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The City of Bloomington Plan Commission (PC) met on November 4, 2019 at 5:30 p.m. in the City of Bloomington Council Chambers. Members present: Burrell, Kinzie, Kopper, Coyne, Sandberg, Wisler

ROLL CALL

MINUTES TO BE APPROVED: September 17th & 23rd UDO minutes

REPORTS, RESOLUTIONS AND COMMUNICATIONS: Terri Porter, Planning and Transportation director, said the new Transportation and Traffic engineer, Craig Shonkwiler will begin with the City on November 18th. She thanked Neil Kopper for being the interim Transportation and Traffic engineer over the past year. Jackie Scanlan Development Services manager, said the 2020 Development Review Committee calendar is almost complete and will be sent to the Plan Commission later this week. She explained the calendar is not something the Plan Commission approves, just reviews. Commissioners and Staff can discuss the calendar at the December hearing.

CONSENT AGENDA:

SP-35-19 **Elliot R. Lewis**
650 N. College Ave.
Request: Site plan approval to allow the construction of a multi-family building for 33 dwelling units.
Case Manager: Eric Greulich

Public comment:

Member of the public that spoke: Greg Alexander

Alexander said when the Smallwood apartment building was built, increased traffic and pedestrian capacity was not considered and the walk signal at 11th street and College Avenue is insufficient, changing to the Do Not Cross signal long before the traffic light signal changes to yellow and red.

****Sandberg moved to approve the Consent Agenda. Burrell seconded. Motion carried by roll call vote 5:0—Approved.**

PETITIONS:

SP-23-19 **City of Bloomington**
105 & 111 W. 4th St., and 222 S. Walnut St.
Request: Site plan approval for a new parking garage with waivers in the Commercial Downtown (CD) zoning district.
Case Manager: Jackie Scanlan

Scanlan said the petitioner is requesting a continuance. The petition was left in the hearing packet in the hopes that a final disposition relating to the eminent domain case would occur in court before the evening's hearing. Since a disposition did not occur, the Plan Commission will need to vote to continue the petition. The petition will automatically be continued if Commissioners cannot agree to continue it.

Larry Allen, Assistant City attorney, did not have a statement, but welcomed questions.

Public Comment:

Wisler explained that it is not typical to hold public comment on an internal procedural item like continuing a petition, but he would allow brief public comment. He explained that comments should concern the motion to continue the petition, not the petition's merits.

Members of the public that spoke: Juan Carrasquel, Greg Alexander

Carrasquel said after delaying the petition three times it must have a majority vote to move the petition to the next hearing. He urged the Plan Commission to vote no because the petition is in violation of City code. A petition needs the permission of the property owner before being presented and he said no discussion occurred between him and the City. Carrasquel said he sent a letter to the Plan Commission on October 4th, detailing the situation, but it was not received. He re-sent it today before the hearing and it was received.

Alexander expressed his dismay over the petition. He said he believes it's a politically motivated project and the petition is not legal if the property owner did not consent.

Scanlan clarified that because the request to continue the petition was within seven days of the hearing, Plan Commission approval is required. The City Legal department told Planning and Transportation Staff the petition could be filed due to the ongoing eminent domain case. Scanlan said Staff follows the Legal department's guidance and that is why the Plan Commission was charged with responding to the petition that evening.

Wisler clarified that the petition will be continued, even without a majority vote.

****Sandberg motioned to continue SP-23-19 to the December hearing. Burrell seconded. Motion carried by roll call vote 5:0—Approved.**

SP/UV-32-19 **Rimrock Companies**

1901 W. 3rd St. & 307 S. Cory Ln.

Request: Site plan approval and use variance recommendations to the Board of Zoning Appeals for larger units in the "mini-warehouse facility" use in the Commercial Arterial (CA) zoning district.

Case Manager: Jackie Scanlan

Jackie Scanlan gave the report. The petition was heard at the September 9, 2019 Plan Commission hearing. The members present could not come to an agreement on the site plan portion of the petition, so it was continued to the November hearing. The Plan Commission voted to recommend approval to the Board of Zoning Appeals for the use variance portion of the petition. At issue during the first hearing was the desirability of the use at the location in its current design, and the effect of such a development on the other properties in the area. Since the last hearing, the petitioner has provided hydrology information for Plan Commission review; amended the architectural materials used to reduce the amount of metal; and added a portion of sidewalk behind one of the buildings facing 3rd Street. The petitioner may also add striping to delineate a safe walking area. No new petitioner statement was submitted. Scanlan said that feedback from neighbors was included in the packet and Plan Commissioners were given another letter from a neighbor submitted after the packet was distributed.

The Planning and Transportation Department recommends that the Plan Commission approve the site plan based on the written findings and with the following conditions:

1. The petitioner will show at least 4 Class II bicycle parking spaces on the site plan before a grading permit is approved.
2. The petitioner will make required landscape plan changes to meet City code landscape requirements before the issuance of a grading permit.
3. The petitioner will add required internal sidewalks to the plan before a grading permit is approved.

