

October 25, 2017

The Ellettsville, Indiana, Board of Zoning Appeals met on Thursday, October 25, 2017, at Ellettsville Town Hall. Terry Baker called the meeting to order at 6:30 p.m.

Roll Call: Members present were Terry Baker, President; Russ Ryle, Vice President; Fred Baugh, Todd Lare, and Pat Wesolowski.

Approval of Minutes

Terry Baker entertained a motion for approval of the minutes for the meeting on March 30, 2017. Pat Wesolowski so moved. Russ Ryle seconded. Motion carried.

New Business

Request for a variance of development standards to reduce the required number of parking spaces at 5665 W. State Road 46; Petitioner: Allied Real Estate; Case No: BZA 2017-02

Kevin Tolloty, Planning Director, explained this a request for a variance from development standards for a parking reduction. This is a variance from development standards. There are three criteria in Indiana Code and three requirements under Ellettsville Town Code to be considered: Indiana Code requires the variance to not be injurious to the public, health, safety and morale, will not negatively affect the area adjacent to the property and the strict application of the terms of the zoning ordinance will result in practical difficulties and use of the property. Town Code requires that it does not interfere substantially with the Comprehensive Plan, approval is not based solely upon a financial hardship or mere convenience and the approval is in conformance with all other Town ordinances. The property is zoned Commercial 3 and the tax abatement was approved by Town Council on October 23, 2017. The project will be a 90-unit, three stories, low income senior housing complex. Town Code requires two parking spaces per dwelling unit. This project will have 70 one-bedroom units and 20 two-bedroom units. The variance would reduce it from two to one parking space per unit. Monroe County recognizes senior housing projects as a separate use for parking and their ordinance is .8 spaces per dwelling unit. Engineering studies average .4 and .8 spaces per dwelling unit for senior multi-family housing development. One space per unit is more than will be used. Mr. Baugh asked if there will be people who won't have vehicles. Mr. Tolloty answered more than likely. Carson Hayes, a partner in Richland Senior Housing, has advised their parking is under one vehicle per unit. Mr. Wesolowski asked if there will be an office in the complex. Ms. Delgadillo answered they will have an on-site manager.

Yvonne Delgadillo, Allied Real Estate Partners ("Allied"), is the affordable housing developer who will be submitting an application to the Indiana Housing and Community Development Agency to secure tax credits for the development of Governor Park Apartments. They will be collaborating with Hayes-Gibson International, Inc. ("Hayes-Gibson") and Lenzy Hayes, Inc. Mobil Home Park ("Lenzy Hayes") is an arm of that corporation. Hayes-Gibson will be providing the property management and there will be an on-site property manager. Amenities include a community room with a computer center and small kitchenette, a fitness center, dog park, pet spa and gazebo with barbeque. They have been working with the Area 10 Agency on Aging ("Area 10") who has made a commitment to provide services including transportation for the residents. They are requesting the variance because, based on information from their partners, there won't be a big demand for parking. Area 10 sees a bigger demand for public transportation which they are arranging. Mr. Tolloty added Mr. Hayes has provided a letter stating he will provide 30 extra parking spaces should they ever be needed around holidays.

Pat Wesolowski asked why a variance is needed. Ms. Delgadillo answered the Ellettsville Town Code requires them to have 180 parking spaces which means amenities would have to be converted into parking. Mr. Wesolowski asked if the apartments will be rented. Ms. Delgadillo said that is correct. Mr. Wesolowski asked if

someone was to rent a one-bedroom do they get a designated parking space in front of their apartment. Ms. Delgadillo replied it is a general parking space. There will be 102 parking spaces and eight of those will be accessible. Mr. Baker asked if the housing will be for low income seniors only. Ms. Delgadillo answered it will be for people 55+. They can't have large families living there and two to three people are the maximum allowed in two-bedroom apartments. Mr. Wesolowski asked if they're for 55+ and someone has two children, can they live with them in the two-bedroom apartments. If the children drive then they're looking at a different situation.

There was further discussion on who could live in the senior citizens apartments and federal versus state requirements. Ms. Delgadillo advised they have to sign a commitment through the state that restricts them to 55+ for 30 years. After 30 years if someone wanted to rehabilitate it and seek tax credits they would be required to add an additional time slot for restrictions. Mr. Ryle thinks the Town has too many modified, failed and changed developments that have created traffic and housing headaches. Mr. Wesolowski doesn't object to senior citizen housing but is concerned about parking if tenants are allowed to have their children live with them. Mr. Baker asked if there are rules for how many people can live in certain types of apartments. Ms. Delgadillo believes there is but did not have that information available. For one-bedroom apartments the maximum allowed are two people and for two bedrooms she is uncertain if the maximum allowed is three or four. There will be an onsite property manager who will monitoring who's living there on a daily basis. If they find someone is not in compliance it will be strongly enforced and they will be evicted. As a developer, they're vested in their projects and they will have a partnership with Hayes-Gibson who will manage the property but Allied will remain involved on a daily basis. They constantly do asset management to make certain they are in compliance. Mr. Ryle asked if the contract with Hayes-Gibson will run 30 years. Ms. Delgadillo answered it will unless there are issues and then they would have to go through the state to make any changes. At this time, they're in the process of securing financing to move forward with the project. It is a competitive process and the application is due in one week. They've been working on this project for over a year.

