



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 1 June 2022

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
01 June 2022

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/85224699055?pwd=VWw4eTNuSEVmaFcxOWtqeGdiMnRoQT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

- | | |
|--|--|
| a) October 16, 2019 (Special Session) | g) November 19, 2019 (Special Session) |
| b) October 22, 2019 (Special Session) | h) November 20, 2019 (Special Session) |
| c) October 23, 2019 (Special Session) | i) December 03, 2019 (Special Session) |
| d) October 30, 2019 (Special Session) | j) December 10, 2019 (Special Session) |
| e) November 13, 2019 (Special Session) | k) December 18, 2019 (Special Session) |
| f) November 14, 2019 (Special Session) | |

IV. REPORTS *(A maximum of twenty minutes is set aside for each part of this section.)*

A. Councilmembers

B. The Mayor and City Offices

- a. 2022 Human Rights Commission Award presentation – Recipient: Sandy Kellar

C. Council Committees

D. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTION

- A. Ordinance 22-15 – To Vacate a Public Parcel – Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and the South of 8th Street (Peerless Development, Petitioner)

Committee recommendation (05/25/2022): Do Pass 0-2-3

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.

- B.** Ordinance 22-05 - To Vacate Public Parcels – Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner)

Committee recommendation (03/30/2022): Do Pass 5-0-1

Note: At the April 6, 2022 Regular Session, a motion to adopt this ordinance was considered but not passed by the Council. The ordinance is listed on tonight's agenda in anticipation of renewal of the ordinance, which would allow it to be brought before the Council again for consideration and possible adoption.

VII. LEGISLATION FOR FIRST READINGS

- A.** Ordinance 22-17 – An Ordinance to Amend Ordinance 21-36, as Amended by Ordinance 22-03, Which Fixed Salaries for Officers of the Police and Fire Departments for the Year 2022 - Re: Incentives for Police officers and increasing Probationary Officer base pay instead of providing retention pay
- B.** Ordinance 22-18 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 200 E Kirkwood Ave. (Bloomington National Savings and Loan Association) (Bloomington Historic Preservation Commission, Petitioner)
- C.** Ordinance 22-19 - An Ordinance Authorizing the Entering Into of a Conditional Project Expenditure Agreement of the City of Bloomington, Indiana (Meridiam Project), and the Disposition of the Proceeds Thereof to Meridiam, and Authorizing and Approving Other Actions in Respect Thereto

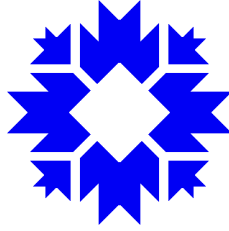
VIII. ADDITIONAL PUBLIC COMMENT* *(A maximum of twenty-five minutes is set aside for this section.)*

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.



**City of Bloomington
Office of the Common Council**

NOTICE

Wednesday, 1 June 2022

Regular Session

Starting at 6:30 pm

This meeting will be held in the Council Chambers (Suite #115, City Hall, 401 N. Morton St) and may also be accessed electronically via Zoom (see information below).

Join Zoom Meeting

<https://bloomington.zoom.us/j/85224699055?pwd=VWw4eTNuSEVmaFcxOWtqeGdiMnRoQT09>

Meeting ID: 852 2469 9055

Passcode: 410403

One tap mobile

+19292056099,,85224699055# US (New York)

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Dial by your location

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Meeting ID: 852 2469 9055

Find your local number: <https://bloomington.zoom.us/u/kbsEnfWEIL>

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



**City of Bloomington
Office of the Common Council**

Minutes for Approval

16 October 2019 | 22 October 2019
23 October 2019 | 30 October 2019
13 November 2019 | 14 November 2019
19 November 2019 | 20 November 2019
03 December 2019 | 10 December 2019
18 December 2019

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 ____ day of _____, 2022.

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, October 22, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 22, 2019

Councilmembers present: Allison Chopra, Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Andy Ruff (arrived at 6:05 pm), Susan Sandberg, Jim Sims, Chris Sturbaum, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:01 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:03 pm]

Dan Sherman, Council Attorney, reviewed the upcoming schedule.

COUNCIL SCHEDULE

Rollo reconvened consideration of Ordinance 19-24.

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

Volan reviewed the procedures for the meeting.

Scott Robinson, Assistant Director for Planning and Transportation, presented Chapter 3 (Use Regulations), followed up on items from the previous meeting, and reviewed the process leading to proposed Ordinance 19-24.

Presentation, Discussion, and
Public Comment on Chapter 3: Use
Regulations

Sturbaum asked if any Additional Dwelling Units (ADUs) had been turned down in the conditional use process.

Council discussion:

Robinson stated that there had not been many applications and that he believes that none had been turned down. Robinson explained some barriers for ADUs.

Sturbaum clarified that it was not conditional use that made the ADUs not be approved.

Robinson confirmed that was correct.

Sturbaum asked if the Board of Zoning Appeals would turn down an application if all conditions were met.

Robinson explained that if all the standards were met, staff would recommend approval.

Sturbaum asked how many conditional use approvals were given in the last year, and if any went against staff recommendations.

Piedmont-Smith read from a Council of Neighborhood Associations (CONA) mailer that stated that plexes and larger apartments were proposed to be added to single-family neighborhoods in Bloomington, and asked the staff if that was true.

Robinson explained that larger apartments would not be allowed and that duplexes and triplexes would be allowed conditionally, in the R1, R2, and R3 districts. Robinson confirmed that quads would be allowed only in R4 which was not zoned.

Piedmont-Smith asked if staff had a response to inquiries about property taxes would increase if plexes were allowed.

Robinson responded that he had asked the county about property taxes and provided examples of other contributing factors to property taxes.

Piedmont-Smith asked if increasing density in existing neighborhoods was a smart-growth strategy.

Robinson said that it was if done carefully and clarified that staff was looking at locations where the city could grow. He said conditional use allowed for small, incremental changes.

Volan asked staff to describe the difference between a fourplex and a building with 5 units and how the city treats each.

Robinson explained that, currently, it would be a multifamily unit, and that the R4 and RM districts would limit buildings to 8 units. Robinson explained that it is based on units and not families.

Volan recommended language that the city could use based on city services. Volan asked what the city services were for quadplexes versus larger buildings.

