

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 16, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 16, 2019

Councilmembers present: Andy Ruff (arrived at 6:05 pm), Chris Sturbaum, Isabel Piedmont-Smith, Dorothy Granger, Stephen Volan, Susan Sandberg, Jim Sims, Dave Rollo
Councilmembers absent: Allison Chopra

ROLL CALL [6:02 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:03 pm]

Alex Crowley, Director of Economic and Sustainable Development, introduced the Bloomington’s 2018 Greenhouse Gas Inventory Report.

REPORTS [6:05 pm]

Lauren Travis, Assistant Director of Sustainability, presented the report to the council.

There was council discussion related to imported goods, agriculture, long term limits or goals, per capita data, and surrounding communities.

Dan Sherman, Council Attorney, reviewed the upcoming schedule.

COUNCIL SCHEDULE [6:25 pm]

ORDINANCE 19-24 TO REPEAL
AND REPLACE TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE
ENTITLED, “UNIFIED
DEVELOPMENT ORDINANCE”

Volan moved and it was seconded to consider Ordinance 19-24 and amendments thereto over a series of meetings under certain procedures as follows:

Motion on Conduct of
Deliberations [6:29 pm]

**“Procedure for Common Council Consideration of
Ordinance 19-24, which Repeals and Replaces the Text of the
Unified Development Ordinance (UDO)
(Prepared for Consideration at the 10/15/19 Special Session)**

The Common Council adopts the following procedure for consideration, amendment, and adoption of the proposed Ordinance 19-24, otherwise known as the Unified Development Ordinance (UDO).

Introductory Phase – Chapter by Chapter Review of the UDO

1. During the initial review of the UDO, each chapter will be discussed in order and in accordance with the proposed *Schedule for Common Council Consideration of Ordinance 19-24* (Schedule), subject to revision as necessary.

2. The order of business for each chapter will be as follows:

Motion on Conduct of
Deliberations (*cont'd*)

| <u>Order of Business</u> | <u>Time Limit</u> |
|---|--|
| - staff presentation; | 20 minutes |
| - Common Council questions; | 3 minutes per Council member per round; 30 minutes total. |
| - public input | One, 3-minute statement per speaker |
| - Additional Council questions | 3 minutes per Council member per round; 20 minutes total. |
| - Common Council debate and move to the next item | 4 minutes per Council member; maximum of 36 minutes in total |

Submission and Consideration of Amendments –
Consideration of Written Objections

- Members of the public may raise potential amendments during the public comment portion of the public meetings and also by direct contact with Council members outside of the public meetings. However, in accordance with normal Council practice, only Council members may sponsor and initiate an amendment.
- Council members will submit amendments to the Council staff as soon as feasible. The primary deadline for amendments is Monday, November 4, 2019 at noon. This deadline is intended to apply for all but minor or technical amendments of narrow scope. A second deadline for those latter amendments is set for November 25, 2019 at noon. Council consideration of first round amendments will occur in November, but may extend into December. Council consideration of second round amendments will occur in December. In order to accommodate this schedule, the public is advised to communicate with Council members well in advance of those dates.
- The public will have an opportunity to file written objections to the UDO with the City Clerk and County Auditor. The Common Council will consider written objections as a separate item on the agenda at the meeting scheduled for October 30, 2019 and prior to a vote on adoption scheduled for December 18, 2019. Other opportunities for consideration of written objections may be announced and added to the Schedule.
- Amendments will be heard over a course of meetings in November and, if necessary, December (as listed on the Schedule). The order of amendments will appear on the agenda and, except where acted upon via a Consent Agenda, will be subject to a majority vote of the Council. After the Council has voted on all amendments and considered any new written objections, it will vote on the entire UDO as amended.

7. Except for those that appear on the Consent Agenda, each amendment will be heard in the following manner:

Motion on Conduct of Deliberations (cont'd)

| <u>Order of Business</u> | <u>Time Limit</u> |
|---|--|
| - sponsor presentation; | 10 minutes |
| - P & T staff comment; | 5 minutes |
| - Common Council questions; | 3 minutes per Council member per round; 30 minutes total. |
| - public input | One, 3-minute statement per speaker |
| - Additional Council questions | 3 minutes per Council member per round; 10 minutes total |
| - Common Council debate and vote on a suitable motion | 4 minutes per Council member; maximum of 36 minutes in total |

Recess, Revision of Procedures, and Other Matters

8. Council deliberations on Ordinance 19-24 will occur over a series of meetings in what will be one, continuous hearing. As such, until these deliberations come to close, the Council will recess (and not adjourn) at the end of each meeting. As previously adopted by the Council, the meetings will start at 6:00 pm unless otherwise stated in the Schedule (see link below) or changed by a vote of the Council. The Council may, at any time, vote to recess until the next scheduled meeting or until another date and time agreed upon by the Council. However, each meeting shall not last longer than four hours, unless approved by two-thirds vote of the Council.
9. These procedures will be followed unless changed by action of the Common Council. Such action requires no more than a majority of the Council.
10. Additional procedures may be adopted by the Council that may include, but are not limited to, time limits for Council debate and questions, and the hour and manner for recessing these meetings.

