

INDIANAPOLIS HISTORIC PRESERVATION COMMISSION
DEPARTMENT OF METROPOLITAN DEVELOPMENT

COMMISSION HEARING MINUTES

Wednesday, November 1, 2023, 5:30 P.M.
2nd Floor, Room 260, City-County Building
200 E. Washington St., Indianapolis, Indiana

Commissioners Present: President William Browne (BB), Vice President David Baker (DB), Susan Williams (SW), Michael Bivens (MB), Anjanette Sivilich (AS), Anson Keller (AK), Annie Lear (AL)

Staff Present: Meg Busch (Administrator), Chris Steinmetz (CS), Emily Jarzen (Principal Architectural Reviewer), Shelbi Long (Senior Architectural Reviewer), Dean Kessler (Architectural Reviewer), Grace Goedeker (Preservation Planner)
Melony Evans (Office Manager/Recorder)

BUSINESS

I. CALL TO ORDER 5:31PM

II. OLD BUSINESS – NO PUBLIC HEARING

NONE

IV. NEW BUSINESS – NO PUBLIC HEARING

NONE

PUBLIC HEARING

BB: Introduces Commission, Staff and reads Rules of Procedure

V. REQUEST TO WITHDRAW OR CONTINUE APPLICATIONS

2022-COA-112 (IRV) 5270 EAST WASHINGTON STREET *continued to December 6, 2023*
Replace historic tile roof with alternate roofing material.

2023-COA-109 (IRV) 362 S. DOWNEY AVE. *continue to staff level*
TRAVIS BARNES & KEVIN LAPKOVITCH
Replace vinyl widows installed without approval with appropriate new windows to match design of historic, multi-lite windows.

2023-COA-252 (HMP) 2131 N. TALBOTT *continue to December 6, 2023*
LANCE CLELAND
Construct new 2.5 story, single family residence with detached 2 story 2-car carriage house.

2023-COA-379 (HMP) 1708 N. PENNSYLVANIA ST. *continue to December 6, 2023*
NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE
Rezone from D8 to SU2OL

Meg: Reads cases to be continued.

AL: 1st

AS: 2nd

UNANIMOUS

VI. EXPEDITED CASES 5:56

2023-COA-372B (IRV) 32 S. HAWTHORNE LN.
LEVI WILLIAMS
Work on Non-Contributing house: Install fiber-cement siding and LP trim; alter openings and install new windows and trim, remove driveway.

Meg: Reads expedited case.

DB: He said he drove by and is in favor of what they want to do. He noted the staff report commented that the drawings were a bit rudimentary, so he did a quick drawing showing some proposed refinements (copies provided to staff for commission members and applicant). He is OK with the size the 3 windows infilling the garage opening, but noted they should be same size as the one existing window. He suggested the new window trim match the existing door and window trim, which is thicker. He suggested adding a band board along the foundation and one separating the gable form the body. He did not suggest a change in the staff recommendation and agrees to an expedited approval unless the staff and/or applicant do not agree.

BB: The applicant can work with the staff.

DB: 1st

MB: 2nd

UNANIMOUS

VII. APPLICATIONS TO BE HEARD (CONTINUED)

2017-COA-049

AMENDMENT 7 (CAMA)

901 CARROLTON AVE. (AKA 820 MASSACHUSETTS AVE.)

LILLIAN COOPER, HOK

Amend plans for building 13 to include Nanawall system.

BB recused from case. DB chaired.

Lillian Cooper: 300 W. 22nd ST, Kansas City MO. We have provided some additional documentation to provide more imagery to explain the Nanawall in general. The intent is to replace the glazing on a level 5 patio. The Nanawall will be the same width and height of the existing opening. Last time there was a question as to why we relocated the door. It is fixed and if it is fixed in the middle of the opening, we would not be able to open the Nanawall completely. We have provided some floorplans that we can look at. The slides show the head seal and jam conditions. The difference is with the sliding glass system has a track that has to be accommodated for. We have provided some images of what the Nanawall looks like and how it operates. There is a work café image that shows how the Nanawall will look opened and closed. The client hopes to provide a indoor outdoor situation that the access to nature provides a better mental wellbeing. We are wanting to match to the current layout as much as possible.

