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The City of Bloomington Plan Commission (PC) met on July 8th, 2019 at 5:30 p.m. in the City of Bloomington Council Chambers. Members present: Hoffmann, Wisler, Cate, Kappas, Kopper, Sandberg, Burrell

ROLL CALL

MINUTES TO BE APPROVED: None at this time

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Staff will be receiving the next update of the Unified Development Ordinance (UDO) draft from the consultant and Staff will have two weeks to review it before returning it to the consultant and making it available for public review in August. Beginning in August three Plan Commission meetings will be planned to discuss the updated UDO draft and the public will be invited to comment.

CONSENT AGENDA:

PUD-21-19 **The Ridge Group, Inc.**
1841 W. Ezekiel Dr.
Request: Planned Unit Development (PUD) final plan approval to allow the construction of 130 dwelling units.
Case Manager: Eric Greulich

****Kappas motioned to approve the Consent Agenda. Sandberg seconded. Motion carried by roll call vote 7:0—Approved.**

PETITIONS:

MP-28-18 **Adoption of the Transportation Plan for the City of Bloomington**
*The Common Council reviewed, revised, and approved a final version of the Transportation Plan, an amendment to the Comprehensive Plan, at their May 22, 2019 meeting. The Plan Commission must file a report approving or rejecting the amendments made by the Common Council as the last step of the adoption process. If approved, the Plan is adopted. If rejected, the Common Council may consider adoption through another resolution. The Plan and other information can be accessed at: <https://bloomington.in.gov/transportation/plan>
*Case Manager: Beth Rosenbarger**

Beth Rosenbarger presented the staff report. The Plan Commission approved the Transportation Plan with amendments on November 8, 2018. The Plan went to Common Council for review and 40 amendments were adopted and now the Plan is back before the Plan Commission to approve or reject the amendments that were passed by the Council. Rosenbarger explained that of the 40 amendments, protecting neighborhood streets was one of the most important, as was prioritizing pedestrians by adding wider sidewalks and removing turn-lanes at street cross-sections. Amendments also emphasized prioritizing transit with an entire subsection and changing street typologies from Suburban Connector and applying Neighborhood Residential. Staff recommends the Plan Commission approve the final version of the Transportation Plan, an amendment to the Comprehensive Plan.

Plan Commission Questions: Hoffmann and Jackie Scanlan, Development Services manager, discussed the process for the Plan Commission's final vote, clarifying that, even if the Plan Commission does not approve the Transportation Plan after a certain passage of time, the Common Council can approve the Plan as is.

Public Comment: None

****Wisler motioned to approve MP-28-18. Kappas seconded. Motion carried by roll call vote 7:0—Approved.**

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

Jackie Scanlan presented the staff report. The property is located on the west side of Walnut Street between 3rd and 4th Streets and is zoned Commercial Downtown (CD), in the Downtown Core Overlay (DCO). Surrounding land uses include the Waldron Arts Center to the north; an office building and Firestone Tire Company to the east; a bank with parking lot, bars, a restaurant and apartments to the west; and Napa Auto Parts to the south. The Downtown Transit Center is southeast of the property. The property currently contains a business/professional office building, as well as an existing City-operated parking garage.

The petitioner proposes to redevelop this property by demolishing the existing buildings on site and constructing a new six-story parking garage with commercial space and public amenity space on the first floor. The parking garage would contain 510 parking spaces. The design also includes 50 indoor bicycle parking spaces as well as a minimum of four outdoor spaces, office space for City Parking Staff, and 11,189 square feet of commercial space on the ground floor, as well as restrooms available to the public. The petitioner is proposing to include various green features, such as electric vehicle charging stations, solar panels, sensor lighting, efficient fixtures, and open ventilation on all floors. The petitioner is seeking a Silver level ParkSmart designation for adding these green features.

The petitioner proposes vehicular and pedestrian entrances on both 3rd and 4th Streets. The Unified Development Ordinance (UDO) does not allow a vehicular entrance on the higher classified road (3rd Street), therefore the petitioner is seeking a variance from the Board of Zoning Appeals to allow that entrance. Additionally, the current design requires two variances related to the 4th Street vehicular entrance because its width exceeds the allowable maximum and its location is too close to Walnut Street per code.