There was brief council discussion.

Volan moved and it was seconded to amend the Council question period to 2 minutes per member per round for a total of 20 minutes for both sections 2 and 7 of the deliberative motion. The motion was approved by a voice vote.

Vote to Amend the Motion on the Conduct of Deliberations on Ordinance 19-24 [6:38 pm]

The motion to structure and limit deliberations as amended was approved by a voice vote.

Vote on Conduct of Deliberations on Ordinance 19-24 [6:40 pm]

Terri Porter, Director of Planning and Transportation, thanked the council for beginning deliberation on the Unified Development Ordinance (UDO) and introduced Jim Spung from Clarion Associates.

Presentation, Discussion, and Public Comment on Chapter 1: Ordinance Foundation

Jim Spung, Clarion Associates, presented on processes and gave an overview of Chapter 1 of the proposed UDO.

Piedmont-Smith asked about the language of the purposes section, specific to the morals of the community.

Spung said that he believed it was from the current UDO but would double-check.

Scott Robinson, Assistant Director of Planning and Transportation, clarified that the language was typical and was carried over from the current UDO.

Piedmont-Smith asked if there was a legal reason for having that language in.

Robinson stated that he would defer to the Legal Department and reiterated that it was common language to include the word moral.

Michael Rouker, City Attorney, stated that the language was from Indiana Code and that including that language was an outstanding question to be determined.

Sturbaum asked about proposals directly in contradiction to the Comprehensive Plan.

Robinson explained that the consultants were working with guidance from city staff.

Sturbaum asked for clarification on the Comprehensive Plan and the UDO, and the guidance given to the consultants.

Robinson clarified that there were multiple places where there was contradictory language in the Comprehensive Plan and provided examples.

Sturbaum stated that in his reading of the Comprehensive Plan, it was clear where housing density could be and where it shouldn't be.

Robinson reiterated that the guidance given to consultants was based on feedback and with consideration of the Comprehensive Plan.

Rollo asked about the drawing of the maps, including who would be drawing the maps, and at what point the public became involved.

Robinson clarified the requirements including the notification process to homeowners, the conversion maps, rezoning, and that the Comprehensive Plan would be considered. Robinson noted that Clarion Associates was on retainer.

Peter Dorfman, Near West Side Neighborhood, spoke about the misalignment of the UDO to the Comprehensive Plan, and that it had not been widely discussed in a public setting.

Michelle Henderson discussed her experience in Bloomington and spoke about upzoning and research she had conducted.

Ed Bernstein spoke about his experience living in a core neighborhood and touched on differences between generations.

Piedmont-Smith stated that language pertaining to the reduction of greenhouse gases in preparation for the climate change impact should be included in the purpose statement. Piedmont-Smith stated that she would be bringing forward an amendment on that, and that she questioned the governing of morals. Piedmont-Smith concurred with Robinson regarding the UDO not conflicting with the Comprehensive Plan and the need for more housing.

Volan recalled his experience in deliberating Planned Unit Developments (PUD) and parking issues, and compared it to the current deliberations.

Sturbaum stated that the Comprehensive Plan was a community document, and that there was no clear directive for neighborhoods.

Presentation, Discussion, and Public Comment on Chapter 1: Ordinance Foundation (*cont'd*)

Council discussion:

Public comment:

Council discussion:

Sims discussed periodic reviews and stated that it was missing from the plan.

Robinson stated that the UDO would be continually looked at and revised as needed.

Sims asked if that was something that could be outlined in the proposal.

Robinson stated that because the UDO was an ordinance, it was not recommended to put that language in the ordinance.

Volan commented on other community documents, and stated that by law, 6 council members could do many things such as suspending the rules.

Rollo addressed the debate between Cms. Sturbaum and Volan and that the types of density in the UDO was within neighborhoods, whereas the Comprehensive Plan was focused on density on the edges of neighborhoods as a transition. Rollo stated that it presented a hazard for neighborhoods.

Spung presented Chapter 2 of the proposed UDO.

Sturbaum asked about the revision to R3 lot size and if the purpose was to allow Accessory Dwelling Units (ADUs) to fit on smaller lots.

Jackie Scanlan, Development Services Manager, replied that lowering the lot size did bring it into compliance.

Granger asked staff to send the slides to council members.

Piedmont-Smith asked for clarification on the Residential Estate (RE) district and its purpose.

