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The City of Bloomington Plan Commission (PC) met on March 6, 2017 at 5:30 p.m. in the Council Chamber. Members present: Andrew Cibor, Les Coyne, Carol Stewart Gulyas, Jillian Kinzie, Heather Maritano, Darryl Neher, and Isabel Piedmont-Smith, Nicholas Kappas (arrived late) and Brad Wisler (arrived late).

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

Resolution 01-17 to appoint Frank Sabatine as interim director of Planning and Transportation.

Resolution to appoint a Plan Commission Representative to the Monroe County Plan Commission.

PETITIONS CONTINUED TO: April 17, 2017:

SP/UV-41-16 **Naples, LLC (Doug Duncan)** – 1610 N. Kinser Pike

SP-06-17 **Mara Jade Holdings, LLC** – 318 E. Third Street

James Roach, Development Services Manager, stated that the department had finished interviews for administrative assistant. A candidate had been chosen and the department was waiting on approval from HR.

RS-01-17 to appoint Frank Sabatine as interim director of Planning and Transportation. It is a requirement of state law that the Plan Commission approve appointments of the Planning Director from the Mayor's Office.

Deputy Mayor Nick Renneisen: Renneisen, on behalf of the mayor, requests approval of interim appointment of Sabatine as Planning Director. Sabatine holds a BA and an MA from the Post College of Long Island University in political science as well as a PhD from Miami University of Ohio in political science. He has served in economic development roles. This appointment is necessary to avoid interrupting the day-to-day work of the rest of the staff while the search for a permanent director continues.

Sabatine said that he was very impressed with the hard-working staff of Planning and Transportation.

****Kinzie moved to appoint Sabatine as interim director of Planning and Transportation. Maritano seconded. Roll call vote -- motion passed 7:0.**

Resolution – There is an opportunity to have a member of the City Plan Commission to join the County Plan Commission as a non-voting member. This would be very important in light of the annexation that was announced recently. Neher volunteered to be the non-voting member of the County Plan Commission.

****Piedmont-Smith moved to appoint Neher as non-voting member of the County Plan Commission. Maritano seconded. Voice vote passed 7:0.**

Piedmont-Smith volunteered to be the alternate to Neher.

****Maritano moved to appoint Piedmont-Smith as the alternate. Stewart Gulyas seconded. Voice vote passed 7:0.**

Petitions:

- PUD-30-16 **Regency Consolidated Residential, LLC**
2182 W. Tapp Rd.
Request: PUD amendment to allow multifamily residences on Parcel I of the Woolery PUD
Case Manager: Eric Greulich

Eric Greulich, Zoning Planner, presented the staff report. The petitioner is requesting amendment to the Planned Unit Development within which this is located to allow multifamily residential uses on this lot, which was originally approved for commercial development. The other request is to approve a specific set of development standards to go along with this development. This is the second hearing on this issue; additional information was requested at the last hearing. Greulich summarized the surrounding properties to the north, east, south, and west. The site was included in the Woolery PUD when it was approved in the mid-90s. It was approved for commercial uses but has sat empty for roughly 20 years. The petitioner would like to amend the PUD to allow for multi-family residential units and look to build approximately 111 units with 168 bedrooms. They would be an extension of the Adams Village apartments to the east, also owned by Regency, but slightly different. There are still several PUDs with commercial use nearby, including Mills Creek PUD, Sudbury PUD and other portions of the Woolery PUD. The petition would add the multifamily residential use to the list of uses for this property; the property could still have commercial use at some time in the future. At the last meeting there were questions about a potential left turn lane being added on Tapp Road to facilitate ease of entry to the site. There is now a conceptual diagram that includes modification of the existing curbs with existing right-of-way. There was also a request by the petitioner to allow two or three of the buildings to be taller than the 50 feet that is typically allowed in the residential housing (RH) zoning district. The petitioner also put together a study regarding a possible karst feature on the site. The result of the study was that there are no karst features on site; it is instead a man-made drainage swale. At staff's request, the petitioner also did a traffic analysis to show the amount of turning movements into the site. The traffic analysis showed no increase in traffic volume with the change of the site use from commercial to multi-family residential. The petitioner has also included the proposed environmentally-conscious and green building practices that will be used to build on the site. The petitioner would have to come back to the plan commission with specific site, landscape, traffic design, and interior layout. The petitioner has shown how this all would be conceptually done, but more specifics would come later with the site plan approval. The petitioner has also submitted a rendering showing the existing buildings in the background with the proposed new buildings in the front. The view is looking east from Tapp Road. There will be no height difference in the new buildings and existing buildings from the view of motorists or pedestrians on Tapp Road. That would only relate to the three buildings; all of the other buildings meet the height limit. The petitioner has also given renderings of the townhome buildings. All buildings would have cementitious poured siding on them in a variety of colors and textures to give diversity to the buildings. Some buildings would be two stories and others would be three stories. Proposed buildings would have garage spaces underneath them for residents' use. There would also be a garage structure on the site. Petitioner is proposing surface parking spaces. There would be 76 surface parking spaces and 81 garage parking spaces, making a total of 157 parking spaces for the 168 bedrooms being proposed in this project. That puts the ratio of parking spaces to bedrooms right around 0.9. The UDO has a maximum of 1 parking space per bedroom. In terms of the site plan details, there

would be 3 connections with this proposal. One would be a cut on Tapp Road to the south. There is an existing road stub to the east that serves Adams Village. This would be extended and connected to the development. There would be a third connection to Sunstone Drive to the north. There would be 3 ways to get in and out of the site. There is also a large central greenspace feature shown on the site plans that all of the buildings have been designed to face. The petitioner feels it is very desirable to face the entrances of the buildings to the central corridor. The site plans also show a clubhouse with a pool as well as a gazebo and a fire pit. There is also a large open field for residents to use for their outdoor recreation activities. All units would be 1- or 2-bedroom units. There would be approximately 57 2-bedroom units and 54 1-bedroom units. The petitioner has also committed to setting aside 10% of the units for affordable housing. This would be a workforce housing arrangement where the rents would be fixed at a rate relative to the minimum wage. The petitioners have currently made a minimum 30-year commitment to the affordable housing units. Staff would prefer to see a much longer commitment to the affordable housing arrangement. Staff has included a condition of approval outlining a 99-year commitment to the workforce housing units. The condition is not included in the informational packet because staff is still working on it. The petitioner is still working on a site plan, but has shown staff how they could meet landscaping requirements. Greulich showed renderings looking north. Staff is giving a favorable recommendation for this petitioner with the three conditions listed in the staff report and the fourth condition that the petitioner will provide workforce housing component for a minimum of 99 years.

