

BRVA LAND USE AND DEVELOPMENT COMMITTEE MEETING MINUTES

July 26, 2022, 6:00 P.M.

**Northminster Presbyterian Church
1660 Kessler Blvd. E. Drive**

Present: Daisy Winkler, Karen Valiquett, John Jackson, Andrew Baldwin, Bo Boroski, Chad Fallis, Tim Oprisu, Jordan Dillon and Kristen Kraus

Guests: Norma Wallman, John (Jack) White, Sara Lootens, Anne Lootens, Jim Lootens, Alan Hague, Melissa Tolar, Jonathan Ballak, Zach Whittaker, Will Lazonon, Brian Gamache, Jon Campbell, Eric Gershman, Dan McClendon, Bill Platko, Greg Stamos, William Reagan, Tom Healy

Committee Chair, Karen Valiquett, called the meeting to order at 6:02pm. She explained the objectives of the Land Use & Development Committee and the committee members were introduced.

Karen asked if there is a motion to approve the minutes from the prior June 28th meeting. Daisy made a motion to approve, Chad seconded. The minutes were approved.

**6520 Ferguson Street (Merchants Property Insurance Company) - Jim and Sara Lootens, owners of 6520 Ferguson Street, will be returning for a follow up presentation on their request to rezone the subject property from D-4 to C-1.
Hearing Date: TBD**

Jim introduced himself, his wife Sara and their daughter Anne. Anne will be the fifth generation at Merchants Property Insurance. Jim said that they received the list of MU-2 restricted uses (see below) from the BRVA, and they are absolutely fine with restricting said uses. Jim said their lawyer spoke with the DMD Staff and they said the city would not support rezoning into MU-2, because it's too small of a site for many of the uses, but they will support the rezoning into C-1. Their intent is to file soon for C-1 zoning and they will let the Committee and BRVA know when a hearing is scheduled.

Karen - Just as a reminder, you are not making any exterior changes?

Jim answered that the only exterior change they will be making is adding a deck on the back of the building.

Karen asked Kristen to read the list of restricted uses. Kristen read the following:

- Greenway
- Check cashing or validati Billboard
- Logistics R&D
- Laundromat
- Light manufacturing
- Liquor store
- Substations and utility distribution nodes
- Wireless communication facility
- Transit center
- Multifamily 5+ units

- Assisted living facility
- Group home
- Nursing home
- Schools: primary, middle, high
- Medical or dental laboratory on service
- Vape Shop

Chad made a motion to approve the rezoning as stated, with the restrictions. Andrew seconded. Motion passed unanimously.

1060 Broad Ripple Ave (Reagan Outdoor Advertising) - Jon Campbell, representing Reagan Outdoor Advertising, will be returning for a follow up presentation on the petition filed for the following: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 40-foot tall, 672-square foot digital off-premise advertising sign (digital off-premise sign not permitted), within 16 feet of a protected district (300-foot separation required for off-premise signs, 600- foot separation required for digital sign), within 615 feet of another off-premise advertising sign (1,000 radial separation required) and to allow for digital messages to display for minimum of eight seconds (minimum of ten second display permitted). Case #: 2022-UV1-016, Hearing Date: August 2nd, 2022

Jon introduced himself, representing Reagan Outdoor Advertising. He went over the items that were requested for the July meeting (see below) by the Committee, following the June meeting. See requested items below:

1. The existing inventory that Reagan Outdoors has within Broad Ripple
2. Lighting Study
3. List of surface street digitals that they have on the market

Jon noted that he provided the above information to the Committee, prior to the meeting.

Jon went over the lighting study. He stated that they had the study commissioned by Watchfire, a digital outdoor advertising and on-premise digital display manufacturer. Jon addressed the concern of light spillage over the river. He pointed out that the light output reaches out to 300 feet from the display and no further.

Jon pointed out that when you are out of the thirty degree range from the digital sign, the sign will appear black in nature. He explained that once you get closer to the display, within thirty degrees, you will not be able to see the sign.

Jon went over the surface street digital inventory that he provided, which includes four panels at the State Fairgrounds, off of Fall Creek. The remaining inventory within Indianapolis are non-digital. They do have digital signs outside the city limits of Indianapolis. He stated that there are four more digital displays within Indianapolis, owned by another advertising company.

Karen - Are digital signs allowed at all, aside from State owned property, within Marion County?

Jon answered that they could not get an "over the counter" permit for a digital display inside the city limits, without the approval of the requested variance.

Karen - If something is banned or not allowed, can you obtain a variance?

