

**Plan Commission Summary Minutes
Virtual Web Conference Meeting**

December 13, 2021 - 5:30 pm

Plan Commission minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Department of the Monroe County Public Library, 303 E Kirkwood Avenue. Phone number: 812-349-3111 or via e-mail at the following address: moneill@monroe.lib.in.us.

The City of Bloomington Plan Commission (PC) met on December 13, 2021 at 5:30 p.m. via a virtual (Zoom) meeting due to COVID-19. Members present: Flavia Burrell, Andrew Cibor, Chris Cockerham, Trohn Enright-Randolph, Israel Herrera, Jillian Kinzie, Susan Sandberg, Karin St. John and Brad Wisler.

ROLL CALL

APPROVAL OF MINUTES: November 15, 2021

****Kinzie moved to approve the November 15, 2021 minutes, with no changes. Sandberg seconded the motion. Motion carried by voice vote 8:0- Approved.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Jacqueline Scanlan, Development Services Manager, said the meeting schedule for 2022 has been uploaded to the Planning and Transportation website and will be emailed to Commissioners.

CONSENT PETITIONS:

- DP-35-21 **Joe Kemp Construction**
2400 S Adams Street
Request: Secondary plat approval for 9 single family lots and 2 common area lots in a Planned Unit Development (PUD).
Case Manager: Eric Greulich
- DP-39-21 **Public Investment Corporation**
2700 W Tapp Road
Request: Secondary plat approval to allow an 8-lot subdivision of 29.76 acres in the Mixed-Use Employment (ME) zoning district.
Case Manager: Eric Greulich

Wisler asked if any commissioners would like to have a full hearing on either of these consent agenda items. No comments from commissioners. He then asked if there are any public comments.

PUBLIC COMMENTS: None

****Sandberg motioned to approve consent petitions DP-35-21 and DP-39-21. Kinzie seconded the motion. Motion carried by roll call vote 8:0—Approved.**

PETITIONS:

- SP-37-21 **Cedarview Management**
3391 S Walnut Street
Request: Major site plan approval to allow the construction of a 34,000 sq.ft. office building for a behavioral health facility for children with autism in the Mixed-Use

Student Housing (MS) zoning district.
Case Manager: Eric Greulich

Eric Greulich summarized petitioner's request was from Cedarview Management for property at 3391 S Walnut Street, the property is in the mixed-use corridor. This was presented to the Plan Commission last month for subdivision approval in order to allow for the northern lot to be developed with a behavioral facility for individuals with autism. They are proposing to construct a 34,000 sq. ft. building and surface parking lot. The petition is for construction of one building and driveway to serve the parking lot with 118 parking spaces. As part of the plan they will be required to improve the asphalt path along Walnut Street, the current transportation plan calls for a 12 foot path along this frontage so the petitioner will be removing the old path and replacing with new 12 foot path, as well as installing street trees. There is just one driveway proposed with this petition, which does meet the separation requirement from adjacent drives on the same street. The parking area meets all of the setback requirements from the front, sides and rear. Due to the residential uses just east of this site, there is a buffer yard that is required that adds an additional setback, as well as additional landscaping. The petitioner will be adding the required buffer yard trees along the east side of the property as well as they will be saving a lot of the existing trees in that area as well. There are several rain gardens scattered throughout the property as well as within the parking area along the front. These have been designed to provide storm water detention and quality improvements. A rendering of how the building and parking area would be laid out along Walnut Street. The petitioners are looking at slightly over 100 individuals that be able to be served on a daily basis, plus the accommodating staff.

The building has been designed to meet all of the architectural requirements, this includes changing building height, modulation patterns of glass and awnings. Have not found any issues with the site plan or the elevations, there are just a new minor changes to the site plan to incorporate some charging stations within the parking area but otherwise we are recommending that the Plan Commission adopt the proposed findings and approve the case with the four condition that are listed in the staff report.

PROJECT REPRESENTATIVE COMMENTS:

Tim Cover with Studio 3 Design, representing Cedarview Management and Little Star ABA, has worked hard to make sure this building checks all the boxes, but more importantly it is a great facility that is going to offer behavioral health counseling for children and teens with autism. We are excited about bringing this to Committee, noting the items that on the condition for approval, the miscount of electric car charging station and to redraw the fence line for protecting the existing trees, which will be taken care with no problem. He introduced the Director of Little Star ABA, Mary Rosswurm. Little Star ABA is a nonprofit organization and been in Bloomington since 2014, currently serving 26 children out of their current facility. She is proud that the new center is going up in Bloomington and that is going to provide more services to individuals on the autism spectrum and provide jobs to community members of Bloomington.

