

BRVA LAND USE AND DEVELOPMENT COMMITTEE MEETING MINUTES
June 16th, 2022, 6:30 P.M.
ZOOM Meeting

Present: Bo Boroski, John Jackson, Josh Mazur, Andrew Baldwin, Daisy Winkler, Garrett Lawton, Karen Valiquett, Mark Demmerly, Jordan Dillon and Kristen Kraus

Guests: Michael Mattingly, Misha Robinowitch, A. O'Neill, Bil Bolgar, Bob Akin, Brian Gamache, Chad Thompson, Daniel Potash, Denny Oklack, George Dury, Jennifer Roth, Kent Dicken, Sarah Kennedy, Tom Drew, Mark Jones

Committee Chair Karen Valiquett, called the meeting to order at 6:34 p.m. She explained the objectives of the Land Use & Development Committee and the objectives of the meeting for Avenue Development updates.

6548, 6552, 6556 Cornell Ave. And 6535 Ferguson St. (Avenue Development) - Misha Rabinowitch, representing BR HQ Real Estate, and Michael Mattingly with Avenue Development appearing with a final updates on the for rezoning 0.80 acre of the property from the MU-2 (TOD) and D-4 (TOD) districts to the MU-2 (TOD) district. Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Medium Mixed-use building type (not permitted on pedestrian frontage type), a surface parking lot along Ferguson Street with a two-foot setback (not permitted, minimum 50- foot setback required), with 49 parking spaces (75 parking spaces required). Case #2022-CZN-821 / 2022-CVR-821 / 2022-CVC-821, Hearing Date: June 23rd, 2022

Karen began the meeting and introduced Misha and Michael with Avenue Development. She explained the process of the meeting, which began with the presenters for Avenue Development.

Misha introduced himself as the Land Use and Development attorney at Dinsmore & Shohl. He thanked everyone for attending and explained that this is their third opportunity to present this project. He explained that based upon feedback from the last meeting, the architects have been working hard to make the requested changes. Misha then turned the presentation over to Mike Mattingly.

Mike introduced himself as the Principal Co-Founder of Avenue Development. He explained why they requested an individual meeting, as their upcoming DMD meeting on June 23rd falls before the next LUD meeting on June 28th. Mike began sharing the updated materials, beginning with some of the architectural comments received at the last meeting. Three main takeaways of the updated site plans are the reduction in the width of the garage; in the back they made the intentional turn change coming out of the parking lot to help guide traffic and be more specific about catering to the 1-way south; they have set back the northeastern corner of the property which created more outdoor seating.

Mike moved on to the second concern of tree preservation and mitigation. He explained that they are acutely aware of the city's requirements based on their work at Broad Ripple Park. He pointed out they will be removing two trees on the Ferguson lot and replacing eleven; and removing thirteen trees on the Cornell site and replacing fourteen, with a net gain of ten trees.

Mike said the third item is parking, which is a concern with everyone involved. He explained that at the last meeting they had already reached out to several businesses that were not interested in getting involved or on the fence. Since the last meeting, they have reached out to additional businesses and have had continued conversations. He stated that they have come to an agreement with Veritas Realty to rent ten space from them. They met with Debbie at Hotel Broad Ripple and they may consider leasing spaces as they move further with the development. The duplex rental behind the development is open to leasing them three to four spaces. The Hair Quarters has fifteen spaces and they are in discussions right now with them on leasing ten spaces. Mike stated that the 66th Street Baptist Church is not interested in leasing spaces. There are six different properties within their block that they will continue to have conversations about leasing parking spaces from them. He has counted 65 parking spaces that are open to the public, that they are not accounting for.

Mike moved on to some of the architectural changes made. They spent a lot of time looking at the massing, which was a consistent theme that they wanted to make sure to address. He pointed out that they have lowered the height to the parapet all the way down to the grade level of the deck on the third floor, which helped establish a true 40-foot deck height. In doing so, it allowed for a lot more openness. Secondly, they moved the building back on the fourth floor, shifting it back another plus or minus twenty feet. They will have added a pergola. They changed the orientation of the look of the building, as far as entering and exiting the space, maintaining the architectural value. Additionally, they cut the corner on the northeast side, making it an inside corner, rather than an outside corner. They added additional outdoor balconies on the second and third floors, which will benefit the circulation for the restaurant. Mike stated that they dropped the eyebrow down on the sidescapes to match up with the second and third floors. They have also realigned the windows and added open sunshades between the second, third and fourth floors on the back to help bring some offsetting options.

Mike touched on the openness again, pointing out that by dropping the masonry on top, it allowed for the open railing to exist and for the soft landscaping. In the back of the building, he pointed out dropping the eyebrow again and setback some of the window elements and opening up balconies. Mike presented larger, more zoomed in renderings. He pointed out where they increased the height of the landscaping in the back of the building and parking lot. He said that they took the width down two to three feet shorter on the garage entrance.

Mike turned the presentation back over to Misha. Misha brought up the concern of the alley. They are planning to include a commitment that would require the owner of the property to grant a pedestrian easement to the city upon request. They believe it's a good solution and makes the most sense.

Misha turned it back over to Karen. Karen asked for them to go back to the view of the west elevation, pointing out that they made changes to the materials. Michael confirmed, saying most likely they will be some sort of metal panel and they are working with the architect to help break up some of the color scheme. Karen stated that she appreciated how much they listened to the public and the committee, particularly with the solutions they came up with regarding the parking concern, especially along Ferguson.

Karen opened it up to each committee member. Josh said that he appreciated the changes made. He said that he thinks bringing the handrail down and attempting to lessen the height is a great improvement. He appreciated the scale they have shown. All in all, he said he thinks it's all positive changes and appreciates the efforts. Daisy said that she echoes the appreciation and doing the work with the neighbors. She agreed that taking down the masonry wall made a huge difference and thinks this will be a really nice addition. John asked what the parking

requirements are and what variances are they asking for. Misha said he is gathering that information. John asked if the city has determined whether this is a small mixed use or medium mixed use. Misha answered that it's medium mixed use. John stated that medium mixed use is not allowed at an MU-2 pedestrian frontage. Misha said that's why they are asking for that variance. John asked Misha to run through the other variances. Misha said he is gathering them. John asked if the rooftop lounge is only going to be accessible for the office employees or will it be accessible as a restaurant visitor or to the public. Mike answered that it will be open to the office staff and it will be up to the restaurant if they will allow access to their patrons. Mike said they have no plans to turn it into a bar or open it up to the public. John mentioned that Mark asked for sidewalk along Ferguson. John expressed that it's not been shown and asked if it's not been possible. Mike said that they can work on plans for a sidewalk and is happy to walk through that.

Misha listed out the variances that they are asking for (listed in introduction).

John stated he appreciates their efforts and presentation, but but is having a hard time supporting the project and wants to hear from the public.

Andrew stated that he appreciates the feedback and the changes they made with the facade of the building. He said that he is excited about having development along the Monon. He appreciates the process, them taking the feedback and making requested changes, that's why we have these meetings. He stated that he supports the project.

Bo said he now supports the project and expressed that they have made some very positive changes. He is very happy with what has been presented. He encouraged the committee to keep in mind what it's replacing and it's a win win. He stated that he very appreciative of the changes that have been made.

Garrett stated that feels we should keep on the people to keep up their buildings. He said that he loves the idea and the use it would bring. He is not totally opposed to the use. He stated that his main concern is with the parking. He appreciates the effort, but leasing spots is not a long term thing and he worries about the businesses in the area. Garrett asked they plan to put in a commitment for the restaurant not operating during the office business hours. Karen asked for Garrett to clarify his question more time. He asked will there be minimal overlapping on office to restaurant hours and will the commit to that. Mike answered that they don't have a problem with that. Misha spoke and mentioned there may be an opportunity for restaurant lunch hours and it would be good use of the outdoor patio. Garrett said he loves a restaurant in that spot and lunch hours would be great, but adding restaurant employees and guests along with 100 office employees would be a concern for that area. Mike clarified the count of 80-100 is including restaurant staff and patrons, in totality. Mike said that cannot answer for the restaurant at this time, but stated their plan is to focus on evening operations. Garrett complimented the design efforts made, and reiterated that his main concern is what it would do to this parking in this particular part of the village.

Mark said thank you for improvements made, he only has a couple of comments. He pointed out that they got rid of the northeast corner. Mark suggested that they consider a transition and rather than getting rid of it completely, they do a two-story with a third level balcony, to help relate to the houses next door. Mark suggested they do the same on the southeast corner as well and eliminate the covered roof on the corner, for a better transition. Mike said that he does not hate that idea at all. Mark said if they provide them with a two-story building line, it would really help make a transition back to the neighbors. Mark said secondly there are some significant Oak trees along Cornell that he would encourage them to retain and even build the patio around them, if necessary. Mike said that he agrees and they plan on keeping those trees. Mark stated that he really appreciates the changes they made to the western facade.

Karen spoke again. She asked for confirmation on how many potential parking spaces they will have reserved. Mike answered they are working on agreements for 23-24 additional spaces. Karen asked for confirmation that it would make a total of 73-74 spaces. Mike confirmed. Karen asked if it will be daytime & evening parking. Mike answered it will be a mixture of both. He explained that the office employees will have tags on their cars and that it will help identify issues that they can address. Karen asked if any of the committee members had further comments.

Josh spoke. He stated that he gets the height issue and the context issue. He referred to Regional Planning 101 class, stating that we need jobs and people in the village in the daytime. He stated that a service industry supporting a service industry is not a win situation. He expressed that Broad Ripple is one of the greatest areas in the city, and we need to bring in people and jobs to help support the service industry. He said the design changes are excellent. He stated that we need to start thinking about density and supporting the people that live and work in Broad Ripple better than we do now. He expressed that we don't need more vape shops, we need more professional development so that we can better support the village.

