

BRVA LAND USE AND DEVELOPMENT COMMITTEE MEETING MINUTES
January 28, 2025, 6:00 P.M.
Northminster Presbyterian Church
1660 Kessler Blvd. E. Drive

Present: Andrew Baldwin, Bo Boroski, Garrett Lawton, Karen Valiquett, Daisy Winkler, Tim Oprisu, John Jackson, Sam Rogers, Rebecca Dodge, Chad Fallis, Anthony Bellamy, Josh Mazur, Jordan Dillon and Kristen Kraus

Guests: Bill Ficca, Brad Horn, Misha Rabinowich, Scott Moshier, Alan Hague, Meghan Kiger

Bo Boroski, LUD Chairman, called the meeting to order at 6:00pm. He explained the objectives of the Land Use & Development Committee, the rules of presenting to the committee and the committee members were introduced.

Bo asked if there is a motion to approve the minutes from the prior meeting. Tim made a motion to approve, Andrew seconded. The minutes were approved.

6519 Carrollton Avenue – Misha Rabinowich will be presenting on behalf of Gershman Partners regarding the Petition for rezoning of 0.177-acre from the D-4 (FF) district to the C-3 (FF) classification to provide for commercial use.
2024-ZON-140; Hearing Date: February 13, 2025

Misha Rabinowich introduced himself. The subject property is 6519 Carrollton Avenue—the 4th parcel north of 65th and Carrollton. He said it's a bungalow property with a carriage house in the back. Misha said the property is zoned D4. The Gershman Group bought the property two years ago. He said the idea is not to change anything on the exterior. The tenant that was there, which is a financial services firm, was vacated. He said they presented last year to get a variance because they thought that Small Box was going to occupy the property, however, they ended up not going forward with their lease. He said at that time, they got a variance because they were in a hurry and that was the quickest way to get a permitted use. Misha said the city planning department supported the variance, but requested they come back and rezone it—which is why they are presenting today. He said it also permits the Gershman folks to have a broader scope of tenants that they can lease to. He said they're seeking a rezoning of that property from the D4 to the C3, which is light retail and consistent with the Comprehensive Plan, which is Village mixed-use. He mentioned a similar case in the past with the art craft studio. He said that staff has asked for some restriction on some of the permitted uses. He indicated that the last page in the provided handout includes a list of restricted uses. He said they would like to lease the space to likely an office user.

Bo opened it up to the Committee.

Karen asked Misha to remind her of the variance of use.

Misha said it was for small office use, specifically for Small Box.

John asked if Small Box purchased the building.

Misha said no, Gershman owns it and was hoping to lease it to Small Box.

Daisy asked if they know why they didn't go with C1 for the office space.

Misha said he thinks C3 permits a little broader scope of uses. He said they certainly considered C1 but C3 permits office plus other uses and they took out uses that they thought would not be appropriate.

Anthony asked if they use is just for office.

Misha said office, plus some additional retail uses that would be permitted in C3 which could be a small retail shop.

Anthony said but none of the uses on the restricted list.

Misha said that's correct.

Andrew said his question may be more for the Committee, as he's thinking about prohibited uses as they think about future legalization of marijuana. He asked what would happen if something changes in the laws and there are things that are not listed as prohibited uses that clearly they would want listed now.

Jordan said she doesn't know the answer to that question. She said she would assume that should there be a legalization in this state, there would be a lot of restrictions on where they can go and what zoning or variance they would fall into. She said she's not sure if it would be tied to a certain license, like it is with an alcohol permit. She said she's sure there's a permit that would be needed, but she hasn't studied it in other states.

Karen said it's different in every state and they could guess all day long.

Andrew said it just begs a question.

Misha said he thinks that would be interpreted as light retail so a C3 could permit that. He said to Andrew's point, there are restrictions on alcohol sales—like having to be 200 feet from a residential district or a school or church. He said there might be other restrictions and would have to amend their ordinance to include that.

Andrew asked if they have enough teeth now to include potential prohibited uses.

Misha said that Fountain Square is having the same issue.

Jordan said they do that already, they already have vape and smoke shops as restricted uses that are in a lot of clauses and they do the same thing with a lot of vape shops in the area. Sometimes they say vape smoke shop. She said that's why in Broad Ripple you don't see a ton of that style in the area. Jordan said that Fountain Square wants to do what they do in Broad Ripple. Jordan said they don't do a lot of restricted uses, like they do whenever they're going through this. She said they do a lot to try to protect themselves from that. She said the problem is, they do that when there's a variance or a rezone, they can't go back once that is already done.

Andrew said exactly, and asked the question what happens when that changes if they can't go back.

Jordan said there is also something to be said for somewhat of a free market too. She said as an example—we can't say in Broad Ripple we don't want any Italian restaurants and start saying no Italian restaurants.

Andrew said they are doing that here for all of the restricted uses.

Jordan said right, for type of business.

Daisy said if they want to be that specific about it, then maybe they would just prefer that it's office use only.

Andrew said he doesn't see it as a problem for this and maybe they table it and think about that as a group.

Jordan said she thinks that's something for Bo as the chair to put together a committee from this committee to do some research and present back.

Bo said he's glad Andrew brought it up—as it is a bit of an elephant in the room. He said it's an unknown unknown and future predictions are difficult but he does think it's worth having a more comprehensive list. Bo opened it up to the public.

Scott Moshier said there's several CBD shops in Broad Ripple already and sell delta nine. He said he's sorry, but it's probably not going to be in the state legislature to legalize cannabis anytime soon, but the cat's already out of the bag. He said he would encourage the Committee to consider how much they know about CBD and derivatives right in our area. He said Broad Ripple needs more businesses and we should be all for free market economy.

Bo said they aren't worried about what they're going to do, they are worried about the next tenant does when the rezone happens. Bo asked if there were any further comments from the public.

No further comments.

Anthony asked if they already have a tenant in mind.

Meghan Kiger said it was a financial firm and they would ideally like to get another professional type business in there but they are being picky too. Meghan said they care a lot about what goes into Broad Ripple.

Bo asked for a motion.

Karen made a motion to support with the restricted list, Daisy seconded.

All were in favor—motion passed.

Bo asked that Meghan Kiger step up. He said they have a few items to bring up in particular regarding the Versa lot. He said that the trash is out of control. He also mentioned the blockages that are occurring and need to be addressed. Bo also asked that they be mindful of any street close downs.

Meghan said she will relay everything to the Gershman team. She said Versa is going well, and is on schedule and pre-leasing is going really well—looking to have first residents later this Spring. She said they have not finalized a retail tenant yet but they are talking to several operators.

Bo adjourned the meeting at 6:21pm.

