

BRVA LAND USE AND DEVELOPMENT COMMITTEE MEETING MINUTES

March 28, 2023, 6:00 P.M.

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

Present: Tim Oprisu, Brian Gamache, Josh Mazur, Daisy Winkler, Mark Demerly, John Jackson, Sam Rogers, Jordan Dillon and Kristen Kraus

Guests: Murray Clark, Kate Schneider, Becky Culp, Derek Mills, Alan Hague, Logan Gemmill, Tom Healy, Anthony Bellamy, Viorel Ciobanu

Jordan Dillon, BRVA Executive Director, called the meeting to order at 6:02pm. She explained that she is sitting in for Karen Valiquett who is on Spring Break. She said she will help lead the conversation but is a non-voting member. Jordan then explained the objectives of the Land Use & Development Committee and the committee members were introduced.

Jordan asked if there is a motion to approve the minutes from the prior January 24th, 2023 meeting. Mark made a motion to approve, Tim seconded. The minutes were approved.

6360 Guildford Ave (Audiochuck) - Representatives from Audiochuck will be presenting updates on their amended site plans and parking lot plans.

Murray Clark, the attorney representing Audiochuck, introduced himself. He introduced Audiochuck, stating that he is aware they have presented before the committee a year ago. He described Audiochuck as a dynamic, wonderful company that is dedicated to Broad Ripple. They do edge of your seat storytelling and their podcast, Crime Junkie, is one of the top five most listened to podcasts in the world. Murray stated that since they last presented, they have acquired the G-Bloc building in its entirety, where their offices are located. He went on to introduce the representatives from Audiochuck: Kate Schneider, Chief of Staff at Audiochuck; Derek Mills, a builder and contractor that works with Audiochuck at G-Bloc; Becky Culp, a consultant for Audiochuck.

Murray mentioned the variance request from a year ago, in which the BRVA voted to approve. The variance was to allow for the adjunct surface parking lot on the lot caddy corner from G-Bloc. The BRVA voted to support with the following commitments:

- The proposed surface lot shall be for the petitioner's private use and not for the public.
- The variance of use for a surface lot shall be for a 5-year period to allow the petitioner time to file for a site development plan for the subject parcel. The variance shall run exclusively with the petitioner.
- A site development plan shall be approved by public hearing, prior to the expiration of the 5-year period or an extension to continue the use as a surface lot is approved by public hearing.
- The petitioner shall provide existing employees and new hires incentives to move to the Broad Ripple area to support their business growth plan and to minimize the need for off-street parking for its employees and customers.
- The parking surface shall be of a permeable pavement or petitioner shall use best practices to manage stormwater run-off, as recommended by the Department of Public Works, Stormwater Section.

- The exterior masonry wall shall allow for decorative artwork. Such artwork shall be submitted to the BRVA and City Planning for review and comments, prior to a final decision.
- The benches and tables proposed along Guilford and Main Street shall be similar to the exhibits provided to the BRVA and made part of the variance petition 2022-UV2-005.

Murray explained that Audiochuck went before the Metropolitan Development Commission on May 4th, 2022. They ultimately approved the variance, adding three additional commitments along with the BRVA's commitments.

He explained why they are back to present before the committee and public. As they began seriously engineering the site, they came up with a better solution that still fits within the commitments and variance requests that were originally made. One thing they realized is that the building on the South side of their parcel sits right on the property line. There are also some encroachments associated with that building. They tried to communicate and possibly partner with the owner of the building, however, they were unsuccessful. They did speak to a few of the tenants. Therefore a masonry wall on that side did not make sense. It also gave them some restrictions in terms of setbacks along Main Street. Additionally, as they began to watch the activity on Main Street, they began to second guess the idea of ingress/egress off Main Street rather than Guilford. What they have done is communicate with the current planning staff at the city to come up with a new plan, that they believe complies with the approval grant and conforms to the commitments. They submitted their plans on February 23 to the Administrator for Current Planning, Matt Pleasant. Matt suggested that they speak to the BRVA first for their comments and feedback.