Gavin Thomas: 345 Mass Ave. I am with Hindricks Development. This is something the tenant asked if we would be ok with, and we are. This is an upgrade to the current condition. They want to embrace the view and it will provide the employees more flexibility in the space.

EJ: Staff is in support of the change due to the fact that the area in question is in a deep recess and it sits in a lot of shadow so there is low visibility, and the colors match the current condition. So, it will maintain that continuity along that side.

DB: Any questions from the commissioners?

SW: I was concerned with the lack of detail but seeing what I am seeing tonight makes me comfortable with supporting this.

DB: I did go out and look at this and you can not really see it. It will end up being very unnoticeable. We will probably be the only ones to notice it and I would not be surprised if other tenants will ask for the same thing.

Meg: Staff recommends to approve to amend the approved COA to include a Nanawall system.

MB: 1st

SW: 2nd

UNANIMOUS

VII. APPLICATIONS TO BE HEARD (NEW)

NONE

**2023-COA-401
OLD CITY HALL****201/222 N. ALABAMA ST.****CHASE SMITH**

Preliminary review for exterior and interior rehabilitation of Old City Hall, and new construction of mixed-use tower on parking lot.

BB: The way we will conduct this is we are only going to hear the applicant and then we will ask all the commissioners to provide some feedback

Chase Smith: TWG Development 1301 E Washington St. Suite 100. Very grateful to be here and present this project to you. For those of you we are a national multi-family housing development company based in Indianapolis. We have projects at 18th and Meridian and going south several more. We are working on something on the Westside. This project particularly is one that we could not be more excited to take a crack at. I think a lot of us have read about this in the paper. It is a mixed use we are going to construct a 31-story mixed use tower complete with residential and hospitality components. We will have 150 hotel rooms 190 multifamily units and 24 condos on the top floor and separate amenities for residents and hotel guests. The Old City Hall will incorporate elements of our hotel. 21C will operate our hotel, Travis is here from 21C. There will be meeting spaces a restaurant, public art gallery, on floors 3 and 4 we will have to be decided future office space. I am going to step back and let the people who can explain how we landed at a project like this.

Andrew Moore: Architect with Smallwood based out of Atlanta GA. 3495 Piedmont Rd NE Building 10 Suite 700. These are historic photos. Where the windows are maybe still there behind the stone. Jeff is the architect of record we are the design architect for the overall project. There is some question about the floor area ratio. I think it is important even though I know you guys know this site intimately. I think the one-way circuit is a one way clockwise for our vehicular traffic, Patrons to the hotel we would anticipate they would use the existing layout. Valet parking would then circulate up Ohio and down the middle of the page is how you would access the parking deck. Residents and valet parking would also have access in the same way to the parking deck.

Jeff Desmit: Studio Access 618 E Market ST

We spent a lot of time to get to this layout and how we could access this space to the best of their ability from a functioning standpoint. The lower level is the hotel service mainly, back of house and office functions and some of the kitchen storage. Because of the features that are still down there one of the things that we have elected to do is to move the main restrooms for the hospitality space to kind of drive traffic down here and to utilize that lower-level lobby space.

