

Plan Commission Summary Minutes – April 10, 2023 - 5:30 pm
City of Bloomington Council Chambers – Room #115

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The City of Bloomington Plan Commission (PC) met on April 10, 2023 at 5:30 p.m., a hybrid meeting was held both in the Council Chambers, located in Room 115, at 401 N. Morton Street, City Hall Bloomington, IN 47404 and remotely via Zoom. Members present in Chambers: Tim Ballard, Flavia Burrell, Andrew Cibor, Chris Cockerham, Jillian Kinzie, Ellen Coe Rodkey, Ron Smith, Karin St. John and Brad Wisler. Trohn Enright-Randolph attended via Zoom.

ROLL CALL

APPROVAL OF MINUTES:

March 6, 2023 minutes

****Kinzie moved to approve the minutes for the March 6, 2023 meeting. Burrell seconded the motion. Motion carried by roll call 8:0 - Approved. Cockerham arrived late and did not vote.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Kinzie reported on her participation in the Bloomington Monroe County Metropolitan Planning organization.

St. John wanted to point out that just because she and others are appointed to Commissions by the Mayor's office that the Mayor's office does not control their vote. Wisler agreed with St. John's statement.

Enright-Randolph and Cockerham both joined meeting during Reports.

PETITION TABLED:

SP-24-22 Cutters Kirkwood 123 LLC
115 E Kirkwood Ave
Request: Major site plan approval to construct a 4-story building with 3 floors of residential units over a ground floor parking garage and retail space in the MD-CS zoning district. The upper floors will consist of 15 dwelling units for a total of 38 beds.
Case Manager: Karina Pazos

CONSENT AGENDA:

SP-09-22 Bloomington Redevelopment Commission
617 N Madison Street
Request: Petitioner is requesting an extension of the site plan granted under case SP-09-22 on March 14, 2022.
Case Manager: Eric Greulich

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Commission Comments: None

Public Comments: None

****Kinzie moved to approve Consent Agenda item SP-09-22. Coe Rodkey seconded the motion. Motion was approved by roll call 8:0 – Approved. Wisler abstained from the vote.**

PETITIONS:

PUD/DP-24-21 Robert V Shaw

N Prow Road: 3500 block of N Hackberry Street

Request: Petitioner requests Final Plan and Preliminary Plat amendment for Ridgefield PUD and Subdivision Section V.

Case Manager: Jackie Scanlan

Jackie Scanlan, Development Services Manager, presented this petition for final plan and preliminary plat amendment for Ridgefield PUD and Subdivision Section V. The Department recommends the Plan Commission approve the Final Plan and Primary (Preliminary) Plat Amendment to Section V of the Ridgefield subdivision and deny the subdivision waiver request, subject to the 11 conditions in staff report.

Representative:

Brad Myrick of Bledsoe, Rigor, Cooper James, said they would like to continue this project with the eyebrow and cul-de-sac as originally designed. Believes the detention area is complete, was approved by CBU during original phase of construction.

Commission Comments:

Kinzie asked for clarification of the tree discrepancy between staff and the petitioner.

Cibor asked staff about the condition that required approval of a design that is not currently in the petitioners plan.

Cockerham asked staff to explain what the developer is proposing on the paired homes and what staff is suggesting. Scan said the petitioner proposed separate driveways for each structure and staff is proposing shared driveways so there will be less impervious surface.

Ballard asked the petitioner why it has taken so long to complete this project. Robert Shaw, developer, lost funding and the housing market crash happened. Because of personal reasons he hasn't been able move this forward in the last 5 years.

Wisler asked why receiving the bond within 30 days was required and what is the justification for the changes to the retention area. Scanlan is okay with extending the deadline for the bond, but they need a deadline to receive the bond. Scanlan is okay with approving detention area as is if Plan Commission approves an amendment, but wants it shown on plat.

Kinzie asked about the drainage concerns from the December 2022 Plan Commission meeting. Scanlan said the concerns were about the interface with the neighborhood to the east and staff did

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not receive any additional information from petitioner regarding this issue.

Cockerham asked about the percentage difference of the impervious surface between what the developer proposed and what staff has proposed.

Cibor asked staff for clarification of current trees vs new plantings, may just need to update plans for clarification. Scanlan said petitioner needs to update landscape plan to include preserved trees and new planting.

Coe Rodkey asked what the street looks like if the cul-de-sac is removed. Scanlan believes it will read similar to the single family lots. St. John asked what was meant by the cul-de-sac being “borderline”. Scanlan said she would not be surprised if the Plan Commission approved the old version based on the issues raised by the petitioner.

