

In Bloomington, Indiana on Wednesday, May 12, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
May 12, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:36pm]

Clerk's Note: On May 4, 2021, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 21-23 and Ordinance 21-24 to be completed over a series of meetings including May 05, May 06, May 12, and May 13 of 2021.

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:36pm]

Sims summarized the conduct of deliberations for the Special Session.

CONDUCT OF DELIBERATIONS
[6:37pm]

Flaherty moved and it was seconded that the Regular Session scheduled for August 4, 2021 begin at 3:00pm. Flaherty explained that the meeting was for consideration of legislation for the updates to fiscal plans for each of the areas of annexation. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to schedule Regular Session
[6:41pm]

Rollo moved and it was seconded to adopt Amendment 04 to Ordinance 21-23. Sandberg presented Amendment 04. Rollo referenced information from the Comprehensive Plan that supported Amendment 04. Sandberg iterated that Amendment 04 only pertained to R1, R2, and R3 districts.

ORDINANCE 21-23 [6:41pm]

Ordinance 21-23 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Regulations Related to Dwelling, Duplex; Dwelling, Triplex, and Dwelling, Fourplex Set Forth in BMC 20.03 and 20.04

Amendment 04 Synopsis: This Amendment is sponsored by Councilmember Sandberg and Councilmember Rollo. The Amendment changes the number of bedrooms allowed in a duplex from a total of six (three in each unit) to two (one in each unit). The Amendment adds a third tier of projects that would qualify for incentives under the Affordable Housing Incentive section, and adds a third tier of Affordable Housing Incentives. Specifically, the Amendment states that for projects where both units in a duplex are income restricted permanently to below 120 percent of the HUD AMI for Monroe County, Indiana, or for projects where one unit in a duplex is income restricted permanently to below 80 percent of the HUD AMI for Monroe County, Indiana, the number of bedrooms per unit may be increased to three (six total).

Amendment 04 to Ordinance 21-23

Piedmont-Smith asked to hear from staff.

Scott Robinson, Director of the Planning and Transportation Department, thanked Sandberg and Rollo for introducing Amendment 04. He emphasized the importance of having affordable housing in Bloomington and referenced current voluntary incentives in the Unified Development Ordinance (UDO) and other tools for affordable housing used in the nation. The administration supported affordable housing tools like the Recover Forward mortgage assistance program through the Housing and Neighborhood Development Department (HAND), the reuse of the Kohr Administration building on the former hospital site, and exploring opportunities for low-income housing tax credits, and

federal stimulus funds. Robinson did not believe that the meeting was the correct venue to discuss all the options. Staff did not support Amendment 04 and provided various reasons. He explained the tradeoffs of the incentives and said he was cautiously optimistic that incentives established the right criteria. At a recent Plan Commission meeting, Trinitas had presented their plan for the former K-Mart site which included 340 units, 906 bedrooms, and did not consider the affordable housing incentives, nor the sustainable development incentives. Amendment 04, and duplexes, did not propose enough units or bedrooms to provide a real incentive for leveraging affordable housing, units, or bedrooms. The cap and buffer might hinder future affordable units. He commented on the difficulty with incentivizing affordable units. Robinson had asked Clarion and Associates, the UDO consultants, to review Amendment 04. The consultants said that Amendment 04 would not provide a variety of housing, nor create affordable units.

Amendment 04 to Ordinance 21-23 (cont'd)

Jackie Scanlan, Development Services Manager in the Planning and Transportation Department, reiterated that staff was opposed to Amendment 04. The purpose of adding the option for plexes was to add more housing types. Amendment 04 was written under the assumption that the duplexes would be rentals because the permanent affordability policy could not be applied to home ownership. Staff did not want duplexes to be exclusively rentals, which would exclude the missing middle, many families with children, and would completely remove the option of homeownership of three bedroom duplexes for families that made more than 120% of the Area Median Income (AMI) and needed more than two bedrooms. Permanent affordability at that scale restricted future sale of the unit resulting in the inability to build equity. The permanent affordability, without companion programs, would not result in homeownership but would result only in rentals. Amendment 04 was similar to the model staff used for much larger-scale rental developments. Amendment 04 also limited the ability for existing units, that had two or more bedrooms on each side, to remodel. She commented on existing and recently passed restrictions and standards. There were 12,430 parcels in the R1, R2, and R3 districts, so with the cap of fifteen duplexes per year, the result was that only 0.1% of the units in those districts could add one unit. She said that additional regulations were not needed and that current regulations already were incremental steps.

