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The Plan Commission met on November 13, 2017 in the Council Chambers at 401 N. Morton St. at 5:30 p.m. The members present: Andrew Cibor, Nicholas Kappas, Joe Hoffmann, Kyla Cox Deckard, Isabel Piedmont-Smith, Carol Stewart Gulyas, and Brad Wisler.

**APPROVAL OF MINUTES:      September 11, 2017**

A correction had been made to the minutes. On page 16, the word “show” had appeared and it had been corrected to “she”.

**\*\*Piedmont-Smith moved for approval of the minutes. Kappas seconded. Voice vote was called. The motion passed 7:0.**

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

James Roach, Development Services Manager, stated that the Plan Commission meeting dates for 2018 were on the monitors and had been emailed to the commissioners. Additional meetings could be scheduled for special sessions, including meetings for the Unified Development Ordinance (UDO) update. Lunch work sessions had not yet been scheduled.

Hoffmann said there was a likelihood of UDO meetings, but he also thought there could be additional meetings on the Comprehensive Master Plan (CMP) and the amendments added by City Council, once it is finalized by City Council.

Roach said that once the CMP is adopted, it would come back to the Plan Commission (PC) for final action.

Hoffmann said that due to the number of amendments, additional meetings outside the usual schedule could be needed.

Roach said that it was not yet determined.

Hoffmann welcomed Cox Deckard.

Cox Deckard said she was filling in for Heather Maritano from the Board of Public Works.

**PETITIONS CONTINUED TO:      December 11, 2017**

**PUD-27-17      Public Investment Corporation**  
2700 W. Tapp Rd.  
Site plan approval and preliminary and final plat approval of a 24-lot subdivision of 54.53 acres.  
*Case Manager: Eric Greulich*

Hoffmann said that there was a case listed on the petitions to be heard list that would not be heard. There had been a defect in the legal notification process. The case not being heard was SP-34-17, TMC Bloomington LLC at 121 E. Kirkwood Ave. Because the case was listed for hearing, the PC had to move to continue the case.

**\*\*Kappas moved to continue SP-34-17 to the December 11, 2017 meeting. Cibor seconded the motion. The motion passed 7:0 by roll call vote.**

**CONSENT AGENDA:**

- ZO-20-17      City of Bloomington**  
**UDO Amendment (Sexually-Oriented Businesses)**  
Amendment to the City's Unified Development Ordinance to change the development standards for Sexually-Oriented Businesses.  
*Case Manager: James Roach*
- SP-33-17      Boys & Girls Club**  
311 S. Lincoln St.  
Site plan approval for a 6,000 square foot addition to an existing community center.  
*Case Manager: Amelia Lewis*
- PUD-35-17    Regency Properties**  
2182 W. Tapp Rd.  
Development plan approval of 136 multi-family units on 8.2 acres.  
*Case Manager: Eric Greulich*
- SP-37-17      City of Bloomington Redevelopment Commission**  
401 & 555 N. Morton St.  
Site plan to facilitate parking lot reconstruction.  
*Case Manager: Jackie Scanlan*

Hoffmann said that the consent agenda would be taken in separate motions because one or more plan commissioners had to recuse themselves for one or more cases.

Wisler asked what amendment had been added by City Council to the UDO amendment that the PC had passed.

Roach said that there was one amendment made by City Council. They had added an additional use to the list of protected uses. The added use was that of homeless shelters.

**\*\* Wisler moved for approval of ZO-20-17 and PUD-35-17. Kappas seconded the motion. The motion passed 7:0 by voice vote.**

**\*\*Piedmont-Smith moved for approval of SP-37-17. Stewart Gulays seconded the motion. The motion passed 6:0 with Wisler recusing.**

**\*\*Wisler moved for approval of SP-33-17. Cibor seconded the motion. The motion passed 5:0 with Stewart Gulyas and Kappas recusing.**

**PETITIONS:**

**SP-26-17**      **H. M. Mac Development LLC**  
335, 325, 337 S. Walnut St.  
Site plan approval for a 4-story mixed-use building with 60 dwelling units and  
13,906 square feet of commercial space  
*Case Manager: Eric Greulich*

