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The City of Bloomington Plan Commission (PC) met on July 13th, 2020 at 5:30 p.m. via a virtual web conference, due to COVID-19. Members present: Burrell, Cate, Cockerham, Herrera, Kinzie, Kopper, Sandberg, St. John, Wisler

ROLL CALL

MINUTES TO BE APPROVED: June 2020

**** Kinzie moved to approve the June 2020 minutes. Sandberg seconded. Motion carried by voice vote 9:0— Approved.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS: Terri Porter, Planning and Transportation director shared that the department would be undertaking a new initiative in light of the historical protests against systemic racism. Staff will be reexamining documents including, but not limited to, the Unified Development Ordinance and the Comprehensive Plan through the lenses of equity and social justice. Though these documents were created with these things in mind, in light of recent events, Staff feel the documents should be examined again for revisions and include public input. The American Planning Association (APA) has issued a document entitled "Planning for Equity Policy Guide" and this will assist with document revisions. It can be found at this link: <https://planning.org/publications/document/9178541/>

Kinzie voiced her support for this initiative, noting the importance of undertaking the revisions.

PETITIONS:

SP-11-20 **Johnson Creamery**
400 W. 7th Street
Request: Site plan approval to allow the construction of a mixed-use building with 58 dwelling units.
Case manager: Eric Greulich

Eric Greulich presented the staff report. The property is located on the north side of 7th Street and extends north to 8th Street and is zoned Mixed-Use Downtown (MD), in the Downtown Core Downtown Character Overlay. Surrounding land uses include offices to the north, west, and east with the Showers office building and B-Line Trail to the east. The property currently contains a surface parking area that is used by tenants of the Johnson Creamery office building that fronts on 7th Street. There is a 12' wide platted alley along the west side of this property that runs north/south and connects 7th Street to 8th Street. This petition is being reviewed under the newly adopted UDO. The petitioner is requesting site plan approval to allow for the construction of a new mixed-use building with 2,600 square feet of retail space along the B-Line trail, an interior parking area with 38 spaces, and 60 multi-family dwelling units. There will be 27 studio units, 22 one-bedroom units, 5 two-bedroom units, and 6 3-bedroom units for a total of 77 bedrooms. The interior parking garage would be accessed from drive cuts on the alley on the west side and by an entrance on the south side of the building. The building features a retail component on the ground floor with a plaza entryway that ties into the B-Line Trail. This petition is proposing to utilize two new sections of the UDO. The first is Section 20.04.110 (d)(2)(A) Sustainable Development Incentives that allows for an additional floor of building height, not to exceed 12'. The second is to utilize Section 20.04.060(g) Adjustments to Minimum 3 Parking Requirements to allow for a reduced on-site parking requirement. More information is discussed on those two aspects later in the report. This petition is considered a Major Site Plan since it contains more than 30 dwelling units and is required to be reviewed by the Plan Commission.

This petition meets all of the UDO requirements for the Downtown Core Downtown Character Overlay. This project provides a high quality building along the B-Line Trail and the placement of the commercial space along the B-Line Trail facade allows for the visitors to the building to actively engage between the Trail and building. The development provides housing immediately adjacent to the developing Trades District employment area. The incorporation of the Sustainable Development Incentives provides several environmentally friendly design features for this project as well.

The Department recommends approval of SP-11-20 with the following conditions of approval:

1. A total of 21 bicycle parking spaces are required and will need to be shown on the site plan before issuance of a grading permit.
2. One street light and street trees not more than 40' from center are required along the 8th Street frontage and will need to be shown on the site plan before issuance of a grading permit.
3. Per the petitioner statement, the petitioner shall contract with a ridesharing program for the tenants of this building and a minimum of 3 parking spaces are required to be set aside in the parking garage for vehicles in the ride-sharing program. The Planning and Transportation Director may approve a reduction in this amount after the building has been occupied for more than 5 years.
4. Pedestrian entrance design features must be met before issuance of a building permit.
5. The petitioner must demonstrate that façade articulation will be met before issuance of a grading permit for the site.

Dustin Eggink, Ratio Architects, said he was present to answer questions.

Plan Commission Questions:

Cockerham asked how many parking spaces were planned for the lot and how it would be accessed. Greulich explained access will come from where an old platted alley used to be located and the lot will contain about 40 parking spaces.

Kinzie and Eggink discussed materials that will be used, including limestone, and where it would be located. Kinzie asked about the buildings footprint along the B-Line trail and if the grassy, shaded area would be eliminated. Eggink said the footprint will eliminate some of that area, but not entirely. Kinzie and Eggink discussed the current building footprint and how the proposed changes will appear from 7th Street.

Burrell asked if petitioners had met with the Historic Preservation Commission (HPC) about the historical aspect of the building. Greulich said buildings on the side of historic buildings are only required to have setbacks, not buildings to the rear. Jackie Scanlan, Planning and Transportation Development Services Manager, asked if the petition was taken to the HPC as a courtesy and Greulich said no.

Cate asked if electric charging stations had been considered and Michael Cordaro, petitioner, said an attempt will be made to incorporate one to two spaces, but it has not been considered in depth at this point.

Kopper asked for more information about the rideshare program and if tenants would be enrolled as a part of their lease. Cordaro said top rideshare operators will be contacted and a few spaces will be available for anyone who opts to enroll in the chosen program and these spaces will not be limited to tenants. Discussion ensued. Scanlan said one of the petition's conditions of approval is to have a rideshare program contract and not just provide spaces.

Wisler asked about access to the smoke stack to facilitate long-term maintenance and if excavation will occur near the smoke stack. Eggink said access will remain and confirmed excavation near the smoke stack. Wisler and Eggink discussed current office tenant parking options now and in the future, that monthly parking fees have already been implemented, and that unused apartment tenant parking and a nearby church lot will prevent a parking shortage. Wisler and Greulich discussed the minimum one-hearing requirement for site plans. Herrera and Eggink discussed the solar panel location on the south side of the building.

Public Comment:

Members of the public that spoke: Greg Alexander, Jim Shelton, Dave Askins with B Square Beacon

Alexander said the area east of 8th street lacks a sidewalk and pedestrians are forced to walk across the City Hall parking lot. The corner of 7th and Madison Streets has a bus stop, but lack of a sidewalk routes disembarking pedestrians through the parking lot. Alexander said he likes the site plan because it doesn't add unneeded parking

and he has never seen more than 70% of downtown garage space filled during peak times. He added that a disconnect exists between Parks and Recreation and Planning and Transportation and thinks the B-Line should be removed from Parks and Recreation's jurisdiction and given to Planning and Transportation.

Shelton, Greater Bloomington Chamber of Commerce, said the Chamber used to be located in the former Creamery and noted the building would flood during heavy rainfall. He asked how the petitioner is planning to handle flooding in the parking lot and first floor area.

Askins asked for more information about the proposed rideshare program.

Plan Commission Comments:

St. John asked the petitioner to detail rideshare plans and flooding prevention plans. Cordaro said proposed rideshare spaces will be available on the side of the current building and the proposed new building. Regarding flooding, the petitioner will communicate with City of Bloomington Utilities (CBU) concerning the existing culvert at the site. The details have not been finalized other than largely realigning the culvert. Communication with CBU will continue after Plan Commission approval.

Cockerham and Cordaro discussed current office tenants' parking needs.

****Kinzie moved to approve SP-11-20 with the five conditions of approval outlined in the staff report. Cate seconded. Motion carried by roll call vote 9:0—Approved.**

SP-15-20 **Annex Student Living**
325 E. 3rd Street
Request: Site plan review of two, 5-story mixed-use buildings in the (MD) DCO-UV zoning district.
Case manager: Ryan Robling

Ryan Robling presented the staff report. The properties are located at the northeast and northwest corners of E. 3rd St. and S. Grant St. and are zoned Mixed-use Downtown (MD) and are within the University Village Downtown Character Overlay (UV). Surrounding properties to the north are also zoned MD – UV and include commercial uses (restaurant). The property to the east is also zoned MD – UV and has been developed with multifamily dwellings (Colstone Square). The property to the west is also zoned MD – UV and has been developed with a mixed-use building. The properties to the south are zoned MD – DE. The property to the southeast has been developed with a commercial use, and the property to the southwest recently received approval for the construction of a mixed-use building. The western portion of the site features parcels which fall within the Restaurant Row Local Historic District as well as a building which has been designated as contributing on the Bloomington Historic Sites & Structures Survey. No development is proposed on these parcels and the contributing structure is to remain. The petitioner has designed the project to achieve the Tier 2 Affordable Housing Incentives 20.04.110 (c). The petitioner proposes to construct two new 5 story structures, one on the northeast corner and one on the northwest corner of the 3rd St. and Grant St. intersection. The east building will contain a total of 53 units (57 beds), and the west building will contain a total of 49 units (53 beds). A total of 65 studio, 29 one-bedroom, and 8 two-bedroom units will be created throughout the development. The east building will feature 4,425 sq. ft. of retail space on the ground floor which is 75% of the 5,908 sf. total ground floor. The west building will feature 2,565 sq. ft. of retail space on the ground floor which is 61% of the 4,627 sq. ft. The east building will contain a total of 24 interior parking spaces; the west building will contain a total of 21 interior parking spaces and 5 on-street parking spaces along S. Grant St. A driveway cut on S. Grant St. will be closed with this development.