Jon answered that there are digital signs that the city regularly permits throughout the city, on premise. For example, the radio station at Monument Circle. He stated that it is only billboards that the city does not allow.

Bo pointed out that the lighting study reads “this display will operate within the regulations of local ordinances.”

Jon stated, that is with regard to an illumination of digital signage.

Bo - Your conclusion statement silos the light aspect of the digital billboard, not the actual use of the billboard?

Jon answered that he is correct, the light study was conducted for the light output of the surrounding area.

Bo - The statement that “it operates within the regulations of local ordinances,” is not related to digital billboards, it’s related to the example you provided of the illumination?

Jon answered yes.

Karen opened it up to the committee.

Tim - Is it correct that only one side of this billboard will be digital?

Jon answered that is correct.

Tim - Would that be something that two years down the road you will come back and request both sides?

Jon answered that he doesn’t believe so, but if they did, it would be up to the Committee to say yes or no; however, it’s not part of their plan.

John expressed his concern about it being a significant safety issue. He stated that it’s already a dangerous intersection and it will make it even more dangerous. He stated that secondly, there is not a single digital sign within Marion County near a slow pedestrian area. John expressed that he could not support it.

Andrew stated that he could not support the request. He does not think it’s a good current or future fit. There is no precedent for it in Marion County.

Bo brought up a prior question he had from the last meeting, if they would consider removing other signs. He asked if they provided an answer to that question.

Jon answered that the variance they have applied for with the city does not contemplate a reduction of signs at this time.

Karen opened it up to the public.

Norma Wallman spoke. She is a long time resident of Broad Ripple. She stated that she is terribly opposed. She expressed that it doesn’t fit the village and it’s the wrong way to go.

Melissa Tolar spoke. She said that she agrees with John. She rides her bike on the Monon every day and it’s already a dangerous area and a digital sign would add to it. She mentioned

that she lived in a major city previously, in a village similar to Broad Ripple. She said that they shut down the digital signs after a year due to the amount of accidents.

Tom Healy spoke. He stated that this is not just a Broad Ripple issue, there are over 15 petitions in front of DMD currently, between Reagan Signs and Lamar. He said the industry loves to push the envelope to see what they can get away with and the idea is eventually if they don't get their way, they will sue the city. He told the committee that this has happened before and that this is one of many petitions across the city for digital signage being considered. He recalled a decision made in 2019 by the City County Council to ban digital billboards and no new billboards inside of I-465, as a result of public outcry. Tom also pointed out that the sign company pays rent to the property owner, but does not pay any property taxes and it's not an economic benefit for Broad Ripple. He also stated that most car accidents happen due to distracted driving and we do not want the motorists to be even more distracted on Broad Ripple Avenue. He asked the committee to please reject this petition.

Jordan mentioned an email sent by Lynn Levee, who could not be at the meeting, where she expressed her opposition to the petition.

Andrew moved to reject the petition. Chad seconded. Motion to reject the petition passed unanimously.

**6407-6419 Ferguson Street - Misha Rabinowitch, representing G.P. Developers LLC, will be appearing with a presentation on the petition filed for a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an office building with 68 parking spaces (103 parking spaces required).
Case #: 2022-DV1-039, Hearing Date: August 2nd, 2022**

Misha introduced himself and is representing G.P. Developers, LLC. He said this is a site that came before the committee back in the Spring of 2020. It is an office building that was approved, now known as the Madera Building. Misha showed renderings of the original building. He explained that it was approved in June of 2020 to permit a 4-story office building. He said that he does not recall a lot of opposition. Misha stated that they are here to talk about an amendment to the development plan. The site plan will not be changing. Misha said the property is zoned MU-1, which permits a building of unlimited height. He explained that the original proposal was four stories, which was the basis of the parking variance requested at the time. The parking variance that was approved was the 68 spaces provided for that size of a building and 81 spaces were required; a 13 space difference, which the Land Use Committee supported. He explained that COVID slowed the development process down. He stated that the leasing activity in Broad Ripple has led them to requesting an amendment on a slightly taller building. They would like to propose an additional floor to add to the building. Misha explained that the only aspect of the original approval that needs an amendment is the parking variance, because they are adding an additional 12,000 sqft of covered office. The ordinance now requires 103 spaces, and they are providing 68 spaces; going from a 13 space variance to a 35 space variance.

Misha highlighted all of the development that the Gershman Partners are doing around the Broad Ripple neighborhood, including: 6366 Guilford Ave, Madera Building, 6 sites at 65th & Carrollton, Former Books & Brews and the Broad Ripple Multi-Family/Retail Development (former Kroger).