**STAFF PRESENTATION:**

Eric Greulich, Zoning Planner, presented the staff report. The property had been developed with as a multi-tenant center. The site is roughly 0.89 acres in size. The petitioner proposed to remove the existing buildings and parking lot to replace them with a 4-story, multi-use building. To the south is the Project School. To the north is the Bloomington Transit Center. To the east are several commercial and multi-family residential properties. To the west there are also commercial and multi-family properties. There is a public alley that runs along the north and east sides of the property. The petition had already been briefly heard and had been changed from the previous meeting to meet the UDO requirements: number of bedrooms had been reduced, modulation had been increased, commercial square footage had been increased to reach 50%, step-back along the fourth story had been provided, and the proposed driveway to a garage had been removed. The new building would contain 60 dwelling units, with 154 bedrooms, 93 parking spaces, and just over 15,000 square feet of ground floor commercial space. He showed the site plan and stated that not much had changed aside from the entrances to the parking garage. A garage entrance on the southwest corner had been removed and replaced with one on the north side and one on the east side. The two-level parking garage would accommodate both residents and commercial customers. All entrances had been set back 9 feet to meet modulation requirements. He showed elevation renderings and highlighted fourth story step-backs. The commercial space had been inset to create modules that met the modulation requirements. He showed renderings that showed how the building would fit in with surrounding buildings. To the east was Middle Way House and some other buildings on Washington Street. To the west was an existing building constructed by Omega Properties as well as some existing multi-family buildings. Many of the surrounding buildings were 3-story, and perhaps 4-story, buildings. He said that the building would fit in with surrounding heights. He showed renderings of the alley that would be used to access the parking garage. Staff recommended approval with the 4 conditions listed in the staff report and the addition of a fifth condition that required a canopy over the center entrance of the building.

Craig McCormick, architect from Blackline Studio, said that the design challenge for the site was to provide new and interesting architecture for the area. He said that, after meeting multiple times with staff, the team had decided to change the project to meet the letter of the UDO standards. He felt the project was better for meeting the UDO. He thought the project was friendlier and less massive with modulation and step-backs. The petitioner had moved the existing curb cut from Walnut Street to the alley. The project would be 5 feet off of the alley, which would give the petitioner the option to widen the alley, add a small landscaping strip, or do a combination of both. Storefront retail space had been gained, which would increase visual interest from Walnut Street with glass on both sides of the corner. There would be two entrances; the entrance off of the back alley would be for the lower level of the garage and mostly be for tenants. The alley to the north near the bus station would be primarily for commercial tenants. Based on his research, he felt that the “ins and outs” for the building would be around 100 per day, but perhaps less because of student proximity to other transportation. He said that in terms of the materiality of the building,

brick and limestone had been added to the pedestrian façade. The upper floors would have metal siding and a painted fiber-cement material on the inset sections.

Wisler asked about the retail space, and, in particular, what kind of tenant would locate in the retail space. He also asked what the exterior, from the street, would look like. He hoped that the area would become more pedestrian-friendly and create a better sense of place.

Steven Hoffman, H. M. Mac, said that some of the retail space would be occupied by Rhino's, free of rent, for as long as they would like to be located there. He mentioned keeping the Chocolate Moose in a previous project, and emphasized the importance of keeping the fabrics of the community in the downtown. He said that the commercial space to the north was open to tenants; no particular tenant was currently in mind. He said that the commercial space may be shaped by the expansion of the convention center, should the expansion go forward.

McCormick said that there were two opportunities for interesting signage. He said the first opportunity would be a flat sign on the building on the ground level. There was an opportunity to have a blade sign below the cantilever of the second floor. He would provide information on the signage to staff.

Wisler said his concern was that the site was rather long and would only have two retail spaces. He thought that it may not be clear to a pedestrian that there were businesses on the ground floor. He did not think the petitioner could use a blade sign.

Greulich said the petitioner could have a blade sign and that only in the courthouse square district were blade signs not permitted.

Cox Deckard asked what the anticipated duration of construction would be. She also asked what kinds of impacts the construction would have on the public right of way.

Hoffman said that he expected construction to go from summer 2018 through August 2019.

Don Kocarek, Smith, Brehob, & Associates, said that they had submitted a maintenance of traffic plan to the city. The petitioner would close the sidewalk in front of the site as well as the bike lane. The traffic lanes would both remain open except when a truck would need to unload at the site. The alley to the north and the alley to the east would both remain open during construction.