COMMISSIONER COMMENTS:

Kinzie asked if the path in front of the building would be continuous along Walnut Street. Greulich noted there are some gaps along this corridor since there hasn't been any new development in this area which would have required the installation of new paths. Kinzie also asked the petitioner about the hours the facility will be open. Rosswurm said the facility is open during normal business hours, normally from 8:30 a.m. to 4:30 p.m. They may be open for special occasions a little later or on a Saturday morning, but for 99% of the time it will be normal business hours.

Cibor asked about arrivals and pick up for the clients, and how that is managed. Rosswurm said the parents dropping off children will just drive around in a loop, a behavior technician who will greet them at the car to escort the children into their classroom. If a parent wants to escort their child into the building they can park and come inside, with this system it is a quick in and out process. Cibor is concerned about traffic backup on Walnut Street since it is a major road. Rosswurm said in the 17 years she has been with Little Star there has never been a problem where cars are blocking traffic. She believes Tim Cover's team has done a really good job of making the flow in and out of the parking lot work. Cibor was interested to know how the design team would feel about adding some type of condition on this approval that operations will be maintained so as to assure that traffic doesn't back up on to Walnut Street and obstruct through traffic, to minimize his concerns that this wouldn't happen. Cover explained there are two drop off points at the new facility that loop around so people won't be trying to deal with 2 way traffic. One drop off point is on the north side of the building and the other is on the east side, with areas for stacking if necessary.

Kinzie asked which entrance is the dominant or main entrance. Rosswurm said there really isn't a main entrance, each entrance is used for different age groups. For example, the "little guys" will enter through the north doors and older clients entering through the east doors. Kinzie also asked about the number of cars that can be accommodated for stacking in driveway. Greulich said maybe eight cars at best for dropping off at the north entrance, obviously if you're circling all the way around to the east side he would say closer to 30 or 40.

Greulich has worked up a fifth condition regarding the facilities plan for drop off and pick up procedures. Cibor is looking for a plan that is not just submitted but will be maintained and kept current as the facility is continued through the years, more long term.

Burrell asked Rosswurm to repeat the descriptions of their other facilities. Rosswurm said the flagship facility is in Carmel, Indiana, which is bigger and serves more patients and has been there since 2012. They also have a very large facility in West Lafayette that has been there since 2018, with a smaller parking lot that is not as nicely laid out as this lot has been for the new Bloomington facility. There is no congestion at the West Lafayette facility, even with the smaller lot, so she doesn't foresee a problem with the Bloomington location.

Cockerham asked if there was any upgrades scheduled for South Walnut. Greulich said there is nothing scheduled at this time, but there could be something down the line, but not on the transportation improvement program agenda at this time.

Enright-Randolph with development within the county maybe the Walnut Street corridor could be looked at for improvements. Also expressed how unfortunate it was that the trail is not going all the way to Fullerton Pike, because then they could almost connect people to the rail trail and eventually to the B-Line.

PUBLIC COMMENTS: None

ADDITIONAL COMMISSIONER COMMENTS:

Kinzie ask Greulich if there could be wording added to condition five regarding Commissioner Cibor's request about maintaining a facility plan for operation maintenance. Jacqueline Scanlan, Development Services Manager, suggested the following wording, such a plan shall mitigate any potential stacking on South Walnut while the facility operates with the proposed use. This gets them out of having to keep a facilities maintenance plan at the building, which we would probably not see very often.

Enright-Randolph made a correction to his previous statement, he meant to say Gordon Pike, rather than Fullerton Pike.

****Kinzie motioned to approve petition SP-37-21, including the five conditions outlined in the staff report. Cockerham seconded the motion. Motion carried by roll call vote 8:0—approved.**

SP-40-21 University Properties IX, LLC

307, 319, 401, 403, 405, 407, 409 and 421 E 19th St (19th & Dunn)

Request: Major site plan approval for a new 6-story, mixed-use structure in the Mixed-Use Student Housing (MS) zoning district.