Murray expressed there are two principal areas that they want to bring to attention. The first being in regard to the site plan. Notably, they've moved the point of ingress/egress to Guilford Avenue. The more they studied the Main Street traffic, they had worries about safety, particularly of automobiles exiting the parking lot. They also thought as a practical matter, there may be a strong possibility, with only one point of ingress/egress on Main Street, traffic would be blocked from time to time. Therefore, they have proposed it to be on Guilford, as they think that is consistent with the ingress/egress to the property in the parking lot to the South and it will create better visibility and safety as is there's no street parking on Guilford in that area.

Secondly, they have two ideas on how to do the fencing. Audiochuck has always wanted to create some security to the lot, by fencing it in. In the commitments there is mention of a masonry wall, but it doesn't say there has to be a masonry wall on every property line. What they have done after talking with some of the neighbors is establish the masonry wall on the Guilford side. So the ingress/egress point will have masonry wall that will contain the public art. On the other property lines, their idea is some sort of decorative fencing, possible wrought iron. They will not need fencing on part of the South property line because the building sits on their property line. The Main Street side will contain the public amenities. Murray then asked Kate Schneider if she wanted to say a few words.

Kate introduced herself. She is the Chief of Staff at Audiochuck. She stated that she wanted to give a peek behind the scenes as to what they do. They have about forty employees and are female owned and operated. Their founder was born in South Bend and has lived in Indy since college. They have recruited a handful of people from both coasts to join their company. They are a media company, which is a little bit of an anomaly in Indianapolis. They have been begged by partners to move to either LA or New York, but they feel very strongly about remaining in Indianapolis. They continue to uproot both locally in Indianapolis and also throughout the country. They have several employees that have moved to Broad Ripple. They want as many people as they can to live in Broad Ripple. She and her husband just moved to Broad Ripple and are completely sold on it.

Jordan - Before we dive in, we have a couple of members who are not here today. One of them I'm going to go through his things first because they might hit on a couple of them. Can you clarify just for the committee, Staff has said that you do not need any additional variances or anything else from them. Is that correct?

Murray - That's correct with the materials that I've presented. We've floated other ideas as we've brainstormed, some of them would have required us to go back and modify the prior commitments.

Jordan - And Matt came out on site with you, correct? And walked through it and provided feedback and that's kind of where you guys landed with him?

Murray - That's right. We asked him to come out. We explained some of our issues as we solidified our engineering issues we're having he spent an hour and gave us his thoughts. They weren't all positive. For instance, the charging stations. I'm not really sure they were required in the commitments but he wants charging stations. They were in a plan, he wants charging stations on site, and we've agreed to that.

Jordan - And so from the city's standpoint, from his planning standpoint, they are good with the plan as you've shared with us?

Murray - Well, he hasn't given a formal approval. I would say that the plan is consistent with the direction he wanted us to hit.

Jordan - These are from Chad Falls who's on the committee. Again, can you maybe just walk through again, the rationale, behind changing the entrance from where it was to where you have it now, as far as like pedestrians and everything like that on the street? I assume all of that has been considered. And all of you guys think that Guilford is the better option?

Murray - Yeah we do. I'm sure you're very familiar with how crowded Main Street is. In fact, the day that Matt was there, cars were parked up in the sidewalk on both sides. Only one vehicle could get through at the same time. That was the really big piece of it. We were worried about blocking if that was the only access point.

Jordan - He also had a question about lighting. Did you reduce lighting in that area?

Murray - (To Becky) Do we have a lighting plan approved?

Becky - We do have the lights currently approved and maximum is two lights.

Jordan - Two? Does that reduce from the prior renderings that we might have seen?

Becky - The more pictorial renderings had six initially. We think that would have been too light.