Piedmont-Smith asked the sponsors of Amendment 04 how they envisioned it applying to owner-occupied units.

Council questions:

Sandberg said that an owner who wished to convert their home into a duplex, could do so and could use the affordability incentives if they wanted, too.

Piedmont-Smith asked for clarification for on the 'in perpetuity' of Amendment 04 and what would happen if the homeowner wished to sell.

Sandberg explained that if Amendment 04 passed, then the requirement would pass on to the new homeowner, unless council made a change in the future. Bringing duplexes into core neighborhoods was an experiment and having an option for lower-than-market rate was an advantage.

Rollo said that one had the ability to subdivide their home via the Accessory Dwelling Units (ADUs).

Piedmont-Smith noted that the size of the ADU was limited.

Sandberg said that the home would need to be deeded as two separate properties to sell as two owner-occupied units.

Volan asked if the sponsors consulted with anyone who had built a house or a duplex in Bloomington.

Amendment 04 to Ordinance 21-23 (cont'd)

Sandberg confirmed that they had and that Amendment 04 still allowed for a profit, and did not restrict the conversion of a home to a duplex.

Council questions:

Volan asked if Rollo or Sandberg read the letter from Dave Hardstead sent that afternoon.

Sandberg stated that they had and also had another pro forma indicating how it could be profitable to convert one's home. She commented that Jan Sorby and Kerry Thomson were in the meeting and could speak to certain questions. She said the letter included information for building a new unit, and that there were significant differences in the R1, R2, and R3 zones.

Smith asked if the sponsors of Amendment 04 wanted to respond to staff's comments.

Sandberg said that she and Rollo respected staff's opposition to Amendment 04 and that councilmembers would consider their input during debate. The program was not new and had worked for larger apartment complexes. Amendment 04's purpose was to be a tool for more affordable housing in the core neighborhoods. Sandberg wanted to have a public discussion on using the available tools to bring rent costs down in the newer forms of housing.

Rollo stated that Amendment 04 promoted affordability for the workforce population. He disagreed with staff regarding homeownership. He emphasized that it was one tool and the Comprehensive Plan called for using all available tools.

Sandberg mentioned that reviewing the process in six months provided more data to consider and council could make adjustments as needed. The purpose was to make the very desirable neighborhoods affordable for a variety of incomes.

Flaherty spoke about using a program currently in place for large scale developments, for much smaller scale developments. He asked if the sponsors supported changing the UDO to set a two-bedroom maximum for all detached single family homes, with the option to have more than two bedrooms only if rental or future sales, in perpetuity, were restricted to an affordability level of 120% AMI.

Sandberg stated that she would not support that change because detached single family homes were different and were a valuable housing stock in a community that had 66% rental properties.

Sgambelluri asked what the percentage of rentals were owned by local residents.

Scanlan responded that it was around 67%.

Sgambelluri asked if that meant that 67% of rental owners lived in Bloomington.

Scanlan clarified that among rental properties in the three districts [R1, R2, and R3], about 67% of the owners had addresses that were in Bloomington. Around 50% were owners who owned one-to-five units.

Sims stated that the sponsors mentioned that Amendment 04 would leverage more affordable housing in the core neighborhoods, and that it was not intended for Section 8 housing. He asked for clarification and if the lowest income levels were excluded.

Sandberg said that after researching, and conferring the Legal Department, requiring Section 8 on one side of the duplex was not allowed by the Indiana General Assembly. She had inquired about Section 8 and inclusionary zoning. She explained the percentages chosen in Amendment 04.

Sims commented that council and many others were aware of the available tools to leverage more affordable housing. The UDO legislation pertained to zoning and increasing the housing inventory. He did not recall that the intent was legislation for affordable housing to depress the housing market costs.

Sandberg commented that early discussions about duplexes in the core neighborhoods were focused on contributing to affordability. Then, the assumption was challenged and the discussion shifted to environmental considerations and increasing the housing stock to drive costs down. There was confusion among the public about housing density in core neighborhoods. She and Rollo were in favor of using every possible tool to leverage affordability.