Robinson stated that there were some differences and provided some examples, but said that he would need to know the specifics.

Granger asked about developers going into neighborhoods and tearing down to rebuild plexes and asked how demolition delay had any impact.

Robinson explained that demolition delay would factor into some neighborhoods, especially older ones, and that more information about demolition delay would be covered in Chapter 6.

Granger asked how demolition delay would play into if something was allowed conditionally.

Robinson stated that demolition delay would occur prior to the conditional use process.

Jackie Scanlan, Development Services Manager, stated that any request for demolition, including partial for some properties listed in the City of Bloomington's Historic Sites and Structures Survey, would have to go through a demolition delay.

Chopra asked staff to speak to how diversity in housing types lends itself to socioeconomic status, race, and equity within those groups.

Robinson stated that much of the housing that existed was larger multifamily units and single-family units, and that explained how some requirements excluded access to those locations for some economic classes. Robinson explained that the introduction of other types of housing diversified the housing types and provided examples.

Chopra noted that if the community was interested in social equity and breaking social barriers, this would be a good solution.

Robinson confirmed that was correct and was the staff's recommendation.

Sims asked how many ADUs had been approved.

Robinson stated that 10 or 11 had been approved.

Sims asked if the number would have changed if it was permitted, or by right.

Robinson explained that he could not speculate on that but suspected there might be growing interest in it.

Sims asked what staff expected in terms of demolitions.

Robinson said that the staff did not expect many demolitions.

Sims stated that there was concern in the community the proposal passed, that developers would go in and bulldoze properties.

Terri Porter, Director of Planning and Transportation, replied that there were limitations that detoured developers opting for that route, because the house would have to be the same size for the neighborhood. Porter stated that a new building could not be bigger and stick out.

Presentation, Discussion, and Public Comment on Chapter 3: Use Regulations (cont'd)

Sandberg asked about mobile and modular homes, and where that kind of housing would be placed.

Robinson stated that that type of housing was permitted, and there were standards that had to be met.

Sandberg explained that there was a conversation about people currently residing in mobile and modular homes being displaced by more upscale housing.

Rollo referenced the Comprehensive Plan's incentives to increase owner-occupancy and asked if it was fair to assume that plexes were mainly rentals.

Robinson stated that he did not think it was a fair assumption.

Rollo referenced the ratio of ownership to rentals by neighborhood and asked if the Planning Department had a goal or a ratio in mind that was ideal for neighborhoods.

Robinson stated that there was data on the current ratio of ownership to rentals and that throughout the city it was about 50:50. Robinson explained that some properties turn over to owner-occupied, or to a rental, and that was natural. Robinson clarified that for plexes, it would likely be a mix of rentals and owner-occupied.

Piedmont-Smith asked about healthcare uses, and why methadone clinics and opioid rehabilitation facilities were allowed in fewer districts and only as a conditional use. She said it further stigmatized rehabilitation clinics as being different than other clinics.

Robinson said the Planning staff would research and get back to the council.

Volan asked how many housing units were overseen by the city.

Porter stated that she believed it was around 35,000.

Volan asked about how many of those were single-family units.

Robinson stated that the Planning staff would get back to the council with that information.

Sturbaum read from the Comprehensive Plan and asked why it was decided to put density in already dense, already built-out, core neighborhoods. Sturbaum asked why the decision went against direct advice from the Comprehensive Plan.

Robinson responded that the Comprehensive Plan also provided guidance on diversifying housing and that the two maps identified corridors that would allow the proposed type of housing. Robinson explained that plexes in neighborhoods would be incremental, that there were standards, and would be conditional.

Lisa Abbott, Bloomington Board of Realtors, stated that no realtors had been contacted by national developers and spoke about historic districts. Abbott stated that it was unlikely that developers would buy homes to tear down and construct new plexes.

Public comment:

Kate Myers spoke about neighborhoods and the areas that could be developed in the city.

Nathan Geiger commented on politics, housing shortages, climate change, segregation, and that the proposed plan was moderate and incremental.

Tim Miller, former Director of Planning, commented on conditional use as tool and discussed specific standards and processes.

Dave Warren spoke about housing stock, plexes, sprawl, and human rights.

Presentation, Discussion, and Public Comment on Chapter 3: Use Regulations (*cont'd*)

Steve Brewer spoke about out-of-town developers reaching out to homeowners about purchasing their homes.

Jessica Griffin asked the council to allow duplexes, triplexes, and ADUs as by right permitted use and to remove exclusionary code barriers like lot size.

Patrick Siney commented on his experience in owning an old home and development in Bloomington.

Orien Day spoke about incremental development and an increase in density. Day also spoke about core neighborhoods being unaffordable and financially discriminatory.

Jenny Southern discussed having lived in a variety of homes in Bloomington, zoning changes, and homes turning to rentals.

Daniel Bingham commented on the future of kids, cutting carbon emissions, the greenhouse gases report, zoning, sprawl, housing affordability, sustainability, density, and plexes.

Peter Dorfman spoke about incremental development, private equity, exclusionary zoning, diversifying housing, and up-zoning.

Phil Stafford, Chair of the Commission on Aging, discussed aging in place, densification on the edges of neighborhoods, the housing stock, the hospital relocation, plexes, and conditional use requiring owner-occupancy.

Bill Baus discussed core neighborhood density, property he owned, demolition delay, parking, diversity, plexes, and owner-occupancy.

David Keppel spoke in favor of by-right plexes and ADUs as proposed in the original UDO. Keppel urged the council to consider the future, urban density, and quoted Greta Thunberg.

Dave Weiber spoke about his experience living in Bloomington for 45 years, affordability, plexes, environmental impact, and core neighborhoods.

Mary Morgan, Greater Bloomington Chamber of Commerce, spoke about the housing stock and crisis, plexes, ADUs, housing needs, alarmist rhetoric and false claims, and the harm to residents who cannot afford to live in Bloomington.

Margaret Squires discussed changes in neighborhoods, and varying impacts of climate change. Squires advocated for increased affordable and dense housing to help reduce the carbon footprint.

Carol Thompson stated that she was opposed to plexes, or larger quads, being built in single-family neighborhoods. Thompson discussed houses being converted into student rentals, affordable housing, and housing stock.