On the main level one of the things that was important was to try to drive traffic through the existing City Hall to celebrate what we have there. We are utilizing that main entry. Toward the north closer to the connector, we have check in, lobby, bar function, as well as some of the smaller back of house we will use as part of the connector to get into the new tower. The second floor is hotel event space, with the exception of restrooms and back of house space for catering and staging. The other main feature we have on this floor is kind of a larger 4 seasons event space. It will serve as an opportunity for the public to see and admire the original architectural features closer up. It also serves as a means to access the egress accessibility we have. The 3rd and 4th floor will be comprised of tenant space. The main idea is from a public access standpoint and be able to use all these main spaces. The 4th floor is identical to the 3rd floor. From an exterior standpoint, we are looking at this in 2 parts. The restoration aspect and how do we put back what was there originally and bring this adaptive reuse into the space. With that comes tuckpointing, masonry and roof repair and repair to the steps out front and open up almost if not all the existing windows. This will be important for us to work closely with IHPC staff to figure out what will be the best approach. We are looking to open all the windows and use as much as we can from what is already there. A lot of this is restoration and repair using as much as we can from what is already there.

Andrew: Let me tell you about the new construction and how they both work together. The result is slightly different from what we originally submitted. The spaces along the front are all activated uses. This space will be a mixed-use type of space. They envision these gallery spaces being a flexible space open to the community. We plan to activate a 3rd party retail opportunity. Condominiums, leasing office space, main lobby, mail room for residents, in the corner at the alley is the beginning of our back of house. We have 2 truck loading docks and a trash compactor. We have employee only entrance. A modern kitchen and all those spaces work towards the old city hall space. The connecting space that Jeff mentioned is more gallery, reception and we can explain how that will interface between the two. We do want to activate the pedestrian experience. There are 4 levels of a parking deck. Up to about 300 spaces no greater than 4 levels. There are 6 levels total for guest rooms. 190 efficiency family units. 24 condominiums. Half a level for clubhouse and amenities.

AK: I am excited to see this block restored after many years of vacancy. I am really in support of this project. I think there is still a lot of work left to do on this project to get it to where it needs to be. Did you guys familiarize yourself with the zoning requirements. I asked that because of the historic content. It's not just the Old City Hall there are a lot of historic buildings that need some respect, and I do not think this plan showcases the historic essence of the building. I think this density is necessary and welcome in downtown, but I think there could be some work on the façade. I know there is a lot of detail to be considered. Those are my main concerns. There are steps to get there I would like to see revised design plans. The other issues that I had moving to the Old City Hall I would like to see the details both of how the interior and exterior will be restored. That will be a challenge. I would like to see more detail on how you plan to make that work. Those are my main concerns. I think this project has huge potential to make a huge impact on our city.

DB: I think this use, hotel/condo/art gallery is perfect for this site. I have heard lots of ideas about what could happen to Old City Hall I think the mixed-use proposal was the way to go. On the new building, it seems like I saw some drawings in IBJ that looked like the 1st level was raised. I like this much better being accessible from the street. I also want to add I generally like the idea of a modern building next to the city hall, but the ground level looks a little squashed next to city hall. Personally, the Old City Council chamber that has the gallery above it and it is all still there it would be really cool to do something with it, I do not know what but keep that in mind. One of the things you need to be doing early on is to inventory and protect everything that is in the building. Some of it you will need to reuse and replicate. I do not want to hear that it has been lost due to someone not paying attention to it.

AL: I am delighted that it will have new life. When much is given, much is expected. It seems it is in very good hands. There will be a lot of responsibility on your part. That interaction between the street and the building will be important because there is a lot of pedestrian traffic. I think this is a very ambitious project. And that 1st floor does look a bit squashed. I do look forward to having all the windows replaced in that building. Bottleworks will be a good model for you to look at. I do like the glass connector.

SW: This is very exciting and to couple it with what is happening at city market is going to change the whole layout of downtown. There is a lot of pedestrian activity there, and it will not go unnoticed. It is unusual for us to have oversight over the interior of the building. I am going to be really interested to see how the interior will be done. I like your reuse ideas in terms of making that city hall public and driving your business through there. I have confidence in 21C in respecting the old and making it contemporary. I like the fact that they have come here. I am concerned with the setback or that it is not setback enough and that you are really celebrating the city hall which is the star of the show. I would like for you to talk about that and see what you can do to push that back. The window detail is going to be very important. The mixed

use will be well received in the community. I am looking forward to seeing what you have when you come back.