Piedmont-Smith said there appeared to be around 4 feet of grade change along Walnut Street. She asked how that would affect pedestrians in terms of adding steps to access the entrances.

McCormick said that on the north end of the building, the clear height on the interior spaces would be around 11 feet, while on the south end it would be closer to 14 or 15 feet. The sidewalk would gradually rise over the roughly 270 feet alongside the building. The retail spaces would be at different elevation levels, but that would not be felt from the street.

Piedmont-Smith confirmed that people entering the building would not have to step up or down.

McCormick said that she was correct. He said that the lobby may be between the two commercial areas so that each of the commercial spaces could be at the sidewalk grade.

Piedmont-Smith asked about separating the lease of the parking space from the lease of the dwelling units.

Hoffman said that the tenant would not automatically lease a parking spot with a dwelling unit. If a tenant would like to add a parking spot to the lease, it would be added in addendum.

Piedmont-Smith said that made sense since there are fewer parking spaces than bedrooms.

Hoffman said that the practice encouraged residents to not bring cars.

Piedmont-Smith asked about the type of roofing on the building and its SRI value.

McCormick did not know the SRI value off-hand, but said that typically a 45 or 60 millimeter white TPO material would be in the specifications for the roof. He said there is typically 4 inches of rigid insulation beneath the roofing material. He said the roof would be designed to meet the thermal ordinance.

Piedmont-Smith asked if they were looking to meet the building code requirements but not exceed them in terms of reflectivity.

McCormick said that he felt they were exceeding the building code requirements a bit because the insulation below the roof would be thicker than required.

Piedmont-Smith asked if there was a workforce housing commitment.

Greulich said there was not a workforce housing commitment with the project.

Piedmont-Smith asked how the project met the guidelines in the Downtown Plan.

Greulich said that the guidelines in the Downtown Plan are only guidelines, but the project meets the UDO. He said that recessed entries and canopies, for example, were met.

Piedmont-Smith said she was looking at the building materials listed in the Downtown Plan. She said that metal was relegated to a secondary material. She asked if the Downtown Plan was just a suggestion.

Roach said that the Downtown Plan is a policy document and is full of recommendations. After the plan was adopted, the city wrote the ordinances to guide development. The ordinances do not line up with the policy document perfectly due to changes and negotiations. He said that some parts of the downtown can have buildings with more modern materials. He said to take the heights as an example. He said that the Downtown Plan says that buildings have a recommended height of 2-4 stories, but in the UDO, heights are listed in feet for each different overlay. He said that guiding policies are not always implemented into law as a one for one.

Piedmont-Smith asked about the alley behind the proposed building. She asked if the alley would be expanded.

McCormick said that there was an opportunity to expand the width of the alley or to add some green to the area. He thought that perhaps some of both options may be best. He did not think the alley traffic would be increased dramatically by the garage entrance. He showed a rendering with an expanded alley as well as added green space.

Kappas said that the pedestrian street lighting portion was vague and asked staff if there would be lighting on the alley side of the development.

Grulich said that the UDO only calls for street lights and trees on Walnut Street.

Roach said that the UDO may only require lighting on Walnut Street, but he found that developers typically add more lights. There are few requirements in the code: lights must be full shield, dark-sky lighting, and there is a maximum spillover of light allowed. He said that as the building plans are finished, staff would ensure that any lighting included beyond the required street lighting met code.

Kappas asked if recycling would be included with trash removal.

Hoffman said that there would probably be recycling with the trash removal, but he did not feel it was appropriate to commit to that long-term. He said that the plan was to have recycling.

Kappas asked if the plan in the future was to include recycling but not at the inception.

Hoffman said there was recycling at the first Urban Station development, but that his staff had had to train the residents to separate trash and recyclables.

Kappas asked if there was any design for adding lighting in the alleyway for safety.

Hoffman said that the petitioner wanted to develop a lighting plan for the alley. He wanted to talk to the nearby neighbors to be sure the development did not bother them.

Cibor asked about the design plans for the some of the existing trees to remain and some to be removed. He asked for clarity on the plan for the existing trees along Walnut.

Kocarek said that there are 4 sweet gum trees that would remain. The other trees are pear trees, which are considered invasive.

Cibor asked if the PC had to do anything to permit the tree removal.

Roach said that when a petitioner goes through PC, BZA, or City Council for site plans, the approval of the site plan is considered the permit for tree removal. If the PC approved the site plan, they would also be approving the removal of the trees.

Grulich clarified that the PC would be approving the removal of the pear trees, not the sweet gum trees.

Hoffmann asked about the reference on page 15 to the workforce housing commitment. He asked if it needed to be struck.

Grulich affirmed that it did need to be.

Hoffmann said that Condition 5, technically, modified Condition 1. He asked if Condition 1 should be rephrased to contain language such as "subject to any changes implemented under Condition 5".

Grulich said that the modification would be fine.

Deborah Morrow, Director of Middle Way House, said she was a little disappointed with the plan. She did not see any resolution to the privacy issue for the shelter residents with their balcony. The balcony should have privacy, and for some residents, it was the only place they felt safe going outside. Middle Way House also has a lower fenced-in area for children to play that would be easy to look into from a balcony of the proposed project. She said that while the project looked better in the front, she felt the back portion of the project did not look very good. She said that the alley is one vehicle wide. Vehicles can travel in either direction down the alley, and there is a lot of foot traffic in the alley. She felt that the impact on the alley by the parking garage had been understated. She appreciated that H. M. Mac was working well with Rhino's. She said that H. M. Mac was proud to be a part of the community, but she did not see H. M. Mac being a part of the community of survivors of domestic violence. She said that the safety of the residents of Middle Way House had not been considered. She felt that something should have been done to protect the Middle Way House residents from view of the proposed project's tenants. She was also concerned about the security of the proposed building.

Jan Sorby was tremendously disappointed by the building. She said the building was a leftover from the days of strip malls. She said that the building was long and monotonous. She said that when a block is looked at, there are details that are evident to a pedestrian or driver. She said the proposal had very little detail or variety. She said that the building felt like a dormitory. She said that the courtyard felt like a quad. She said that there was very little public space within the proposal. She said that the proposal included 3 doors, while the current block has 6 entryways. She did not feel that there was anywhere for outdoor seating. She thought that the landscaping between the sidewalk and the street was suburban and not an element of urban design. She said that the recessed slots were 9 feet wide and the apartments in them would be very dark. The tenants would be forced to stare into their neighbors units or have the windows covered most of the time. She said the commercial area was monotonous. She felt that the protrusion of the second floor had the appearance of squashing the first floor. She said the signage would look like temporary, for rent signs. She said that Rhino's is a community benefit. She asked what the developer would be doing to customize the space for Rhino's so that people would know where it is. She said the building would be large and massive. She said nothing had been done to break up the massing. She said that the Downtown Plan calls out for a base, a middle, and a cap. She was upset that the developer had used the word "innovative" to break the rule of a base, middle, and cap. She said the block was an opportunity to create real pedestrian interface and activity. She was very disappointed. She hoped that direction could be given to improve the building.

John Lawrence, executive committee member of Council Of Neighborhood Associations, said that the area did not have a neighborhood association to protect or speak for the residents. He said that the building looked like a dormitory. He said that the slots would create dark cavities for the residents. He understood that buildings needed to be articulated, but that there had to be better ways to do it than the way the petitioner had proposed. He said that the downtown square shows a good example of how to break up space. He thought that buildings being constructed should be able to have multiple uses down the road. He said that the petition was a large box that could only ever be a big apartment complex. He said that there are so many examples in Bloomington of what the community wants and likes, and yet, developers keep building projects that do not look like projects the community likes. He said that projects should be within the same scale, size, and appearance of the existing buildings which make Bloomington a special place. He hoped the PC could fix the project.

Donna Storm, triage specialist at Middle Way House, said that she agreed with everything Ms. Morrow had said. She also agreed with Sorby and Lawrence. She said that the area already was

a neighborhood for people. She wondered when an alley becomes a street. She said that many people, some with strollers, have used the alleyway for pedestrian activity, but that a parking garage would change the traffic in the alley. She said there had been crashes where the east alley meets the north alley. She said that the privacy issue for those entering the back of Middle Way House was a problem. She said there would be a lack of privacy for people who were coming in for sexual assault services. She said that the city had committed to Middle Way House, and asked how that commitment was being held up.

Roach said there had been a question about a street versus an alley. He said that streets are usually named, have controlled intersection conditions, and are wider. He said that Walnut Street has a 70 - 80 foot right of way while the alley had about a 12 foot right of way. The alley is simply there to provide access to the backside of buildings.

Piedmont-Smith asked if there had been consideration to make the alley a one-way alley.

Greulich said that he was not sure if there were any one-way alleys, but thought that a one-way alley could be possible.

Cibor said there were a few one-way alleys in the city. He said that a petition to change an alley to a one-way would go to the Traffic Commission for review, and then to City Council for approval.

Piedmont-Smith said it was possible to do in the future.

Greulich said that typically a one-way alley would be created after a development had been established.

Piedmont-Smith asked what, legally, was being discussed in terms of the PC's vote. There were no waivers being requested.

Greulich said there were no areas of code non-compliance.

Piedmont-Smith said that the PC should be considering the premise on which staff's recommendation was based.

Greulich said that the findings in the report state that the project meets the requirements of the UDO, and so, staff recommended that the PC adopt the findings and also recommended approval.

Piedmont-Smith asked that if members were to vote against the petitioner, they would have to argue that staff misinterpreted a part of the UDO.

Roach said yes.

Stewart Gulyas asked what had been done to address the concerns of Middle Way House's privacy issues.

Greulich said that the petitioner should address the question.

Hoffmann pointed out that the staff report stated that the building would have no negative impact on neighbors.



Greulich said that the design of the building met the UDO. He said there was nothing within the UDO regarding impacts to adjacent buildings except for historical impacts. General privacy is left for individual property owners to manage themselves.

Hoffmann asked staff if the petitioner should address the subject.

Roach said that the petitioner may have more insight on the specifics of the topic.

Hoffman said that the previous meeting had not been much of a hearing. He said that if there are concerns with Middle Way House, he would be happy to reach out to them and try to address their concerns.

Stewart Gulyas wanted the petitioner to reach out to Middle Way House.

Roach said that in terms of the findings, there was a section that said that the PC needed to find that the site plan was consistent with the CMP. He said that if the PC did not want to approve the project, they would have to find something fundamental about that project that did not comply with the CMP. He said that with his nearly 18 years with the city, there had only been one time when the PC did not approve a site plan that did meet the UDO. A lawsuit was filed, and the project ended up being approved as an out of court settlement – the project was the Morton North project located at Tenth and Morton. He said that the criteria is to find whether or not the project is consistent with the CMP, but no definition of the term consistent is offered.

**\*\*Wisler moved for approval of SP-26-17. Kappas seconded the motion.**

Wisler said that there had been valid concerns around the project. The project would be a large one with a site that would connect the downtown to the community nearby to the south. He felt that the streetscape needed to be made more interesting. He said that he could tell that the project had been designed to be in compliance with the city's code. He thought the section of the code that covered modulation was a bit misguided. The intent of that section of the code is to create interesting streetscapes, but sometimes the community ends up with something that meets the code but is not interesting. He said that modulation does not create a sense of place or make a building interesting. Human activity creates a sense of place. He said that the most interesting areas of downtown have very little modulation, but rather, had other elements which make them interesting. He said that perhaps the PC should consider requirements for diverse building materials or a change in design as opposed to emphasizing modulation. He said that there are large projects that move in and out, consistently, from the street and meet code, but they were not interesting.

Stewart Gulyas asked if a condition could be added stating that the petitioner must have conversations with Middle Way House to solve the privacy issues which had been brought up.

**\*\*Stewart Gulyas moved to add an amendment which would create Condition #6 that stated that petitioner would work with staff to address privacy concerns at Middle Way House. Cox Deckard seconded the amendment.**

Piedmont-Smith was unclear regarding the amendment. She asked if it simply stated that the two parties should talk with each other.

Hoffmann said that Piedmont-Smith's understanding of the amendment was correct, but that she could require something specific. He said that it was not unusual to state that staff and the petitioner work together in the future.

PS said that she supported the amendment, but did not see what could be done to address the issue.

**\*\*The motion to amend SP-26-17 passed 7:0 with a roll call vote.**

Cox Deckard said that, as the temporary appointee of the Board of Public Works (BPW), she encouraged the petitioner to work closely with staff, and later the BPW, when issues of right of way restrictions and deliveries came about. She said that the first Urban Station development had created a lot of issues and confusion. She strongly recommended that a clear plan come before the BPW.

Piedmont-Smith asked if she could ask a question.

Hoffmann said yes.

Piedmont-Smith asked if the modulation extended to the first floor. Some views appeared to her to be one flat row of windows.

Greulich said that the modulation had to be not more than 66 feet wide and inset at least 3% of the building width. Each of the courtyards shown extended to the ground. The modulation would happen throughout the length of the building and occur vertically as well as through the ground floor.

Piedmont-Smith asked if the wide courtyard in the middle only extended through the second floor.

Greulich said the middle courtyard extended through all floors and included the entrance on the ground floor.

Piedmont-Smith asked if the entrance counted as a modulation with one modulation to each side of it.

Greulich said yes, and that there were two more entrances on both sides.

PS thanked Greulich and said it had been unclear in some of the renderings. She pointed out that on pages 15-16, there was mention of workforce housing, mention of live-work spaces on the ground floor, and a statement about building reuse. She said that none of those items were a part of the current petition. She said the report was not accurate. She felt the petition showed the weakness of the UDO. She said that the UDO needed to be strengthened to reflect more of what the community and the PC wanted to see downtown. She said the Downtown Plan had done a good job expressing what the community wanted to see downtown, but that it did not translate as well as it could have into the UDO. She said the petition met the UDO but not the Downtown Plan, and that it was a problem. She wanted to vote against the building because the development did not have enough pedestrian interest, meet the commercial downtown district intent in the UDO, or promote diverse residential housing for all income groups and ages. She said she did not think the development met what the community wanted, she felt she had to vote for the petition to keep the city from being sued.

Anahit Benjou, City Legal Department, said that the UDO was not the only criteria that had to be relied upon. She said the GPP could also be relied upon.

Kappas thanked the petitioner for their work with the limited guidance they had received. He also recognized the integral part of the petition which was for Rhino's. He said he agreed with Piedmont-Smith that the UDO was weak. He said that the community was tired of buildings like the petitioner's. He said that he felt he had to vote for the petition.

Cibor said that cases such as the one they were reviewing were why he looked forward to having a new CMP. The CMP, as well as cases like the petitioner's, would inform how the UDO would be updated. He said the petitioner had taken some feedback from the previous meeting, but he encouraged them to coordinate with Middle Way House and the Project School in regards to the north-south alley. He also encouraged the petitioner to be thoughtful about the construction of the project before going to the BPW.

Hoffmann said that he agreed with Cibor. He said that the petitioner had the legal right to develop the building. He said that the petitioner had complied with all legal limitations within the UDO. He valued the petitioner's effort to work with Rhino's and trusted that the petitioner would have the same amount of respect for the people at Middle Way House when working on the privacy issue and the alley issue.

**\*\*The motion for approval with 6 conditions passed 7:0 by roll call vote.**

**UV-36-17      Gwynne & Ben Shively**  
722 W. Second St.  
Plan Commission review of use variance for barber shop/beauty salon in the  
Medical (MD) zoning district.  
*Case Manager: Amelia Lewis*

**STAFF PRESENTATION:**

Amelia Lewis, Long Range and Zoning Planner, presented the staff report. The site would be immediately adjacent to the Building Trades Park. The site is zoned Medical (MD) and is located on the edge of the Prospect Hill Historic District. The site is approximately 0.1 acres and currently has a detached single-family structure which is currently used as a hair salon. The surrounding uses include single-family residential, medical, and park. The site's current use was established before the current UDO, which made it a non-conforming use. The petition is to demolish the existing structure and construct a 3-story mixed use building. The existing barber/beauty shop would be on the first floor with an owner-occupied unit on the second floor and two rental units on the third floor. Both the demolition and proposed building had to receive a COA from the HPC, which they did. The PC was being asked to review, and make a recommendation to the BZA concerning a use variance for a barber/beauty shop in the MD. She showed a site plan and highlighted the alleys to the north and to the east. She said there would be 8 proposed parking spaces – 6 along the east side of the building and 2 in an attached garage for the owner-occupied unit. Primary access to the salon would be from the southeast corner. There would be a patio area to create the pushed-back, residential feel of the surrounding properties. The petition meets all requirements of the UDO with the exception of the use variance and one architectural standard for the pitched roof. She showed an elevation rendering. The building façade materials included a smooth white stucco as well as wood planks with a walnut stain. The roof would be architectural asphalt shingles. The GPP designates the property as public, semi-public, and institutional. With

the eventual move of the hospital, the area will likely change. Staff found that the use variance would be appropriate in the MD because of the relocation of the hospital in the future. The department recommended a positive recommendation be forwarded to the BZA.

Alan Yoder, part of the architecture team, said there had been a few iterations to get the project to fit into the over-lapping medical and historical district. He said his team had taken many of the comments from staff so that the building would fit into the surrounding context. He said that the building could have been taller, but that the petitioner wanted the building to fit in with the surrounding buildings. He said that, knowing that the area was going through change, the petitioner wanted to work with the community and have a building that would set a precedent.

Cibor said that sometimes renderings do not show things like parked cars or utility lines. He said that the alley would be very tight and wanted to know if the parking spaces fit completely on the parcel. He also wanted to know if the parking spaces met the typical dimensions.

Roach said that the spaces off of the alley were angled spaces for ease of maneuverability. The spaces could be accessed by northbound traffic in the alley coming off of Third Street. He said there had been minor variations between the parking space dimensions in the petition and code. He said there would be adequate turning distance. He said that issues typically arise with 90 degree spaces off of an alley because of insufficient turning distance exists.

Kappas said that the alley was two-way but parking appeared to be angled toward only one way. He asked if there was a safety issue due to the two-way traffic.

Roach said that the situation was the same in every alley across the city. He said that if people were moving slowly enough and were respectful, the alley space could be safe. He described alleys as utilitarian spaces.

Kappas asked if the proposed building would run all the way down to the north up until the next building.

Hoffmann said that there would still be an east/west alley.

Lewis asked if Kappas was inquiring about the space in which there was a garage. She said that there was 10 feet between the northern-most edge of the garage and the alley. She said that the 10 feet would give some extra space to the alley.

Wisler asked if there was a Second Street rendering.

Hoffmann said that since they were hearing a use variance request, such a rendering would not be included.

Lewis said she could pull up a rendering from Second Street.

Hoffmann asked Roach if the PC was being asked solely to make a recommendation on the use to the BZA. He asked if the rest of the proposal was being reviewed at the staff level.

Roach said that the BZA would have final say regarding the use variance as well as the architectural variance. The site plan was being reviewed at the staff level.

Hoffmann asked if the comments being made by the PC were going to go into the staff's review of the project.

Roach said that the PC's comments would be taken into consideration while staff completed the review.

Lewis showed the south elevation. She described the building materials that would be used and pointed out windows and doors. She highlighted the peaked roof.

Cox Deckard asked about the residential use and wanted to know how the residential use attached to the property and could be related to the owner/occupied section as the building potentially changed hands.

Roach said that there was the potential for the owner/occupied space to not be owner/occupied in the future. The petitioner planned to live on the second floor of the proposed building, but there are no code differences between owner/occupied units and apartment building. Staff was viewing the proposal as a 3-unit building regardless of ownership versus rental.

**\*\*Piedmont-Smith moved to forward UV-36-17 to the BZA with a positive recommendation. Wisler seconded the motion.**

Wisler said the proposal appeared to be a no-brainer. The landscape around the hospital will be changing, and he felt that the PC would see a lot of petitions like the current petitioner. He wondered if the UDO should be changed to reflect changing permitted uses near the hospital. He thought that the use would fit well in the neighborhood.

Hoffmann said he is generally not a fan of use variances, but that the situation was a classic example of a code defect. He said that the only issue with rezoning is that no one yet know what kind of use the hospital may have in the future. He appreciated the petitioner's comments and the strong effort to set the tone for redevelopment.

**\*\*The motion passed 7:0 by roll call vote.**

Meeting adjourned.