An alley runs along the west side of the property, connecting 3rd and 4th Streets. There is at least one business that derives primary access from the alley and the alley is often used by pedestrians.

The petitioner does not currently own the southernmost parcel included in the request. However, the City is in ongoing discussions with the owner about acquisition of the parcel and the Legal Department has advised that moving forward with a conditional approval is valid.

Scanlan showed plans for the façade, detailing proposed brick, limestone, and metal mesh materials to be used, noting that it will not fit into historical building façades for the area and the petitioner will not be disguising the structure's appearance as a parking garage. The garage exceeds the 40 foot height maximum for the area, measuring 75 feet because it is a parking garage. Scanlan showed potential floor plans for the floor-level commercial space and a rendering of the completed garage surrounded by other current structures, and noted that potential art installations for the façade are being discussed.

The parking garage doesn't meet all of the requirements of the UDO, but five-story parking garages are rare petitions and the standards are written for two to four-story office buildings. The ParkSmart designation also requests items Staff do not normally deal with from a design standpoint. Given the green initiatives, potential innovative art installations, and that the garage will satisfy a stated need for enhanced parking in the downtown area, the Department recommends approval of SP-23-19 with the following conditions:

1. This approval is contingent upon acquisition of the property at 222 S. Walnut Street. If the property is not acquired, a new petition will need to be filed for review and approval.
2. The approval is contingent upon approval of the variances by the Board of Zoning Appeals related to entrances and drives, as listed in this report.

3. The petitioner will work with Planning and Transportation staff to improve the vehicular portion of the Walnut Street right-of-way by adding bump-outs at the 3rd and 4th Street corners.
4. An additional pedestrian entrance will be included near the indoor bicycle storage area to allow users to access the area without having to utilize the vehicular entrance on 4th Street.
5. Required bicycle parking for the commercial spaces will be added to the site plan before a grading permit is approved.
6. The petitioner will submit a site plan that meets the minimum street tree requirement. If the petitioner desires to use a portion of the tree plot area for bioretention to serve the site, the Senior Environmental Planner must review such a plan and approve any reduction in street trees.
7. The petitioner will submit a plan for pedestrian improvements to the alley east of the site, while working in conjunction with adjacent property owners and tenants.
8. The petitioner will amend the elevations of the northernmost module of the Walnut Street façade to treat or cover the exposed concrete elevations

Josh Scism, Core Planning Strategies, added that, also submitted but not previously mentioned, is a landscape plan for the northeast and south end of the building. Scism introduced Joe Raper with CSO Architects and he spoke about the building's massing, taking the solar panels into consideration, setbacks, and pedestrian access to the commercial spaces and pay areas. Scism spoke additionally about planned energy-efficient and green initiatives for the garage, including spaces for electric cars to park and charge, increased bicycle parking, and compact and carpool parking spaces. Scism used slides to show the layout of the garage, the different types of parking spaces and their locations, charging stations, self-serve pay kiosks, intersecting pedestrian walkways and externally facing public restrooms with set hours of operation. The commercial spaces on the lowest level have the potential to be a visitor's center, restaurants, or retail space. Scism showed examples of art installations in parking garages around the country, including external sculptures and internal and external murals. The City is examining the metal mesh material on the northeast and southeast corners of the garage as potential areas for art installations. He noted the care and upkeep of the garage will be discussed closer to construction. He closed by expressing his enthusiasm for the project and its addition of 500 parking spaces and ample bicycle parking in the downtown area, and that bids for demolition of the current garage would open the next day.

