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The City of Bloomington Plan Commission (PC) met on February 5, 2018 at 5:30 p.m. in the Council Chambers #115. Members present: Cate, Cibor, Stewart-Gulyas, Hoffman, Kappas, Maritano, Sandberg, Wisler.

APPROVAL OF MINUTES: October & November 2017

****Stewart Gulyas moved to approve the October 2017 & November 2017 minutes as distributed. Maritano seconded. Motion carried by unanimous voice vote--minutes approved.**

James Roach, Development Services Manager, noted that in these minutes the Staff were experimenting with a dictation and translation software. This explains the length of these minutes.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

James Roach, Development Services Manager, explained the annual Conflict of Interest Questionnaire in the Planning Commission Packet and asked the members to fill it out. He welcomed Susan Sandberg to the Planning Commission.

Hoffman also thanked Sandberg on behalf of the Commission.

Josh Desmond, Planning & Transportation Assistant Director, introduced Don Elliott, the Lead Project Manager from Clarion Associates, the consultant team that will be working with Staff on the Unified Development Ordinance (UDO).

Don Elliott introduced himself and the Clarion team to the Commission. Updates to the UDO will focus on the pressures on downtown, form and scale, streamlining and standardizing processes, being crisper about objective standards, and making the code more usable. Clarion writes plans for communities, work with builders, and writing development codes for cities and counties around the country. Don Elliott is the Planner and lawyer. Greg Dale, Jim Sprung, and Elizabeth Fields are all planners. The firm hopes to implement the principles of the City's Comprehensive Plan by changing development regulations. They also hope to develop new regulations for Downtown Bloomington. The seven steps Clarion hopes to use in this process: listen carefully to every stakeholder, property holder, citizen, and interest group; do an assessment of what they see and what they have been told needs to be fixed; Module 1 – zone districts and permitted uses; Module 2 – dimensional and development standards; Module 3 – procedures and administration; UDO Adoption Draft; UDO Adoption Proceedings. There is a project website, where drafts will be posted and an email notification sign up. There will be public meetings. Two months will be dedicated to the Project Kickoff and Public Engagement, three months to UDO Assessment & Annotated Outline, and so on. At the end of each task on the schedule, there will be a public review.

Roach announced the joint session of the Planning Commission and the Board of Zoning Appeals is February 6th from 11:30-1:00PM in the McKlosky Conference Room and the public meeting is February 6th from 6 to 7:30PM at the Transit Center at 3rd and Walnut St.

Hoffman thanked James on the behalf of the commission for his service.

PETITIONS CONTINUED TO: March 5, 2018

SP-41-17 Chi Group USA LLC
408 E. Sixth St.
Site plan approval to allow the construction of a new mixed-use building with 4,700 sq. ft. of commercial space and 8 apartments.
Case Manager: Eric Greulich

SP-48-17 Grant Properties (Doug McCoy)
114 E. 7th St.
Site plan approval for a 4-story, mixed-use building with 22 condominium units in the Commercial Downtown (CD) zoning district.
Case Manager: Jackie Scanlan

PETITION CONTINUED TO: April 9, 2018

PUD-27-17 Public Investment Corporation
2700 W. Tapp Rd.
PUD Final Plan approval and preliminary and final plat approval of a 24-lot subdivision.
Case Manager: Eric Greulich

**Per PC Rules, a vote is needed to continue.*

****Cate moved to continue PUD-27-17 to the April 9th, 2018 hearing. Kappas seconded. Motion carried by a unanimous voice vote.**

CONSENT AGENDA:

SP-01-18 Cityside 123 LLC
215 S. Walnut St.
Site plan approval for a 3-story, mixed-use building in the Commercial Downtown (CD) zoning district.
Case Manager: Jackie Scanlan

****Wisler moved to approve SP-01-18. Kappas seconded. Motion carried by 8:0 rollcall vote.**

PETITIONS:

ZO-46-17 City of Bloomington
Amendments to the Unified Development Ordinance concerning fence standards for corner lots and through lots.
Case Manager: Amelia Lewis

Amelia Lewis presented the staff report. Currently the UDO counts any street facing property line as a front yard. Lots with two or more frontages have two front yards. Property owners with corner lots are prohibited from building fences exceeding 4 feet in height along any of the street facing frontages. This regulation was added to the UDO in 2006 to prevent tall fences from being placed adjacently to sidewalk, negatively effecting the pedestrian experience, and blocking the view to front doors. This is a common variance request and a common enforcement issue the Department faces. This amendment seeks to make a distinction between the Primary Front Yard and the Secondary Front Yard or the Street Facing Façade that functions as the Side Yard for properties. The standards for Interior lots will be the

same. The standards for Corner Lots will be the same as we presented in January. The only changes are for the Through Lots. This new amendment would edit one existing definition and add one new definition. This would make a distinction between Primary Front Yards and Secondary Front Yards. The amendment allows fences to be up to the Building To Line or the Front Setback Line for Corner Lot Secondary Front Yards. For Through Lots, the amendment now proposes that the Secondary Front Building shall meet the Building Setback for any fence over 4 feet when it is adjacent to a neighborhood street or a secondary collector street. When it is adjacent to a primary collector street or arterial street, the fence shall be set back at least 10 feet from the property line. This gives it a buffer in different instances. The Staff asks that the Commission forwards ZO-48-17 to City Council with a positive recommendation.

****Stewart Gulyas moved to forward ZO-46-17 to City Council with a positive recommendation. Wisler seconded. Motion carried by 8:0 rollcall vote.**

SP-34-17 TMC Bloomington LLC

121 E. Kirkwood St.

Site plan approval for a 5-story, mixed-use building with 16 condominium units.

Case Manager: James Roach

James Roach, Development Services Manager, presented the case. This petition is from TMC Bloomington LLC. The property is located half a block from the courthouse square. The property is .44 acres. It makes up an entire quarter block at the northwest corner of Kirkwood and Washington. Its zoning is Downtown Commercial within the courthouse square overlay. On the property currently there is a 3-story building that was built as a bank. The lower two levels are currently used as a CVS Pharmacy. The third floor is currently vacant. The petition is for the surface parking lot immediately to the west of the building just described. Surrounding uses include a church to the east, a history center to the northeast, a bank to the southeast, and then various mixed, residential and commercial, properties. The proposed building is 4-stories. The fourth floor is a step back from the streets and the lower three floors are pulled up to the street edge. The proposal tonight is for site plan review. The 3-story CVS building will remain on the site and a new 4-story mixed use building will be built on the parking lot. The primary use of the building would be condominiums. These are dwelling units for sale. The first floor would be two commercial spaces, totaling about 2,200 sq. ft., as well as 19 parking spaces for the condominiums. There will be 16 condominiums for sale. Each unit will be tailored for the purchasers, but there is an estimate of 38 bedrooms in the building. The design is modern and sleek with brick, limestone, and glass. The project could not be heard in November for various notification issues, but the report recommended denial of the petition. That denial recommendation was based on a previous design. Since November, the petitioner has reevaluated and put together changes to the site plan; they worked with Staff, the City's contract architect Schmitt & Associates, and looked at feedback given. One of the changes include removing a floor of the building, taking it from a previously proposed 5-story building to a 4-story building. This drops the height by 11 feet. Another change was to the total number of units in the building, originally being 22 units and after reevaluation is 16 units. This reduces the DUEs (Dwelling Unit Equivalency) and the density of the building. The previous version was a little less than 21 DUEs and the current version is a little more than 15 DUEs. It still is over the maximum density for the property, but not by much. The petitioner has also made several architectural changes in an attempt to make the building look more compatible to its surrounding uses and buildings. The building still maintains its modern design, but changes were made to better incorporate more traditional elements. They have also made commitments to green development in the building, including high-efficiency systems and electric car charging stations within the parking garage. The Historic Preservation Commission looked at the project in November and had negative comments, but have not seen the project with the changes mentioned previously. There is a letter in the Planning Commission packets from the Indiana Landmarks based on the previous design.

The Planning Commission and the Council approved some changes to the Downtown Standards, such as changes to the overlays, concerning heights, densities, and modulation requirements. This petition is not subject to those changes because it was filed before the changes became law. It will be reviewed under the standards in place at the time of filing. There are five code compliance issues with this petition. The first is height. The maximum height in this overlay is 40 feet and the proposal tonight is for 56 feet. The maximum density, the number of condominiums per acre, in this overlay is 33. The petitioner is proposing 34.2 units per acre. Immediately to the west is the building that houses the Book Corner. The proposed building is 16 feet taller than this structure. Code allows for a maximum of 14 feet taller than adjacent historic structures. The overlay requires a 60% void on the first floor, meaning 60% of the first floor must be glass store-frontage. The proposed site plan has 68% of a void on the first floor. The overlay requires that upper story windows have a traditional design and the proposed site plan has windows that do not comply with this design. The site plan does not meet these five standards. Moving on to more details about the site plan, access is gained in the east. Currently there is a curb cut into the parking lot onto Kirkwood that would be removed which would allow for some new street parking spaces. The streetscape would be rebuilt with the Kirkwood streetscape design that continues east and west along Kirkwood. There is access to the proposed 19 parking spot lot in the building coming off of Washington Street with an existing curb cut next to the alley. There will be two commercial spaces in the front of the building flanking a lobby, elevator, and stair tower in the middle. Looking at the proposed building between Book Corner and the CVS building, it is slightly taller than CVS and noticeably taller than the Book Corner. The fourth floor of the proposed building is planned to be a set back at least ten feet from the street edge. Roach described the model renderings of the proposed building, the streetscape, and parking. The department does not have a recommendation for the Planning Commission tonight. This petition has come a long way since November, but Staff would like some more time to review it. The Environmental Commission is pleased with the initiatives this site plan includes and a letter from them is included in the Planning Commission packet. A quote from the letter was, "It would be one of the greenest buildings in downtown Bloomington". Another issue is housing diversity, one that the department takes seriously. This housing type is not common in Bloomington currently, as it is owner-occupied condominiums. Most housing units built in the past decade or so in downtown Bloomington have been rental units. The site plan has been changed considerably since November, following many recommendations and considerations from Staff. Is this building asking too much from the Planning Commission for 16 feet taller than typical, denser, and taller than the historic building next-door? These are all issues Staff is still struggling with and would like another month to continue to work with the petitioner. The Planning & Transportation department recommends the petition be forwarded to the March 5th meeting for final review.

Randy Lloyd, the petitioner, thanked the commission for their time and explained how long of a process this project has been. He took a moment to recognize James Roach and the work he's done over the years. He then introduced his team; Jeff Fanyo is the engineer; Ryan Strausser is the architect; Matthew Colbek is a real estate broker who has been assisting in design to attract people to buy a condominium downtown Bloomington. This has been a large focus in the project, dictating the consideration placed on the importance of parking as well as outdoor rooms. The building has a Kirkwood with a nice lobby to capture a larger city feel with a streetscape that invites people in. The retail spaces have higher ceilings and are designed to be adaptable for various uses. These are smaller retail spaces and may not be able to house a large restaurant, but will be able to keep the street space active around the building. The proposed site of the project has been a parking lot for a long time. One of the challenges with the project has been with the two alleys that surround the site. The petitioner has met with Duke Energy and in order to do the project, the power lines would need to be buried because they are currently located right up against the building. The petitioner is still in discussions with Duke about how to accomplish this. There have been similar issues at surrounding sites with power lines and Duke Energy is looking to solve these issues downtown more

comprehensibly. As a result of that, all of the buildings around the square will need to get reworked so that the electrical comes back up from the alley and not overhead. Aesthetically, burying the power lines will help clean up the alleys. The petitioner has done a number of projects in Bloomington and usually lets the architects design something that they are invested in. The design of the project is a combination of traditional and contemporary with buyer interests in mind. There is a lot of natural light and ability to see some of the action on Kirkwood, but still have a sanctuary off of Kirkwood. Providing parking off of Washington is critical to owner occupancy. The petitioner's goal all along has been giving people a nice space to live downtown to call home, but still have access to all the amenities and opportunities of downtown Bloomington.

Jeff Fanyo, engineer from Bynum Fanyo & Associates, discussed the site plan. There is currently a driveway cut that accesses the parking lot that will be eliminated on Kirkwood. This will improve the pedestrian experience walking along this area. Right now there is an alley and also the parking lot access. This plan gets rid of those two things and creates a streetscape similar to the ones in the pictures shown earlier. By eliminating that drive-cut, there will be room for the addition of 3 on-street parking spaces. This benefits the downtown area by providing more parking. This is a beautiful building that will be taking up almost the entire lot.

Ryan Strausser, architect from Strausser Design + Build and Strausser Construction, discussed how important longevity of the building was in the design process. The materials were chosen with this in mind. Next, they focused on what views would be provided from this building and its terraces. Even though the occupants will be up in their individual condos, the petitioner and team still wanted there to be a connection to Kirkwood. Working with James, the project has incorporated more punched openings similar to those of buildings across the street from the site while still maintaining the glass curtain wall that provides natural light and connection to the street below. The plans for this building have been trying to follow LEAD criteria as much as possible. Strausser Construction has experience on other LEAD projects. Some examples of this are choosing a roof that reduces heat island effect all the way to having a recycling project ongoing during construction and sourcing regional materials to reduce the footprint of the building. They also want to have a tenant recycling program, car charging stations, and efficient lighting.

Susan Sandberg asked what changes were made to rectify the concerns of the Historic Preservation Commission.

Strausser answered that the initial design from November had an additional floor on the building. Having that floor made the street facade before the step back more blunt. By dropping down the floor, it eased the edge of the building. In addition to this, the previous design had more of the glass curtain wall on the corner of the building. Turning off of Walnut onto Kirkwood, a lot more glass would have been in sight instead of the brick and the punched window openings. They added brick and move it to the west on that particular facade. On the punched window openings, they incorporated more limestone sills to tie into the traditional effects across the street on buildings. Originally there were more metal caps on brick walls, but these were changed to limestone.

Sandberg asked if the alcoves that look dark in the alley between the Book Corner and project were balconies.

Strausser responded that 80-90% of all the units have an outdoor room that is larger than a 4 foot by 6 foot balcony. These are 8-10 feet deep and 10-14 feet long. They are long enough to put a table and be able to entertain outside. These are meant to fulfill the goal of connecting the inside of the condos to the outside.

Sandberg asked if there was any concern that these outdoor spaces were looking at the back of the building and an alley.

Strausser said on the upper floors, there will be a view over the top of the Book Corner building. The lower ones will look at the back of another building, but that is an expected part of living in a downtown area.

Cibor asked Staff how the new code changes to modulation standards would effect this building and its facade on Kirkwood.

Roach responded that believes the current minimum modulation is 25 feet. This building is about two modules of 40 feet, so it is meeting the maximum module and its meeting the minimum. They are not trying to make very narrow modules. The minimum depth of the modulation is 5 feet and this project is less than that at around 3-3.5 feet.

Cibor asked if the power lines that cross Kirkwood and Washington would be buried beneath those roads.

Fanyo responded that they are not sure yet and are still working with Duke Energy on this. Duke Energy is looking not only at the block, but at the entire alley. Burying these power lines would clean up the downtown and Duke has gotten similar requests for this on several other projects. The only other way to deal with this would be an alley arm over the alley.

Cibor asked how much disruption this project would cause to pedestrians and how long a project like this would take.

Fanyo said that Strausser recently completed a project on Dunn Street that impressed him with how little disruption there was. Strausser has the experience of working downtown and there will be a large crane that will be lifting from a staging yard listed on the project's plans.

Strausser estimated that the construction will take 10-12 months. This would be finalized with other details and coordinating with Duke Energy. The east west and north south alleys will be shut down one at a time to minimize disruption. Utilizing Washington instead of Kirkwood will help minimize the disruption as well.

Wisler asked if the vertical wall has a structural or aesthetic purpose. He also asked where the edge of this vertical wall relative to the brick face of the building.

Strausser said the front of the vertical wall comes out about 1.5 feet past the brick facade. It is a design element that sets up the modulation in the building and defines the condominium entrance from the retail entrance. It is also the backbone of the staircase and elevator in the building.

Wisler asked if everything east of the vertical wall is the condominium lobby.

Strausser replied no, that there is a small retail space to the east of that vertical wall as well.

Wisler asked if the double door entrance is the lobby entrance and if the single door is the entry to retail space.

Strausser replied yes to both questions.

Cate asked if they had had time to respond to the Environmental Commission's recommendation regarding reducing the amount of pavement in front of the building.

Fanyo reiterated that they are continuing the streetscape from Walnut to Sample Gates and if needed, they can add more planters.

Cate asked if they have done any market research to identify people who would be interested in this type of living situation and if so, what did they find.

Lloyd said that he has been relying on Matthew Cole's expertise and experience with clients in his real estate business. Lloyd went on to say he has used his own experiences as well as opinions from professionals, retirees, and employees of the university to form a general idea of what this building should provide to interest the right people. With the flexible floor plans, they hope to address and suit many different wants and needs.

Kappas expressed concern about the amount of pavement in front of the building, saying it looked like a mini plaza, and pointed out that that can create a lot of runoff. He also said that in the renderings, it looked like they were adding more cement and less greenery than there was before.

Fanyo responded that the rendering was by an artist and it did not truly depict what they had planned. Looking at the site plan, there is limestone edging around the proposed trees to match the limestone on the curbing.

Strausser said that the rendering did not show all of the trees they intended to have in front of the building because if it did, it would have hidden the building.

Kappas asked if the trees from the plan are similar to the trees that grow to 35 feet that are across the street from the proposed project.

Fanyo said that they have not specified the tree yet and they will be using the street tree list to make their decision.

Hoffmann asked Staff if they would get updated reports from the Historic Preservation Commission and Environmental Commission. If not, does someone need to reach out to them?

Roach responded that the Environmental Commission's report was based on the most current site plan and proposal. He said that the Staff can reach out to the Historic Preservation Commission to see if they are interested in reviewing the updated proposal.

Hoffmann asked for clarification as to whether the glass curtain wall on the corner on the 4th floor facing east discussed earlier was setback from the brick or not.

Strausser confirmed that it is setback, but not by much.

Hoffmann said that he now realized the glass curtain walls are on two different planes; one is flush with the brick and one is set back a little bit.

Strausser confirmed this and explained the part of the glass curtain that comes out is due to the functionality of the stair tower. Everything else on the 4th level has been stepped back.

Hoffmann asked Roach if condominiums are a separate use in terms of zoning.

Roach responded that it is not. He explained that for the UDO, they look at units all the same, whether they are owner occupied or rented. They have put in the proposal reassurance that they will not be used as rental units, prohibiting short term rentals as well as residence of two unrelated adults.

Hoffmann asked if these would be deed restrictions.

Roach responded yes.

Hoffmann asked Roach what the grade change from east to west on this lot.

Strausser answered that it would be three plus feet from east going uphill to the west.

Hoffmann asked if this was the reason that the brick on the third floor was slightly taller than the top of the CVS building.

Strausser said this was the reason and that they are using the west facade as the “zero baseline”.

Hoffmann asked Roach if the height chart of buildings in the proposal was based on the current plan.

Roach said yes.

Hoffmann asked Roach to explain a site plan review, as some new members on the Planning Commission may not know.