Piedmont-Smith said that Sandberg had stressed that affordability incentives in the UDO were not new. Amendment 04 included owner-occupied properties and rentals, but current affordability incentives were applied only to rentals. She explained that Robinson had mentioned that current incentives included the requirement that 15% of units be affordable, while Amendment 04 called for 50-100% of the units be affordable. She asked the sponsors to address the differences.

Sandberg explained that applying the incentives to large-multiplex apartment building was different. The goal of Amendment 04 was to apply a novel entrance of duplexes into core neighborhoods by converting single family homes. The Trinitas proposal had no affordability component to the project, and the primary reason was because of the change in the UDO. Trinitas decided that they could build by right and did not have to take advantage of the affordability incentives. She explained that deregulation would happen and Amendment 04 could address that. HAND could apply that model to smaller scale units with the intent of increasing housing and housing affordability.

Piedmont-Smith asked if Sandberg had reached out to HAND about tracking owner-occupied housing.

Sandberg responded that she had contacted John Zody, Director of HAND, but that they had not had a chance to speak yet. She said there were some concerns about how to adapt the current process to duplexes, but that it was council's responsibility to consider a change that might require staff to adapt the current formula.

Volan commented that the Trinitas project, if required to include affordable housing at 15%, would have been about 52 units or 136 affordable bedrooms. He asked how many bedrooms were expected to be built as a result of Amendment 04.

Sandberg clarified that because it was new, that number was unknown.

Volan asked about the data collected so far regarding ADUs which had been approved four years ago.

Sandberg responded that ADUs were the best way to increase density in the R1, R2, and R3 districts. And that information would continue to be tracked and encouraged.

Volan asked more specifically if there had been adequate numbers for ADUs.

Sandberg stated that some would say no and could be analyzed to see why people were not taking advantage of that option.

Rollo added that Trinitas was not going to add affordable housing, and that Amendment 04 would allow for at least some.

Volan asked staff if, originally, ADUs were limited to thirty units and that as of 2021 only twenty had been approved or built.

Amendment 04 to Ordinance 21-23 (cont'd)

Council questions:

Scanlan clarified that there was not a cap for ADUs and explained the changes. Only twenty had been approved or built, more recently than in the beginning.

Volan asked how many were approved or built in the last year. Scanlan believed that six were approved last year.

Amendment 04 to Ordinance 21-23 (cont'd)

Council questions:

Sgambelluri asked how many bedrooms would be allowed if a homeowner with three bedrooms wanted to convert to a duplex.

Scanlan said that if Amendment 04 passed, that homeowner would not be allowed to convert their home into a duplex, in the R1, R2, and R3 districts, unless they were willing to make one or both of the units as permanent affordability.

Piedmont-Smith asked the sponsors if it was problematic that lower-income owner-occupants would not be able to build equity through homeownership.

Sandberg asked for clarification.

Piedmont-Smith clarified that her question was in regards to someone owning a duplex, either through conversion or building new, and wanting to have three bedrooms on one of the sides, and having to maintain affordability in perpetuity. She asked what happened if a family purchased that home and could not build equity because they could not later sell at the market rate.

Sandberg stated that she wished that Kerry Thomson could have been part of the presentation. Sandberg said that conditional variances could be considered too.

Scanlan had researched the question with current affordable housing staff in the community. One example, the Habitat for Humanity mortgage model, was limited by a certain number of years. If the family were to sell the home, in most cases, Habitat for Humanity would purchase the home, so the family could benefit from the equity of having owned that home. Then Habitat for Humanity would resell to another family at a limited rate. Scanlan said that if affordability in perpetuity was required, then Habitat for Humanity would not be able to build duplexes in those districts. She added that variances could not be granted based on a person's situation. She also said that only the homeowner would gain equity for an ADU.

Eoban Binder urged council to vote against Amendment 04.

Public comment:

Greg Alexander opposed Amendment 04.

Richard Lewis spoke in favor of Amendment 04.

Sarah Kehling spoke against Amendment 04.

Dave Warren asked council to vote against Amendment 04.

Jessika Griffin requested council to vote no on Amendment 04.

Cathi Crabtree spoke about duplexes and against Amendment 04.