Major site plan approval is required for all projects, which qualify for the affordable housing incentive, and contain more than 50 dwelling units. The proposed development contains 102 dwelling units, and will be utilizing Tier 2 affordable housing incentives in order to increase maximum building height, and a lower the minimum parking requirements.

The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve SP-15-20 with the following conditions:

1. This project is approved pursuant to compliance with the Tier 2 Affordable Housing Incentive criteria, as outlined in the petitioner statement and this report, and will have to meet all requirements association with such Incentives.
2. The petitioner will provide the additional required number of bicycle parking spaces for the commercial uses in the east building on the site plan prior to the issuance of a grading permit.
3. A landscape plan that meets all UDO requirements, including required street trees, must be submitted and approved prior to issuance of a grading permit.
4. Petitioner must have a signed agreement in place regarding the Tier 2 Affordable Housing incentives prior to receiving a grading permit. (Added during the hearing.)

Craig Pryde, KTG Y Group, said he has worked with Annex Group before on a previously denied proposal at this site because it was student-oriented. Annex has moved away from student to workforce housing to meet more appropriate demand. He said the site is challenging because of the nine-foot grade change and so the petition will be using all of the allowed footprint. Pryde elaborated on proposed materials, said the petition meets Tier 2 incentives of affordability in the UDO, meets bike parking and Tier 2 parking reduction, both buildings will have retail space, and some parking will be available on Grant Street.

Plan Commission Questions:

Cate asked about East building access to alleyway, site lines and safety and Kinzie asked about access points from 3rd Street. Robling said East building access could potentially be changed. Scanlan said the site plan allows for a drive cut change if needed. Pryde said access will be exclusively from Grant Street and that the site plan aims to utilize a portion of the sloping, unimproved alley to exit onto Grant Street. Kinzie and Robling discussed the petitioner's choice of additional design features on 3rd street, including canopies and art and requiring these features as a condition of approval.

Joy Skidmore, Annex Group, discussed affordable housing requirements that would determine rent prices based on Housing and Urban Development income requirements. The Annex Group is communicating with Doris Sims, director of the City's Housing and Neighborhood Development department to determine affordable rent for the units. Scanlan elaborated on the Tier 2 Affordable Housing Incentive presented to all petitioners with site plan developments. Kinzie, Cate, St. John, and Scanlan discussed what is outlined in an affordable housing agreement.

St. John asked how a high density site plan is being reconciled within the University Village zoning district. Scanlan said the district will have higher density pockets in lower density areas. The UDO allows this and staff feel this site is a good place for a high density project.

Cockerham asked if the market doesn't support a larger commercial retail space, can the space be broken up into multi-tenant units. Pryde said yes, smaller spaces were originally considered, but the petitioner wanted to give prospective tenants flexibility.

Herrera asked for more details about green building aspects. Pryde said all projects he oversees generally exceed green building requirements. All possible local materials will be used, LED lighting will be installed internally and externally, and palletized green roofing will makeup sections of the roof. Herrera and Pryde discussed the possibility of electric charging stations. Pryde said none are planned, but an infrastructure could be created to support them if requested. However, one of the goals of the development is to reduce on-site parking.

Burrell asked how the affordable units would be oriented in the buildings and Skidmore said these units will be spread evenly between the buildings.

Kinzie, Pryde, and Wisler discussed the rendering of the East and West alley, whether a curved drive would be necessary, and Wisler and Scanlan discussed vacating the alley.

Wisler, Pryde, and Skidmore discussed the full-time, on-site management and Wisler asked about the original plan's setback. Pryde said the new site plan is smaller so the original setback was removed.

Public Comment:

Members of the public that spoke: Maribeth Coller, Greg Alexander, Dave Harstad, Dave Askins with B Square Beacon

Coller said she owns the 400 Professional Building across the street from the site and is trustee of Colstone Square. She doesn't understand how the petition won't be solely student housing because students can qualify for affordable housing. She said she is also concerned that tenants and retail customers will use the Colstone Square lot as overflow parking. She said the proposed buildings are too tall and do not align with the UDO that contains height maximums for a reason.

Alexander said the project is on a busy road that is difficult to cross. He believes the contractor will mess up the traffic maintenance plan during construction. He said the lane should be blocked instead of the sidewalk to protect pedestrians when they inevitably walk in the road during construction. Alexander said overall it is a good project, and he likes the limited parking because 40% of students don't own cars and it is expensive to provide housing for cars.

Harstad is a neighbor of the site and said it is not currently a lively spot, and instead more of a wasteland next to the lively restaurant row on 4th Street. He likes the project and is grateful for the development and hopes some students do live in the building since students should be allowed to live close to campus. He said an eclectic mix of tenants makes the area nice, and this project is good land use policy. Harstad also said he likes that the commercial space is oriented toward Grant Street. He hopes the drainage issues are resolved and the North elevation can be spruced up.