Jordan - Okay. From my experience in the village, in parking lots specifically, I think that it may be better to error on the side of additional lighting, especially one in which is going to be closed off, it's a little bit off the Avenue, it's not getting on the weekends all of the police activity that we get right on the Strip. I'll let the committee weigh in on that. But that was one of the things that Chad brought up. There were a couple others, but I think you've addressed his questions. We can go down to Daisy. Daisy, do you have questions?

Daisy - I like the new fencing, I think the transparency will be nice. Changing the entrance to Guilford, I drive down Main Street a lot when I go to the grocery store over there and that is quite difficult getting up and down, that was smart. I think we talked last time about incentivizing your employees to move to Broad Ripple. Have you had anything develop with that?

Kate - Yeah, that's a great question. We've spoken to several of the landlords and apartment owners and I know Kevin, our president, is in touch with Park 66 Flats. So it's something we're pursuing currently with them, again, to continue urging people to live locally. Our purchase of the building I think really solidifies that, now that we know we're here in Broad Ripple for the long term, it increased our desire to incentivize.

Sam - Providing the DMD approves this, what's your timeline for all this?

Derek - Well, so our goal is that we're currently pricing it out right now, soft pricing just to make sure that we go to the right direction. Our goal is to get permits in the next month, if everything goes through. We feel like it's a pretty easy project to get through. Construction wise we're hoping to start in the summer and hopefully duration will be maybe about a month and a half. The sidewalks are also terrible and I propose that we fix them in the immediate area for two reasons. Number one, they're not that passable on Main Street. They've been banded fixed many times and ground down, so the way I'm approaching it is to prepare all of that. I think it's the appropriate thing to do.

Sam - I don't want to spend your money for you, but that would be nice.

John - Is there any other egress in this fenced area other than the gate entry?

Derek - I would propose that we do a side gate entry. That's part of the fencing that will be access controlled. The gate is also access controlled.

John - Yeah. Would that be opposite of the egress out?

Derek - On Main Street? Yes.

John - Because I was looking at that rendering, if someone gets chased in there they'd get stuck. Other than that, I'm happy with it. Thank you.

Brian - No questions.

Mark - I've got a list here. What is the height of the fence that you're putting in, as well as the wall? And I'm not quite familiar with the setbacks on the property. If you can clarify what the heights are in what you're proposing.

Derek - So the wall in the front, I believe, the front yard which we considered Guilford should be 3.5 max height. I believe in the renderings, it appears that it's possibly slightly taller. As part of finishing up the drawings, the civil engineer will need to design that down to the appropriate height. I believe our side yard max is six.

Mark - So the forty-two inches should be both on Guilford and Main?

Derek - Yes.

Mark - What is the width of the curb cut that is going out onto Guilford to have the parking? We like to keep those to a minimum and since this is more of a controlled condition, you shouldn't need double wide egress/ingress.

Derek - Right. The way that it's designed currently, the site plan is double wide. I can see pairing it down some but I think the road is wide enough but I would error on the side of twenty feet because I've driven into G-Bloc...

Mark - I think the key especially with the Envision Broad Ripple plan is to minimize the curb cut, in fact here is one that we would prefer not to have on this major street. And to provide so the fact that this is more pedestrian friendly. Think about regards to it's a pedestrian street, is to respond to pedestrians, not to cars. Cars are secondary as well. So I'd like to see that reduced, if the city will allow. The other is regards to lighting. I'm surprised that two lights would cover this area. And you have to meet the standards in regards to so many foot candles. I will leave that up for the city to review. You don't really have a landscape plan. I don't want to see a bunch of gravel along here. I also don't see some trees. But on the site plan there's a couple that look like shrubs, not trees. So we'd like to see as many trees as possible. That would add, again, to the pedestrian aspect.