Jan Sorby hoped council supported Amendment 04.

Peter Dorfman discussed housing and rentals, and in support of Amendment 04.

Ed Bernstein spoke in favor of Amendment 04.

Wendy Bernstein supported Amendment 04.

Patrick Murray asked council to vote for Amendment 04.

Amendment 04 to Ordinance 21-23 (cont'd)

Jenny Southern spoke in support of Amendment 04.

Public comment:

Pam Weaver urged council to vote against Amendment 04.

Dave Weaver also urged council to vote no on Amendment 04.

Chris Sturbaum spoke about housing and rental costs.

Margaret Clements commented on housing.

John Lawrence addressed the costs of converting a home into a duplex.

Kerry Thomson spoke in favor of Amendment 04.

Barbara Moss discussed her support of Amendment 04.

Joe Lee asked council to vote for Amendment 04.

Orion Day commented on housing density and affordability.

Wendy Bricht spoke in support of Amendment 04.

Barre Klapper asked council to vote for Amendment 04.

Betty Rose Nagle spoke in favor of Amendment 04.

Jami Scholl commented on housing and community needs.

Jeff Richardson supported Amendment 04.

Cynthia Bretheim spoke in support of Amendment 04.

Russ Skibo urged council to support Amendment 04.

Mark Cornett supported Amendment 04.

Eric Ost asked council to vote in favor of Amendment 04.

Richard Durson urged council to vote for Amendment 04.

Steve Layman discussed his support for Amendment 04.

Lois Sabo-Skelton supported Amendment 04.

Tom Millen also supported Amendment 04.

Diedre Todd spoke in favor of Amendment 04.

Peter Bogdanoff commented in favor of Amendment 04.

Heather Lacy, Deputy Attorney/Administrator, read the following comments that were submitted via Zoom chat:

- Janet Stavrapoulos asked council to support Amendment 04 and 05.
- James Allison urged council to vote for Amendment 04.
- Bo [Unknown last name] supported Amendment 04.
- Kathleen Myers supported Amendment 04.

- Dave Stewart commented in favor of Amendment 04.
- Linda Stewart stated her support for Amendment 04.
- Sandra Takarski urged council to vote for Amendment 04.
- Veta Stanfield asked council to support Amendment 04.
- Michelle Henderson commented in favor of Amendment 04.
- Kathleen Sideli supported Amendment 04.
- Marcia Baron stated her support for Amendment 04.
- Marsha Campbell supported Amendment 04.

Amendment 04 to Ordinance 21-23 (cont'd)

Public comment:

Vauhxx Booker spoke against Amendment 04.

Rollo commented that Amendment 04 was the only tool for housing affordability regarding duplexes. He pointed to the recent Trinitas petition that had no affordable units. Kerry Thomson, who had a twenty-year career with Habitat for Humanity, had vetted and assisted with Amendment 04. She believed it was workable, it was profitable, and was for workforce housing. He conceded that it limited duplexes to having two bedrooms on each side, which coincided with many homes in the core neighborhoods. If Amendment 04 failed, then the experiment could be revisited every six months. He urged council to support Amendment 04.

Council comments:

Sandberg asked Kerry Thomson to correct a quote attributed to her by Scanlan in her comment about Habitat for Humanity.

There was brief council discussion.

Thomson clarified that Habitat for Humanity homeowners were not required to sell the home back to Habitat for Humanity and could sell on the open market. There were shared equity agreements for a number of years, but that after that the homeowner had full equity of the house.

Flaherty said that he would not support Amendment 04 and concurred with Robinson and Scanlan based on their expertise in urban planning. Amendment 04 was bad public policy that would not accomplish the sponsors' stated goals, but would instead limit the likelihood of duplexes being added as housing options, and would potentially exclude families from living in a duplex. If the sponsors were serious about housing affordability, then the incentives would include single family, detached homes. The members of the public who favored a ban of duplexes had also not been interested in housing affordability in previous meetings. Flaherty spoke about affordability, and missing middle housing types like duplexes, which provided greater market-rate affordability and supported lower income households. It was universally true when comparing similar homes. That was why urban planners and housing economists supported allowing [duplexes] in historic homes in residential areas, without restrictions. He referenced national data and income in different housing types, which should be encouraged within Bloomington.