Case Manager: Keegan Gulick

Keegan Gulick summarized the petitioners request at the northwest corner of 19th and Dunn in a mixed-use student housing zoning district. The site is approximately 1.42 acres in size and is currently zoned MS, the comprehensive plan designates this area as neighborhood residential. On the site is a mix of multifamily dwellings, duplexes, and single family structures. The proposed use is student housing or dormitory. Surrounding this site is a mix of multifamily dwellings to the north, south and west immediately to the east of Indiana University campus Memorial Stadium. The petitioners are requesting major site plan review for a new 105 unit mixed-use development in the MS district. The proposed site plan has 105 units, with 1, 2, 3 and 4 bedroom apartments with a total of 255 beds and there is also 2,865 sq. ft. of commercial space. With the presence of 4 bedroom apartments triggers the definition of student housing or dormitory use, this is why the land use is categorized as student housing and not multifamily.

This is a large structure in the MS zoning district, student housing or dormitory uses have a maximum building size of 20,000 sq. ft., however if either affordable housing or sustainable development incentives are used there shall be no maximum building floor plate. Petitioners are proposing to use sustainable development incentives so that the maximum building plate does not apply. Will get into this more, but they are proposing to incorporate liked colored hard scaping, solar power, a cool roof and covered parking to achieve at least four of the six qualifying criteria that are required. They will be improving the sidewalk and tree plot along 19th and Dunn to meet transportation plan requirements, as well as installing the required street trees.

This petition does meet the required dimensional standards in the UDO, the 15 ft. front side under setback maximum height requirements and 70% impervious surface coverage for the MS zoning district. There are no known environmental constraints on this site and the petitioner is proposing the use of the sustainable building incentives, a copy of the environmental conditions memo is also included in the packet. The proposed development is required to have at least 63 bicycle parking spaces and they are proposing 77 bicycle parking spaces throughout the site. The petitioners are installing the required trees, at least one canopy tree is required for every 40 feet along the public right away, which will be 3 trees along Dunn Street and 13 along 19th Street. There are two driveway access points on this site, both will lead into a two story parking garage. Both driveway access points meet the required separation requirement from the adjacent driveways and intersections. For student housing or dormitory uses the minimum parking requirement for this development would be 127 and a half spaces and the maximum vehicle parking is 191.25 spaces and they are proposing 140 parking spaces, so they will be within the parking allowance for the architecture of the structure. The structure will be finished with a mix of masonry veneer, fiber cement siding and metal panel cladding which are permitted materials in this district. The exterior façade of the building incorporates wall elevation projections, a regular pattern of glass on the first floor, and changes in façade height to comply with the patterns required in the UDO.

The flat roof features parapets on the supporting walls to meet the roof design requirements. The petitioner is proposing to utilize solar power, light colored hardscape, cool roof and covered vehicle parking. In order to be eligible for the sustainable development incentives, the UDO requires that the petitioner meet one of two options, one is to meet four of the six qualifying criteria, which they have done, the petitioner will be required to provide more details on their sustainable development practices prior to the issuance of a grading permit. A condition of approval has been added.

So, in conclusion this petition does meet our requirements of the UDO and that 105 dwelling units near other high-density uses. Provides student housing in an area where student housing is common and is immediately adjacent to Indiana University campus. The scale of the development is appropriate for the neighborhood that it is in and given other recent developments nearby, this is an ideal location for this type of land use.

Based on the above information, staff is recommending that the Plan Commission adopts the proposed findings and approves SP-40-21 with the following conditions:

1. The petitioner must receive a grading permit before moving earth.
2. The petitioner will provide specific details on their sustainable development incentives prior to the issuance of the grading permit. Planning and Transportation will staff will verify installation prior to the issuance of occupancy.
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.

PROJECT REPRESENTATIVE COMMENTS:

Ryan Strauser with Strauser Construction Company, representative for petitioner, is managing the design process and will be managing construction. Also present is Kendall Knoke with Smith Design Group to answer any questions.

COMMISSIONER COMMENTS:

Cibor asked if there was any street parking proposed and curious how the parking calculations are figured and is street parking included in those numbers. Gulick said of the parking spaces mentioned in the staff report none of those numbers include street parking. Cibor's other question is regarding construction, since this project will be encompassing most of the proposed lots how is this going to be constructed. How is equipment going to get in and out of the site and how can this be built when the project takes the entire lot. Strauser said since this is such a tight spot they will be working with City Engineering, Board of Public and Gulick to develop a strategy for temporary use of right way where needed. They will coordinate deliveries and equipment so they are on site when needed. Will work with University Properties to deal with parking.