MB: I do like the scaling and the density. Now that David's mentioned I do see the base needing more massaging to make it look like the weight is pushing it into the ground and now I can't unsee it. Was it possible to connect the buildings at a higher level and protect the alley.

Andrew: We are connecting at the second level. You would have to fly over to connect to level 4 of the historic building.

AS: I do not have a whole lot to add. One of the things I noticed was the council chambers. I think that it is a cool space. The only thing that I would like to see is to keep as much of the existing historic fabric as possible. There are some cool features still there that should be preserved. See if maybe on the first floor if you could keep one of the openings with the windows in it. The glazing gives that affect that makes the building look squashed.

BB: The thing that is troubling me that this is a building that is being added on to the Old City Hall. It is being independent. It feels like it needs to be more relationship architecturally. If it was by itself, I would be supportive of the direction it was at right now. It feels that the multi-function of the building is very monochromatic. I think there is an opportunity to consider outdoor spaces for the condominium tenants. We will want to see all 4 sides of that building we are only seeing 2. I would suggest the winter garden needs to come in a little and let the Old City Hall kind of turn the corner. I am concerned with the overall flow of everything. We are the IHPC so we are really going to care about this historic building to a very high level and I can't emphasize that enough. Interior is not something that we do a lot of but we appreciate the value that this interior has. The restoration of that is going to be important and the reuse of that is going to be important. One other item that has been coming up is that the cost of the financing are in place as it relates to the ability to actually deliver that and we need to understand how that will play out. When would you like to come back.

CS: I know we are kind of backing into a schedule of construction for 2024. We are open to your guidance.

BB: Like what we did with Bottleworks is break this up into phases. You may want to talk to staff to see how to move forward with this.

SW: We had special meetings for Bottleworks. With this project I think it is important enough and I am willing to give the additional time.

BB: Yes, that is where I was heading to have some special meetings to cater to this.

Meg: I think that is the best solution to this scale of a project. If you can work with staff we can help you understand what that process looks like.
TBD for special meetings.

X. APPLICATIONS TO BE HEARD – WORK STARTED WITHOUT APPROVAL

2023-COA-251 (FP)

529 FLETCHER AVE

KIM COOK

Retain deck extension in side yard constructed without approval.

Chris Kotche: 6311 W Stoner Drive Greenfield. We agree with staff comments on the property. Since the Cooks bought the property, they have elevated the neighborhood with investments in the neighborhood. It is infrequently used, there are not people on the deck every day. The Cooks put this up in total compliance with staff assistance.

BB: Anyone wishing to speak in support or remonstrance of the application?