Plan Commission Questions:

Wisler asked for confirmation that tonight's vote would be for final approval. Scanlan answered that the UDO requires the signature of the property owner before site plan approval and the City doesn't have that yet. Philippa Guthrie, Corporation Counsel, said these are unusual circumstances. The City owns most of the property in the site plan and is in negotiations with the owner for the rest of the property. The City is trying to keep the project on track, but the process is lengthy, and if the process is not started now, it would possibly be pushed to the beginning of December because of upcoming UDO hearings. Guthrie said for tonight the Plan Commission needs to consider the vote as conditional approval. If the property isn't acquired, then approval is moot and a different plan would be presented. Discussion ensued between City Legal Staff, Scanlan, and Wisler about the legal aspect of the petition and the eminent domain timeline coinciding with the garage construction timeline. Scanlan said Staff feel they could recommend petition approval this month with the conditions included. Larry Allen, assistant City attorney, said he anticipates the eminent domain process to take place mid-fall, and the legal process could go on into December. Wisler also asked who will be managing the retail space and about the height of the retail space. Raper responded that the retail space elevation drops six to seven feet along Walnut Street, but the elevation is still around fifteen feet. Mick Renneisen, deputy mayor, responded that the City is currently working with a broker through the City's Economic and Sustainable Development department and the Redevelopment Commission would reach out to see if anyone is interested in managing the retail space.

Kappas asked if there was any risk for the Plan Commission to table the petition for a later date. Scanlan said no, none to the Planning department. Renneisen explained that any delays would push the project into winter weather conditions, which can substantially delay the project, increase costs, and leave the downtown area without a non-serviceable garage. Kappas and Scanlan discussed the City's ability to use eminent domain for this petition. He also asked how the garage will maintain a sense of place in the downtown. Raper answered

that materials used will be brick accented with limestone, so as not to overwhelm the pending new hotel and convention center. Raper said the aim is to present a structure that looks like a parking garage but also blends in with complementary building materials. Kappas asked why the lowest level couldn't serve another purpose, like scooter parking. Raper answered that the Common Council required architects to comply with the UDO so the lowest level of new structures in the downtown must be commercial space.

Sandberg asked if, at any time during the eminent domain process, the property owner could negotiate. Guthrie explained that yes, just like any other legal process, negotiations can continue throughout and explained the particulars. Sandberg also asked if the project was on budget and expected to stay on budget throughout construction. Renneisen explained that the City is within a plus or minus 5% of the targeted budget and explained the design decisions based on budget requirements.

Kopper asked about inconsistent the curb line that reduces the sidewalk width. Raper said an adjustment could easily be made. Kopper then asked about vehicle entrances and exits and pedestrian interaction, concerned that drivers and pedestrians won't be able to see one another. Raper said it's possible at peak hours of operation that certain entrances and exits could be reduced to increase safety. Kopper pointed out that bicycle racks don't meet UDO requirements and Raper responded that the architect will adjust this.

Cate and Scanlan discussed the non-specific condition requiring the petitioner to submit plans for pedestrian improvements. Cate asked about design elements, but they are open-ended because the art installation decision is pending.

Burrell asked for clarification on whether the evening's vote was for final approval given that the City is still attempting to acquire the rest of the proposed area to build on. Scanlan explained that the Plan Commission's vote would be for final approval, contingent on the City acquiring the rest of the property. Cate discussed with Raper about using limestone in certain areas to give the garage a more finished look, and she inquired about the safety and security measures for the building, raising concerns over the three-lane north entrance for pedestrians, bikes, and vehicles. Raper responded that limestone was being considered as a material to be used, and that several security measures were already planned for the garage, including ample lighting and having an attendant on duty. The architects had already planned to redesign the entrance so as not to force bicyclists in lanes so close to vehicle traffic.

Public Comment:

Members of the public that spoke: (first name unclear) Binder, Juan Carlos Carrasquel, Jessica Griffin, Morning Wilder, Mary Morgan, Jim Rosenbarger, James Bassett, Kate Rosenbarger, Greg Alexander, Daniel Bingham, Jennifer Pearl, Jim Murphy, David Sabbagh

