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The City of Bloomington Plan Commission (PC) met on April 13, 2020 at 5:30 p.m. via a virtual web conference, due to Indiana Governor Holcomb's stay-at-home order concerning COVID-19. Members present: Burrell, Cate, Enright-Randolph, Herrera, Kinzie, Sandberg, Shonkwiler, St. John, Wisler

ROLL CALL

MINUTES TO BE APPROVED: March 2020

****Kinzie moved to approve the March 2020 minutes. Burrell seconded. Motion carried by roll call vote 8:0—Approved.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS: Jackie Scanlan, Development Services Manager, said the Administrative Manual that accompanies the new Unified Development Ordinance's (UDO) Conversion Map is available to view on the Planning and Transportation's website. The manual contains information about boards and commissions, permits, and other useful department information. She said the Plan Commission does not vote to approve the manual, but the manual must be completed with the Conversion Map adoption.

CONSENT AGENDA:

UV-08-20 **Bloomington Housing Authority**
1020 N. Monroe Street
Request: Use variance to allow a child daycare center and three multi-family residential units in 4,970 square foot building.
Case manager: Eric Greulich

****Kinzie moved to approve the Consent Agenda. Cate seconded. Motion carried by roll call vote 8-0—Approved.**

PETITIONS:

UV-06-20 **Bobby J. Staggs**
1414 W. Arlington Rd.
Request: Use variance to allow for the expansion of a multi-family use in the Residential Single-Family (RS) zoning district.
Case manager: Keegan Gulick

Keegan Gulick presented the Staff report. The property is approximately 2.57 acres, zoned Residential Single-Family (RS), and is located along West Arlington Road. The property has been developed with three (3) single-family residences on the same lot, making the site a multifamily use. The surrounding properties include a single-family residence to the north, multifamily residences to the east, single-family residences and multi-family residences to the south, and single-family residences to the west across Arlington Road. The petitioner is proposing to construct a 32' x 52' attached garage, connected to one of the single-family residences by an 8' x 8' addition. The garage would be for the stated purpose of parking and storage. The Unified Development Ordinance (UDO) classifies this use as multifamily because of multiple units on the parcel and this property is lawful nonconforming, as a result. Multifamily is not a permitted use in the Residential Single-Family (RS) zoning district and therefore needs a use variance from the Board of Zoning Appeals (BZA) to allow for the expansion of a nonconforming use. Strict application of the UDO would allow this property to continue as it is as a lawful nonconforming use and site but would prohibit the desired addition to the property. To date, one of the adjacent property owner's has contacted the Planning and Transportation Department to voice their opposition to the variance. The Department is recommending the Plan Commission forward the petition to the BZA for denial.

Jackie Staggs, petitioner, explained that she and her family have lived at the property for decades, and she now has physical mobility issues. She said the garage would allow her and her husband to park near their house and they also need a structure to store their cars and heavy equipment, and provide security from the large apartment complex being built near them. She asked why Staff was recommending denial. Wisler explained that during Plan Commission discussion, Staff would go into more detail.

Plan Commission Questions:

Cate and Herrera asked about the complaint from the public. Gulick responded that the person did not leave a name, but only said that the property should not be expanded. This person lives within 300 feet of the petition location and was notified of the petition by mail.

Cate and Staff discussed if additions would be acceptable if this was a single family lot. Staff said the requested structure is a non-conforming use and it doesn't align with the Comprehensive Plan. The petition is more about intensifying or expanding a use of a feature that is not desired in the area. Kinzie asked if an existing garage is on the property and Staggs said there are no other garages on the multi-family property and that's why this one is being requested. Kinzie also asked if the Board of Zoning Appeals (BZA) would have different grounds to approve this. Scanlan said the BZA could approve the petition because the board has more findings than the Plan Commission, but the BZA has to determine if the property is so unique that rules against the petition are creating hardship for the property.

Burrell asked if the multi-family plot could be subdivided in order to allow for the garage to be built, but Scanlan said doing so would eliminate required frontage from the Stagg's house. Sandberg asked about available parking around the house and Staggs she and her husband currently park across the yard along the driveway and have to walk 150 feet to get to their cars. Staff and Sandberg discussed that the BZA has considered Use Variances for petitions like this before for aging in place.

The Plan Commission and Staff discussed that the garage is actually a large, pole barn structure. Shonkwiler asked if a smaller garage would be permitted, but Gulick said it would still be considered a non-conforming use. Wisler followed up, asking what defines an expansion of a non-conforming use. Staff said any expansion would be an expansion of a multi-family use and nothing would stop the petitioners from later converting the garage to living space. Gulick showed the slide defining a non-conforming use 20.08.050. Discussion ensued about rezoning or subdividing differently, specifically that a rezone would get the same negative recommendation because the area is supposed to be primarily single family.