Piedmont-Smith disagreed with the notion that if she cared about affordable housing, then she would support Amendment 04. As Flaherty and many studies pointed out, duplexes were more affordable, and energy efficient. She saw Amendment 04 as misguided and referenced the sponsors' previous complete rejection of duplexes in single family neighborhoods. She commented on the passing of Amendment 03 which capped duplexes at fifteen per year. Amendment 04 was more bureaucracy in order to discourage duplexes. She supported affordable housing

and had negotiated with developers to include it in their projects. Trinitas was not the only example to use for comparison. She pledged to continue working on affordable housing.

Amendment 04 to Ordinance 21-23 (cont'd)

Sims explained that since Thomson was able to speak during final council comments that it was only appropriate to allow Scanlan a chance to respond.

Council comment:

Eric Greulich, Senior Zoning Planner, stated that Scanlan was not available at the moment. He clarified that Scanlan did not recall saying that Habitat for Humanity homeowners were required to resell their homes to the organization. He said that staff did not have concerns with that statement.

Smith said he would support Amendment 04 because it was proactive. Trends across the country showed that individuals could not afford to live in the city where they worked. He commented that local police officers and firefighters could not afford to buy a home in Bloomington, and thus lived in Ellettsville. Amendment 04 was reasonable and could be revisited. He did not understand how one could oppose Amendment 04 and not support affordable housing.

Rosenbarger stated that she would not support Amendment 04 and agreed with staff's presentation. More housing types were needed, especially in the missing middle. She commented on the restrictions for plexes that had already passed and said that she did not want more restrictions. Flexibility was necessary with plexes, including space for aging parents, large families, a homeowner's ability to build equity, and having a wide variety of units, both owner-occupied and rentals. Plexes were cheaper to own than a single family home. She supported applying the same restrictions to single family homes. Rosenbarger appreciated everyone who spoke at the meeting, including presenters.

Volan commented on public comments and issues with their arguments. He said that no one would flip a house into rentals in Somax that sold for \$1.7 million. He further commented on the concerns of those in support, and in opposition, of Amendment 04 and the words that had been used. The Herald Times had reached out regarding inquiries from readers about whether councilmembers were landlords and/or lived in neighborhoods in the proposal. He further commented on rhetorical techniques, divisiveness, and misattributions about what he had said. He explained that he was not always in support of the opinion of staff, and even disagreed with staff and the administration, like with Ordinance 21-06. He criticized the way the UDO had been handled and its contribution to the toxicity of the debate. Planning staff and the Mayor were human beings attempting to do what was right, much like many others.

Sgambelluri thanked her colleagues and the public. She noted that council was obligated to observe how neighborhoods had developed to date, and to examine how plexes would play out in Bloomington, a university town with over 60% rentals, with developers eager to build more, and with a low income population. There were not enough tools in place to dissuade the creation of more market-rate student rentals. As planning staff pointed out, there were controls to ensure that plexes were within the character of the neighborhood. Amendment 04 would help with housing affordability, and she was willing to support it. She looked forward to reviewing things in the coming year.

Sandberg stated that her earnest intent with Amendment 04 was to promote housing affordability, and that it was not an effort against duplexes, but rather against some of the proposed locations. As an At-Large councilmember, she represented the majority of the community members, and not only the ones that had made a public comment or reached out to her. The issue of plexes had already been decided and therefore she and Rollo had drafted Amendment 04 to mitigate potential problems in the R1, R2, and R3 districts. It was a protective measure. Sandberg explained that it was also an effort to speak to her record of championing affordable housing.

Amendment 04 to Ordinance 21-23 (cont'd)

Council comment:

Sims said there were multiple tools to use to work towards affordable housing, and that Amendment 04 was not one of those tools. There was a housing crisis, as well as affordability crisis. He commented that something foundational could be done, possibly with the American Rescue Plan Act (ARPA) funds, to promote home ownership. He wanted to increase all types of housing and commented on Amendment 02, which he and Piedmont-Smith cosponsored, that had passed as a compromise. Seeking middle ground was important but Amendment 04 went beyond to create barriers to duplexes. He said that supply must commensurate with demand which needed to be addressed with the housing stock.

There was brief council discussion on the debate process.