Greg Alexander spoke about PUDs, design including cul-de-sacs, public transportation, and physical segregation of neighborhoods.

Elizabeth Cox Ash commented on conservation districts, petitions for neighborhood protections, and urged the council to protect the neighborhoods from density.

Presentation, Discussion, and Public Comment on Chapter 3: Use Regulations (*cont'd*)

Forrest Gilmore, Director of Shalom Center, spoke about homelessness, that there was no housing integration, about having lived in a duplex to offset the cost, and racially and economically segregated neighborhoods.

Jim Rosenbarger discussed plexes, density, walkability, and zoning. Rosenbarger also discussed the problems with the proposal including a blanket approach to zoning.

Emily Pike, Executive Director of New Hope for Families, commented on her conversations with community members. Pike discussed plexes, ADUs, and other tools to tackle the housing crisis, and exclusionary zoning.

Alex Whitesails spoke about his generation's job prospectives and economic factors that threatened the stability of workers. Whitesails discussed his ability to own a home, and the history of property owners and power.

William Klapp commented on housing affordability, his experience renting in Bloomington, and the housing stock.

Kathy Phillips stated that there were fraternities that lived in two houses in her neighborhood and urged that fraternal orders not be allowed in residential neighborhoods.

Gail Talla discussed being a homeowner in Bloomington and requirements like insurance, repairs, etc. Talla spoke about environmental crises, climate change, and an alternative way of growth to build community.

Norma Jean Munchin spoke about her neighborhood, mature trees, the importance of backyards, and other concerns about developments.

Nan Brewer urged the council to not be shortsighted about historical homes, zoning in the 70s, and plexes.

Mary Jane Hall, President of Bloomington Board of Realtors, spoke from a realtor's perspective about homes, neighborhoods, and about the lack of housing and choice.

Jan Sorby, CONA, spoke about rise in property taxes and the assessed property value.

Eoban Binder discussed renting and spoke about Portland, OR's zoning process in the 90s, plexes, and incremental change that would occur in Bloomington.

Lindsey Hummel urged council to support by-right plexes and dwelling units, referenced data from the Regional Housing Study for Monroe County, and spoke about housing affordability.

Erin Predmore, Greater Bloomington Chamber of Commerce, clarified how property's value is assessed. Predmore stated that Bloomington was losing good workers who could not afford to live in the city.

Hamish Munroe spoke about housing stock, zoning, sprawl, and homelessness.

Presentation, Discussion, and Public Comment on Chapter 3: Use Regulations (*cont'd*)

David Stuart stated that allowing changes conditionally was basically allowing them by right because developers would find a way to do it since there was money involved.

Betty Rose Nagle commented on plexes and ADUs, and owner occupancy.

Jane Goodman talked about secure and affordable housing for everyone, and how to legislate toward this goal. Goodman spoke about plexes and out-of-state developers seeking opportunities.

Judy Berkshire commented on the increase in the number of rentals in her neighborhood on the east side over the last 7 years.

Michelle Henderson discussed housing that was affordable, rentals, and plexes. Henderson asked the council to consider low-wage renters.

Richard Lewis spoke about a transition area to his neighborhood and a building that was being built there which would address different types of housing needs. Lewis urged the council to consider experiments like that and to explore other open spaces.

Linda Stewart urged the council to conserve single-family zoning in the core neighborhoods.

Geoff McKim spoke about property tax and clarified that Indiana did not use the best and highest use assessment for properties.

Pam Weaver discussed single family, detached housing, gentrification, owner occupancy and enforcement.

Stephanie Stewart discussed policy, core neighborhoods, and protections.

Bess Lee talked about differing opinions and accusations, affordable housing, and language.

Sturbaum moved and it was seconded to extend the time allotted for public comment. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Piedmont-Smith, Volan).

Vote to extend public comment [9:19 pm]

Lori Hoevenner discussed housing and implored council to not alter her neighborhood permanently by allowing plexes. Hoevenner spoke in favor of single family zoning.

Patrick Murray spoke about neighborhood density, conditional use, neighborhood demographics, affordability, and his experience with housing in Bloomington,

Cynthia Bretheim commented on the lack of affordable housing, and racial bias. Bretheim commented on apartments, renting, and reparations for residents who were redlined.

Matt Flaherty discussed the careful regulation of the proposal, plexes, reducing costs, walkability, diversifying the housing stock, setting good code, and not regulating who gets to live in a particular area.

Amy Berndtson commented that students could not afford to live in Bloomington, and that the student population was coming to a cliff in 2020. Berndtson asked everyone to consider what type of housing was wanted long-term in Bloomington.

Presentation, Discussion, and Public Comment on Chapter 3: Use Regulations (*cont'd*)

Clay Fuqua wondered why the UDO focused on core neighborhoods and not the edges or the parts of the city that were more amenable.

John Lawrence, CONA, discussed density and the read from the Comprehensive Plan.

Jean Simonian spoke about private equity control, rentals, conditional ADU, land use and ownership, and the history of disenfranchisement.

Betty Bridgewaters spoke about her home which was purchased by her grandmother over 100 years ago, neighboring rentals, housing density, and plexes.

Zachary Donovan, a member of Bloomington Cooperative Living, discussed affordable housing density, and members' cost of living being around \$575. Donovan explained that they were left out of the proposed UDO and urged the council to allow them to continue their work.

Kate Rosenbarger commented on homeownership and renters, plexes, and that the number of bedrooms and size of single-family homes was not regulated in the same way as plexes.

Marc Cornett discussed core neighborhoods, zoning, types of housing, planning, and single-family homes. Cornett highlighted that there was investment speculation for properties near the university.

Mark Wroblewski urged the council to reject the proposed UDO and to stop selling the town to outside interests.

Novella Shuck spoke about renting in a core neighborhood and stated that she was lucky to have found housing there. Shuck asked the council to allow duplexes and triplexes, even in core neighborhoods and commented on the segregation by class.

Wendy Bricht commented on the delicate balance of living close to the university and density. Bricht spoke about rentals in her neighborhood, and her concern about it becoming student rentals.

Cory Ray discussed the difficulty of finding housing in Bloomington. Ray discussed housing data pertaining to demand and supply, and affordability.