David Kingen: 6180 E Market St. We had some concerns about procedural issues. When we were first contacted about assisting them with their concerns with the IHPC office was 5 days prior to the hearing. I asked some questions of the staff I was told that the application was going to be approved on the 18th and there was no reason for a continuance. The FP neighborhood felt the hearing should be continued in order to answer some questions. We found the continuance hearing was a bit strange because the applicant was not present. I do not know the relationship between the applicant and Ms. Pontius. I was not familiar with your procedures to appeal. We did not know what else to do. We found it a very unusual procedure. Then at the public hearing not being able to have a dialogue between the applicant and the staff. I did hear the applicant say that it is used on a very limited basis, that is true. It is zoned C5 and the only thing we can say it is used for is a D8. We are not sure if the Cooks have actually slept there. They come and have occasional gatherings. I do not think it is functioning in our opinion as a single-family dwelling and it is affecting our neighbor's quality of life. Can you build a deck in this zoning area? Expanding a residential deck in a C5 zoning needs a use variance or to be rezoned to D8, and you trying to evaluate that without the zoning administration of Marion County. So we are very concerned with the process at this point. Those are some of the procedural and zoning issues we have. I do want to examine the quality-of-life issues. We do not know if this is being used as an air bnb. There were people on the deck during the opening of the Pacers last week. As things move forward those gatherings will grow. We are very concerned about their quality of life. Some of the condos are only 10 or 12 feet away from the deck. Some of the residents say they will have to sale because they cannot live so close to that type of activity. We have advanced to a very reasonable compromise and provided it to the applicant and staff on yesterday. There are some commitments that we would ask the applicant to make. Those are, the property is zoned C5 which allows for a 10ft fence, the present fence is a 6ft fence which is the max allowed in a D8 district. Although that would be very unusual for a 10ft fence, you could appreciate with the height of the church it would provide an additional buffer and screening for the noise. We advanced that to the owners for the last three months to resolve this without bringing it to the Commission. Mrs. Cook was always out of town. We would like to suggest some conditions to have a 10ft fence constructed and then have it rezoned to D8. We are not forcing anything we are asking them to attach some conditions to their approval. What we are advancing today will allow the applicant to keep the deck and the remonstrators to have a fence. In closing the commission has invested a great deal of money we are asking you to take this opportunity where the commission can be a winner by having the property properly zoned and the applicant can have a deck.

Michelle Barret: 501 Fletcher Ave. When we moved downtown, we expected it to be what it is downtown. We love it. We did love that we could go into our unit and get some peace and quiet. We were surprised that our neighbor could build a deck without notice and I can be eye to eye with someone standing on the deck if they are on the deck having a conversation it is like they are standing in our home. When we did bring the misconduct to the appropriate body it was like we were made to be the bad guys. At the staff meeting we were told that it was going to be approved and it did not matter what we said.

Karen Atoli: 501 fletcher Unit C. My husband and I live in the unit that is on the side of the deck just above the Barrets. We are both surgeons and worried about the quality of life. When people are out on this deck, we can hear every word. Our windows are some of the ones that open to the deck, so we lose a little of that privacy. I think we are just concerned that some of the rules have not been followed in building this deck and we are concerned about what that will look like moving forward with the noise. Are they going to have parties all night. People are not going to want to live there.

Ryan McCarty: 501 FP Apt B We are the OGs of the building. We are on the opposite side. We do not necessarily have parties on the side we live on. My wife is the president of the HOA and we just wanted to provide support to our neighbors. We heard that a decision was made before we even had a chance to raise a concern. To be able to raise a concern tonight seems like an after affect to a decision that was already made.

Jeff Miller: 558 Fletcher Ave. I also had an admin hearing. The neighbor showed up at the meeting. That is how the process usually works. This applicant has repeatedly avoided following the rules. Those notices are very important. It is critically important that the notices are done correctly. The owners of the property next door did not get a chance to argue their stance like I did. I do not agree staff in approving it at the administrative hearing that is why you guys are here. Hopefully you will require a continuance or not build it.

DK: *Dean reads history of case.* What the cooks installed without approval was the deck and the railing and steps, the Cooks did correct those violations. There are some issues with the commitments provided that was mentioned in the remonstrator's testimony. A 10 ft fence would be out of the ordinary for a residential area, it would be illegal in the D8 zoning area and it would be out of the norm for the district.