St. John asked if staff was asking for the detention area be labeled appropriately rather than changing the landscape. Scanlan acknowledged this would be okay with the approval of CBU.

Smith asked wouldn't it be easier to give the developer a pass on the cul-de-sac since this has already been partially developed and hold them to current standards on future projects. Scanlan clarified that if this was all developed then and didn't meet code, but that is not the case. The department tries to be flexible, but code says it should be built a certain way. The Plan Commission is able to make those discretionary changes that Planning is not empowered to do.

Public Comments:

Greg Alexander spoke about a connector path from this development to Bloomington North High School, this path is on the other side of the school which he calls a “bunch of garage”. Even though this path is not up to code it is the single best piece of pedestrian and bike infrastructure that connects to the school. This new development should have a connecting path to Bloomington North High School for connectivity proposes.

Deidra Sheets agrees with Greg Alexander there needs to a connectivity path. She would never call the detention pond an “informal pocket park”, it is a mucky mud pit. With the removal of sidewalks last August the only access out of the neighborhood on foot is north on Prow Road and that was removed August of last year.

Amy Ali concurs with what Ms. Sheets said about sidewalks, also she noted there is not an HOA for the neighborhood.

Additional Commission Comments:

St. John asked for clarification of where the removed sidewalk is located. Scanlan said there are portions of sidewalk removed throughout the development. St. John asked about the connectivity path being removed from the proposal. Scanlan said it would difficult to create a path to code and MCCSC was not interested in the path. Mr. Shaw is ambivalent about the path, he is not opposed to putting in a path.

Enright-Randolph believes that the path issue should be revisited. He also wanted to let the Commission know he will be leaving after the current case due to a prior commitment.

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Cockerham wanted to know if there are any arrangements with MCCSC to provide a connection at that location. Scanlan said it would connect to existing roadway.

Cibor said because the streets have not been accepted into the City's inventory there is little leverage the City has regarding sidewalks. Once the bond has been received and reviewed then the streets can be entered into City inventory. Regarding the cul-de-sac and eyebrow it is really challenging for maintenance. He supports and understands the desire for an MCCSC connection but it is really tricky.

Kinzie asked if the eyebrow could be removed and retain the cul-de-sac. Scanlan said the Plan Commission could make that decision.

Wisler asked Commissioners to share their options on any suggested changes to the proposal. Smith suggested they approve the original design. St. John is inclined to leave the cul-de-sac and is in favor of the path to North High School. The issues need to be worked out and the removal of the sidewalks was real disappointing. Cibor believes the path can be put in but he has concerns about the eyebrow design and the site plan. Coe Rodkey agrees with St. John, but would like to go through the 11 conditions to identify what they are going to be voting on. Kinzie says it is not worth making a lot of alternative, because they are not really gaining anything. Wants this to move along so the sidewalks can be replaced as soon as possible. Kinzie has no issues with the detention pond as long as it functions properly and is in favor of building the pathway. Could be in favor of moving forward with the plan as presented with the waivers requested by the petitioner, with one caveat she does feel they need 60 days for the bonding. Ballard agrees that this needs to move along. Burrell would also like to keep this moving forward.

Revise conditions to change condition one to use Final Plan and Primary (Preliminary) plat that begins on page 30 of packet, change condition two and three from 30 to 60 days for bond and add phrase "for Phase I of Section V", add to condition eight "or trees to the same density need to be preserved or planted", and finally remove condition ten entirely from list of conditions.

Cibor asked if the concerns that still exist in the drawings could be addressed in the grading permit process. Scanlan says the petitioner understands there may be changes that need to be made in the future and staff is comfortable moving forward. Wisler asked if another condition could be added authorizing staff to make minor adjustments.

****Wisler motioned to adopt the proposed findings and approve the final plan and primary (preliminary) plat amendment for PUD/DP-24-21 with requested subdivision waivers and the revised conditions. Kinzie seconded the motion. Motion was approved by roll call 8:1 – Approved, Cibor was the only no vote.**

SP-09-23 Core SVA Bloomington Plato 2 LLC
2038 N Walnut Street
Request: Major site plan approval to allow the construction of a Mixed-Use Building with 1500 sq. ft. of commercial space and 172 dwelling units and 426 bedrooms in the Mixed-Use Student Housing (MS) zoning district.
Also requested approval of the Affordable Housing and Sustainable Development Incentives.
Case Manager: Eric Greulich

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Eric Greulich, Senior Zoning Planner, presented this petition for major site plan approval to allow the construction of a Mixed-Use Building with 1500 square feet of commercial space and 172 dwelling units and 426 bedrooms in the Mixed-Use Student Housing (MS) zoning district. The have also requested approval of the Affordable Housing and Sustainable Development Incentives. The Planning and Transportation Department recommends that the Plan Commission approve the use of the Sustainable Development and Affordable Housing Incentives and adopt the proposed findings and approve with the eight conditions.