Daniel Butler, Bynum Fanyo, spoke on behalf of the petitioner, explaining that the site plan goes above and beyond what the City requires to reduce water flow to surrounding property, and the site plan no longer encroaches on a sinkhole. Bynum Fanyo also submitted a report to the City drainage engineer. Butler explained that the petitioner is not asking for any environmental variance, and spoke about positive features of the petition including added pedestrian connectivity and a lighting plan that prevents light spillover to neighboring properties, per City code. Butler concluded by adding that the property is currently preapproved for this type of use.

Mike Carmin, attorney with Carmin Parker, read from the Staff report. He said a petition like this requires the Plan Commission to review, but waiver considerations are for the Board of Zoning Appeals (BZA) to decide. Carmin pointed out that the petition is by-right, and meets all of the development standards, including lighting and environmental drainage. Neighbors are concerned about privacy, but Carmin said he believes this is a small concern compared to a pedestrian-oriented mixed-use structure. He said the petitioner has answered all questions and comments and the petition should be entitled to a vote of approval.

Plan Commission Questions:

Kopper asked if the Plan Commission's vote really matters since this is a by-right petition. Scanlan explained it isn't typical to deny a site plan based on the Comprehensive Plan, but based on what the Comprehensive Plan says concerning the urban corridor and that the petition doesn't necessarily meet those goals, Staff wanted the Plan Commission to review the petition. Scanlan clarified that the Plan Commission recommended approval of the 300 square foot storage units to the BZA.

Public Comment:

Members of the public that spoke: Susan Brackney, Eric (last name unclear)

Brackney spoke in remonstrance of the petition, saying that a Use Variance cannot be granted if the petition will cause adverse effects, according to Indiana statute. She said a map of the property shows an aging septic system and storm water concerns, and the geologist consulted is aware of the current flooding issues. Brackney showed current photographs of flooding in the area, and that no drainage changes are expected and flooding will only get worse with climate change. She asked if homeowners will have any recourse if adverse effects occur, if granting the Use Variance will be in compliance with state law, if this is the best use of this parcel, and when have there ever been any government-led engineering and environmental studies on the parcel.

Eric says the photographs of flooding in the area are a frequent occurrence. He asked if there is a need for this facility, with seventeen other storage units in town, six of those only being at 75% capacity during the year. He said the storage facility doesn't add anything to the neighborhood and doesn't bring activity like a park or jobs. Eric pointed out a large, empty building behind the Kroger on 2nd street as a more desirable place to have a storage facility.

Butler used the remaining allotted time to thank neighbors for their input and said that the petition is unique in that it is being reviewed by both the County and the City. He explained that no new impervious areas will drain to sinkholes. The project has gone through pushback to preserve environmental features and decrease the current amount of runoff to sinkholes. The petitioner is currently in discussion with the County to examine runoff issues.

Plan Commission Discussion:

Sandberg asked for clarification that current homeowners are indeed living in a floodplain, and what recourse do they have. Scanlan said that isn't something Planning and Transportation addresses, but the homes are not new, and have been in the area for decades. Scanlan showed an aerial of what is currently developed in the floodplain, and the department previously worked on improving the area when the Mother Bear's restaurant considered building at the site. Sandberg asked if anyone was present who could speak to the engineering side of the petition and how it may or may not add water issues to the area. Butler responded that he handles surface flow engineering, and water will be redirected away from the area and to an underground source.

Jason Crothy, hydrology engineer, recommended in his report different ways the redirected water's quality will be improved as it's redirected away from the site. He also explained how current drainage will be maintained and not increase into the south sinkhole. Sandberg asked if any nearby septic systems were of concern and had potential

to be converted to City service. Crothy said he could not comment on those systems since they're unrelated to the project, and Scanlan said neither could Staff since they're outside of the City limits. Wisler clarified that the Plan Commission was only voting on the site plan portion of the petition, as the Use Variance portion had been forwarded to the BZA at a previous hearing.

****Sandberg motioned to approve SP-32-19 with the three recommendations in the Staff report. Burrell seconded. Motion carried by roll call vote 5:0:1—Approved. Kinzie abstained due to her arrival during presentation and discussion.**

PUD-34-19 **Curry Urban Properties**
NW Corner of Longview Ave. & Pete Ellis Dr.
Request: PUD district ordinance and final plan approval to rezone 3.2 acres to PUD.
Case Manager: Jackie Scanlan

Jackie Scanlan gave the report. She explained that the Plan Commissioners were being handed an e-mail from a neighbor of the property that was received after the hearing packet was distributed.

The Plan Commission heard the petition at its October 7, 2019 hearing and forwarded it to the second hearing. Few substantive questions were asked, and the petitioner has submitted no changes since that time. Scanlan showed a site plan of the surrounding developed area and proposed features of the Planned Unit Development (PUD), including an amphitheater and park. The petition is similar to a petition reviewed by the Plan Commission in 2018. Commissioners were concerned about the bulk and public benefit of the project. The Department recommended denial, and the petition was forwarded to Council with a negative recommendation and was not heard by Council. The southwest corner, which was the tallest location on site, was amended to remove a unit from that corner, so that it would be setback and visually read as a more appropriate size. Additionally, the north corner had an extra floor, and it was reduced to four floors and set father back to make the corner less imposing. The site will also have cisterns to collect rainwater for use on site, a strong corner with incorporated art, and different setbacks to create balconies. The site is in the focus area of the new hospital and would be a supportive living location for people working or learning at the new hospital. The petitioner has worked with the City's Housing and Neighborhood Development (HAND) department to set aside 15% of the bedrooms for workforce housing. The Planning and Transportation Department recommends that the Plan Commission forward this petition to the Common Council with a positive recommendation, including the waiver of the five-acre minimum and the seven conditions listed in the Staff report.