Cate asked why the Plan Commission is considering the petition if Staff don't recommend approval. Scanlan says the code is cut and dry and the petition doesn't meet requirements, but people can still apply and it is up to the Plan Commission to decide. Cate asked what would be the long-term effects of approving the garage. Scanlan said if the BZA granted the Use Variance, they could restrict approval for a garage only. The Use Variance is not in the new UDO so if the BZA approved, the petitioner couldn't change the structure again unless the property was rezoned.

St. John said item C in 20.08.050 seems direct, preventing the structure. Scanlan said item A is more relevant because the petitioners are now requesting for the structure to be attached. Scanlan says the code prohibits this so the only option is for the petitioner to seek a Use Variance or rezone the property.

Herrera said his first impression was that the garage was being built for the residents' health, but now it seems the garage is more for safety. Staggs said the structure is first and foremost for health, but she and her husband have an added need for safety.

Public Comment: None

Plan Commission Comments:

Herrera wondered if the petitioner would be okay with the Environmental Commission recommendations in the packet. Staggs daughter Shane said Staggs thinks the Environmental Commission recommendations are asking too much. Shane said her parents have complied with all other department requirements, though.

The Plan Commission asked if the petitioner wanted to use their remaining time to speak any more to the petition. Staggs said she thought the negative recommendation was unfair because the property was rezoned after her family purchased it and the rezoning prohibits the garage. She asked about aging in place exceptions

Cate asked Staff to clarify what the Comprehensive Plan says about non-conforming uses and this particular lot. Scanlan said that particular section of the Plan refers to single-family lots and this is a multi-family lot. Cate said she was struggling with the petition and trying to interpret the Comprehensive Plan's language in a way that would allow the petition to build the structure. Cate said she sympathized with the petitioner because their property was rezoned and she feels like the petitioner should be able to build the structure according to the original zoning.

Sandberg said she would be voting yes on the petition, but said she was extremely sympathetic to the petitioners, especially as they age and wish for more security for their property. She said she hopes the BZA will be able to offer a solution when the petition is before them. Kinzie also expressed her sympathy to the petitioners, but felt the recommendation was necessary on the Plan Commission's behalf since the petition contradicts the Comprehensive Plan.

Wisler said he believes several pieces of text in the Comprehensive Plan could be found to support the petition accompanied with the fact that the property is surrounded by other multi-family structures, so he would be voting no on the petition.

****Kinzie moved to accept Staff's recommendation and forward UV-06-20 to the Board of Zoning Appeals with a negative recommendation. Sandberg seconded. Motion carried by roll call vote 6:2—Approved.**

SP-07-20 **Kiln Collective, LLC**
333 W. 11th Street
Request: Site plan approval to allow a 2-story addition to the existing kiln building.
Case manager: Eric Greulich

Wisler said he had direct financial interest in the petition and recused himself from deliberation.

Eric Greulich presented the Staff report. The property is located on the south side of 11th Street between Madison Street and Morton Street and is zoned Commercial Downtown (CD), within the Showers Technology Park Overlay. Surrounding land uses include undeveloped lots within the Certified Technology Park to the west; the Dimension Mill office building to the south; business/professional offices and warehouses to the east, and a mixed-use project (The Park on Morton) to the north. The property currently contains a vacant building that was used as a kiln building for the Showers Furniture business. This site is within the Certified Technology Park and was recently subdivided (DP-16-19) to allow for this building to be placed on its own lot, separate from the Dimension Mill building to the south. This building is a locally designated historic structure and a Certificate of Appropriateness was approved for the addition. The new owner is proposing to add two stories to the building for office space. The new addition would utilize the existing footprint and just expand vertically. The site plan will feature a plaza area and trees along the west side of the building that creates a unique, pedestrian friendly open area along the front of the building. A parking area for 10 bicycles has been provided at the northwest corner of the property adjacent to the building entrances. A parking area for 5 vehicles is provided on the east side of the building immediately off of the 12' platted alley. Since the limited compliance standards outlined in Section 20.08.060 of the UDO.

BMC 20.03.410(c)(1)(A) requires a maximum façade width for each module of 100 feet for those sides of the buildings with frontage. The only section that would not meet the modulation standard is the 103' section of

building facing Madison Street. The UDO requires that buildings have a maximum façade width interval of 100' without modulation. Since the existing building does not have any modulation and the proposed addition is simply a vertical extension of the existing building, it is not functionally practical to include a façade module utilizing less than the existing footprint. A deviation from this standard must therefore be approved.