Spung responded that the RE district was carried forward since it already existed.

Piedmont-Smith asked if there were going to be additional lots of that type since it was not an urban type of lot. Piedmont-Smith asked if the purpose was to conserve environmental features.

Spung stated that any new lots under that district would come before the council. Spung explained that it could be evaluated in the second phase of map updates and rezoning.

Piedmont-Smith asked about the increase in the impervious coverage maximum for the district.

Robinson explained the changes and stated that the changes were listed on the UDO website, and that impervious coverage was included there.

Volan asked about the purpose of replacing the Dwelling Unit Envelope (DUE) formulas with the building footprint.

Spung stated that there were many reasons for the DUE replacement and explained factors that affected the number of units that would fit in that building.

Rollo asked if the space and sizing standards for student housing had been used in other areas with a large student population.

Spung stated that he and his colleague would provide examples.

Presentation, Discussion, and Public Comment on Chapter 1: Ordinance Foundation (*cont'd*)

Council discussion:

Presentation, Discussion, and Public Comment on Chapter 2: Zoning Districts

Council discussion:

Sturbaum stated that the R4 district was not mapped and looked like a tool ready to be used, and asked if it was designed for Bloomington specifically. Sturbaum also asked where that zone would be mapped.

Spung stated that it was a zone drafted for Bloomington. Spung said that where the zone was placed was up to the city, but that the intent of the district was to give Bloomington a tool to accommodate the types of PUDs that had been approved.

Sturbaum asked Spung to comment on the RM zone.

Spung stated that those would be limited to a 5000 sq. ft. footprint, and to three stories, and would be required to meet the neighborhood transition standards.

Piedmont-Smith asked why a single-family plex, in the RM zone, would be held to the R2 standards, and not one of the more dense standards.

Spung explained that staff had requested that it be held to the R2 standards.

Scanlan further explained that it was intended for existing lots in RM zones but that staff was open to adjustments.

Sturbaum asked for clarification.

Scanlan stated that the separate design standards were for existing lots.

Piedmont-Smith asked if any of the districts allowed for a tiny home village within the city.

Spung confirmed that there were those opportunities in all of the residential zones, except for the RE zone.

Greg Alexander spoke of development trends and the introduction of zoning, as well as PUDs.

Presentation, Discussion, and
Public Comment on Chapter 2:
Zoning Districts (*cont'd*)

Council discussion:

Public comment:

Elizabeth Cox Ash expressed her concern for affordable housing and housing density within the core neighborhoods.

Michelle Henderson spoke about housing density and its impact on core neighborhoods and other neighborhoods.

Peter Dorfman commented on the overall proposed UDO and spoke about the history of single-family zoning in core neighborhoods and affordable housing.

Matt Flaherty expressed topics that needed to be addressed, including the missing-middle housing needs, diverse housing options throughout the city, increasing market-rate affordability, enhancing social and racial equity, and reducing greenhouse gas emissions.

Cynthia Bretheim commented on core neighborhoods and their value, and vacant lots throughout Bloomington.

John Kennedy spoke about the goals of the R3 zones and the Comprehensive Plan.

Paul Ash stated that his neighborhood could not handle greater density.

Jean Simonian discussed the upzoning, private equity investments, Indiana legislators, and Indiana law.

Mary Morgan commented on the many reasons people wanted to live in Bloomington, and stated that the missing middle needed to be represented.

Presentation, Discussion, and Public Comment on Chapter 2: Zoning Districts (*cont'd*)

Vita Sanfield discussed affordable housing and living wages.

Christine Matthew commented on affordable housing and the cost of construction. Matthew also discussed housing density and demand.

Piedmont-Smith asked why the maximum height limit in the R4 district was 35 ft.

Council discussion:

Spung stated that it was an effort to keep in line with the single-family home character.

Piedmont-Smith suggested that if the council wanted to encourage row houses, it should be the Residential Multifamily (RM) zoning for those parts of the city.

Spung stated that many zoning districts could be used, but that it would be subject to the dimensional standards allowed.

Piedmont-Smith stated that she did not want to exclude the missing middle.

Spung explained that three stories could be built within the 35 ft. height, and that row houses were currently permitted in R2, R3, R4, and RM. Spung clarified that the height was measured as the average height around the whole building.

Sturbaum asked if Spung had analyzed how much buildable space there was in the city, or if the proposal had been drafted in the abstract.

Spung explained that staff provided a tour of Bloomington. Spung further explained that the goal of the plan was to provide the city with a toolbox of zoning tools to help implement the plan that was laid out and that it was up to the city to decide how to use those tools.

Sturbaum said that he walked the city with Donovan Rickman, a well-known suburban planner, who stated there were around 30-40 year build outs. Sturbaum asked about the underused land, including parking lots, and car lots, that could be redeveloped.