Derek - We did provide a landscape plan to the city, that was approved by Genesis Hill. That site plan currently has four trees on Main Street and two trees on Guilford. And then it has a mix of two-foot to three-foot tall shrubs or within that nature. I would propose that we stay with the trees the way they are but I kind of feel like could also go with lower plantings instead of using some taller shrubs, or a combination thereof. In my opinion on the landscape plan the way they have it now I would probably break it up a little bit differently and kind of have larger planting areas and don't have turf grass and most area just take it to the sidewalk.

Mark - We love gardens in the area. There's a perfect example of a property that 's by Lou Malnati's that's on the canal. I know it's expensive to care, but it would be a wonderful contribution from Audiochuck and a way to give back. I would say on the mural, I love the fact of a mural, but I would put it on both sides because otherwise the back of the wall is going to get tagged. The other would be two things in regard to security. Is there a gate that closes off? Is it controlled?

Derek - There's actually an access control turnstile that it's going to only open for somebody who has access, and then it'll open when you hit that auto open position in the parking lot and auto closes. The one we are currently bidding out also has a time delay, once the car passes, after five seconds it goes back down. There's just a single arm. And then the door form the fence will be a similar access control kind of door.

Mark - What is the pavement?

Derek - In the civil drawings what they were recommending is if we have a catchment zone that they're requiring for how much watershed we need to store. That cut is about 714, which means about basically a four-foot deep, twenty-feet wide and sixty-feet long catchment area. We've got percolation tests, all that checks out and the other numbers work to meet the current standards for drainage. So what they were proposing is that area only would be a perfect paver. I'm also looking at what if the whole parking lot is of a permeable nature, either permeable concrete or asphalt, mainly because I'm also thinking about speed, trying to get the parking lot and have lead times for the permeable pavers and what that might mean. So that's what we're kind of leaning towards right now is just the whole surface is of a permeable nature, but would still include whatever our required amount of catchment in the area that they say is the best spot for which to do that, which they've laid out on the site plan where there will be the best percolation areas.

Mark - The last one I have here is the picnic tables. Who's going to be using those?

Kate - Great question. I imagine our staff will use them. We do our very best to encourage our staff to take their lunch periods and also take 15 minute breaks throughout the day. We also have a partnership with Monon Coffee Company where our staff can get free coffee there. So we already see people walking that way to Monon Coffee Company and I would love for them to be able to gather at those tables. And also, of course open to public or passers by.

Mark - I would not do a picnic table. That's something to think about in regard to homeless people, they like benches and large table tops to lay on. I don't think you need to do anything large if you could do something that is maybe a little bit more creative, that's artistic, the same with regards to the bike racks. Something that's a little unique, to give Broad Ripple that special flavor.

Kate - Absolutely. That makes total sense.

Tim - Good job moving the exit/entry way. I drive down Main Street daily and I could see making a turn in there might be difficult because people probably crowd the entryway enough to make for a tough turn. By moving it though, are you adding or losing any parking?

Derek - I believe it will add one or two spots.

Jordan - I've got one more question then we can go to the audience. There's a program through IMPD called B-link. Are you guys planning to put cameras up in that area, on and around your lot?

Derek - So we talked about having a camera, whether or not it was going to be a part of the billing program or not. Plan is, since we're providing access control, that means we're going to be providing part of their private network, or the building's private network is going to come across, so we would have the ability to possibly tie it to the cameras.

Jordan - I appreciate that you guys are going to have the cameras in there for your security, I would highly recommend that you participate in the B-link program. Any other thoughts from the committee? We're going to the audience. Any questions from the audience?

Tom Healy - I was so glad to hear Mr. Clark, acknowledge key point in my remonstrance last year, namely, that Main Street is very narrow. Unfortunately, it's not reflected in these illustrations. Here there is no landscape strip on the north side of Main Street. And that was contention I had last year. Commission asked about it, but the document wasn't part of the public record, so I guess now this is the way Main Street looks, at least according to this particular project. But if we can accurately have this depicted, I think it would, I think you all know this, because you all are in the village enough to notice this kind of makes the Main Street area look bigger than it actually is. So I'm glad to at least have the verbal acknowledgement that Main Street is very narrow, and that people are parking on the sidewalk, making it damn near impossible for pedestrians. I just wish the drawings that were submitted here for you all to consider. To that end, would Audiochuck be supportive of the consideration of perhaps limited parking on Main Street to just one side? I think it's going to continue to be a big problem. We've got to do something about that, because it's going to destroy if you're going to pay to have sidewalks put in. Thank you, that's good of you to do. They have been sort of cobbled together on the south side of the street, Main Street. So it'd be nice to have a continuous curb sidewalk that is current construction in the last 25 years or so. But yes, getting rid of a curb cut on Main Street will in fact, help parking and make pedestrians. The other piece is a 22-foot wide curb cut on Guilford. It really is bad for all the reasons Mark mentioned. The community has made it

clear year after year after year, we want a walkable, bikeable, safe, Broad Ripple for pedestrians of all ages and abilities, and curb cuts undermine that. So I would certainly asked the committee to make this curve, the recommendation to narrow the curve. The landscape plan, I guess if it's already been approved by Genesis, it's done but it looks fine.

Jordan - Thank you. Okay, anybody else from the audience? From the committee, is there a desire to include a commitment of possibly a change or a consideration of a change in the curb cut?

Mark - Yeah, I would like to add that. I think the lighting doesn't have to because I think the city requirements will catch that.

Jordan - Is that something you guys are willing to consider?

Derek - Actually on the lighting, just so everybody knows, two is what we are required by the city, currently we are proposing that we're going to need four.

Jordan - Okay.

Derek - As far as the curb cut, that's just what they had on the civil drawings. What is Broad Ripple's vision for curb cuts? So I guess from our standpoint, let's find out what the turn radius is.

Jordan - Okay. Any other things from the committee? Is there a motion?

Mark - I'll make a motion to approve the updated plan with the condition in regard to the request to minimize the in and out curb.

Sam seconded. Motion passed unanimously.

902 E 66th Street - A representative for 902 E 66th Street, will be appearing with a presentation on the petition filed for the following:

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot tall fence within the front yards of Ferguson Street and East 66th Street (maximum 3.5-foot tall fence permitted within front yards), encroaching within the clear sight triangle of their intersection, with the location of automated gates within the clear sight triangle of two vehicular access drives (encroachment within clear sight triangles not permitted).

Case #: 2023-DV1-011, Hearing Date: April 4th, 2023

Jordan introduced Viorel Ciobanu, an attorney representing 902 E 66th Street.

Viorel - This property sits right across from Park 66 Flats. So basically 66th Street Baptist Church is the next property. We don't have an issue with north side of the fence on the upper side of the property and on the east side, the apartment fence is already there. The issue is with the west side. We've had a number of issues. First of all, we put up automatic gates to block the parking because we've had people parking right in front of the entrance of the parking lot, making it impossible for tenants to occupy the parking lot. This is a very small one-story house with a small parking lot. We have had tenants parking in our lot for overnight or days at a time. We've had the police called on one of our employees that asked someone to leave the parking lot. We've also had issues with people sleeping in the parking lot overnight and have seen remnants of drug use. Andrea, the owner of the LLC hired Shepard Fence and they proposed a

plan of construction. She communicated with Mr. Pappas from the zoning board neighborhood association. They asked if they needed a setback or if there were any issues. Andrea was not warned that what she was planning to do had any infringements on a clear line of sight. The intent wasn't to ignore city regulations, we relied on the contractor and an email from a city agent. The main issue is what's in the clear line of sight. The automatic gates are not in the clear line of sight. We want to basically have your support in our petition with the board of zoning appeals, even if it's conditional. Now we present this to you and you can decide whether you want to impose a condition or not. This is another issue that the three and half foot fence doesn't solve. Right across the street there is a three and a half foot fence and you've got dumping right past the apartments, in the wooded area. This is a problem that a three and a half foot fence doesn't solve. We also see the problem of people transiting the property. We had a solid fence right in the back of the property but people were using drugs behind it so that's why we brought in a clear fence and we are constantly cleaning back there. Frankly, we haven't seen them since we installed the cameras and asked them to leave several times. So we've had serious problems and we hope that it shows. Again, it was not our intent to breach the front of the property height requirements. But we'll have to repave the parking lots. We can't do this right away, the house will need some repairs. So basically we will have a curve around the fence and the fence will actually be about four inches shorter. We will need to future proof any gate that you install there. So that's why we ask that you consider all the future work we have to do on the property. So basically this is the fence. The visibility through the fence is 79%. So now we are going to talk about traffic safety and why you may consider to allow it. You see the fence with 79% visibility but you also see the stop sign, which is an all ways stop sign and there's almost always somebody parked blocking that corner. So let's say we were to move that fence back. So right now we have about 27 feet instead of the 75 foot requirement. If you were to put a condition to move the fence back, we'll basically amend our petition and ask the city for basically us to comply with your condition. The owner wants to invest in this area as well. She would like to live in the building. We also know that there are no sidewalks around the property. The owner of the LLC wants to put in sidewalks, along 66th Street. She is less interested in Ferguson Street. 66th Street sidewalk is already in her plans. That will come last after the parking lot is redone. All the other streets there is sidewalk access to the Monon Trail. What you see in the picture is it's vacant because a fire happened and there is water damage. I took this picture for someone to show the visibility for the effects for traffic safety consideration. And this one is taken from the interior of the property to to see with a car parked to the stop sign it's a 27 foot triangular line of sight. This exhibit now is the neighbor right across the street. So basically he has fence, now grandfathered in. We are going to show you exhibits to show that we will not ruin the character of that side of the neighborhood. Almost everybody has fences that are encroaching. We are not complaining about it, we know Broad Ripple has a ton of alleys.

John - Can I make a recommendation here? You stated your case and this is by no means a court. But I think we've heard plenty and going around and showing everything that's wrong with the community is probably not a good idea. We've got the idea.

Viorel - So basically we have an ordinance, we clearly are violating it. But now looking at public policy consideration to maybe allow for a variance.

Mark - We've heard a lot. I think we've heard enough to make a decision.

Viorel - Can I show the last two slides. So basically this is what the corner was. Zero percent visibility because there were a ton of plants and trees. We spent a lot of money removing all of the trees because they were a danger to the community and to our property. So this is what you have instead. And you have to consider the visibility's sufficient to allow it.

Jordan - So let's dive in here. One, I think from the association standpoint, we definitely appreciate the improvements that you've made to that site greatly. And adding in the possible

potential addition of sidewalks, whether it's partial or full on the property is something that we truly value. So thank you for that. One question that I have from Chad, who's not here today is regarding landscaping. Do you have a plan or any intent on doing anything in that corner that is shown?

Viorel - So basically, by removing all the trees and they were all diseased, including the ones in the bushes right next to us. But you already see, we've ordered a bunch of trees. These were damaged by cars before the fence was up, so they'll have to be replanted, but we have for example...

Jordan - But even just on that corner...

Viorel - So frankly, I didn't check the rules. I noticed that G-Bloc has trees in their triangular clear line of sight...

Jordan - So let me rephrase. Are you going to plant flowers on the ground?

Viorel - We are going to plant a lot of low shrubs.

Jordan - Something just to make it look nice, so it's not just gravel?

Viorel - Yeah. We are going to plant and have already planted.

Jordan - That's okay. That's all I needed to know.

Viorel - Here they are. These are newly planted this winter. You can put a ton of conditions.

Jordan - Not even for a condition. It's just a question on what your landscaping plan is.