Askins asked why the Annex Student Living name is still considered a good name for the project since it is not student-oriented housing anymore.

Plan Commission Comments:

Robling added that the northwest parcel's lot is currently paved and will have to remain paved until the HPC has approved any proposed change since the parcel is in the historic district.

Sandberg asked about the title of the petition and how it squares with the workforce housing component since the petitioner's name is Annex Student Living. Pryde, Skidmore, and Robling confirmed the petitioner's name is now Annex Group, but the former name was on the site plan application. Sandberg said students could qualify for workforce housing and the goal of the UDO is to have more integrative housing, not housing only for certain types of people, and students cannot be denied as tenants. Skidmore clarified that student-oriented housing is priced per bedroom and this project would be priced per unit.

Kinzie and Pryde discussed what the North elevation will look like on the West building.

Cate addressed the public's concern about parking overflow problems, but she said she thinks this project is a fulfilling vision of more walkability and reduction of car use, and the petition is greatly improved from 2018 and she supports it.

Kinzie said she wanted to add a condition of approval that outlines a plan to enhance the design features on 3rd Street to better activate the pedestrian entrance on this street. Plan Commissioners and Scanlan discussed the Plan Commission's authority to add this condition since the petitioner is already meeting entrance requirements. Kinzie removed her motion and Sandberg removed her second to add this condition, but Kinzie reiterated her concern about this area.

****Cate moved to approve SP-15-20 with the three conditions of approval outlined in the staff report, and the additional 4th condition added at this hearing. St. John seconded. Motion carried by roll call vote 9:0— Approved.**

ZO-16-20 **Duncan Campbell**
2300 W. Tapp Rd.
Request: Rezone of 19.73 acres from Employment (EM) to Residential Estate (RE).
Case manager: Ryan Robling

Ryan Robling presented the staff report. The 19.73 acre property is located at 2300 W. Tapp Rd. The property is currently developed with a State historically designated single-family dwelling. The surrounding properties to the north and west are vacant and are both zoned within PUDs, RS/PUD/BL/PCD-64-94 (North) and PUD-06-06 (West). The property to the east is zoned Employment and has been developed with a City of Bloomington Park (Clear Creek Trail). The property to the south is owned by the petitioner and is outside of the City of Bloomington's jurisdictional boundaries. The nearest residential properties is Regency Adams Village and is to the northeast of the property at 2182 W. Tapp Rd. The property fronts on W. Tapp Rd. The petitioner is requesting to rezone the property from Employment (EM) to Residential Estate (RE). The property was annexed by the City of Bloomington and zoned Quarry (QY) as the property and surrounding areas have historically featured stone quarries. The property's zoning designation changed to EM in April 2020 as part of the Conversion Map and adoption of the current UDO. The rezone is requested in order to allow for construction of an addition to the currently existing single-family dwelling on the property. The historic, current, and proposed use of the property is "Dwelling, Single-family Detached" which is not a permitted use in the EM district. Because the current use is not permitted in the EM district it is considered legal nonconforming and cannot be expanded. The currently existing structure has been in existence since 1855.

Based on the findings of fact in the report, the Department recommends forwarding this petition to the Common Council with a positive recommendation with the following conditions:

1. The proposed addition to the structure must receive a variance from the Board of Zoning Appeals in order to encroach into the rear building setback.
2. The property must receive a variance from the Board of Zoning Appeals in order to legitimize the existing accessory structures on the property.

Duncan Campbell, petitioner, spoke about the property's much larger amount of acreage that was sold off over the years. He said he and his wife are just trying to rectify the zoning to protect the residence for the future. While attempting to add on a downstairs bathroom to help them age in place, the zoning constraints were revealed, making a rezone necessary for the remodel. He said he bought and restored the property, and it has been placed on the Indiana Register of Historic Sites and Structures. Campbell said he also restored the 1850s barn and preserved the limestone quarry building.

Plan Commission Questions:

Kinzie asked about the portion of land in the County, even though it's not in the City's purview and wondered if any conversation had taken place with the County about quarry access or other concerns. Scanlan said the County is rezoning a portion, too. Campbell said there has never been any other access to the property other than via his driveway. He added he uses the property primarily for educational purposes.

Public Comment: None

Plan Commission Comments: None

****Sandberg moved to suspend the rules requiring a second hearing for the petition. Kinzie seconded. Motion carried by roll call vote 9:0—Approved.**

****Cate moved to approve ZO-16-20 with the two conditions of approval outlined in the staff report. Sandberg seconded. Motion carried by roll call vote 9:0—Approved.**

Meeting adjourned.