Spung agreed that that was something to consider in the mapping phase.

Piedmont-Smith asked for clarification on the purposes of the terms landscaping and a maximum of impervious surface, as percentages of the area, and asked if it was intentional.

Spung responded that there was a definition section and that the landscape areas were intended to be maintained and cared for.

Piedmont-Smith asked if there was some portion that was landscape, another portion that was built upon, and if there would be a third portion that was neither.

Scanlan explained that the code at the time allowed permeable pavers that did not count against the impervious maximum, so there could be a building with a parking lot and almost no green space. Scanlan further explained that the plan was to have a landscape minimum.

Rollo discussed public comments and described his view of the potential hazard of upzoning and density. Rollo commented on the financial and investment opportunities in college towns. Rollo clarified that he was not against density, but thought there were places for density. Rollo spoke on the historical view of neighborhoods in Bloomington.

Sandberg stated that people with differing points of view needed to be mindful, and that the way things were said, could put people on the defensive. Sandberg explained that the goal was to have a good product, with growth in all the right places, and stated that gentrification was not good. Sandberg urged making changes gently to avoid doing harm. Sandberg stated that it was important to address the city's carbon footprint, workforce housing, but also being mindful of the lower income families that already live in some of the older core neighborhoods. Sandberg spoke about the community and public engagement. Sandberg stated that while she voted to send the proposal to the council, as a member of the Plan Commission, she did not agree with every part of it, and that this was an opportunity to tweak it.

Presentation, Discussion, and
Public Comment on Chapter 2:
Zoning Districts (*cont'd*)

Council discussion:

Piedmont-Smith stated that Mr. Alexander's comment about getting rid of PUDs resonated with her, because they circumvent regular zoning requirements, but that there was a place for PUDs. Piedmont-Smith would look at PUD requirements like affordable housing, sustainable development, or a green building component, that they should not be allowed to do a payment in lieu of fulfilling that requirement. Piedmont-Smith discussed her neighborhood and plexes. Piedmont-Smith responded to specific remarks pertaining to student housing, and having a mix of housing downtown, affordable housing and subsidies, housing market, and hoped that there could be respect towards those who disagree.

Sims thanked the public for their comments. Sims discussed having lived in the Near Westside neighborhood, and by the Westside Community Center, which was what the Banneker Center used to be called. Sims stated that people had approached him in the community and said they wanted their city back. Sims stated that he wanted to do the smart thing which was to do no harm, or the minimal bit of harm. Sims stated that there were empty lots that could be developed and add density. Sims commented that housing, climate change, public transportation, employment, and mobility were all interconnected. Sims discussed students, IU, and student housing.

Volan stated that no one was proposing student housing in the Near Westside or McDoel neighborhoods, yet many students currently lived there. Volan explained that plexes were not like giant student housing complexes, and that neighborhood associations helped prevent giant student housing complexes that had invaded District 6 before there was zoning. Volan discussed PUDs that were proposed in recent years. Volan asked about how student housing made it in to the Garden Hill neighborhood, and provided examples, and stated that those were all built before there was zoning or a GPP, or a Comprehensive Plan, or a UDO. Volan stated that current zoning already prevented some worst case scenarios. Volan discussed student housing in Bloomington. Volan discussed parking issues involved with those living outside of the downtown. Volan urged the public to see students as people.

Sturbaum spoke about the Preservation Plan made with the Historic Preservation Commission and that, at the time, developers wanted to tear down and rebuild. Sturbaum discussed why there was zoning, and that single family zoning stopped the university's encroachment of Elm Heights, and encouraged ownership which was affordable. Sturbaum stated that upzoning created rentals and that developers would outbid families. Sturbaum spoke on neighborhoods where people knew each other and could walk around. Sturbaum stated that it was known that people who lived more densely used less energy, and that there were areas in Bloomington to build the missing middle, and enhance housing. Sturbaum stated that there would be a better Bloomington if the zones were mapped out properly.

Presentation, Discussion, and Public Comment on Chapter 2: Zoning Districts (cont'd)

Volan stated that council would need to make a choice, either no duplexes in one's neighborhood, or less parking.

Rollo noted that the next council meeting was on Tuesday, October 22, 2019 at 6pm.

Any Other Matters or Actions Related to the Proposal Ready to be Raised [8:52 pm]


Volan moved and it was seconded to recess. The motion was approved by voice vote.


RECESS [8:53 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 1 day of June, 2022.

APPROVE:

ATTEST:


Susan Sandberg, PRESIDENT
Bloomington Common Council


~~Nicole Bolden, CLERK~~
City of Bloomington
Sofia McDowell
Chief Deputy Clerk