Jordan - I do want to clarify for the committee, this fence is already up. Just in case we didn't get that, the fence is already up in the area. It was put up under the assumption not assumption, but under the as was mentioned, understanding that they were doing things right later to find out if it's now to the city, and they've come in and ask that they make adjustments to the fence or seek a variance, which is what they're doing today. Right? Correct. I've driven the area a couple of times in that area. I would agree that whenever I came almost every way. And I'll point out to that when you get south of here, this is one way south. So it's technically a three way stop, because it's only on 66. And then south on Ferguson, because you cannot go. Obviously you're not coming north on Ferguson. From my experience driving, I had zero problem seeing very clearly down the street, probably more than I needed to considering it was it's ever all stop, always stop. That doesn't say that, you know, I don't want to say we're against a clear sight triangle or any, any way. But I did not have any vision problems there. And I would I understand your argument to that. Prior to you being there, the tree that was there. And you can see it on Google Earth even is completely encroaching into the intersection reuse. So I would debate that you can actually see more clearly now than you could prior. So I'll also add one thing I would before I get to the end, and I forget to remind you about B-link. I know you guys have already applied for that grant. So we appreciate that, that you guys have already gone down that path.

Viorel - We will be adding an additional subscription to B-link.

Jordan - We will go down to Daisy. Actually, Tim you want to go?

Tim - I don't have questions.

Mark - Okay. I'm unclear as to the code requires 42 inch high fence, but you're not asking for a variance of height?

Viorel - We are asking for a variance of height.

Mark - We keep talking about the clear sight triangle.

Viorel - It seems like the Staff indicated that's their main issue.

Mark - For me, I'm reversed. I agree with regard to the location, and we had this issue with the city on clear sight triangle, I'm not as concerned about the clear sight triangle, what I am concerned about is the height of the fence. It feels very foreboding, it does not welcome or fit within a residential neighborhood. And that's why the code states that those on the street should be at the three and a half foot fence. And I feel like that would still keep people from getting into your area. I'm upset that the fact that your fencing company, you should be suing them because they know how high a fence can be in the front without a variance. And I'm appalled that they installed this without a variance. And now we're trying to deal with something that should never have happened in the first place.

Viorel - Thank you for that. The owner will not sue.

Mark - I certainly understand. So we want to thank you and the fact that I love the fact that you're doing the improvements. I applaud you for the desire to put sidewalks in and I would encourage both ways because we want as much connectivity, especially going up to the Art Center, which doesn't exist. And by the way, the code does require that you have so many street trees along the street. Those are trees. So work with the city to put in proper trees that would meet the requirement.

Viorel - We actually already have some trees.

Mark - But I'm personally not happy about the height of the fence. I don't care about the clear sight triangle.

Brian - I think you mentioned earlier during the presentation that the shorter fence didn't deter people?

Viorel - Basically, what we have there. So we all have, you know, not the five foot fans. But basically, the woman she was discussing, at that time in the news, there was, you know, there was copper being stolen from air conditioning units, anyone in the Glendale area, there were pictures, stealing them from the second floor. So I know this is a non argument. But basically, instead of putting cages, she has three units, just because of this was this is a 1980s house 1800s house, they kept adding on. So there's three units to put three cages on them for them not to be affected you know, to hurt them to put the five foot fence, and then we have the issue of dumping. And we felt that three and a half. This is North Broad Ripple so that we actually can we have, and she has invoices, that's for the city. We're going to submit all the invoices, but the citizen is inclined to, to approve it if we I think move it back. But I certainly am. I don't know what conditions they will adopt for us. So it's, you know, I could jump a three and a half foot fence.

Brian - Thank you for your answer. Just narrow it down to a yes or no. So the five foot height, the dumping was the primary concern?