Misha turned the presentation over to Eric Gershman, with Gershman Partners, to speak on the leasing activity. Eric stated that there has been a flight to quality in neighborhoods that are walkable, healthy, where people want to be. He went over the development plans for the sites

they have purchased in the area around the Madera Building. He mentioned multiple companies that are relocating to Broad Ripple. He explained that as it pertains to the Madera Building, they have more tenants than they do space. He stated the three tenants that are signed up of the four floors have not used up all of the 68 parking spaces. He listed the tenants that will be going into the Madera Building, including: Valeo Financial Group, Innovatemap, Lennox Steel. Two out of the three are relocating from Hamilton County. They are left with over 20 parking spaces available for additional tenants. Eric mentioned that parking down Ferguson will be for office hours only and open to the public any other time. He said that the outside architecture has not changed. Eric said they anticipate to begin construction this Fall.

Misha mentioned they met with the planning staff before they filed, and they said they are comfortable with the variance and supportive of it.

Eric highlighted the revised rendering, lightening up the top floors for additional covered outdoor space.

John brought up the new parking request. Misha mentioned that you are entitled up to a 35% credit. John mentioned one elevation on the back side is very flat and will be hard to look at. He mentioned how Avenue Development worked with the committee on their exterior revisions. He voiced his concern on the parking variance. He said that Avenue had a difference of 26 parking spots unaccounted for and they are asking for a variance of 35 parking spots unaccounted for, totally 63 parking spots not accounted for. John stated that from Public Greens, North to 65th street, there are 46 parking spaces. This is where the additional office tenants are going to park. John stated that it will kill the businesses that rely on the quick pull-in spots. He asked that they think out side the box a little bit, suggesting that the parking be made 2-hour parking. He stated that if we continue down this path, we are going to kill small businesses.

Bo spoke and thanked them for the in-depth handouts. He stated that from his perspective this is the type of density that this village seeks. He expressed that he has nothing but positive things to say about the facade. He asked what is their confidence level when they go before the city regarding the parking variance.

Misha answered that he feels pretty good about it and they have already indicated that they support it.

Bo expressed that yes it may create parking issues and it could take away some parking places from the businesses around the Village, but they don't have a claim to those spots just because they were there first. He said that part of the committee's role is to provide information and he expressed that he supports the petition.

Daisy spoke. She said that she agrees with Bo and she supports the variance. She believes that it could really help the surrounding businesses and create more walkability.

Andrew spoke. He stated that he agrees with last two comments. He stated that while there will be parking issues, it will also significantly increase daytime traffic. He asked how many people do they anticipate to occupy the building.

Eric answered and said that he would have to get them that number. He mentioned that all of the businesses will be 8-5 or 6.

Andrew expressed that he appreciated that two businesses are coming from Hamilton County.

Eric mentioned the Kroger parking lot and the efforts they are making to keep it safe, working with IMPD. He stated that having parking lots that are manned and people have control over them, creates a much safer environment going forward than street parking or unmanned parking.

Chad said that he is good, everything has been said.

Karen spoke. She asked if they would be willing to use the surface lot at 6366 Guilford Ave (Microvote Corp) as overflow parking. Eric answered yes, that is their plan if they are tight on parking at Madera.

Karen opened it up to the public.

Tom Healy spoke. He asked for clarification on charging for parking and making sure they will only be charging for the parking lot, not the street parking. Eric answered yes, that is correct. Tom asked if the property taxes will hold for this addition or will they have to go back and get a modification. Eric answered that it has to be amended and that will happen in the next 60 days.

Norma Wallman spoke. Familiar with 64th Street and is aware of how congested it is in that area. She feels this development will contribute to the congestion. She expressed concern regarding the unlimited height restrictions for MU-1. Karen explained the differences between MU-1 and MU-2. MU-2 does have height restrictions. Norma asked the committee that they think about projects and what happens to the residential neighborhoods on the other side of College Avenue.

Karen asked if there were more comments from the public. No more comments.

Misha said that their hearing has been moved to September.

John directed a question to Jordan about how they go about making some the parking spaces a 2-hour time limit. It would give the patrons and business owners some assurance that the street parking will not be gone. He suggested that they look into doing a pilot project and it works really well in Noblesville. Jordan said that she is happy to address that with a few contacts she has and that she is happy to ignite the conversation.

Andrew made a motion to support the petition. Bo seconded. Motion passed unanimously.

The meeting was adjourned at 7:01 p.m.