Jordan Dillon spoke on the recent crime around Broad Ripple. She expressed that some businesses in the village feel that they have to stay open until 3am in order to keep their business open. She said that the more daytime business we could give them, they may not have to stay open until 3am. Jordan brought up parking and mentioned that the committee unanimously and with a lot of excitement provided their support to Monon Yards with zero parking spaces required. She urged the committee to also consider that more than likely the office will not be at 100% occupancy everyday.

The meeting was opened up to the public. Jennifer Roth introduced herself. She works on Ferguson and lives in Broad Ripple. She said that she went out on a Thursday at 1pm, and counted only 1 or 2 spots available. She observed Carrollton Avenue on a Wednesday at 10:20am and said that 66th Street was packed all the way down. She said that it's a unique area, more residential and surrounded by the river, making the south the only way to park. She said she can't see how extra cars can make it in that area. She stated that she works on Ferguson and if their clients can't find parking, they will stop coming in. She stated that they rely on street parking. She said they do have their own parking lot, but they still use street parking. She asked that they minimize the number of offices. She suggested that they ask the Art Center about leasing parking spaces from them. She expressed that there is a problem with the river and it creates a lot of traffic in the area.

Sarah Kennedy spoke next. She stated that she works and owns the building across the street from the proposed parking lot. She said that she is very concerned about the parking. She stated that it sounds like the village has made some bad decisions already and has not taken parking into consideration. Sarah expressed that this project is not going to benefit the village as a whole unless there is adequate parking.

Denny Oklak spoke. He stated that he owns the building located at Cornell and 66th Street. He expressed that parking is already an issue. He asked Mike to clarify the amount of employees expected one more time. Mike answered that the 80-100 count is for the entire building, not just for Avenue Development.

Mark Jones spoke. He stated that he likes everything about the building. He said that he owns the preschool building. He expressed that parking is also his main concern. He is concerned that the potential parking agreements could fall through or expire after some time and is subject to change. He complimented the building and what they are doing.

Karen spoke. She spoke about the City's transit plans, reminding everyone about the Red Line. She said that some of these issues are bigger than just Broad Ripple. She expressed that there is a balancing act. She said that she appreciates the effort to lease the parking spots.

Garrett spoke. Garrett asked for confirmation on employees at Avenue Development. Mike answered around 40 all in, including construction crew. Garrett asked out of their entire staff, how many are in the office daily. Mike answered about 50%. Garrett asked if they anticipate any road closures during construction. Mike answered they do not anticipate any road closures.

Josh spoke and said he appreciates all of the comments. Echoing Karen's comments, we don't need to focus on the transient part of this anymore. He said that our responsibility is to develop this village. He said that we are talking about local community and pumping up jobs within the community. He expressed his support for mixed use buildings and said if you build it they will come. He said that we need to be focused on a self-sustainable community.

John spoke. He stated that they will win over his support with the following commitments. He asked that they follow through on the pedestrian easement. He also asked that they commit to the transition that Mark suggested. He asked that they commit on a 1 to 1 ratio for parking for at least the first year and a commitment to offer incentives to live in Broad Ripple. John stated that if they commit to all of that, he is inclined to support the project. He stated that he hopes this project is a precedent for the future and said that it's done well.

Karen said she does not see any more hands up with comments. Karen entertained a motion. Mark made a motion to approve based on the same commitments that John spoke about. Mark also mentioned the commitment of retaining the trees that he spoke of earlier.

Misha spoke and brought up the commitments. Misha said yes to the pedestrian easement. He said he would need Mike to comment on the proposed transition to two stories. Misha expressed that he is concerned about the one to one parking ratio. He expressed that circumstances can change. He suggested that the petitioner will make their best efforts to achieve that number. Mark spoke, that he did not include the parking commitment as part of his motion to approve. Mike spoke on the two-story component and said they are open to making those changes. He expressed to Mark that he thinks it is a great idea and they will work with the design team to make that happen.

Bo expressed that it feels a little presumptuous for the committee to do it conditionally, but he likes Misha's terms of using their best efforts. He expressed that he wants to be careful about the conditional language.

Karen asked if someone would like to amend the motion. Mark said he will amend his motion to the following commitments: provide a transition on the southeast and northeast corners of the building to relate to the adjacent properties; along with the retention of the mature trees along Cornell; he will retract the pedestrian easement; commitment to leaving room for a pedestrian sidewalk.

Josh said that he motions to approve as is.

Karen said there are commitments and there are suggestions. She said if there is a motion now to approve as is, we can include these commitments as suggestions in the the letter of support.

Jordan asked Mark if he would like to amend his motion to approve as is or see if there is a second for his motion. Mark asked for a second for his motion. John seconded Mark's motion. Karen clarified that the motion on the floor includes the commitments previously stated by

Mark Demmerly. Bo asked for Mark to repeat the commitments. Mark repeated the commitments. Karen went asked each committee member for their vote. Daisy, Bo, John, Andrew, Garrett, Karen and Mark all voted yes. Josh voted no and would like to approve the project as is. Motion passed, with the commitments.

Meeting is adjourned at 7:51 p.m.