Rollo clarified that he and Sandberg were not against plexes, and they were not resisting plexes in the R4 district. They wanted to adhere to the Comprehensive Plan. He was not excited about plexes in all neighborhoods and believed it would further drive up the housing prices because developers would be bidding against home buyers. He referenced Trinitas as an example that the market did not produce affordable housing. Amendment 04 was an incentive.

The motion to adopt Amendment 04 to Ordinance 21-23 received a roll call vote of Ayes: 4 (Rollo, Sgambelluri, Smith, Sandberg), Nays: 5, Abstain: 0. FAILED

Vote to adopt Amendment 04 to Ordinance 21-23 [9:47pm]

Sandberg moved and it was seconded to adopt Amendment 05 to Ordinance 21-23. Rollo presented Amendment 05.

Amendment 05 to Ordinance 21-23

Amendment 05 Synopsis: This Amendment to Ordinance 21-23 is brought by Councilmembers Sandberg and Rollo and seeks to add two additional findings to the Conditional Use Approval Criteria for duplexes.

Sandberg clarified that Amendment 05's language came from a previous UDO and would be added for the BZA's consideration during the approval process. One of the concerns about adding plexes into core neighborhoods pertained to traffic.

Volan asked for staff's response to Amendment 05.

Scanlan stated that Planning and Transportation Department staff was opposed to Amendment 05 because the language was borrowed from the previous UDO for general regulations. When the new UDO was reviewed and adopted, those requirements were consolidated and applied to all conditional uses and were not specific to duplexes. If Amendment 05 passed then duplexes would be regulated much more stringently than the other fifty-five uses. Scanlan provided examples and said that duplexes were the most innocuous of conditional uses. She commented on parking issues concerns regarding duplexes. Current code required that adequate

city services and facility capacities be maintained at the time of the proposal, including streets and traffic. Scanlan said that Amendment 05 added general provisions to, and overregulated, one specific use. She commented on concerns regarding conditional use, the BZA process, and adjoining property owners.

Amendment 05 to Ordinance 21-23 (cont'd)

Volan asked the sponsors of Amendment 05 to define "undue traffic on residential streets."

Council questions:

Rollo responded that it was the discretion of the BZA members upon hearing testimony of the public and inspecting the neighborhood. Traffic congestion presented a problem and needed to be considered and included.

Sandberg stated that the language was from a previous UDO as criteria to be considered and would be discussed in the required neighborhood meetings.

Rollo asked Scanlan if staff objected to applying the criteria to only one specific use.

Scanlan explained that staff objected to adding the regulation and that current conditional use criteria was adequate. If council or community members felt otherwise, that the appropriate process was to discuss changing the general provisions and not adding something for only one use.

Piedmont-Smith asked how a petitioner would prove that a development would not cause undue traffic congestion. She asked if they would need to do a traffic study.

Sandberg stated that a traffic study was one option and that it would be discussed at the neighborhood meeting.

Scanlan clarified that the neighborhood meeting was already required.

Piedmont-Smith asked about the cost of a traffic study.

Rollo responded that a traffic study was not required, but what could be considered was knowing the neighborhood and its traffic and parking situation. He provided other details about observing traffic and parking on a street.

Piedmont-Smith asked if requiring adequate capacity for facilities and services did not address the concern.

Rollo said the concerns were from neighborhoods that were already dense and had a lot of rentals. He said that Amendment 05 was constituent driven and provided greater specificity.

Piedmont-Smith quoted language from current code including streets, potable water, sewer, and vehicle and pedestrian connections.

Rollo said Amendment 05 was specific to traffic.

Sims commented on the definitions of "undue traffic," "adverse impacts," and "character of the area." He asked if those terms were defined or codified.

Sandberg understood the concern and explained that it was different for each neighborhood, and would be discussed in the required meeting.

Rollo said that the core neighborhoods had a history of adverse impacts from high rentals driven by the student market, including noise, traffic congestion, and more. Amendment 05 codified that the BZA would be looking at those types of adverse impacts. Rollo did not think Amendment 05 was controversial.

Sgambelluri asked for clarification on the three conditions; pre-submittal meeting, traffic congestion, and undue adverse impacts.

She asked Scanlan if those topics were already defined and covered in current code.