Representative:

Nathan Casteel, DRL Group, presented a brief presentation of the project. Olivia Prais, Development Manager with Core Spaces, gave background information for Core Spaces.

Commission Comments:

Cockerham asked if the retail space is a code requirement or a choice made by the developer. Greulich said the space was incorporated by the developer. Cockerham asked about parking spaces for the retail space.

Kinzie asked about sidewalks and the connectivity with sites to the east and west. Kinzie also asked about parking and if all parking is within the building, Casteel said parking is all within the building. Kinzie asked what was making the project Silver for the Sustainable Design. Ms. Prais they are incorporating easy charging stations, green roofs and reporting to the Energy Star Group for 3 years. Kinzie as about solar, Ms. Prais said not at this time.

Ballard is glad to see that both incentives are being used.

Cibor asked how delivery activities will be accommodated, Castell said there will be a loading zone on the access road.

Public Comments:

Greg Alexander does not believe the sidewalk network is sufficient.

John Richards, attorney for two properties adjacent to this development. Property owners are concerned about additional pedestrian traffic to get to bus stops.

Additional Commission Comments:

Kinzie asked for clarification of the missing sidewalk that Mr. Alexander mentioned. Eric said it is missing from a residential property just north of the Hilton Garden and is not adjacent to the petitioner's property. Kinzie also asked if there have been any attempts made to resolve pedestrian traffic with adjacent properties owners. Greulich said pedestrian connectivity throughout this entire area could be improved, however each property owner is only required to do that when they come forward for development on each respective property. Ms. Prais believes there are plenty of sidewalks accessible that pass through their adjacent property to this new development.

****Coe Rodkey motioned to approve SP-09-23 with seven conditions listed in packet and eighth condition added during meeting. Cockerham seconded the motion. Motion was approved by roll call 9:0 – Approved**

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ZO-12-23 **UDO Chapter 3, Use Regulations, Amendments** related to Chicken Flocks: **UDO Chapter 4, Development Standards & Incentives** – Amendments related to Table 04-10 and Maximum Parking Standards. Also requested is a waiver of the 2nd hearing.
Case Manager: Jackie Scanlan

Jackie Scanlan, Development Services Manager, presented ZO-12-23 UDO Chapter 3, Use Regulations, Amendments related to Chicken Flocks: UDO Chapter 4, Development Standards & Incentives – Amendments related to Table 04-10 and Maximum Parking Standards. Also requested is a waiver of the 2nd hearing. The Planning and Transportation Department recommends that the Plan Commission forward this petition for chicken flocks and the maximum parking update to the Common Council with a positive recommendation.

Commission Comments:

Kinzie asked if “S” for Chicken Flocks needs to be updated on Accessory Use Table. Scanlan said no because it could be a single flock.

Cockerham asked Scanlan to explain the Change in Use and Limited Compliance. Scanlan used an example on Profile Parkway to try and explain. Wisler said some properties it is clear what is parking and what isn’t, what determines what was previous parking and what wasn’t. Greulich said they give them the maximum parking number allowed and want to know where those spaces are going be, which may require for them to remove some spaces.

St John asked why there were not maximum parking standards prior to this proposal. Scanlan said consultant recommend because it was used in other places. St. John asked for an explanation of the difference between 4 spaces per 1,000 sq. ft. for a banquet event facility and a convention center that only has 2 spaces. Scanlan said usually convention centers are paired with other uses, restaurants and hotels, which would be more than one use together with possibly structure parking. Scanlan mentioned there is a provision in the code that allows for a petitioner to prove through a parking study why they need more parking, outside of the variance process, that the Director of Planning & Transportation can approve.

Public Comments: None

****Kinzie motioned to forward ZO-12-23 to City Council with a positive recommendation and waiver of the required second hearing. Cibor seconded the motion. Motion carried by roll call vote 9:0.**

Meeting adjourned at 9:07 p.m.