Viorel - And now we have a letter of recommendation where there is, so there is a person that has to daycare, she's providing support. And she likes to I'm sorry, yes, testing the primary,

right? So she gives us another reason she likes it that is higher for kids is actually safer. It gets if you put a flat fence.

Jordan - So just what I understand when I put this in very simple terms. Your preference to have a taller fence is to better keep people out because you guys do not think that a three and a half foot fence will keep people off of the property, correct?

Viorel - Yes

Jordan - Thank you. John?

John - I'm good.

Sam - Have we seen the staff report yet?

Jordan - I have talked to them briefly, but I don't think they've made that full report yet. Daisy?

Daisy - Nothing.

Jordan - We are going to open it up to the community to provide any thoughts or questions.

Tom Healy - It was a point of sort of logistics, it is not necessary for a petitioner to send by certified mail a notice of variance, which causes us to have to drive down to Mapleton Fall Creek post office to sign for a document that tells us they're applying for variance. So perhaps if there's a way to convey that to people who are trying to file that, that might be helpful, because it's inconvenient. And it was unnecessary. And so there's that. I would encourage the BRVA to enshrine this commitment about potential sidewalks, I would say make that a condition of support. We are trying parcel by parcel to build this more pedestrian friendly and safe environment, the community, and I think this would be a way to do that. And if if you're gonna say, Okay, three and a half or half feet, okay, you want to go five, fine, okay? You want to be encroaching the site? There's like triangle, okay, fine. If you're going to do that, you got to do this. And you got to do this and not maybe do this or not potentially do this. Make that a condition of your support if you're going to be supportive? And that would basically, and then yes, a landscape plan would be nice.

Anthony Belamy - Was there ever a permit or anything that you submitted to the city prior to putting the fence up?

Viorel - So basically when the owner got a proposal for building the fence, she communicated with the person that I cited earlier, from the city and he responded by email. So basically what he said there is no permit requirements. And he said, he commented on the height, but for some reason he did not comment on the clear sight triangle and did not comment on the front ends.

Anthony - So the height that he suggested is the height that was placed?

Viorel - I don't know why he didn't address those issues. He just said as long as you're in the property line, you're fine.

Anthony - And then the other question is are there gaps in the fence or does it consistently go all the way around?

Viorel - No, there are no gaps.

Jordan - Is there anything else from the committee? So my understanding here is that, I guess, question for the committee, based on Mr. Healy's comment, is there a desire from the committee to include a condition that sidewalks be placed both on the west and south sides of the property? Okay, and then were there any other possible conditions that we need to discuss on this? If the motion was to be made? Is there a motion?

Viorel - I think we need some time because that building is so old. She needs to rebuild a portion of it. And heavy equipment, all of that needs to have access to it through those gates. So maybe the architect could decide on a timeline for the sidewalks.

Jordan - I don't think we're going to tell you to do it in two weeks. I think we'll give it a more than generous timeline for you to do that based on what you have going on. Okay, so is there a motion? Is there one more opportunity for motion?

Mark - My motion is basically to deny. Not opposed to the clear sight triangle, I'm opposed to the height.

Jordan - Is there a second for the motion to deny?

Tim - Second.

Jordan - Okay, Tim has opted to second that motion. We will now vote. All those who would choose to deny this? Aye. Aye. That's Tim and Mark. All those opposed? Four opposed, so that motion does not pass. So I will ask those who maybe denied that. Would one of you guys like to make another motion?

Daisy - I'll make a motion.

Jordan - Ok Daisy.

Daisy - I make a motion to approve the variance for the clear sight triangle and the height with the

Jordan - conditions being sidewalks placed on south side and west side of the property within 365 days from the city approval. And then I would also add the condition that if this is denied by the city, that you'll need to come back for whatever happens after that.

Brian - I second that.

Jordan - Brian has seconded that. All those in favor? Daisy, Sam, John, Brian. All those opposed? Mark and Tim. It passes four to two.

Meeting was adjourned at 7:22pm.