Scanlan explained that they were in the particular approval criteria for conditional uses. She said the very specific terms were omitted in the new UDO because they were difficult to define and were unknown prior to an approval.

Sgambelluri asked if the burden of proof rested with the petitioner.

Scanlan believed that was accurate.

Volan said that the most egregious example of traffic congestion was the residents of Blue Ridge who were concerned that the closure of Lower Cascades would restrict them during Indiana University (IU) home games. He said that was a legitimate concern and asked the sponsors how that compared to adding one duplex.

Sandberg said that if the occupancy of a single family home was doubled with a duplex, and one could predict traffic congestion, especially in neighborhoods that were already congested.

Volan asked if the potential result of a traffic study would be to require a duplex to have more off street parking. He asked if that could be a potential outcome, or if it would affect the approval.

Sandberg said that the point of the neighborhood meetings was to discuss any concern that could be solved prior to the approval. It allowed the neighbors to voice their concerns and developers to solve a potential problem.

Flaherty asked if the sponsors felt that the traffic impacts of one additional unit were case sensitive depending on the block.

Sandberg stated that was correct and it was also different for residents on the same block.

Flaherty stated that the sponsors agreed that adding one additional unit could create adverse impacts, and asked if the sponsors supported changing the regulation of detached single family homes to conditional use too to address traffic concerns. He explained that the addition of one single family home, on a vacant lot, was similar to adding a one duplex.

Sandberg said that was not what Amendment 05 was addressing at the time.

Rollo said no because it was a student-driven rental market, and there were impacts that neighborhoods had endured in the past. He said that affordability was not going to be an outcome of duplexes.

Flaherty clarified that there were two situations where one additional housing unit would go in, and the sponsors supported conditional use in one of the situations but not in the other. The sponsors stated that was because in one case the occupants would be students and not in the other.

Sandberg said she was having a difficulty imagining a single family home being built on a vacant lot, versus a home being converted to a duplex which would double the occupancy. She said that was the main difference, and that it was a new concept to introduce duplexes into core neighborhoods. She explained that Amendment 05 was in response to community members' concerns. Other concerns included the addition of trash cans.

Rollo pointed out that the economic incentive was so great, it would outweigh the incentive to build a single family detached home on a single lot.

Flaherty clarified his question and said that in both cases it was the addition of one incremental housing unit.

Amendment 05 to Ordinance 21-23 (cont'd)

Council questions:

Piedmont-Smith asked who determined the character of the area and if it ever changed.

Amendment 05 to Ordinance 21-23 (cont'd)

Rollo said it could be determined by the experience of the residents in the neighborhood, and that it could change.

Council questions:

Sandberg added that it would be up to the BZA to determine the character of an area but that neighbors could bring information to discuss too.

Piedmont-Smith said that the term was very vague.

Rollo responded that it could be determined at the pre-submittal meeting. He said that the point was to direct the BZA to understand the nature of the concerns of the neighborhood residents.

Dave Warren asked council to vote against Amendment 05.

Public comment:

Greg Alexander opposed Amendment 05.

Peter Dorfman hoped council would support Amendment 05.

Eoban Binder asked the sponsors of Amendment 05 to withdraw it.

Pam Weaver asked the sponsors of Amendment 05 to withdraw it.

Dave Weaver urged council to vote against Amendment 05.

Richard Lewis supported Amendment 05.

Tom Millen spoke in support of Amendment 05.

Cynthia Brethiem asked council to support Amendment 05.

Jeffrey Bunde supported Amendment 05.

Cathi Crabtree spoke against Amendment 05.

Chris Sturbaum commented in favor of Amendment 05.

Margaret Clements discussed her support of Amendment 05.

Jan Sorby spoke on the concerns addressed by Amendment 05.

Wendy Bernstein spoke in support of Amendment 05.

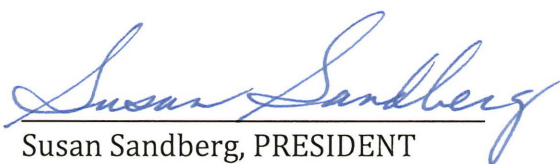
Volan moved and it was seconded to recess. Sims recessed the Special Session to reconvene on May 13, 2021 at 6:30pm.

RECESS [10:59pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 02 day of November, 2022.

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington