

BRVA LAND USE AND DEVELOPMENT COMMITTEE MEETING MINUTES
Tuesday, September 28, 2021 6:00 P.M.
Northminster Presbyterian Church

Present: Andrew Baldwin, John Jackson, Lynn Levy, Karen Valiquett, Daisy Winkler, Chad Fallis, Mark Demerly and Summer Keown

Guests: Sasha Milosavljevich, John Moore, Tom Healy, Joshua John, Ryan Lott, Jennifer Lott, Paul Reynolds, David Kingen

Committee chairperson, Karen Valiquett, called the meeting to order at 6:01 p.m. and committee introductions were made.

A correction was made to the minutes of the August 2021 meeting. A motion to approve the corrected minutes of the previous meeting was made and seconded. Motion passed.

Meeting Notes: 6320 Ferguson St., Lou Malnati's Pizzeria – Mark Demerly, Sasha Milosavljevich and John Moore with an updated presentation and a request for a vote on their petition for a Variance of Development Standards and Variance for Use. Case # 2021-UV2-016

A subcommittee meeting was held earlier in the day to discuss the project. Lynn, Bo, Adam, John and Karen attended. Karen said they will go over some of the subcommittee's comments after the presentation.

John Moore, Lou Malnati's attorney: Lou Malnati's is here to discuss their proposal for this 0.16-acre, unimproved lot. Their goal is to benefit the community and Lou Malnati's. Their plan incorporates landscaping, a water park feature, a public park, outdoor dining and a 16-space parking area. They are seeking two variances – Development of Use Variance for the 16 parking spaces and a Development of Standards Variance for having a parking area without the required 25-foot setback from 63rd Place.

Sasha: They saw a significant uptick in curbside pickup for all of their restaurants when Covid hit. If they don't have the additional space, they might be a burden with additional traffic. This amenity will be for public use, and for use in their peak time for curbside customers. They took the committee's feedback from the last meeting and they have created a design they think fits well with the community.

Mark: The restaurant will have a capacity of 160, indoor and outdoor. Zoning code is 1 parking space per 4 people, which is 40 spaces. They have a little bit of a shortage but they know people will be walking to the restaurant as well.

Sasha: Their general manager reached out to The Coil about parking spaces. They were told that The Coil is at about 95% capacity on their property which doesn't provide a long-term, viable solution to Malnati's parking needs. The parking spaces would be upper level. Ground level is reserved for Fresh Thyme. Malnati's has talked about incentivizing their staff to take public transportation and use bikes to get to the store to help with the parking.

Mark shared presentation images showing proposed materials and locations where spaces have been created to draw in the public. He discussed traffic flow. When Lou Malnati's opens they will be enforcing the spaces on the street where parking is not allowed. The Beautification Committee is looking for a space for a piece of art funded by Penrod. Counselor Potts said there is a large demand for a pocket park within the Village. This could be that gathering space for the Duck Race, a place for a Christmas tree and other activities. There would be pavers in the parking area, that designate parking spaces. Cars can park in there, but most of the time the area is open. They are thinking of organic types of pods for people to sit and congregate. They are not considering benches. Features could include a 4' stone wall to allow them to block and screen the areas behind where the parking is. There could be a play area for kids or just a landscaped area. There is potential for a piece of art within the overall plaza. The parking is about 16 ft from the canal esplanade and 40 ft from the edge of the water. There could be bollards that could pop up to block the parking space during non-active hours. This

provides an amenity that Broad Ripple could not provide and the city would not provide. He said here is a perception that Broad Ripple is not family oriented. Sasha's business is family oriented and they are willing to provide this amenity for the community.

Sasha: John drafted a commitment that Lou Malnati's would maintain this space. The commitments were shared with the committee.

Karen asked for comments from the subcommittee.

John: The colors of the paving get confusing. Suggested off-centering the water feature so there is a path to not get wet when walking through. He doesn't know if he wants a parking lot plaza here, but we need family features, beautification, and to continue to activate the canal itself. The benefits outweigh the negatives. If there ever was a bigger building to the east of this, this could serve as a reprieve and serve as a public space on the canal which we don't currently have.

Lynn: While I appreciate the level of finish and detail, and the attempt to soften the idea of the parking, I'm still frustrated that it is in conflict with the Envision Broad Ripple Plan. Even though it is superior to a typical parking lot, it could set a dangerous precedent going forward. It is very difficult to dial back. I have concerns about the turnover of the parking lot long-term. While it will be well-maintained while you own the property, in the future it could become a situation where it isn't well-maintained if you leave the property behind. It could be sitting vacant while you are looking for a new owner.

Karen: I have been weighing the pros and cons and going back to the Envision Broad Ripple Plan. There is a desire for a green scape, linear type park along the canal. The pocket park is a good beginning to that. Currently, the esplanade is not how it was originally envisioned and with this we might get a little of that greenspace back. It is a beautiful design with a family focus, which I appreciate. In looking at it, I think that the good of this slightly outweighs the cons of it. I am concerned about the long-term issues with this if ownership changes. I would like something more solid in the commitments of how that works. We could probably agree to something which says any change to this parcel has to come to the LUD Committee even if ownership changed. That wouldn't affect maintenance, which I am concerned with. I am for this right now. Adam and Bo were split. Adam had concerns about setting a precedent of parking along the canal. He made a comment that the parking garage is not that far away – a 3- or 4-minute walk. Bo fell more on liking the public amenity of the public pocket park and would likely vote in favor of it.

Karen opened it up for the rest of the committee for questions or comments.

Andrew: (agreed with John) I love what they've done in the last month with our feedback to activate a space that would not otherwise be activated. I didn't think I would support a parking lot on the canal, but I think this is what Broad Ripple needs – kids playing. I'm not clear when you are allowing parking and when you are not. Are you planning on putting signage up with kids playing near parking lots? Mark: The key period of time is 5-8 pm. We can look at other control points for not allowing people in.

Chad: In that area between the parking plaza, I want to be clear what you are proposing. Mark: Seating 24" high or something similar. Chad: If it is used as a plaza at times, you would want it open? The seats would always be there? Mark: Yes, they would be seating bollards and big enough that you see them. Chad: Along the west side of the parking area where there's not landscaping, is that just a curb or is it flat? Mark: There will be some kind of element that will stop cars, but not a fence. It could be a series of bollards. I can bring this back to the committee as the design develops. Chad: What's the vision of the ultimate size of the trees? Mark: I want to discuss how the berm areas will be used. Do we want to have areas for children or are they just to look at? I can't respond about the trees until we know more about that. Sasha has talked to the adjacent property owner, Scott, about the landscaped area being a part of his property as well. Chad: Overall I think it's fantastic and I appreciate the effort you put into it.

Daisy: I have a lot of reservations but I also appreciate all the work you put into it to activate it and add value. I'm curious about the timeline and use. Will it be only carryout or also additional parking? Sasha: It will essentially be used for curbside. We geo cache all of our spots and we know when someone is in a spot. Then

we match order numbers and servers run pizza to the spots. Daisy: How did you determine the number of carryout spots? Sasha: All the spots would be open for carryout and dining customers.

Josh: I would try to convince you to have only 14 spots and have more space for the park. Maybe have bollards that can go up when people are loading into The Coil and then come down. I think this is what this area needs from a standpoint of family activation. This is a great iteration. Mark: Give us a chance to respond to the long-term concerns.

Andrew: What is your commitment to daily cleanup? We see a lot of Goodfellas pizza boxes littered around the strip now. Sasha: We have a brand commitment. Our managers will make this plaza part of their walk-around to make sure it's maintained. Our general manager will be the first line of defense. We don't want it to be sloppy. John Moore: The owner won't allow trash anywhere, especially after he invests what he's going to invest in this park. He will want it to be A+.

Chad: Are there any proposed trash cans in the parking plaza? Mark: We can discuss that.

Karen: Do you have your liquor license yet for beer/wine and do you have a Good Neighbor Agreement with the BRVA? Sasha: We have our liquor license. I would have to ask our attorney about the GNA. Karen: We should look at an amended agreement and add the coordination and use of this as a public space into the agreement. I think it would help with the comfort level of the committee to codify it in more detail, regarding the operations and community level of the plaza.

Karen asked for comments and questions from the public.

Tom Healy: One of the economic development tools created to help support Broad Ripple's efforts is the TIF district. There is not quite \$3 million in the TIF fund to help support improvements. A parking lot is not really an improvement and has very low value and virtually no benefit to the TIF. The transit-oriented development overlay tries to create vibrant, walkable, urban districts with pedestrians and cyclists. The overlay describes non-conforming uses. This proposal for a parking lot would not qualify for support. The Envision Broad Ripple Plan doesn't specifically support this and I ask you to not support it. Mark: Being the representative for the TIF in Midtown, it is really meant more for sidewalks and things that are deficient within the community. Lou Malnati's has made a huge investment that will drastically increase that property's value and provide money back to the TIF. There is a need for public space in Broad Ripple and this unique location would benefit the community.

John Moore: Usually developers are taking TIF dollars to help with their developments, but here the developer is funding this site themselves without tax abatement. Regarding long-term care, the commitment runs with the variance and would be binding on Malnati's and any successors and assigns in the future. If they don't adhere to the commitments, the city will come out and fine them. Lynn: A citation wouldn't be effective if there are no funds to maintain it. John Moore: I feel confident that Malnati's will maintain it. Regarding the plans that Mr. Healy brought up, plans are great and they are guides but sometimes there is good that is not in the plan. This space incorporates a use that is needed along the canal, that would attract families.

Lynn: To be clear on the scale of this, this is no deeper than a parking space (20 feet) in the area of the plaza and the water feature. Mark: It is almost three cars wide. Lynn: Maybe there could be some consideration for taking out a couple more parking places.

Josh: They're paying for this out of their own pocket. If we can receive a benefit on our end, I think it's a good piece.

Karen asked the committee if there was a motion on the floor.

Andrew moved to support the project with the commitments submitted, an update to the Good Neighbor Agreement to codify the commitments and operations of the public space and an agreement from Lou Malnati's to continue to work with BRVA Beautification and LUD Committees through the details of the final design. Chad clarified the commitments would include the trash pick-up and trash cans. Chad seconded the

motion. Andrew Baldwin, John Jackson, Karen Valiquett, Daisy Winkler and Chad Fallis voted in favor of the project. Lynn Levy opposed. Motion carried.

Meeting Notes: 6333 Washington Blvd. – David Kingen and Emily Duncan with a request for a vote on a Variance of Development Standards petition to provide for a 24-foot-tall accessory building to exceed the height of the primary dwelling. Case #2021-DV1-063 – Hearing Date: October 5, 2021

David Kingen, urban planner, presenter: The petitioner wants to place a second story on a detached garage in a residential area. The height doesn't need a variance. The variance is required because the detached garage will exceed the height of the primary building, which is a one-story building. He presented renderings and site plans. Even in the winter, you won't really be able to see the secondary structure. The detached garage is quite far from the primary structure. At grade, it is continuously connected. Technically it is attached but it is not an enclosed solid structure and is not heated, so it is not considered part of the primary structure. If it were, it would not need a variance.

Ryan, property owner: Jennifer (his wife) grew up in Broad Ripple. They relocated from LA during the pandemic with their 4-year-old. The purpose of this structure is to create a workspace for Ryan. He is a composer and performer. They want to create a place where he can collaborate with people from around the world, have a place for them to stay when they're here, and to make music.

David: We have drafted a commitment (not attached but can be provided) to state that this space would not be leased. By ordinance this will probably be called a secondary residence because it will have a kitchen. It is not a carriage house, but they will have guests living in it temporarily. Ryan doesn't think it will exceed 3 weeks in a year. They do not want to connect the structures and heat it to make it one building because it would alter the home the way they want to live in it.

Karen asked for questions and comments from the committee.

Mark: I don't want to regulate them as to how they want to use this space, if they want to rent it out.

John: I have no problem with it.

Karen: Thank you for the letters of support from your neighbors. I don't see a problem with this. Do you have any adjacent neighbors who are not supportive? Ryan: No, everybody is in support. There were valid questions about the volume of the music. This will be a purpose-built space. I need to not hear anything from the outside when I'm working so sound won't be an issue.

Lynn: Is the variance intended to run with the property? David: Yes.

Jennifer: We are architecture enthusiasts and have a commitment to sustainability. Lynn: As a Warfleigh neighbor, we fight absentee landlords, so it's exciting to see someone making the investment in the neighborhood.

Joshua John: The BRVA wants to create a process to make it more advantageous for property owners to create more living space in detached properties within our community. Work from home opportunities are not going away. If we can encourage more people to want to stay in this area and live and work on their own property, we support that.

Mark moved to support their variance request. John seconded. Motion passed unanimously.

Meeting Notes: Tom Healy and Joshua John with updates on the RiverWalk and Broad Ripple Avenue Projects.

Joshua: We've been trying to put this together for 30 years, but this fundraising effort started in 2017. We were awarded a grant in 2018. We were able to combine this project with BR Ave project. We needed to raise \$550,000, and as of August we were \$65K short. Within two weeks we raised \$15K. Last week a local donor gave us a \$25,000 matching grant. He will match up to that much donated by the community. We announced that last Wednesday and we are just over \$12,000 towards that. We are close to less than \$10,000 away from

the goal with over a month to go. This project and BR Ave will be bid out together but they are separate projects. It goes out to bid in November, which is when the funds are due. This also opened up a line of communication with the city regarding what the community wants with the redevelopment of BR Ave, which was originally just repairing the stormwater infrastructure and putting the street back how it was. DPW has incorporated a lot of our design aspects.

Mark: The Dan Jacobs project has \$25,000 in the TIF that is supposed to go directly to Broad Ripple Ave. Mark will talk to Shiel Sexton about the parameters.

Joshua: The \$550,000 is just to build the trail. It doesn't include lights, benches, other amenities. We want to create a more pedestrian and family area where you can stop and look at the river. We need another \$200,000 (estimated) over and above for lighting of the same type that is along the canal now, and a maintenance fund. Next Tuesday we are meeting with business owners about the potential for not developing the Weaver property site. It might include a BRHS hall of fame, a rocket, and a mini parklet. The property would be donated to a trails foundation to be the land bank owner. The BRVA would probably help with care and maintenance.

Tom Healy: (handed out BR Ave drawings that were shared with the city and subcontractors) For the crossing of the Monon trail, there were conversations about making the crossing more perpendicular to Broad Ripple Avenue. They have agreed to do this in an interim fashion and when the Monon widening occurs they will take care of loose ends. The Monon crossing will be slightly elevated which is traffic calming and adds safety. The city is also putting in raised crossings at Carrollton on both sides.

Joshua: The medians on BR Ave. don't start until after Purdue Polytechnic. There may be adopt-a-median options.

Tom: On Compton, we've reoriented the entrance and exit by Joella's Hot Chicken to make it exit only and to reduce some of the cut through traffic. The property owner is in support.

Chad: For the crosswalks, was there any discussion of pavers? Tom: They will not be pavers. They will be conventional thermoplast white bands that are at crosswalks. There will be push button activated flashing lights. Joshua: The Monon crossing will have the red and white marking.

With no further business before the committee, the meeting was adjourned at 7:45pm.