Pat Wesolowski asked since this is low income housing is there a possibility Section 8 could be involved. Ms. Delgadillo explained they're getting a contract from Bloomington Housing Authority that will allow 90 place-based vouchers. The vouchers will be restricted to the requirements they're applying for which is 55+. Mr. Wesolowski asked if Section 8 is allowed do they have to have children. Ms. Delgadillo answered no. Section 8 vouchers have a stigma that people refer to as "the projects". There is a separate program called "Placed Based Vouchers". Sometimes a contract is with Housing and Urban Development directly or with a housing authority and for a certain number of vouchers. In this case they're committing 90 for the entire project. If the property has restrictions such as seniors or any other special population then the property needs to comply with the same. Mr. Wesolowski asked how the Hayes are involved. Ms. Delgadillo explained Hayes-Gibson will be the property management company. Mr. Wesolowski asked if Allied will own it. Ms. Delgadillo answered it will be a development company which will include the equity investor. Lenzy Hayes owns the land they will be purchasing to develop the project. Mr. Ryle asked if the project will be in the name of their corporation. Ms. Delgadillo replied it will be in the name of the project. The bulk of the ownership is the tax credit investors. Ownership will be Governor Park, LLC. Mr. Ryle asked who owns Governor Park, LLC. Ms. Delgadillo answered Allied Real Estate Partners. Mr. Ryle asked who owns Allied. Ms. Delgadillo named Chuck O'Neal, Anthony Jowid and James Angelica. Mr. Tolloty noted they will have 30 years of guaranteed senior housing which is far more than they get with anything else in Town. The request is reasonable. Overflow parking provides plenty of parking. He reiterated parking is .4 or .8 spaces per unit for similar uses of senior housing. He cannot foresee it being a problem. Certainly, there will be a few problem tenants but they're everywhere. For the most part, what is being proposed is more than sufficient. It keeps more green space and less impermeable material down. One of the biggest ways to control it is not requiring as much parking.

Terry Baker commented this is a better alternative than what is there now. As long as they restrict it to 55+ and Lenzy Hayes gives them 30 extra spots for overflow that should handle it. However, he is concerned if there are two people in each apartment what happens if each person has a car. Mr. Wesolowski asked who defines age 55 as being a senior citizen. Ms. Delgadillo answered the federal government defines it. Mr. Baker asked if 1.5 parking spaces per unit would be acceptable. Ms. Delgadillo stated it would take away from the green space and amenities as this is the primary reason they requested the variance. Mr. Baugh noted Allied partnering with Area 10 for transportation will make up the parking difference. Ms. Delgadillo calculated 1.5 spaces per unit would be 135 parking spaces resulting in 33 additional spots and the loss of green space. Carson Hays is offering

30 additional parking spaces which would make up part of the additional parking spaces with 1.5 per unit. Ms. Line asked if the voucher system has the same income requirements as the other side of Section 8. Ms. Delgadillo answered they can't exceed 30% of area median income. For a single person, 30% may equate to \$9,000 or \$13,000. If Social Security is their only source of income, they would qualify for an apartment. Mr. Wesolowski asked if there is a husband and wife do they both have to sign to qualify for low income. Ms. Delgadillo replied it is the household but it changes depending on how many people are in the household. If a child was to live with them, their income would have to be included in the household. Mr. Wesolowski asked how many spaces would there be for 1.25 per unit. Ms. Delgadillo answered it would be 112.5. Mr. Tolloty reminded them Monroe County requires .8 parking spaces per dwelling unit including senior housing and engineering studies range from .4 to .8. He believes there will be adequate parking with the variance.

Yvonne Delgadillo understands their feelings based on experiences with previous developers. Allied is not going to walk away. They're vested in their projects, residents and communities. This is a project they've been working on for a year and they need the support of the Town. They're trying to put together a competitive application and be successful. It is a \$14.5 million project that will be invested in the Town of Ellettsville. Thank you for your time and consideration. Mr. Ryle asked when Allied was founded. Ms. Delgadillo answered 2007 and their team members have many years of experience from different facets of development. Mr. Wesolowski asked what the rent will be for the apartments. Ms. Delgadillo did not have that information but subsidy tenants are required to not exceed a certain amount of income. The tenant is required to pay 30% of their income and the voucher will cover the difference. Mr. Ryle asked if tenants pay their own utilities. Ms. Delgadillo replied it is included in the rent.

Fred Baugh made the motion on BZA 2017-02 to accept it. Todd Lare seconded. Roll call vote: Terry Baker – yes; Fred Baugh – yes; Todd Lare – yes; Russ Ryle – yes; and Pat Wesolowski - no. Motion carried, 4-1.

Adjournment

Terry Baker entertained a motion to adjourn. Russ Ryle so moved. Pat Wesolowski seconded. Motion carried. Meeting adjourned at 6:51 p.m.