Steve Brehob, Brehob and Associates, had nothing to add to the Staff report. He reiterated that the petitioner also plans to include FITWEL features that will positively affect the health of the tenants on the property through design and programming. He also explained that the side path along 7th street will be 12 feet wide for pedestrian and bicycle safety.

Plan Commission Questions:

Kinzie asked Staff if backend parking was still being encouraged in the petition and Scanlan confirmed this. Brehob commented that he would like to see backend parking happen in Bloomington because it works well in high traffic areas in Indianapolis.

Kopper says he generally agrees and City code allows backend parking, but the decision to allow it would be up to the Common Council. He explained backend angled parking is generally recognized as a lower crash risk than headend angled parking.

Kinzie asked if permeable pavers were a new feature of the design and Brehob responded the pavers have always been a part of the design and internal courtyards and sidewalks will have pavers. Scanlan added that the site still is 34% open space and Brehob said this is because of increasing the setbacks. Discussion ensued between Kinzie and Staff concerning PUD requirements and the site plan approval process. Kinzie asked if the petitioner has any traffic concerns, and Brehob responded no, due to surrounding connecting roads instead of a single road in and out to the site, as well as close proximity to the bypass. Kinzie said she would like to see a

close-up of vehicular entry, but Scanlan said the Plan Commission was just approving design parameters, not specific design features.

Sandberg asked about workforce housing conversations and Tyler Curry, petitioner, said nothing had changed in the agreement since his last meeting with Doris Sims, HAND director. Curry said he has met HAND's workforce/affordable housing commitment, committing the percentage of units required to meet the Department of Housing and Urban Development's (HUD) affordable housing requirement, as explained in the petition.

Wisler asked if the parking garage is open to the courtyard and Brehob responded that the sides facing the courtyard would be open.

Public Comment:

Members of the public that spoke: Mindy Metzcer, James Glenn

Metzcer said she has been a resident of the nearby Park Ridge neighborhood for 15 years and values the pedestrian safety of the neighborhood. She said she attended the Plan Commission meeting when the petition was first heard in 2018 and expressed safety concerns. She believes the potential risks for safety outweigh the potential benefits to the community. She has already seen an influx of traffic and businesses in the area and currently believes a stop sign put in at Pete Ellis and Longview would help, especially with the new hospital being built nearby. Metzcer is concerned for older residents residing in the Cambridge Square apartments and for the small children at the daycare on Pete Ellis Drive. She said housing is needed, but a structure of this size on the allotted land is not the best use of the land. She explained that since 7th street was extended to the bypass, she has seen a huge influx of traffic and accidents, and cited 320 traffic accidents from police reports over the past 15 months. She said she hopes a smaller project could be considered for the site, but the current site plan doesn't fit in with the character of the area.

Glenn has been a Park Ridge resident for 20 years and said he is mostly concerned about the site's proposed density and that renderings look like the petition is designed specifically for students. He said apartments in the area have already increased traffic, and the petition's garage will only increase cars in the area. Glenn said he is also concerned the proposed apartments in the petition won't fill, given the drop in enrollment predicted in 2024. He has seen an increased police presence already because of current apartments in the area and is worried about the safety of the pedestrian-heavy Park Ridge neighborhood. Glenn concluded his comments by saying that the petition will be a FITWEL community, but it is still encouraging car use. He knows the site will be developed, but he would prefer to see a lower density project.

Plan Commission Discussion:

Kinzie said she wished the changes the petitioner made had completely relieved her concerns. She does like that the sidewalks will be widened, the proximity to amenities that encourages walking, and the cisterns. Kinzie said more housing in the area is needed with the new hospital being built nearby, and the petitioner has made appropriate improvements to the petition.

Sandberg said she appreciates the improvements and supports the petition. She finds the workforce component attractive and Bloomington has a need for more dense housing. She understands neighbors' concerns, and any time that change of this size is proposed, safety needs to be examined.

Wisler said he has liked the project all along. He said the petition details are refreshing and give a very good picture of what the finished project will be like. Wisler believes the petition will have clear impacts on the neighborhood, but it also has a chance to be pedestrian friendly, since it is within walking distance of many amenities. Wisler said the walkability could be even better for the petition, if the intersection of 3rd street and Pete Ellis was improved, though he knows it's not the petitioner's responsibility.

****Kinzie moved to forward PUD-34-19, including the seven conditions in the Staff report, to the Common Council with a positive recommendation. Motion carried by roll call vote 6:0—Approved.**

Meeting adjourned.