Those who spoke in remonstrance of the petition did so citing concerns over climate change, property rights, the project's scale, and pedestrian safety. Several people that spoke, including Carrasquel, property owner at 222. South Walnut Street, believed the petition to be invalid and it should be withdrawn since the City does not own all of the property proposed in the site plan. Carrasquel complained that negotiations concerning his property were not underway, but rather a lawsuit was, and he concluded that the petition did not align with City code and is an abuse of power. Others that spoke in remonstrance feel the petition is moving too quickly through the process and that the height relative to the downtown area is too tall. Kate Rosenbarger said the City should build within code limitations and not apply for variances for its own project, and that experts advise against City subsidized parking. Some people felt the entrances and exits with blind corners and the drive cuts with multiple lanes should be reexamined for pedestrian and driver safety. Several people voiced concern that the garage will have negative effects on the climate, encouraging people to drive when alternative forms of transportation should be encouraged to reduce carbon emissions, and the garage's bike parking is inconvenient. They don't believe that the 4th street garage's closure is having a negative impact on downtown businesses. Those that spoke about the garage's effect on climate change believe the benefits of environmental features like solar panels and ParkSmart electric car charge spaces will not outweigh the resources used to demolish and rebuild the garage. Griffin said that a better use of the bottom level retail space would be a community senior or teen center. Alexander said the garage was originally built for the Cook company's renovation of the Fountain Square

Mall, but is now used mostly as downtown employee parking, and nearby garages have significant vacancy during peak times. He said the garage should have been maintained five more years to see how the new convention center would affect downtown.

Those who spoke in favor of the petition did so citing the importance of ample parking for downtown businesses and organizations to thrive. Morgan, with the Greater Bloomington Chamber of Commerce, said that downtown restaurants and shops lose business and art and entertainment events decline in attendance without ample parking, and this is already evident since the 4th street garage closed. Morgan also said downtown parking is crucial to the convention center expansion. She urged the Plan Commission to move the petition forward as quickly as possible. Pearl, president of Bloomington Economic Development Corporation, said ample parking attracts businesses to the downtown area and therefore creates better wages for Bloomington employees. Pearl also said that Bloomington attracts employees from surrounding counties who must drive to work and need parking. Murphy, CFC president, said CFC owns many properties downtown and worked with the City to have the 4th street garage built during the Fountain Square Mall remodeling. He said mall tenants and downtown patrons, as well as returning college students and their families, will need downtown parking to patronize businesses. Murphy's only concern is restroom misuse by those experiencing homelessness since Fountain Square Mall has experienced this issue in the past. Sabbagh said a dense downtown is needed and parking for that density is needed, and the petition is replacing an existing garage, not building on an empty site. His argument for the garage was that businesses will struggle without parking, move away, and take jobs with them. He also said that it's not ideal for working professionals to ride a bicycle in dress clothes to meet customers and clients.

Plan Commission Discussion:

Wisler said he is completely in favor of building another garage at this site and the benefits it will bring to the downtown, including needed retail space. He would like to see on-street parking to create a buffer and increase pedestrian safety. Wisler said he doesn't object to the height, because the downtown needs to build up however, the site plan still needs a lot more work. He doesn't expect everyone to agree on the design, but it will be a defining structure of Bloomington and the garage looks typical; Bloomington is not a typical town. He said the garage shouldn't feel like a big, monolithic parking garage. The art installations are a nice touch, but they feel like an afterthought. Wisler concluded by saying there is no need to rush the petition through in a single hearing. He said he understands the timeline, but he doesn't think Staff would approve this if it was a private development and the City standard should be higher than private developers. Any other project of this size and scale would have several hearings and much more dialogue.

Kappas said a lot of thought has gone into the project, but it is presumptive to assume eminent domain will happen and wondered if an alternative timeline and site plan were being considered. He said the Plan Commission should adhere to City code and the petition doesn't follow 20.09.03(a)2 and (a)2(d); the City must be held to a higher standard. Kappas noted several waivers are being asked for, but asked why no waiver was asked for retail. Kappas addressed climate change by adding that the more concrete used means more greenhouse gasses emitted. Concerning the design, Kappas said the garage is a large building that doesn't match other buildings in the downtown and asked why more limestone isn't being used. He is looking forward to changes from the architect, but believes the petition shouldn't be before the Plan Commission at this time.

