

**HEARING OFFICER –Kelly Conference Room #155  
January 22, 2020 @ 2:00 p.m. - Record of Meeting**

The Hearing Officer meeting was held on Wednesday, January 22, 2020 in the Kelly Conference Room #155. Hearing Officer present: Beth Rosenbarger.

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

**PETITIONS:**

V-46-19      **Rocket Fuels, Inc.**  
1209 W. 2<sup>nd</sup> St.  
Request: Variance from entrance and drive standards to allow a drive cut on Bloomfield Rd.  
*Case Manager: Eric Greulich*

Eric Greulich presented the staff report on V-46-19. Staff is recommending adoption of the proposed findings in the staff report, including the following two conditions:

1. A minimum 5' wide tree plot with street trees and 6' wide concrete sidewalk are required along both frontages.
2. This approval is for this site plan on this lot only, any other side plan or design must meet all UDO requirements.

Beth Rosenbarger, Hearing Officer, asked Greulich to clarify both conditions of approval. She also asked if the curve radii (or radiuses) are as small as they could possibly be. Reason being; there was some discussion that the entrance from Bloomfield Road wouldn't accommodate trucks and therefore trucks would have to use Patterson Dr. Greulich stated this was coordinated with our Engineering staff. This would be reviewed as part of the grading permit and the specifics of the drive could also be fine-tuned with that same permit. Rosenbarger asked if the condition of approval, as written, had enough flexibility with regard to the curb radii (or radiuses) if it should need to be changed in the future. Greulich said yes it does. The condition basically reflects the site plan and the presence of the drive. The nuances and specifics of that drive could be tweaked if need be. Rosenbarger said her concern is that a right-in/right-out helps to protect motorists in the street; however, the way the proposed driveway is configured (with a right turn) people tend to make a bit faster without looking for pedestrians so that should be considered with the current configuration. Rosenbarger asked if the property along Patterson Dr. is going to be acquired. Greulich said it's in the works but its contingent upon the granting of this variance and all permits going forward.

Mike Carmin, Attorney at Law, is representing the petitioner. He said the site plan could possibly change in the future. He asked if condition #2 could be tweaked to state that *"If any other site plan alters the driveway design or location it must meet UDO requirements."* This would allow for some flexibility should the site plan need to be changed but the driveway wouldn't be touched. Rosenbarger explained that if the current site plan were to change the petitioner would probably need to request a variance for the new site plan. Greulich said the intent of condition #2 was to lock in the general layout of the site; however, if the building and canopy were switched Staff would consider that more or less the same site plan. Greulich stated that none of the criteria for the variance were based on the layout of the site plan but rather the property

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itself. Rosenbarger confirmed that the petitioner is allowed to make some site plan changes as long as those changes meet code requirements. No changes are allowed to the driveway configuration as proposed. Greulich agreed.

No comments from the public.

**Rosenbarger approved V-46-19 based on the written findings, including the two conditions outlined in the staff report.**

Meeting adjourned.