Volan moved to extend the meeting. The motion did not receive a second.

There were no other matters or actions discussed.

Any Other Matters or Actions Related to this Proposal Ready to be Raised at this Meeting
[10:01 pm]

Rollo recessed the meeting.

RECESS [10:02 pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 23, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 23, 2019

Councilmembers present: Allison Chopra, Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Andy Ruff, Susan Sandberg, Jim Sims, Chris Sturbaum, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:02 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:02 pm]

Dan Sherman, Council Attorney, reviewed the upcoming schedule.

COUNCIL SCHEDULE

Rollo reconvened consideration of Ordinance 19-24.

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

Piedmont-Smith moved and it was seconded to continue council discussion of Chapter 3 of the Unified Development Ordinance (UDO). The motion received a roll call vote of Ayes: 4, Nays: 4 (Chopra, Volan, Sims, Sandberg), Abstain: 0 (Granger out of the room). FAILED.

Vote to Continue Council
Discussion of Chapter 3 [6:05 pm]

Scott Robinson, Assistant Director of Planning and Transportation, followed up on council questions from the previous meeting on October 22, 2019.

Michael Rouker, City Attorney, provided information about the conditional uses related to methadone clinics and opioid rehabilitation clinics.

Robinson explained the number of conditional uses that the staff reviewed. He said that from 2016 to 2018, there were 25 conditional use requests, of which 22 were approved. Robinson provided more clarifying details, like standards that needed to be met, city services, building envelope on lot size, owner occupancy, and density and types of housing within the city.

Sturbaum asked if hearing officers were included in the count of conditional use.

Council discussion:

Robinson confirmed that was correct, and clarified that staff met with community members that ended up not applying for the permit.

Volan asked if residents in buildings larger than four units could not get a residential permit.

Robinson confirmed that was correct.

Rollo asked if data about owner occupancy and rentals was broken down by neighborhood.

Robinson stated that staff maintained a spreadsheet based on homestead exemption.

Robinson presented Chapter 4: Development Standards & Incentives of the proposed UDO.

Sturbaum asked about structure heights.

Robinson confirmed that one could get 24 [feet], but that there were options for an additional half story.

Sturbaum asked about back-out parking, and if it applied across the board.

Robinson clarified that it was for commercial property, and was not for street parking, so one would not be backing up into traffic.

Sturbaum also asked about materials for mixed-use and non-residential.

Jackie Scanlan, Development Services Manager, explained the materials that could be used to meet the requirements.

Sandberg asked about the payment in lieu, how it was calculated, and about city transparency regarding this issue.

Robinson confirmed that staff was working on developing the calculation and that the Plan Commission included a methodology for staff to consider. Robinson explained that the Housing and Neighborhood Development (HAND) Department reported on how the money was spent.

Volan asked how payment in lieu was calculated if the affordable housing was not on the site.

Robinson explained the calculation, rate, and criteria, and that it was based on the number of units.

Terri Porter, Director of Planning and Transportation, stated that the payment in lieu was still a work in progress, and it was not written yet.

Piedmont-Smith asked about solar panels, growing food, and soil quality restrictions.

Robinson explained that considerations would only apply if the food was to be sold.

Piedmont-Smith requested that language be added to the UDO.

Piedmont-Smith asked about screening around solar panels.

Scanlan stated that there had been feedback from the community about not wanting to see a neighbor's solar panels.

Rollo asked about the longevity of affordable housing.

Robinson stated it was permanent.

Rollo asked how the list of plant species was derived.

Robinson stated the list was compiled with information from the Tree Commission, Environmental Commission, and staff review.

Rollo asked for how long the city inspected areas to ensure that desired plants were planted, and said that his question was due to past issues with the desired plants being replaced at a later date.

Scanlan stated that the current code required that the desired plants be there in perpetuity and that staff was working on a long-term inspection plan.

Rollo asked if there were requirements against a monoculture.

Scanlan explained that there was a maximum percentage per species and that she would verify the information for the council.

Granger asked if the city could let nurseries know of the desired species list.

Scanlan stated that, once the UDO was approved, city staff would reach out to local/regional businesses about the approved list.

Presentation, Discussion, and Public Comment on Chapter 4: Development Standards & Incentives

Council discussion:

Sturbaum asked about plexes in core neighborhoods and the related parking. He questioned if the required parking, that met the criteria, would overrule the concerns of the neighbors.

Scanlan stated that the Board of Zoning Appeals (BZA) would be able to comment on that and that the BZA could deny the conditional use request based on the Accessory Dwelling Unit's (ADU) requirement to not negatively affect the neighborhood.

Piedmont-Smith asked about the flood plain language in the UDO, and why new construction would be allowed in a flood plain.

Scanlan clarified that it was modeled off of the state, in an attempt to have municipalities have similar regulations. Scanlan explained that she did not believe the city was obligated to allow that development.

Rouker stated that he would investigate and let the council know.

Piedmont-Smith asked if gravel was considered to be an improved surface.

Scanlan stated that it counted as an impervious surface and explained why.

Volan asked about affordable housing, height, and mass, and if there was a limit on height.

Robinson stated that the standards were minimums and that developers could do 100% affordability.

Rollo asked about the incentives for affordable housing, and if they were evidence-based.

Robinson confirmed that they were.

Sturbaum asked about fencing and referenced two locations that were restricted from building a fence.

Scanlan stated that staff could follow up, with options, on the two locations Sturbaum referenced.

Sturbaum asked about historical buildings and if contributing buildings were intentionally left out, which represented 90% of historical buildings.

Scanlan clarified that it was mainly outstanding and notable buildings that had been included, to ensure their protection.

Sturbaum asked if neighborhood meeting requirements were eliminated.

Scanlan stated that staff would check on that requirement because the practice had been to always contact the neighborhood association, though it was not currently codified.

Kate Rosenbarger spoke about parking minimums and curb cuts and read from "Walkable City Rules" by Jeff Speck.

Public comment:

Peter Dorfman asked about codifying what could be considered to be a hardship for neighbors objecting to conditional use structures.

Michelle Henderson discussed parking and narrow streets in her neighborhood.

Jean Simonian asked about the affordable housing incentives, and if the "in perpetuity" requirements remained after a transfer of ownership.

