of Natural Resources (IDNR) is required prior to any work within the floodway.

Roy Aten, Sr. Project Manager, said this is a City of Bloomington project involving the Jackson Creek Trail. The entire project is going to go all the way up High Street and connect to the park on Arden, and then continue all the way down to Rhorer Road and

connect to the trail networks that are on Sare Road. The overall project is going to connect two MCCSC schools and two parks. The project received a warm reception from neighbors at our public meetings. Aten explained that the project has been awarded one million dollars of Federal funding and that funding will be used along with the money the City plans to contribute for the project. The project is currently in the design phase. The right-of-way phase of the project will happen next followed by bidding. Construction will occur in 2021.

Huskey asked Aten about the possibility of this project having environmental impacts, such as dangers to the water area, runoff from the asphalt, or any other concerns.

Aten explained that the City has gone through the NEPA process for this project due to the project getting Federal funding. And it's through that process, where the City has been given approximately 51 commitments to follow throughout the project. The City doesn't receive the project funding unless requirements are followed. Those hard commitments or recommendations will include the types of trees that can be used, tree mitigation, etc.

No public comment.

****Huskey moved to approve V-38-19 based on the written findings including the one condition outlined in the staff report. Flavia seconded. Motion carried by voice vote 3:0—Approved.**

Meeting adjourned.