Kinzie asked if Gulick or the petitioner could explain how the four elements of the sustainability standards was chosen and how to evaluate these elements. Gulick mentioned it was the petitioner who gets to choose which options they are going to use. Strauser said they had two options, one was to develop a plan from the criteria or they could have chosen the LEED option. They were worried about the LEED option because it is subjective and you are dealing with a third party evaluation system, which doesn't occur until the end of the project. They felt the criteria option was a more tangible upfront criteria they felt they could dedicate themselves to meeting, getting it in the budget and into the planning process. Scanlan explained there are minimum requirements that have to be met, for example the code requires the solar must cover at least 35% of the roof tops and generate at

least 40% of energy needed for the buildings. We will be checking to make sure they are meeting those thresholds in order to receive the credit. Kinzie asked if anyone could elaborate on the roof, what are the materials being used and are there any other uses locally which we already know of using the same cool roof. Strauser said there were two options for this design, the use of high reflective material or a green roof, for this project they have chosen the high reflective material. They will use an 80 mil TPO rough membrane system that meets all the reflective criteria. Scanlan added that the cool roof has a minimum code requirement for solar reflectance index for the SRI. Kinzie asked about the Environmental Commission (EC) questions about the light colored hardscaping and does the feel that questions by the EC has been addressed. Gulick said there has been a condition added for approval they are required to provide more detail on those aspects of the development before a grading permit can be issued. Scanlan noted there are minimums in the code and they will have to meet those minimums.

PUBLIC COMMENTS:

Michael Carmin is attorney representing the adjacent property owner on the north side at the west end of this project. He wanted to make the Plan Commission aware there is a private contract for a parking easement that covers the lot on Miller Court, lot 94, that lot is the subject of a parking easement that's been in place since 1988. He does not understand how this developer thinks they have the ability to come to this commission and ask the commission to approve a development plan that causes them to breach an existing contract that they have admitted they know about that is in place. Mr. Carmin also felt that the number of required spaces mentioned in staff reported was incorrect, he believes there should be 142 spaces required, and this would include the 15 spaces in the private contract. They will be asking the Courts to block this development.

ADDITIONAL COMMISSIONER COMMENTS:

Sandberg asked if the staff could give the Commission some guidance on what Mr. Carmin just said. Scanlan said that private easement between two private entities is not something the Commission needs to consider. She did want correct the statement made by Mr. Carmin regarding the required numbers of spaces for this development, according to the UDO there only needs to be 127 parking spaces, not the 142 mentioned by Mr. Carmin, staff numbers are correct in the staff report. Mike Rouker, City Attorney, confirmed that Ms. Scanlan's comments are correct, we are simply reviewing the submitted site plan to make certain it conforms to our unified development ordinance. If there are private property rights in dispute those private property rights are appropriately disputed between those private parties, not in front of this Commission as part of a site plan approval.

Sandberg asked if the other side prevails, they wouldn't meet the parking requirements in the UDO, if they are required to reduce what they have submitted in this current plan, is that correct. Scanlan said if the other side prevails they would be able to build this site plan as is, they'll have to work something out related to those extra parking spaces and if they substantially change this petition, they will have to come back to the Commission with the new plan. Scanlan ask Mr. Rouker to confirm this statement and he did confirm that it is correct.

Wisler ask Mr. Rouker to clarify that there is no dispute over the ownership of the property, the petitioner does own the property, correct. Rouker says yes that is correct, the easement just gives another party certain rights over property that a different party owns, which is what is in dispute, the nature of that easement. It is not for this body to try and adjudicate that dispute, or for Mr. Rouker or any member of the city staff to try to adjudicate that dispute. Wisler asked if there is anything in the legal action that would hold this up in terms of what the City is able to do, would you hold off on issuing a grading permit

until this is resolved. Rouker said they would not, unless there is a court order directing them to refrain from engaging in a normal process.

Kinzie wanted to make one final comment about developers taking advantage of the sustainable development incentives. She wants to ensure that the developers are working with the Environmental Commission to make sure that we're really maximizing the purpose of these sustainable development standards and that not only developers but the public starts to be more aware of what has been specified in the UDO and how that will be reinforced and benefit the community.

****Kinzie motioned to approve petition SP-40-21, including the three conditions outlined in the staff report. St. John seconded the motion. Motion carried by roll call vote 8:0—approved**

Meeting adjourned at 6:57 p.m.