Andrew Guenther, Chair of the Environmental Commission, spoke about amendments by the commission.

Sandy Clothier spoke about affordable housing, incentives, and ADUs.

Volan asked about the levels of affordability, and what defined affordable housing.

Porter explained that the rates were not in the UDO because they change yearly. She said that for tax credit projects with federal dollars, the rent amount would be approved by Housing and Urban Development (HUD).

Volan stated that there were different types of low-income levels and requested that list from staff. Volan asked about conditional use objections.

Porter stated that she did not have an answer at the time.

Robinson stated that the reason staff was targeting certain ranges of affordability was to cover those that were not eligible for federal dollars.

Sturbaum commented on development standards, incentives, and variations of texture and color, and asked if an architect could have a waiver on that requirement.

Scanlan stated that she would verify that and let the council know.

Piedmont-Smith questioned why the driveway width restriction in R3 was not applied in other districts.

Scanlan stated that that was a carryover from the current UDO.

Piedmont-Smith asked about open space requirements for the first floor, and if there could be a mechanism to prevent having just glass and stairs on the first floor, which did not contribute to pedestrian value at the street level.

Scanlan stated that she would verify, but that currently those buildings were approved via a variance.

Robinson explained that the new UDO loosened the first-floor commercial requirement which was an issue for some of the buildings. He confirmed that the new UDO made it more flexible for the first floor to not require non-residential only.

Granger asked if it was now allowed to build in a floodplain.

Scanlan believed it was not a new allowance but would double-check.

Sandberg asked if universal designs could be a part of the incentives for builders, to accommodate first-floor needs, like wheelchair accessibility.

Robinson replied that there had been discussions about that with the consultants, but that universal design standards were applied through the building code. He explained that they addressed things like building height, door widths, and countertop heights. Robinson stated that it was challenging to apply through zoning.

Sandberg asked if there was any language that better addressed universal designs, on behalf of people with disabilities, in new structures.

Robinson explained that there was language addressing that concern.

Sandberg asked if things in perpetuity and affordable housing were still continued if the building was sold.

Robinson confirmed that was correct.

Presentation, Discussion, and Public Comment on Chapter 4: Development Standards & Incentives (*cont'd*)

Council discussion:

Rollo asked if Scanlan had an answer to an earlier question regarding flood plains.

Scanlan summarized the current code regarding flood plains, and also what would be changed pertaining to flood plain construction in the new UDO. Scanlan stated that it would be less restrictive.

Presentation, Discussion, and Public Comment on Chapter 4: Development Standards & Incentives (*cont'd*)

Rollo asked about Rosenbarger's question about minimum parking standards that were required.

Robinson explained that it was a balancing act and that the standards were lowered. Robinson stated that the requirements were fairly low and progressive compared to other communities.

Rollo asked if the in perpetuity requirements for affordable housing were in the deed of the property and how they would be enforced.

Robinson stated that it was part of the recordable commitment and that he would double-check on the language.

Sturbaum commented on Peter Calthorpe, a founder of New Urbanism, and read from one of his books. Sturbaum stated that balance was what was needed, as well as knowing, loving, and caring for the city too.

Volan stated that the cities that were treasured were the most compact and the most efficient for pedestrians. Volan commented that existing parking on the existing property would remain and that one solution was neighborhood parking zones. Volan also commented on on-street use, and the ability of fire trucks to be able to drive through narrow streets. Volan also asked staff to include area median income in the definitions and to clarify the reference in the UDO to HUD. Volan stated that he would also work with staff to better understand the proposed incentives.

Piedmont-Smith commented on climate change and global warming and stated that a new paradigm was needed and that single-family zoning was not sustainable. She explained that people could still love their neighborhood, but that there would be nothing left to love if there were not drastic changes to the way people lived. Piedmont-Smith described the impacts of climate change in Bloomington, such as climate change refugees, scarce food, high gas prices, and local necessity. Piedmont-Smith also stated that she believed it was irresponsible to allow building on floodplains, to make it more difficult to grow local food and have solar panels, and that walkability was important.

Rollo expressed agreement with Piedmont-Smith and Sturbaum. He stated that there was a place for different housing types, and that adaptation could occur with density increases but without sacrificing an already built environment.

Sturbaum stated that core neighborhoods were built before there were automobiles and that they would be relevant in 10 years.

Volan commented on automobile parking requirements.

Ruff agreed that people were facing a radically different future and way of living forced by environmental change and that it would have social and economic impacts too. Ruff commented on people living in cities and urban areas and local food production. Ruff explained that he thought people would re-inhabit the countryside and grow more local food.

Robinson presented Chapter 5: Subdivision Standards of the proposed UDO.

Presentation, Discussion, and Public Comment on Chapter 5: Subdivision Standards

Volan asked if it was feasible for someone to build a duplex and make it two separately owned units, under Bloomington or Indiana code.

Council discussion:

Scanlan stated that was currently used and allowed.

Volan asked if someone wanted to build a plex, to make it a condominium that could be separately owned, was allowed.

Scanlan confirmed that was correct.

Volan asked if a covenant could be implemented pertaining to ownership.

Rouker stated that staff was looking at ownership restrictions, and would be doing a more in-depth study.

Chopra asked if there were proposed amendments during the Plan Commission meeting discussion on Chapter 5.

Robinson stated that he was not aware of any amendments.

Sturbaum asked about restrictions, such as firewalls, on converting an old house into a condominium.

Scanlan explained that an issue like a firewall would come up during the remodel of an old house, and stated that she would verify more information.

Sturbaum asked about subdividing lots, and if that was addressed now via lot size.

Scanlan stated that it was still required to have frontage, and provided an example.

Sturbaum asked if a reduction in lot size made it easier to subdivide and if that was intentional.

Robinson clarified that had been an amendment handled by the Plan Commission and that the intent was to lower lot size and cost. Robinson provided examples of small lot sizes in Bloomington.

Sturbaum asked if that was a good way to increase density and respect ownership.

Robinsons said that it could increase density, depending on the characteristics of the lot.

Piedmont-Smith asked about the enforcement mechanism for the maintenance of easements.

Scanlan responded that it was similar to other site plan requirements and that if it was done through a subdivision process, then staff ensured it was installed and maintained properly while construction was happening. Scanlan stated that after that time period, it was based on a complaint.

Piedmont-Smith commented that a property owner was responsible for the maintenance of stormwater easements and asked what happened when the stormwater originated off-site but affected the property.

Scanlan replied that that was a common call that staff received and that it was processed by the Drainage Engineer for the city in the Utilities Department. Scanlan stated that she would check about recourses for the property owner.

Piedmont-Smith asked about easement requirements for developments that were approved.

Scanlan stated that there were requirements and that it was mostly seen in single-family zones.

Rouker spoke about the "Common Enemy" doctrine in Indiana.

Rollo asked if Rouker was examining the requirement of owner occupancy of duplexes.

Rouker stated that the staff was looking into that requirement.

Presentation, Discussion, and
Public Comment on Chapter 5:
Subdivision Standards (*cont'd*)

Volan asked if the proposed UDO made it possible to reduce the minimum size lots that could be subsidized.

Scanlan stated that was proposed to change in the new UDO.

Robinson explained that the minimum lot size information was in Chapter 2 and that the subdivision standards applied to districts. Robinson provided brief examples.

Volan asked if the lot sizes increased.

Robinson said that the lot sizes did not increase.

Sturbaum asked if a change from commercial zoning to mixed-use residential was precluded.

Robinson said that was a mapping question but that commercial districts currently allowed residential uses.

Piedmont-Smith asked why the tree conservation easement, where no trees could be removed, was not kept in the new UDO.

Scanlan stated that staff would check and let the council know.

Piedmont-Smith asked why there was no open space requirement in the Commercial Employment subdivision, and if it would have open space in some other way.

Robinson responded that one of the goals was to have a balance between urbanization and open space requirements. Robinson stated that open space requirements were directed toward mixed-use and residential districts.

Scanlan stated that was a carryover from the existing commercial subdivision, and that other types of open space requirements were geared toward residential.

Rollo asked about street lighting, lighting fixture styles, and anything pertaining to efficiency, like Light Emitting Diodes (LED).

Robinson stated that the Board of Public Works worked with Duke energy and that many of the requirements were limited to what Duke offered.

Piedmont-Smith asked why cul-de-sacs were allowed in commercial districts, while connectivity was encouraged.

Scanlan explained that that was likely a carryover from the current code, and provided examples of what had been done in the recent past. Scanlan stated that it could be useful in environmentally sensitive areas where a road should not go through that area.

Michelle Henderson spoke about soil quality.

Public comment:

Sandy Clothier commented on suburban lots and density.

Peter Dorfman called attention to the future of brick and mortar retail compared to housing, and stated that those areas should be targeted for density.

David Keppel spoke about sustainability in townhomes, solar panels, and including strong incentives for sustainability in new construction.

Volan asked about the role of conservation and the limits on plexes based on historic preservation.

Scanlan confirmed that historic districts had guidelines with different levels of stringency.

Volan asked about protections for historic preservation districts.

Scanlan confirmed that there was another layer of review of design for those districts.

Volan asked about conditional uses that were approved.

Scanlan stated that there were many more that did not rise to the approval level. Scanlan stated that staff counseled people about whether or not the request would pass or not, and that it was mainly due to not meeting the minimum lot size.

Volan asked if there were any historic district descriptions that precluded lot sizes going smaller.

Scanlan stated that there was not.

Porter stated that a permanently affordable unit would remain if ownership changed and that the information was recorded at the courthouse and it would come up in a title search.

Rollo asked for clarification on suburban subdivisions.

Scanlan stated that some things carried over, but that she misspoke earlier, and that suburban subdivisions with curvy roads were not carried over.

Rollo asked if the traditional grid pattern would be followed.

Scanlan confirmed that was correct.

Rollo asked about repurposing retail spaces, especially large, big-box retail, that were clearly struggling.

Scanlan stated that staff would verify.

Volan asked if densifying the whole city, and creating more integration between residential and non-residential, was encouraged or not contemplated.

Scanlan stated it might be a mapping question, but that an infill subdivision could be done in any base zoning district. She explained that the uses for those sites would be derived from the zoning category. Scanlan stated that the Comprehensive Plan had guidance on where to have mixed-use districts.

Volan asked if it allowed for small nodes.

Scanlan confirmed it would be allowed.

Sturbaum asked if the nodes were considered and required in PUDs where polycentric development was wanted. Sturbaum asked if that was still the goal.

Scanlan stated that staff preferred that PUDs be mixed-use.

Sturbaum commented that in conservation districts, demolitions were not allowed, but that additions were allowed and were not reviewed. Sturbaum spoke about the role of the Historic Preservation Commission (HPC). Sturbaum clarified that outside of historic districts, about 95% of demolition delays were pass-through. He explained that stand-alone structures had almost no protection.

Presentation, Discussion, and Public Comment on Chapter 5: Subdivision Standards (*cont'd*)

Council discussion:

Volan spoke about plexes in general and commented on the positive feedback on the reduction of lot size. Volan referenced a section in the Comprehensive Plan that called for the establishment of affordable housing in locations with proximity to schools, employment centers, transit, and recreational opportunities, to increase access. Volan commented that infilling could be used and that the downtown did not need to be the only center of Bloomington. Volan stated that there could be more city centers in Bloomington and provided examples.

Presentation, Discussion, and Public Comment on Chapter 5: Subdivision Standards (*cont'd*)

Piedmont-Smith commented on the section on street design, part of the subdivision chapter, and the term "eyebrow" which was a crescent shape street where one could pull off and there were four homes. Piedmont-Smith stated that that was an automobile-centric design and was a waste of asphalt.

Sherman reviewed the upcoming schedule and the procedure for consideration of amendments.

COUNCIL SCHEDULE

Volan moved and it was seconded to recess until October 30, 2019, at 6:00 pm. The motion was approved by voice vote.

RECESS [8:26 pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 30, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 30, 2019

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

ROLL CALL [6:04 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:04 pm]

Volan moved and it was seconded that Ordinance 19-23 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING [6:06 pm]

Ordinance 19-23 To Amend a Planned Unit Development (PUD) District Ordinance and Approve a Preliminary Plan – Re: 1201 W. Allen Street (Hilltop Meadow, LLC, Petitioner)

Volan moved and it was seconded that Ordinance 19-23 be referred to the Land Use Committee on November 6, 2019. The motion received a roll call vote of Ayes: 8 (Granger, absent), Nays: 0, Abstain: 0.

Vote to refer Ordinance 19-23 to Land Use Committee [6:10 pm]

Volan moved and it was seconded that Ordinance 19-25 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 19-25 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Near West Side Conservation District (Near West Side Historic Designation Committee, Petitioner)

Volan moved and it was seconded that Ordinance 19-26 be read by title and synopsis only. The motion received a roll call vote of Ayes: 0, Nays: 8 (Granger absent), Abstain: 0. FAILED

Ordinance 19-26 To Amend the District Ordinance and Approve a Preliminary Plan for a Planned Unit Development (PUD) - Re: 3201 E. Moores Pike (First Capital Group, Petitioner)

Dan Sherman, Council Attorney, reviewed the upcoming schedule.

COUNCIL SCHEDULE [6:14 pm]

Volan moved and it was seconded to cancel the work session scheduled for Friday, November 1, 2019. The motion was approved by voice vote.

Vote to cancel Work Session [6:15 pm]

Volan moved and it was seconded to hold the regular session at the normal time, with the committee of the whole to follow, and the land use committee to follow no earlier than 8:00 pm. The motion received a roll call vote of Ayes: 8 (Granger absent), Nays: 0, Abstain: 0.

Vote to Adopt Schedule [6:21 pm]

Rollo reconvened consideration of Ordinance 19-24.

Scott Robinson, Assistant Director for Planning and Transportation Department, provided clarification on questions from the previous meeting held on October 23, 2019. The topics discussed were definitions, façade and design modifications, universal design, LED street lights, floodplain standards, fence standards, neighborhood meetings, step-back standards, firewalls, and conditional use approvals.

Sturbaum asked Robinson about the Summary Table of Review Procedures 200.60.30, where the neighborhood meeting checkbox was not checked for conditional use permit.

Robinson explained that neighborhood meetings had been expanded but did not include conditional use. He said that the council could consider including conditional use.

Sturbaum stated that the Minor Site Plan Review was administrative only, and that one incentive for an apartment project was to waive the procedure of the Major Site Plan Review.

Rollo asked Sturbaum to hold his Chapter 6 questions until staff had presented on that chapter.

Robinson presented Chapter 6: Administration and Procedures. The items discussed were the review and decision-making bodies, the Summary Table of Review Procedures, the Common Review Procedures, the Development Permits and Procedures, Subdivision Procedures, Plan and Ordinance Procedures, Flexibility and Relief Procedures, nonconformities, and enforcement and penalties.

CONTINUED CONSIDERATION OF ORDINANCE 19-24 TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "UNIFIED DEVELOPMENT ORDINANCE" [6:22 pm]

Council discussion:

Presentation, Discussion, and Public Comment on Chapter 6: Administration and Procedures

Sturbaum spoke about Minor Site Review and Major Site Review, and the incentives for developers, and stated that if an apartment complex had fewer than 50 units, the neighbors would not be alerted, even those adjacent to single-family home neighborhoods. He stated that neighbors would find out about the project after the decision was made, and asked staff to weigh in on that oversight.

Council discussion:

Robinson clarified that if a project was adjacent to a single family home neighborhood, it would have to follow the Major Site Plan review.

Sturbaum asked for further clarification and referenced that a Major Site Review was required if adjacent to single-family home neighborhoods and had more than 50 dwelling units.

Rollo asked Sturbaum for the page number.

Sturbaum stated it was page 10 of the packet.

Piedmont-Smith asked who the floodplain administrator was in the decision-making body.

Jackie Scanlan, Development Services Manager, stated that traditionally, the Senior Zoning Compliance Planner was the floodplain administrator. She explained that the position was held by Elizabeth Carter, who was in the process of becoming a certified floodplain administrator, and stated that Carter would provide more information.

Piedmont-Smith asked if Carter would look at floodplain maps or if she would do approvals for development in floodplains.

Scanlan stated that she did not believe that Carter would sign off on the approvals and that the requirement from previous code was a conditional use approval or variance use approval which would come from the Board of Zoning Appeals (BZA) or the Hearing Officer.

Volan asked for an example of the flexibility and relief procedures, and its benefits.

Robinson responded that Hearing Officers reviewed cases that staff determined were not controversial, like fences, and if there was concern from residents at the hearing, then the Hearing Officer deferred that case to the BZA. He provided additional examples.

Volan asked what a resident could do if they did not like an approval, and to whom they would submit that appeal.

Robinson stated that the appeals process was included in Ordinance 19-24 and that it generally went to the BZA.

Presentation, Discussion, and Public Comment on Chapter 6: Administration and Procedures (cont'd)

Council discussion:

Ruff asked if there was any decision-making power given to the Plan Commission, since most requirements were determined by state code.

Robinson confirmed that it was determined by state code.

Ruff asked staff to also verify if there was anything the Plan Commission was doing that could be reserved for the Common Council.

Sturbaum stated that a contributing structure was part of a historic set of buildings and asked about the demolition delay permit process where, if only 50% was to be demolished, the request would go through staff and not the Historic Preservation Commission (HPC). Sturbaum stated that if 50% was demolished, it would diminish its rating and historic status. He clarified that if it was to lose its status of contributing to non-contributing, because of the demolition, that it should go through a review process one last time.

Scanlan clarified which structures were reviewed by staff. She stated that staff would use different criteria than the HPC. Scanlan asked for further clarification from Sturbaum.

Sturbaum stated that the criteria should include whether the change to the structure changed the status of that building to no longer being a historic structure.

Piedmont-Smith asked for further clarification on developments seeking incentives that were adjacent to single-family home neighborhoods, and would only go through the Minor Site Review because they had fewer than 50 dwelling units. Piedmont-Smith stated that she would like those developments to go through a review.

Terri Porter, Director of the Planning and Transportation Department, stated that there was a discrepancy between the memo of major changes, and the language in Ordinance 19-24, and clarified that developments with fewer than 50 dwelling units, that were seeking sustainable development or affordable housing incentives, would be processed as a Minor Site Review, except when they were adjacent to a lot in the R1, R2, R3, or R4 district or contained more than 50 dwelling units.