Sandberg said the Common Council vetted the petition very carefully with a lot of disagreement, and ultimately concluded repair wasn't fiscally responsible. A garage to serve the needs of the downtown was needed, and it wasn't solely a Council decision, but rather one made after a lot of research speaking with the downtown community and weighing the effects of not having a garage. She said a lot was asked of the parking garage site plan and was done so by Council members concerned with climate change, fiscally responsibility, longevity, ParkSmart features, having much needed public restrooms, accommodating all vehicles and bicycles, and having retail space. Sandberg responded to Kappas' inquiry about retail space and variances by saying that all petitioners are required to have retail space in the lowest level and the City is no exception, and the variances requested are because it's a garage. She said all these questions have already been considered by the visionary and review teams, and they were presented to CSO Architects, who returned solutions. At every meeting the height, number of needed parking spaces, restrooms, and pedestrian safety were all continually examined, and the budget was considered and grand ideas were scaled back. She said the cost reduced the

height from seven stories to six. Six stories are still significantly taller than the standard three stories so variances are needed, with additional variances needed to ensure the garage is built soundly. The site plan is the result of the best work the architects could do, given the constraints, with the art installation at a later time with separate parameters. Sandberg said she wouldn't try to persuade members to vote to approve the petition, instead challenging the architects to show what she knows to be true from the visionary and review meetings. Sandberg reminded the Plan Commissioners that they are being asked to approve the site plan conditionally because of the property dispute. She added that realtors were consulted about the retail space, business owners were asked about parking needs, and she feels really good about where the project is at this point, and will vote to approve the site plan with the proposed conditions.

Kopper said a lot of issues were brought up tonight. If the motion passes to continue the petition to August, he hopes it gives the petitioner more time to work on the site plan and show that changes and improvements will actually be implemented.

Cate said she hates to continue petitions without a clear understanding of why. She said the issue of the garage's effect on climate change is juxtaposed with the concern of affecting the downtown economy by not providing enough parking. She credited the hard work of people involved in the process for a long time and the work of the developers responding to many concerns over this long period. She questioned if the Plan Commission should treat this hearing differently because the City is the petitioner, and if the Plan Commission would approve the petition conditionally should eminent domain efforts fail. Cate said she was really considering if continuing the petition would make a difference or if it could be fixed through additional conditions. She wasn't concerned with design and height issues, but rather if the downtown area really needs this parking. She seemed to think it is needed, especially with the convention center expansion. Cate said eminent domain exists to challenge the City to show a need for the garage, but she wondered if the City had done enough to verify that the garage was needed right now. Sandberg reiterated that detailed research showed a continued vibrant and thriving downtown depends on replacing the garage, and to repair the existing, structurally unsafe garage would be fiscally irresponsible.

Burrell said she is in complete favor of the garage. She said Bloomington is a small town, but a regional hub, especially with the new hospital that will soon be bringing patients from surrounding towns. The downtown will need parking for these visitors. As for eminent domain, Burrell said it is a process. If the City is exercising without process, it's a problem, but if they're taking steps, then it's a negotiation. Burrell explained the process, that the City offers a price, the owner can decline, and the two can continue to negotiate. Petitions have been presented in the past without the petitioner owning the property before starting the project and negotiation ensues. Burrell said the situation is unfortunate since the property owner at 222 S. Walnut is a fellow colleague, but she believes the structure is necessary for the good of the City. Burrell concluded that she is thankful for the public's comment and pedestrians, traffic patterns, employee needs, and environmental concerns should be considered, and not lightly.

Hoffmann said the Plan Commission has heard both sides of the question on whether or not the City has a right to proceed with the petition without complete ownership of the property. Hoffmann clarified that when the Plan Commission engages in site plan review it is not a rezoning petition and not a land use decision. Those both fall under the Common Council and Council members have already made those decisions. The Plan Commission is tasked with reviewing details like the façade and cannot decide the site's use by denying the site plan.

Discussion ensued between Staff and the Plan Commission about modifying conditions in order continue the hearing until August. Wisler talked about the site plan changes he wished to see to make the structure more in step with downtown design. He also stated that continuing the petition until August would allow for better understanding of the ramifications of property negotiations

****Wisler motioned to continue SP-23-19 to the August Plan Commission meeting. Kappas seconded. Motion failed 3:4. The petition was continued by no action to the August Plan Commission meeting.**