DB: I have been out to the site and looked at it. And after reading many pages of submittals and hearing the testimony tonight. There is a whole mix of issues. One of the issues has to do with the applicant and the fact that they did work without approval, nobody likes that situation, but it does happen. The act of building something without approval does not necessarily make it inappropriate. You do not deny the applicant of the approval if it was done appropriately. I assume that this applicant paid a late filing fee which says to future applicants that you must get it in on time. Another bug issues seems to be the approval process, that is just way too complicated for us to get into tonight. But bottom line we are here tonight at a public hearing in front of the commission. I do not think delving into those things will solve our issue tonight. Another issue is the appropriateness of the deck in a way that we as a commission can think about appropriateness. I have not heard anything from staff or remonstrators that would deem it inappropriate. The fault that people have found is the setback. We are being told by our staff that a setback is not required. I also want to point out that half the deck, the old part was built in 2007 and there was no variance or zoning done at that time. The other issue is the C5 zoning, I think that is the real issue. I say that because it is an issue for me. It is the wrong zoning for that site, the problem is it's there. The property owner bought that property bought it as C5. So, you knew at that time there was the potential for commercial use. There should not be commercial use at this property. IHPC does not have the ability or authority to force a rezoning. For us as a city agency to force that I do not see that. But I do think the one thing is the screening issue and the screening issue I think it is legitimate and appropriate for us to deal with as a commission. Can you tell us whether you accept these commitments presented by the remonstrators?

Chris Stokey: The Cooks have seen it and it is not an acceptable format.

DB: I have 2 stipulations that I would like to propose. I see nothing intrinsically wrong with this deck or the fence yes, it was wrong how it was done without approval but not the deck or fence itself. Nothing that would lead us to say that this is inappropriate, I think we can call it appropriate, but I do think that we could require better screening. I do not know if that fence is on the 501 or 529 Fletcher Ave. property.

DB: Makes two possible stipulations that he had prepared for consideration. They both would require building a taller privacy fence if the deck is retained.

SW: This is a situation that just causes my blood pressure to rise because I think that right here in front of us, we have an active threat to the preservation of our historic

neighborhoods. That active threat is taking our historic houses, leaving them empty unless there is an NBA Allstar game and then it becomes a party house. What we are seeing is these wonderful properties being bought up and sitting empty. We are sitting here, and nobody really knows what this is, I know what it is a party house. It threatens the quality of life that the residents are talking about. When we see this happening and we say we cannot do anything about it, well we are a preservation commission if we are going to preserve these neighborhoods and these structures, we have to think about this. If you are going to run a business out of an entity, there should be something that makes you state that. If we are the Historic Preservation, I appreciate the bureaucratic structure, but we have to step out of that. I think we should really explore this situation.

BB: What do we understand have they stated what the use of this building is?

DK: It is used as a residence. It is not an Air BnB

SW: Doesn't a residence suggest that somebody lives there. It can't be a residence if no one lives there.

DB: Can we ask the applicant so that they can tell us.

Chris Stokely: It is not their primary residence. They have a home in Marion County for when they attend events that is where they stay.

CS: We have not heard sufficient testimony of how it is being used rather it is being used as an Air BnB.

AK: For me it boils down to one document in the 2007 COA, there are 6 stipulations in it. I am going to have to disagree with David when he says there is nothing that deems it inappropriate. They have violated 5 out of 6 of the stipulations in the COA. For me that tells me that it is entirely inappropriate.

AL: I will concur with both of them. My comments may not make any difference. The works out of being considerate of your neighbors. I think we should follow the rules and doing things by following the rules. We live here because of the character and care of the homes. But I do think there is a burden to be a good neighbor and be respectful.

BB: Meg or Dean, can you speak to the comments of the lack of conforming to the stipulations that have been given.

Meg: We will have to look at the documentation.

BB: I think we need to continue this.

DB: I think I missed that COA. It makes something of a difference to me. It clearly was an issue of the size and location of it. It does make me pause. The way it is being used today is probably legal in both C5 and D8. So, it is a bigger issue. The ultimate solution is that it gets rezoned to D8, but that is not going to stop parties there or it being used like that. Long term big picture it should be rezoned.

BB: I think to carry back to your client that they need to come back to the table. We need to come to a middle ground. Come back to the commission with some solution that feels like it makes sense to everybody.

BB: Asks for motion to continue to December 6, 2023

AL: 1st

DB: 2nd

Approved 6-1 (SW Opposed)

XI. CLOSING BUSINESS

NONE

XII. ADJOURNMENT 7:36 PM