Roach explained that site plan review is an administrative reaction. If a petition meets all aspects of the UDO, then Planning Commission is obligated to approve the site plan, such as the Citywide 123's project on the Consent agenda. This project does not meet all aspects of the UDO. There are five aspects that it does not meet. The UDO and the downtown overlays give the Planning Commission flexibility to look at projects that are outside the bounds of the guidelines. The Planning Commission then is tasked to decide whether these deviations are appropriate given the design, greenness, type of housing, and City policies around downtown development. The Commission could ask the petitioner to bring back a project that meets all aspects of the code or approve a project that doesn't meet all aspects of code if the Commission thinks that the project should pass regardless due to it being green, good design, etc.

Wisler asked what the ceiling height in the retail space. Is it the same or is one taller than the other due to the grade?

Strausser said the east retail space will be a little taller than the west one. The east will be close to 14 feet finished and the west will be around 12 feet finished.

Robert Midas, an intellectual property entertainment lawyer with an office in Indianapolis, spoke on behalf of himself and his wife Carrie Newcomer, a folk singer. They have been talking with Randy and his business who owns the third floor of the CVS building about purchasing an office condo to move his firm in to. They are excited to have this building as their neighbor. The additional parking will be a positive. He believes that this development will benefit the City, especially if the Historical Preservation Commission's recommendations are followed. The firm will employ 5-10 people in the office above the CVS and will need parking. The way things are now, their employees would need to park two blocks away and walk to work. If this project goes through, having a few of those parking spots would work well for Midas's business. Midas's firm would have interns from IU's law school and the firm would be

walking distance from the IU Mauer School of Law. He would like this to be approved and thinks it would be a win-win for the City.

Hoffmann made it clear that he used to teach at IU's law school, had no idea that Midas would be speaking tonight, and would not financially gain from the project going through.

****Cate moved to continue SP-34-17 to the March 2018 meeting. Sandberg seconded.**

Cate said she is not too concerned about the variances so far and with the Staff continuing their work on it, she feels good about where it is going. The City does not have a lot of housing like this in the downtown area, so it seems like a good thing. The issue the Environmental Commission raised with the pavement is something she would like to see the Staff work with the petitioner on.

Kappas thanked the petitioner for their hard work on the proposal, as it has come a long way, and looks forward to see where it goes with the Planning & Transportation department's help. He is fine with the petition as it is.

Maritano asked how many parking spots are gained for public use from this project.

Roach said three parking spaces in front of the building are gained and 19 private spaces are in the garage.

Maritano asked Roach to confirm that the public will be gaining three new parking spots and two new businesses.

Roach confirmed this.

Maritano commented that the architectural detail discussed earlier breaks up the flow of the building and would like to see Staff work with the petitioner on that.

Stewart Gulyas says she supports this petition, has no recommended changes, and likes the design.

Sandberg said she was impressed with the diversity this invites to downtown Bloomington living and that she likes how much it would support the arts in Bloomington. She requested that Staff work with the petitioner to add a little more charm to the building, as it is in the downtown overlay surrounded by historic buildings. She would like to hear other people weigh in from now until the time it comes back.

Cibor thanked the petitioners for all of the changes thus far in the process. The setback on the 4th floor made a big difference. He thinks there should be more variation from the east side and the west side to make it more interesting. He would like to see renderings with all of the trees and think it would encourage the use of larger trees. He looks forward to see what happens with Duke Energy.

Wisler said he likes the proposal a lot and likes the design and praised the setback on the fourth floor. He said he was concerned about the pedestrian viewpoint and how it would be impacted by the limestone pylon. The wall may be off putting to pedestrians.

Hoffmann said he liked the blade effect of the limestone pylon. He wants the petitioner and Staff to work on making the plaza more pedestrian friendly. He would like the canopy to come out more for a covered space to make the walk to the square better.

****Cate moved to continue SP-34-17 to the March 2018 meeting. Sandberg seconded. Motion**

Meeting adjourned.