Representatives present for the petitioner include the attorney for the petitioner, Mike Carmin; the property manager for the existing Adams Village development, Jim McKinney; and the site plan layout engineer, Steve Brehob. Brehob also researched whether or not a karst feature existed on the site and did the traffic studies that were presented.

Carmin said that there was a correction. When the petitioner had talked with the Mayor's office regarding the 10% being set aside as workforce housing units. It was not clear whether or not 10% of the units needed to be set aside or if 10% of the beds did. It did not matter to the petitioner either way. The belief of the petitioner is that they were to set aside 10% of the apartments. The duration issue for the workforce housing unit program had surfaced Friday. The petitioner believes that the 30-year versus 99-year commitment is a policy issue and should be decided by the council. If the standard becomes a 99-year commitment to workforce housing, that standard will, in effect, become policy. Piedmont-Smith had a question at the previous meeting asking if the proposed project would be LEED certifiable. The petitioner says there is not official terminology for that. The packet lists construction techniques that are consistent with many used in LEED. To get a project LEED certified is very expensive. The techniques being used are consistent with a LEED certifiable project, but the petitioner does not want to spend to money to get the LEED certification. The architect spoke about designing the project to be LEED certifiable, and the petitioner believes that means they could get the project certified if they wanted to.

Piedmont-Smith said that last time the Council met on this petition, there was a commitment made to have solar panels on the clubhouse. She did not see that commitment in the current packet and wanted to confirm that they had not been removed from the project.

Carmin clarified that the petitioner was not withdrawing the commitment to use solar panels on the clubhouse.

Piedmont-Smith asked how many square feet of panels would be used. She also asked how much energy would be produced from the solar panels.

Carmin said the clubhouse is not very big.

Piedmont-Smith wanted to make sure that clotheslines would be allowed for and alternative for those not wanting to use a clothes drier.

Carmin said clotheslines had not been discussed previously.

James McKinney is President of the Board for Regency Consolidated Residential. He introduced the architect, Ken Ramsey. James stated that he did not see a reason to prohibit clotheslines as long as there is space for them.

Piedmont-Smith asked what SEER rating is being pursued for the HVAC system.

McKinney responded that they were pursuing a 13 rating.

Piedmont-Smith pointed out that 13 is the minimum, making that rating not very green.

Ken Ramsey stated that the HVAC system with a 13 rating meets code and will be cost-effective for the petitioner.

Piedmont-Smith stated that a 13 rating is not particularly green especially in light of the council granting height waivers to this petitioner. She asked if the petitioner would look into a higher-rated system.

Ramsey agreed that he would look into a 14 or 15 SEER system. There would have to be research into how much a higher-rated system would cost the owner. If there was a benefit in energy savings that helped offset some of the higher cost of the system, the HVAC system could be switched out.

All agreed to revisit the HVAC SEER rating issue at the site plan approval.

Piedmont-Smith asked if there are going to be acceleration and deceleration lanes to access the site on Tapp Road.

Steve Brehob of Smith Brehob and Associates said the lanes were a carryover from an earlier version of the petition. When the project goes into a later phase, a traffic impact analysis will be done and to determine if acceleration and deceleration lanes were warranted. The current inclination is towards a left turn lane.

Piedmont-Smith said that interrupting the multi-use path at Tapp Road would be undesirable.

Nicholas Kappas asked staff about different classifications of structures. Specifically, there was question about whether the clubhouse would be classified as a primary or accessory structure.

Greulich said the clubhouse would be considered somewhat of an accessory structure. Typically, accessory structures are sheds, or other structures of that nature. The clubhouse would have a secondary use on the site.

Kappas asked which classification the clubhouse should have in terms of UDO.

Greulich said it would be a secondary use building, but considered a primary structure.

Kappas inquired about this because there has to be a height waiver for the primary structures. There was confusion over whether or not there needed to be another waiver for the clubhouse.

Greulich said the clubhouse is a two-story building with a pitched roof and will require no waiver.

Jillian Kinzie asked about putting affordable housing in perpetuity into this project. It was unclear when in perpetuity shifted to a 30-year time frame.

McKinney stated that he had met with Ms. Sims and, in coordination with the mayor, had settled on a 30-year time frame. 99 years is considered, practically speaking, to be the same as perpetuity.

Neher asked staff to speak about the 99-year timeframe given and explain how they settled on it.

Greulich said that 99 years is a typical building life span and it would accomplish what the administration and staff were looking for.

Neher asked staff to address the assertion that Carmin made that the 99-year time frame should be a decision made by council because he felt it was a policy decision.

Roach said staff believes the 99-year time frame is important because it increases the permanently affordable housing in Bloomington both for this project and other projects around the city. It is an important condition for the approval of this project. The council does have the authority to review and revise the conditions placed on the petitioner. The council also sets policies for Bloomington. Staff urges the council to approve the 99-year time frame.

Neher asked if the 99-year time frame were to become a formal policy whether or not the plan commission would have a voice in that decision.

Roach confirmed that the plan commission would certainly have the power to formalize the 99-year time frame either by placing it in the Growth Policy Plan (GPP) or the Comprehensive Master Plan document pending review of the city council or by beginning the process of making the time frame an ordinance. Staff, the administration, and the Plan Commission work together to create an ordinance, then forward it on the City Council with a recommendation. City Council will review and revise any ordinance and decide to approve it or not.

Neher asked if the Plan Commission were to put language into a project concerning a time frame for affordable housing, whether the City Council would be able to remove that language.

Roach confirmed that the city council could strip that language on any project that they review.

Neher opened the floor to the public for comment.

Diana Igo, a member of the public, asked in reference to the affordable housing component of the project, if there was an intention to include handicapped people in this section of units. She has personal experience with a family member who has affordable housing in Indianapolis that is specifically accommodating for handicapped people. She also asked if Bloomington would consider different modes of transportation available to the residents of the proposed project.

Carol Stewart Gulyas asked for clarification on the karst study and its conclusion.

Greulich clarified that there was a drainage area that may have been a karst feature, but after a study was conducted, it was found not to be. Instead, it was a drainage are that had been isolated over the years.

Stewart Gulyas asked if the drainage area was an issue.

Greulich said it was not.

Piedmont-Smith followed up on Ms. Igo's question regarding accessibility. She believed that ADA requires accessibility for a certain number of units.

Ramsey stated that 2% of the units will be handicap accessible. Ground floor units will be fair housing-compliant units. The state of Indiana also requires that ground floor units comply with ANSI 2009 A117.1.

Piedmont-Smith restated that 2% of the units will be handicap accessible and asked if that would be 2 units total.

Ramsey stated that there would be 3 units of the 111 that would be handicap accessible.

Neher asked for clarification from staff regarding whether the 10% being set aside for affordable housing would be 10% of beds or 10% of all units.

Greulich said that the agreement was 10% of the units, making the total of affordable housing units 12.

Neher moved to comments from the commissioners.

Cibor stated that he wanted to readdress the left turn lane on Tapp Road once the site plan was available. He was interested in minimizing negative impacts on Tapp Road.

Heather Maritano stated that she was glad to see the rendering showing that the taller buildings proposed would not stand above the existing apartment buildings. There is also a concern about lack of bus access to the development.

Kinzie said she was satisfied with the height of the taller buildings. The environmental and sustainable efforts of the plans were sufficient. There was concern about the affordable housing limitations. She was supportive of a 99-year policy in this case.

Kappas said he had concerns about changing the site from commercial to multi-family residential. In the UDO 20.02.170 there is a section on plan commission guidance. There were 3 pertinent points: discouraging student-oriented housing away from IU, restrict location of new multi-family development to areas serviced by public transportation, and encourage proposals that further the Growth Policies Plan goals of sustainable development. He asserted that the petitioners met one of these criteria and did not meet another one. Kappas stated that the commission is pushing for 20-minute neighborhoods. The proposed location currently lacks commercial rooftops for the residents. Residents would have to drive to get any resources.

Piedmont-Smith said it is unfortunate that there would not be bus service to the proposed site. BT access is available to anyone living in the city limits. The inclusion of affordable housing is taking off; it has been included in other projects. More green building inclusions would be preferable, and will be expected for site plan approval.

Neher stated that he is pleased with the direction of the plan. He hopes that this project will drive more commercial and retail into the area of the project. The comment to staff was that the affordable housing should become a criterion in all projects of this nature and should move towards inclusion in policy. If the affordable housing inclusion moves towards policy, it will be important to discuss the time frame – whether it is 30 years or 99 years. It is also important to distinguish between multi- and single-family housing when discussing affordable housing because the two categories are used differently.

****Piedmont-Smith moved to approve petition PUD-30-16 with the 4 conditions recommended by staff. Maritano seconded. Roll call vote passed 8:0.**

- PUD-04-17 **RCR Properties, LLC**
405 E. 17th Street

PUD final plan approval to allow the construction of a new multi-family apartment complex with 281 dwelling units and 754 bedrooms.

Case Manager: Eric Greulich

Eric Greulich, Zoning Planner, presented the staff report. Greulich stated that the petitioner had requested final PUD plan approval for a series of properties located in the northwest corner of 17th and Dunn streets. The petitioner was planning to develop a new multi-family complex that would include 281 dwelling units and 754 bedrooms. The PUD came before the planning commission last year for a rezoning petition. Several residential structures will have to be removed to allow for redevelopment. The structure is intended for a densely populated student-oriented multi-family dwelling. The properties are surrounded by high-density residential development, the Indiana University bus stop, the Garden Hill neighborhood and commercial-owned property and IU property. Current roads break the site up into 3 parcels. The large parcel is located on the south side of 18th Street. This parcel would be developed with 2 large buildings; one building (at the northwest corner) would be 5-6 stories tall. This parcel would also contain a central courtyard with a pool as well as a gathering lawn and a general recreation area. There is also a proposed greenbelt between building 100 and 200. The greenbelt would be an alternative transportation system pathway running between the two buildings for bicycles and pedestrians. The path would be made of permeable pavers. There would be rain gardens on both sides of the path. Building 200 would contain a parking garage with approximately 539 parking spaces surrounded on the outside by residential units. There would be a garage entrance from 17th Street. The design is right-in and right-out only entrance/exit. There is a full-access cut to the garage from 18th St. to the north. There is a mix of units in the buildings ranging from studios to 4-bedroom units. Parcel A was approved with a density of 50 units/acre. The proposed number of units comes in at 49.6 units/acre. The petition would come with street improvements. 18th street would be redesigned with on-street parking spaces added as well as angled spaces at the northeast corner of the site. The large building would have commercial space; the angled spaces are intended for the commercial customers. Parcel B was approved for a 3-story building with 5,600 sq. ft. of ground-floor commercial space and two floors above with 2, 3-bedroom units and 2, 3-bedroom residential units. Parcel B would also include a surface parking lot to the west for the commercial customers and tenants. Parcel C would have townhomes with a surface parking lot. Petitioners would provide quite a bit of parking; there are 539 spaces in the garage, including some set aside for visitor parking, in addition to 38 spaces in surface parking, totals 577 on-site spaces. Total on-site parking is 0.76 spaces per bedroom. The petition was approved with a parking maximum of 0.85 spaces per bedroom. The council and commission have discussed the parking. New sidewalks and street trees would be installed on all frontages. The petitioner is proposing a 10-foot sidewalk on 18th, 17th, and Dunn streets due to heavy pedestrian traffic, and staff is supportive. The petitioner is trying to keep the parking garage building aesthetically pleasing when viewed from the west. Elevations of all buildings had been submitted along with building design elements. There are no deviations since the rezoning petition. This meets the modulation requirements. The top of the building garage on building 200 is shown. 3-in caliper trees will be installing on the west side of the garage to provide better quality vegetation to improve buffering its west side. They have submitted elevations for building 300, which is the restaurant and mixed-use building at the northwest corner of 18th St. and Dunn. Brick veneers, stonework, and cementitious board panels will be used. Different metals will be used in the screening materials on the west side of the garage. All of the townhome buildings fall within the 50-ft. height limit that was approved, consistent with the initial rezoning. The building has been designed to have large recesses on the north and east side that break up the building. Petitioners had adopted the downtown commercial architecture standards for 3% building façade modulation. A rendering from 18th St. and Dunn St. is shown. The building has variation in material and color to meet UDO for modulation. Petitioners are still working with IU to make a

pedestrian connection to the IU bus stop, as required by staff. Staff recommends approval with the 10 conditions listed in staff's report.

Neher asked the petitioner to comment.

Will Kreuzer, from Tartan Realty Group said the conditions of approval are acceptable. The petitioner wanted to clarify the 1 person per bed condition. There was concern about whether a married couple wanting a one-bedroom unit would violate the condition.

Cibor asked if minor details and site plans would still be reviewed by staff after the petition was approved.

Greulich confirmed that staff would be involved moving forward and cited the grading permit as an example.

Cibor asked about the status of discussions with IU regarding the transit stop.

Kreuzer said he has spoken to IU and is working on a plan with some steps in the pathway. IU will seek approval at its board meeting for the plan. That specific work would be done after graduation in 2018.

Cibor asked staff about the one person per bed condition.

Greulich said the condition states that there must only be one person per bedroom unless a group of people meet the UDO definition of a family. That occupancy limit only applies to tenants that are not related.

Cibor asked about construction impacts on public roads and right of ways.

Greulich did not think the petitioner had begun thinking about the impacts yet, but said the impact would be discussed heavily when issuing a grading permit. Staff would ensure that pedestrians, motorists, and emergency services would have access to the area during construction.

Maritano asked about the right-of-way dedication needing to be done by April 19th.

Greulich confirmed that the dedication needs to be done by April 19th.

Stewart Gulyas asked how many townhomes are being proposed and what street they will face.

Greulich said the front townhome doors will face 18th Street and Grant Street; there may be secondary access points.

Stewart Gulyas asked what kind of roof design was being shown.

Greulich said it is a mix of a mansard roof with a residential pitched roof. The petitioners did this to fall within the 50-foot height requirement. The pitched roofs shown previously created topography issues due to their height.

Ramsey explained that one might call the roof a Dutch hip roof with two different pitches in the roof. The design decision was made to meet height requirements, which are 35 feet for the townhome buildings.

Kinzie asked if there were appropriate street lighting considerations. She also inquired about the safety of pedestrian crossings on Dunn Street. There are three issues related to the heavy pedestrian traffic at this site. One is resolved by the sidewalk modification. Her question is about the lighting plan; with high pedestrian density, the street-appropriate-level lighting will be very important. Right now, the packet indicates that a lighting plan must be submitted prior to issuance of a grading permit. First, to staff, who sees that lighting plan? Also, how will the pedestrian crossings on Dunn be planned?

Greulich responded that the lighting plan is reviewed by staff for issuance of the grading permit. The petitioners are planning to have pedestrian-scale lighting on the greenbelt. There will be building lighting as well. The buildings are set back 15 feet from the property line, so staff encourages them to have street lighting, although the building lighting will be adequate for the sidewalks. There are street lights currently on Dunn Street at the 17th, 18th, and 19th St. intersections, but all lighting will be reviewed with the application for a grading permit.

Kinzie asked about the pedestrian-heavy nature of the area and the crossing of Dunn St. to the university.

Greulich said there is an existing crosswalk at 19th and Dunn Streets. There is a proposed crosswalk at 18th and Dunn Streets that will have flashing lights for pedestrian crossing.

Piedmont-Smith asked what materials are being used for the roofs of the townhomes.

Ramsey responded that it is a standing seam metal roof.

Piedmont-Smith asked if the dark gray area shown in the renderings would be the metal roof material.

Ramsey responded yes.

Piedmont-Smith asked if the white portion shown in the renderings would be cement board.

Ramsey said that it would be fiber cement board.

Piedmont-Smith stated that she was not thrilled with the architecture. She asked staff if there was any leeway.

Greulich responded that district ordinance for the townhomes describes them as “a residential-style building”, but there are not specific standards for the buildings. The petitioner had already committed to materials for the roof. The standing seam metal is allowed.

Ramsey stated that the roof has a more contemporary feeling.

Piedmont-Smith said that the roof colors are very drab.

Ramsey said that the colors shown in the renderings are conceptual, but that the brick band at the base of the building should help break up the monochromatic theme.

Piedmont-Smith stated that the renderings look like the current Dunnhill development but with different building materials. She asked about resident parking for Parcel C.

Greulich responded that Parcel C will have 16 surface parking spaces. However, all tenants will have access to the parking garage. The surface parking should supplement the garage parking. There are not enough surface parking spaces on Parcel C to accommodate all residents, but the residents are expected to use the garage as well as on-street parking.

Piedmont-Smith asked how the city will check that the condition of approval that the development is marketed to those other than undergraduate students is being met. She also asked how it would be enforced.

Greulich stated that the condition came from the City Council; the Council recognized that it would be difficult to enforce. The City Council issued the condition encourage the petitioner to market to a diverse group of people.

Piedmont-Smith asked about a line in the packet, page 57, that addresses building height step-back. Building heights that exceed 45 feet should incorporate step-backs of 15 feet per the UDO. The exception is buildings whose heights are specifically approved in the PUD to be higher than 45 feet. She did not remember the PC making an exception.

Greulich said there are portions of the tall building on Parcel A that were approved to be up to close to 70 feet tall. Those were not tower elements. All of the design elements have step-back or modulation requirements.

Piedmont-Smith asked if the island in the middle of the parking lot next to building 300 was a planted island.

Greulich responded that the island was striped to accommodate trucks and deliveries.

Ramsey confirmed Greulich's statement. The petitioner had originally looked at making a planting island, but it would be a tight fit for deliveries. The island will be striped for ease of movement by vehicles around it.

Piedmont-Smith asked if the island would be stripes on the pavement.

Ramsey said it would be.

Piedmont-Smith asked if the petitioner was planning to use concrete or asphalt.

Brehob stated the dark colors on the site plans for Parcel B and Parcel C have permeable pavers in the surface parking lots.

Les Coyne asked staff about upgrading the traffic signals at the 17th and Dunn intersection to maximize pedestrian safety.

Greulich said that the Planning and Transportation Department and the City will be undertaking upgrades. The improvements were discussed as part of the PUD approval in 2016. The petitioner has been asked to get the site as close to ready as they can, then the City will do improvements to the intersection.

Neher asked if there was a parking zone for the neighborhood.

Greulich affirmed that there was not a neighborhood parking zone for the area.

Neher asked if the parking would be a free-for-all.

Greulich replied that it would be.

Neher opened the floor to the public for comment.

Diana Igo asked if there was a difference for what the housing would cost students. Some buildings are marked "luxury apartments". She said that some students struggle to afford tuition, and wanted to know what the housing cost would be.

Piedmont-Smith addressed Igo's question by saying she was not sure what the units would cost, but that they would not be inexpensive. Some units will be furnished, which contributes to a higher price. The apartments will be market price, which in Bloomington is fairly high. She restated that she was displeased with the design of the townhouses, but stated that the design meets with PUD specifications. She also thanked the developers for the significant contribution to the housing trust fund.

Kappas said that the location for the proposed development is amazing and that the development was very much needed. He thanked the petitioners and developers for their patience with the process.

****Piedmont-Smith moved that the motion be approved with the 10 conditions recommended by staff. Coyne seconded. Roll call vote was called. The motion passed 9:0.**

- **SP/UV-05-17 Lewis Development Company**
200 S. Washington Street
114 E. 4th Street
121 E. 3rd Street
Site plan approval for 2 four-story mixed use buildings. Use variance approval to allow a drive through.
Case Manager: Jacqueline Scanlan

Jacqueline Scanlan, Senior Zoning Planner, presented the staff report. The property is located at 200 S. Washington St. between Third and Fourth St. on the west side of Washington St. The petition site is 0.8 acres zoned Commercial Downtown (CD) in the downtown court overlay. The GPP designation for the site is downtown. There is currently an existing bank building (Fifth-Third Bank), and it is proposed to stay and be incorporated into the plan. There is an east-west alley that bisects the property just south of the existing bank building. The property has frontage on Washington, 3rd, and 4th Streets. The petition is a site plan request for 2 mixed-used 4-story buildings as well as a petition for a use variance for a drive-through. The PC is asked to make a recommendation to the Board of Zoning Appeals on the drive-through based on the GPP. Building One is the southern building and would contain 4,750 commercial square feet on the first floor with 50 parking spaces. The upper floors (2-4) contain 36 studio, 3 one-bedroom, 3 three-bedroom, 3 four-bedroom, and 3 five-bedroom apartments. Building Two contains the Fifth-Third Bank building. There would be an addition above the existing building as well as to the west. Building Two would have 5,680 square feet of commercial space with the remaining bank and drive-through. The second through fourth floors will contain 2 studio, 2 two-bedroom, 6 three-bedroom, 3 four-bedroom, and 6 four-bedroom (townhouse-style) apartments. The building would have 12 parking spaces. The drive-through would be inside the building on the first floor, which is in the same place it is now. 4th Street is to the north, Washington Street to the east, and 3rd Street to the south of the development with an alley bisecting the property. There is also an alley immediately to the west of the development. The retail space in the southern building holds frontage on both Washington and 3rd Streets. Scanlan indicated vehicular entrances and exits to the property. The north building would be entered from 4th Street and a vehicle would either go through the drive-through and exit or use the parking lot and exit to the south. The southern building has an entrance and exit on the bisecting alley as well as entrance and exits on 3rd and Washington Streets. The Washington Street entrance and exit is only for basement parking. Scanlan showed pedestrian entrances/exits as well as bicycle parking. Street parking is planned for this site as well as bicycle parking. Street parking is planned to be back-in street parking, which needs to be approved by the council. The 3rd-St. façade is shown on Building One (the south building). The main architectural design on the exterior is brick with accent colors. The petitioners have addressed the modulation requirements of the UDO by doing step-backs. The Washington St. side has vehicular and pedestrian entrances. The western façade is shown with grade drop. Building Two will incorporate the existing Fifth-Third Bank building currently has a partial third floor, which will be added onto resulting in a third and fourth floor. Though the petitioner designated this section as its own building and called it Building Three, we see it as part of the single structure, Building Two. Staff identified that the addition on Building Two does not meet modulation requirements, an issue which will be addressed with petitioner.

Separate design of buildings is to achieve a look of separation as opposed to a look of one large mass. Site renderings are shown. Petitioner is seeking a waiver for the step-back requirement. The petitioner also requests a waiver for building height because the buildings are slightly taller than 50 feet at the corners of each building. There is a requirement to have 50% first floor non-residential uses in each building. Both buildings fail to meet that requirement. Code also states that vehicular access should be from road that has a lower classification. In the case of Building One, the lower classified road is Washington, but currently the access is from Third Street. Access from Washington would not work with the layout of the proposed construction. There is also not enough bicycle parking inside Building Two. Staff recommends a use variance for the proposed drive-through based on the Growth Policies Plan. A drive-through is not allowed in the CD zone. There is an existing building with a drive-through on site, and as the petitioner would like to keep the existing building, they would also seek to keep the drive-through. The drive-through would be relocated to be indoors. The Growth Policies Plan for downtown calls for mixed-use, high intensity activity center that serves regional, community-wide, and neighborhood markets. The GPP also calls for intensified usage of vacant and under-utilized buildings. The petitioner wants to reuse the bank building as well as the vacant adjacent land. The GPP calls for land use choices to accommodate visitors, business shoppers, and residents. The petitioner's development would address all of these stakeholders. The CD District Intent seeks to protect and enhance the Central Business District as well as promote mixed uses. In the Downtown Core Overlay, the intent is to ensure mass and scale compatibility and promote infill and redevelopment of sites using residential densities and building heights that are higher in comparison to other character areas within the downtown. Staff recommends that this petition be continued to the April 27 Plan Commission meeting.

Tim Cover, Studio 3 Design, spoke on behalf of the petitioner. Cover spoke first about seeking a variance for the drive-through on the bank. Three banks in the downtown have been granted variances for drive-throughs recently. The drive-through is necessary to sustain the bank's business. A waiver is needed for building height. The choice to extend the parapet was made to add architectural character to the building. The building could be redesigned to stand under 50 feet, but it would take away from the architectural appeal. The step-back policy was not intended to deter development of buildings with a fourth floor, but rather to require buildings with fifth and sixth floors to break up the façade of the building. The petitioner respectfully disagreed with staff's conclusion that the first-floor 50% non-residential requirement is not met. Petitioner felt that there are spaces on the first floor that would be used by both residential and commercial occupants. For example, trash rooms, mechanical/electrical rooms, and bicycle rooms would be mixed-use. All of the bank building is non-residential. The entry vestibules are also used by the bank. The drive-through is purely for the bank as well. Petitioner said that the plan meets the 50% requirement. The petitioner will pull a spot back on the fourth floor to meet code. Currently, the petitioner has all bicycle parking inside one building to serve both buildings, but could add space for bicycle storage and parking to the north building if needed. Vehicular access from Third Street is the most direct way to access the retail space. Additional parking on Washington Street is not required, but is included in the plan to enhance the area for other uses. For environmental sustainability, the petitioner has committed to the living wall, recycling space and pick-up, salvaging/adapting an existing building, using green-friendly building materials, LED lighting, energy-efficient appliances, SEER 14 furnaces, energy-efficient windows, white reflective roofing, covered/secured bicycle parking (surpassing requirements by 55%, creating wide sidewalks, and landscaping using native species. By keeping the bank structure, the petitioner is saving jobs of those who work in the bank. The petitioner is adding jobs with the development of commercial structure. The petitioner adheres to the downtown vision by salvaging existing facilities and in-filling with under-utilized lots with higher-density housing, providing a range of housing from studios to 5-bedroom units, 100% of which are handicap accessible. All units are type-B and a percentage of them are type-A. The only difference between the two is the layout of the bathrooms. The petitioner is improving the

alleyway by cleaning it up, repaving it, widening it and making it more traversable. A current drive-through will be concealed to make the urban scape more appealing.

Elliott Lewis said the project has been in the works since 2014. A commitment was made to work through the issues that staff has identified. Other banks have been granted a drive-through: German American, First Financial. These banks are located on College Ave spanning from 10th St. to 9th St. The staff reports for these banks focused on the linear footage along College, Ninth, and Tenth streets. The proposed project has 100% of the buildings' frontage on Washington used at retail space, whereas the banks on College Ave. have 50 – 65% retail space. On the 4th St. side, retail is 64%. The south structure features 81% of the building on Washington Street is non-residential. That statistic on 3rd St. is 80%. The proposed project has a high percentage of retail space on the frontage of each street. The portions that are not retail are proposed to be parking which the petitioner claimed was necessary to accommodate retail customers. The slopes affect where the garage entrance should be placed. An entrance from the alley would be impaired because of the slope. The same is the case for an entrance form 4th Street. We are working on a traffic study and working on a parking study and paying for it. The angled parking has been done at the Gateway building at 17th and College and at 10th and College, which has saved the retail components of those buildings.

Les Coyne expressed his concern regarding the height requirement. There are open areas around the site of the proposed project that do not currently have height requirements. If the proposed building is given a waiver to be a half-story too tall, that will likely hold true for any new buildings in the area.

Nicholas Kappas asked about the courtyard shown in the petitioner's drawings by the building facing 3rd St. What attributes will it have?

Lewis said the courtyard would contain common space including grilling areas as well as patios on lower levels and balconies on the upper levels. There is a potential for raised planter areas in the courtyard.

Kappas asked if there was a maintenance plan for the green walls.

Lewis explained how the living walls are constructed and said they are self-maintained by a constant trickle of water through the planters.

Kappas restated that some maintenance would be required for the planters and asked what the petitioner's plan was.

Lewis said that at the end and beginning of each growing season there would be maintenance to the planters that would be taken care of by general facility maintenance personnel.

Kappas asked if the roof would be white, reflective, or in any other way energy efficient.

Lewis stated that the roof would be a white and reflective to prevent a heat island effect.

Piedmont-Smith asked staff if the void to solid ratios were being met.

Scanlan said the ratios only had to be met on the addition portion of the proposed buildings. The existing Fifth-Third bank does not meet the requirement. The additions, per the plans, are currently meeting code.

Piedmont-Smith asked if any of the voids are looking into parking.

Scanlan stated that some of the voids will look into parking.

Roach said that the far western side of the Fourth Street façade would look into the drive-through parking. The south building would also look into parking on the western side.

Piedmont-Smith asked the petitioner had the voids would be treated, whether with windows, lattice-work, or artwork.

Cover responded that the petitioner could potentially add artwork to the voids. In the past, the petitioner has added grille-work or glazing to the windows.

Piedmont-Smith referenced the staff report's assertion that there was too much fiber cement board in the proposed plan.

Scanlan responded that a primary material is any material that makes up more than 20% of the square footage. Windows and doors are not included in the square footage. Scanlan is not sure that there is too much fiber cement board, but will follow up once her calculations are finalized.

Piedmont-Smith asked if there had been any discussion between the petitioner and the administration regarding affordable housing.

Lewis asked why the issue of affordable housing was being raised.

Piedmont-Smith replied that the administration has been discussing affordable housing with most developers who have come before the commission recently.

Lewis said that no one has given them guidelines as to how to implement affordable housing in the petition.

Piedmont-Smith asked if the administration had reached out to discuss affordable housing.

Lewis responded that the administration had not reached out, but he had reached to the administration to discuss the topic. The petitioner believes that requiring affordable housing may be unlawful on three different fronts. The petitioner had not been told how many units were should be affordable housing. The petitioner had been told that the mayor would be at the meeting that night, but the mayor was not present. The petitioner asked if the inclusion of affordable housing was going to be a requirement.

Piedmont-Smith said the commission was not ready to make affordable housing a requirement, but it should be a consideration. When petitioners ask for a variance, the commission looks for items that would have a public benefit, such as affordable housing.

Lewis asked if there was an ordinance dictating affordable housing.

Piedmont-Smith replied that there is not an ordinance.

Lewis asked if there were any laws or ordinances that the petitioner should consult.

Piedmont-Smith replied that affordable housing is part of negotiation between the administration and the developer. When the developer requests variances from the rules, the administration or the commission may request something for the public benefit in return.

Lewis asked how the commission would view habitat.

Piedmont-Smith said that this was not the appropriate forum to discuss different kinds of public-benefitting considerations. Piedmont-Smith then asked if the angled parking spaces on Washington St. would be metered.

Roach said that they would be metered.

Piedmont-Smith asked if the commission's approval of the plan with back-in angled parking was contingent on the City Council's approval of back-in angled parking.

Roach confirmed that the approval of back-in angled parking is the City Council's decision to make.

Piedmont-Smith asked when the back-in angled parking proposal would come out.

Cibor says the proposed ordinance should come to the council soon. The proposed ordinance should make it to the council in enough time to not negatively affect the petitioner.

Wisler asked if there are any residential units proposed for the first floor of either building.

Scanlan responded that there were not any residential units proposed for the first floor.

Wisler asked if the commission approved the proposal whether that would be subject to the passage of the back-in angled parking ordinance.

Roach responded that the plan commission does not have a large role in the passage of the ordinance. The proposed ordinance may be brought before the traffic commission or the parking commission. Ultimately, the decision would lie with City Council. Approval of the petitioner's proposal is not contingent on the back-in angled parking. The parking is shown as back-in angled in the proposal due to the bicycle lane on the west side of Washington St. Back-in angled parking is best way to address the safety of cyclists.

Wisler asked if approval of the proposal would set in stone the decision on back-in parking.

Roach said the parking and the proposal could be tied together, but it was not recommended.

Neher asked about the elimination of a right turn.

Scanlan said that there is currently a right-turn only lane that would be removed as part of the proposed project. There would be a through and right lane adjacent to the bicycle lane. The traffic study that the petitioner submitted to staff will show the impact of the lane change.

Brehob said that the petitioner is looking into how removing the right-turn only lane might affect the signalized intersection. The intersection operates at a "B" level of service. The removal of the right-turn lane would increase delay for motorists on Washington St. wanting to make a right turn by 2 seconds. Such a delay is not enough to change the level of service classification.

Cibor asked what kind of tenants would be in the proposed retail space.

Lewis was not sure what kind of tenants would occupy the retail space. The petitioner was talking to professional service firms about potentially occupying the space.

Cibor asked how it was determined which access points would be for the commercial versus residential space. The Third St. access would be for the retail, but it was unclear how the other access points were intended to be used.

Cover said the Fourth St. access is for the bank and will be denoted with signage. The Washington St. access point would serve the garage because of the existing grading of the site. There is an 11-foot fall from the north end to the south end of the site. The Third St. entrance is designated for the retail space and could be denoted with signage.

Cibor asked if the existing Fifth-Third Bank fell within the public right-of-way.

Brehob stated that the bank falls into the public right-of-way by a few inches. This is common with buildings in downtown Bloomington.

Cibor asked if there were any other encroachments anticipated.

Brehob said bicycle parking and canopies/awnings would be potential encroachments. The south building would have a grease interceptor encroachment in the Washington St. right-of-way.

Cibor asked if there had been thought regarding how pedestrians will navigate around the site during construction. The plans showed all of the sidewalks being torn out and replaced.

Brehob said the sidewalks are being replaced so that they will all meet ADA requirements.

Maritano asked how people turning into the proposed development would affect traffic flow on Third St.

Brehob said that because the Third Street entrance to the site would be a right-in turn, there would not be much of an impact.

Maritano asked if the garage could be accessed from the alley to the north.

Brehob confirmed that the garage could be accessed from the alley after descending a slope of 5 feet.

Maritano asked if the garage could be accessed by motorists going a few feet further into the alley, then around.

Brehob said it would be possible to only access the garage from the alley, but to eliminate the Third St. turn-off would have a negative effect on the retail businesses by sending potential customers up the alley to access parking.

Maritano asked if it was possible to access the parking from the alley.

Brehob confirmed that it was possible and that the alley is a two-way alley.

Lewis said there is a 15-minute ordinance for delivery trucks in alleys. If surface parking or garage parking is only accessible from an alley, the parking is difficult to access with delivery trucks stopped in the alley for 15-minutes at a time.

Maritano asked to whom the petitioner was intending to market the 5-bedroom apartments.

Lewis said that the marketing phase of the project has not yet started. He stated that in his experience, 5-bedroom apartments are usually occupied by college seniors or graduate students. The petitioners believe that, because of the location, 5-bedroom apartments will be occupied by graduate students in law school or optometry school. The higher bedroom count units are the units with the lowest price point per person offered in the proposed development.

Maritano asked staff if limestone would be a requirement or an encouragement.

Scanlan said that there was a percentage requirement, but was not sure what Maritano was referencing.

Maritano said she remembered that one of the projects had a requirement for local materials; she had thought it was this project.

Scanlan said she did not believe this was the project with the local material requirement from staff. The petitioner may have included the use of local materials in the green building plan.

Kinzie asked if the alley that is passable by two cars is the east/west alley.

Scanlan confirmed that the alley that runs east/west between the two buildings is the one that is passable by two cars. The alley will be 16 feet wide on the east end and 20 feet wide on the west end.

Kinzie asked what that would mean for the alley that runs to Walnut St.

Scanlan said the alley running to Walnut St. would remain as it is. The alley wider on the west end to allow customers to leave the bank drive-through and wanting to turn in either direction.

Roach said that most alleys in Bloomington legally allow for two-way traffic although not all two-way alleys are practical for two cars to pass one another. This alley is two-way to allow for two-way traffic because of the exit from the drive-through.

Cover added that most alleys are designated as two-way, even if it is not practical. The petitioners would like to widen the alley so that it is practical for two-way traffic. Since utilities will be buried, it becomes difficult to navigate that space. The 20-foot wider zone makes it easier to make the necessary turning radius and get down the alley down the west or turning north and south.

Kinzie asked if the entryway off of Fourth St. would be narrower under the proposal than it is currently, in order to allow for pedestrians.

Cover said that the entryway is currently 30 or 40 feet, while the proposal shows about a 20-foot entryway. The entryway would be a one-way in.

Neher asked about eastward left-in entry from and left-out exit to Third St. He asked if the traffic study specifically looked into the impact of these turns.

Roach said that the traffic study only examined the impact of removing the dedicated right turn lane at the signal.

Neher said that because of the proximity of the site to the busy intersection of Third St. and Walnut St, he is concerned about the traffic effect of the site on traffic flow to and from Walnut St. What have been the considerations about safety for that entrance and exit?

Cibor said that there is a center turn lane on the stretch of Third St. that runs adjacent to the proposed site.

Lewis added that city officials had informed him of the potential for a more solid median on Third St. between Walnut and Washington. Such a median would create a right in, right out scenario for the site, and the petitioner is comfortable with that.

Neher opened the floor to the public for comment. There were no public comments.

Coyne expressed his unease with some of the variances, especially the height variance. He did not see a reason to issue a height variance.

Kappas agreed with Coyne's concern regarding the height variance. I would like to see a rendering of the surrounding buildings to understand the proposed project's impact. The northern part of the site is on Fourth Street, which is a street full of culture and housing. There is a concern about transitioning between overlays in the downtown. The height of the proposed building would potentially not meld with the rest of the community. I would also like to see more consideration with the living walls in terms of maintenance plans. Living walls are still in an experimental phase in Bloomington, and more assurance is needed from the petitioner.

Piedmont-Smith said she was not concerned about the use variance for the drive-through as she saw it as an improvement to the original drive-through. The height variance is a concern. There is a vacant lot next to the proposed site where the post office used to be. The petitioner's project will begin to set the trend for what will be developed in the vacant lot. The corner and roof overhang that pushes the building past the height requirement makes the building intimidating. Removing it would make a distinctive difference in the height. Adaptive reuse of the site is appreciated, but I would like to see implementation of more green building practices. I understand that limestone is more expensive, but it is one option; limited solar panels for the commercial hot water heating would not break the bank. Affordable housing is a priority for the mayor's administration, so I will consult them about the importance of that option.

Wisler felt that the height waiver was acceptable because the height increases population density in this area, especially given the proximity to the bus transfer station. This is precisely where we desire additional density. He was concerned about the proposed back-in parking being tested in this particular location. Since this the first place it would be implemented in the city, it might give drivers the impression that they can drive the wrong way on the one-way street.

Cibor thanked the petitioner and expressed his excitement about the potential of the project. There are a lot of access points to site. There will also be a large amount of pedestrian activity. It is important to make these access points pedestrian and cyclist safety-conscious. The petitioner was urged to keep in mind sight distances. Details were requested regarding the construction process and how it would impact the area.

Maritano said that the proximity to the bus station coupled with the affordable housing initiative would make this site an opportunity for creating structures downtown in which urban professionals, low-income tenants, and families would consider living, as opposed to students. The height variance is a concern, in part, due to a historic building located just to the west located on Fourth St. and Walnut St. If we grant this variance for height, we would expect to get something in return that would promote the goals of our Growth Policies Plan.

Stewart Gulyas said she was comfortable with the height waiver because it broke up the uniformity of the structure. She applauded the petitioner for reusing the bank structure. She was delighted about the daylighting, windows, alley improvements and parking. She said that she had no problem with back-in parking. Since it will be on a one-way street, it should not be deceptive to drivers; it will also be much safer for bikers.

Kinzie said she was glad that the petitioner was willing to take on burying the utilities on the site. The drive-through variance would be an attractive way to approach the existing drive-through. However, more renderings are needed by the commission to decide if the height variance is appropriate. I also share concern about the proximity of this development to the Bloomington Transit center. I would like to have greater consideration for workforce housing. The inclusion of limestone in the façade would be preferred, given its historical significance. I would also like to see a traffic study for the Third St. right-in, right-own access option.

Neher said he had no problem with the use variance. He was curious as to why back-in parking is going to be used for the first time on this project. A right-out only exit for the Third St. access would potentially be a good compromise. Context for height waivers is necessary. The commission has to consider how granting one height waiver could impact future projects in the area. He asked staff to be clearer about what is expected from the petitioner on the issues of green building, innovative design, and workforce housing.

****Wisler moved to continue Petition SP/UV-05-17 to the April 17th meeting. Kappas seconded. Roll call vote passed 9:0.**

Meeting adjourned.