The Department recommends approval of SP-07-20 with the following conditions of approval:

1. Ten bicycle parking spaces shall be provided as shown on the proposed site plan.
2. The plaza area on the west side of the building shall be installed as shown conceptually on the submitted site plan.
3. At least one van accessible ADA parking space must be shown.
4. A compliant landscape plan must be approved prior to issuance of a grading permit.
5. The sidewalk on 11th Street will be widened where necessary to allow for ADA access around the existing encroachments. A plan for this shall be submitted before any permits will be issued for the site.

Lucas Brown, petitioner, added that the new height ordinance limits structures to 50 feet, keeping with future proposed developments. Brown said he and Bailey & Weiler have had multiple successful meetings with the Historic Preservation Committee to arrive at the current site plan. Brown also said the petitioner is meeting the impervious surface requirement. Don Weiler, Bailey & Weiler, had nothing to add but was happy to answer questions.

Plan Commission Questions:

St. John asked about the second condition of approval and what the final rendering will look like. Greulich said that condition was added so that plaza creates an open pedestrian area and connections and the plaza is not lost as construction progresses. Alex Crowley, director of Economic and Sustainable Development reaffirmed Greulich's statement, adding that the plaza design will connect Madison Street to the front of the building. Greulich, Brown, and the Plan Commission discussed modifying condition two to indicate the west side plaza while still allowing for flexibility of plaza design during construction. Scanlan said Staff is not recommending loosening standards, but rather clarifying that the west side plaza has sufficient space.

Herrera asked about the Environmental Commission recommendations and Greulich said the recommendations are not written into the conditions of approval. Brown and Enright-Randolph discussed bicycle parking and sustainable building features. Brown said the bicycle parking would be in front of the Soma coffee shop. Brown said the petitioner had no plans for a green roof at this time but this would be possible to implement on the second story roof deck. Other sustainable features are planned for throughout the building including preserving as much of the original building as possible, installing a reflective roof to reduce heat, a trellis with a climbing vine to shelter first floor windows, low flow toilets, and the on-site coffee shop to prevent vehicles traveling to other coffee shops. Brown said the aim is to make the building as sustainable as possible, so the petitioner is looking at how solar panels will fit into the design and budget as a flat roof is not ideal and the Historic Preservation Committee didn't see the sawtooth roof as good design.

Kinzie asked Brown if it's his intent to include the Environmental Commission recommendations. Brown said as an architect, his intent is to incorporate green building practices. Weiler spoke about the Kiln Collective, a group of owner-occupants. He explained the kiln was not built to house people and was up for demolition a couple of years ago. His intent now is to convert to an office building, a space for people, and to incorporate green features as much as possible while maintaining a return on investment. He said opportunities for green features will be evaluated and used to the greatest extent possible. Brown said he and Weiler will continue to work with Staff on design. Weiler said the trees in the site plan are intended to be the same kind of trees used in the kiln, and aims to create a shaded space for collaboration, where pedestrians can see from the sidewalk the path the lumber used to traveled from the trains to the kiln to the mill. Kinzie and Brown discussed what materials are being used and how much of the original building will be preserved. Brown said all original masonry will be restored and maintained, except for the masonry involved with some doors and windows that had to be removed. Kinzie asked about the Historic Preservation Committee's input in the packet and Greulich said there was no memo, but the committee did issue a Certificate of Appropriateness. Kinzie and Brown discussed what the proposed rendering of the building facing 11th Street and Madison looked like.

Public Comment: None

Plan Commission Comments:

Sandberg said she is supportive of the petition and thinks it's a good addition to the tech park. She said the petition was well presented and is willing to support it with the five conditions of approval and the tweaking of condition two after much discussion.

Herrera said he is in favor of the petition but would like the petitioner to verbally commit to green building practices recommended by the Environmental Commission.

St. John said she was in favor of the petition because it will add a lot to a public parcel. She said she understands the flexibility of the plaza design in the rendering, but knows Bailey & Weiler does great work. She added that the Plan Commission has a responsibility to the public to review this site plan, including the plaza, and she's excited to see it developed. Cate agreed and said the petition is exciting and has a terrific site plan that will be great for the space and knows Staff and builders will make the plaza space work.

Burrell said she is in favor of the petition and as a former member of the Historic Preservation Committee, she knows the petitioner went through a grueling process with design and knows as much of the historical site will be preserved. She said she is looking forward to seeing the conversion from kiln to office spaces, and understands the intent of what the plaza is meant to be.

Kinzie said she in favor and thinks the site plan is an interesting redesign of an historic site. She also shares Staff's concern of the plaza area but understands the plaza's purpose and what will be installed to create a collaborative space, so clarifying condition two will help. She said she would like to see more green building features, but a verbal commitment is sufficient.

****St. John moved to approve SP-07-20 with the five conditions of approval and further clarification of condition two. Cate seconded. Motion carried by roll call vote 6:0:2. Wisler abstained. Herrera abstained due to video connectivity issues.**

Meeting adjourned.