David Keppel spoke about conditional use, flexibility, and the review process.

Public comment:

John Fielder discussed nonconforming uses, owner-occupancy requirements that were grandfathered in, and enforcement.

Volan asked if the enforcement of occupancy was handled in Title 20 or a different code.

Council discussion:

Robinson stated that was handled through the Housing and Neighborhood Department (HAND).

Volan asked what duties were in place for the HAND Director to enforce any part of code, directly.

Robinson responded that, generally, there were grandfathered properties under the zoning ordinance. Robinson also said that enforcement was initiated by a complaint.

Volan asked what happened when a property owner intentionally left a property vacant.

Michael Rouker, City Attorney, referenced the Home Rule and stated that fees were permissible as long as they were reasonably related.

Sandberg stated her understanding about occupancy was that if there were three people on a lease, but there were other people living there, like a significant other, and had a lease somewhere else, that those individuals were considered guest.

Rouker stated that he did not have specific information about that and that it was addressed on a case by case basis.

Piedmont-Smith commented on the criteria for conditional use and asked staff about the flexibility of conditional use.

Robinson explained that the BZA made the ruling based on the standards, and if a request met the standards, they would have to approve it. Robinson clarified that there were considerations like the Comprehensive Plan as part of the decision making process.

Rouker further clarified that in the development of the standards, and in the advising of city departments, that the decisions were not arbitrary and staff treated like-situations alike. He stated that every effort was made to be consistent within those bounds.

Piedmont-Smith asked if the BZA considered precedent.

Rouker explained that the BZA was not a precedent-setting body.

Rollo asked if the BZA could deny a petition that met the standards.

Robinson responded that if there was documentation on concerns and the issues raised, that the BZA could deny a petition. Robinson clarified that staff strove for consistency.

Sturbaum commented that, before Accessory Dwelling Units (ADUs) were made a conditional use, no one had ADUs. Sturbaum said there were two in his neighborhood, and that he participated in a BZA hearing, and another one that he was building. He discussed conditional use and stated that approximately 90% of conditional use ADUs had been approved in the last three to four years. Sturbaum explained that ADUs were basically by-right unless one could prove that there would be harm or a negative impact.

Volan discussed growth of cities, single family homes, city code, and plexes. He said that Chapter 6 of Ordinance 19-24 was not going to allow a building like Smallwood in the Near Westside Neighborhood. Volan explained that the talk of building plexes was for two- and three-bedroom houses. Volan stated that he did not understand why people were so adamant about not living next to students nor understood Sturbaum's concerns about conditional uses.

Chopra stated that it was worth considering conditional use versus by-right, and how neighbors interacted. Chopra commented that neighbors concerned about someone's use of their own property should not use the city in that way, and that it did not benefit the community as a whole. Chopra clarified that it was important to consider how people live together in a community, and stated that the conditional use versus by-right situation might make things worse.

Presentation, Discussion, and Public Comment on Chapter 6: Administration and Procedures (cont'd)

Council discussion:

Piedmont-Smith commented that conditional use was problematic, and that as a community, it should be decided if a use was allowed or not. She said that conditional use should be left for the unusual uses that had not been considered. Piedmont-Smith stated that conditional use made it difficult for property owners. She explained that as a matter of good governance, it was important to limit the conditional use process.

Presentation, Discussion, and Public Comment on Chapter 6: Administration and Procedures (cont'd)

Council discussion:

Rollo reiterated that conditional use approvals were very high, as Sturbaum had stated.

Sturbaum stated that he had long supported ADUs via the conditional use process. Sturbaum explained that the hearings were typically not contentious and that the BZA was an impartial legal body. Sturbaum noted that there would occasionally be a neighbor who would come out to make trouble but that the BZA did not turn things down without a legal finding. Sturbaum commented that the BZA was tougher and stricter than one imagined.

Volan clarified that the dispute around ADUs was whether they should be conditional use or by-right. He said that if someone noticed that their neighbor was building an ADU incorrectly, they could go to the Planning Department to verify that it was being done properly. Volan clarified that that administrative option was still available to anyone.

Sims commented that it was important to not let the different designations morph into not having a distinction. Sims explained that there was either no approval, conditional approval, or by-right. He explained that it was problematic to say that conditional use was essentially by-right. Sims also commented that council could not legislate morality or good neighbors. He said that criteria should be considered, and if it was met, that the BZA would follow that guidance. Sims stated that he was also concerned about parking, and asked what would be the consequence of four ADUs being built in one neighborhood.

Rollo emphasized that the likelihood of approval for conditional use was very high.

Porter stated that it was misleading to think about conditional use being almost the same as by-right due to the high percentage of cases that went before the BZA with conditional use that were approved. Porter clarified that the main reason for the approvals was because staff was meeting with petitioners daily, and that the cases that came forward had merit and were encouraged to go to the BZA.

Robinson stated that the perception that by-right was a rubber stamp was incorrect because staff reviewed requests daily, and that it was not a correct characterization to assume that if something made it to a hearing, it would be approved.

Robinson presented Chapter 7: Definitions and discussed words and phrases used in Ordinance 19-24, rules of interpretation in Chapter 1, customary meanings, and defined words like student housing, fraternity/sorority, family, and methadone/opioid facility.

Presentation, Discussion, and Public Comment on Chapter 7: Definitions

Piedmont-Smith asked staff to elaborate on the definitions.

Council discussion:

Robinson stated that he did not have the definitions memorized, and explained the process of defining student housing, sorority and fraternity, cooperative living, and explained that city staff had worked with Indiana University (IU) to define the terms. He explained that the three-person rule for family was not changing, but that it was expanding to be more inclusive to a more modern concept of what a family was. Robinson also clarified that the definition for methadone and opioid facility was being addressed to ensure appropriateness of definitions. Robinson further clarified that there were lots of regulations that needed to be considered when defining words, like the Fair Housing Act.

Volan asked if fraternity and sorority was related to cohousing.

Robinson responded that was the challenge with the current definition. He said that a cohoused group could be defined as a fraternity or sorority.

Volan asked who oversaw cohousing for those individuals not enrolled at IU.

Rouker commented that there was an ongoing legal case regarding the expiring UDO's definition of fraternity and sorority. He explained that the challenge was to create a definition that did not raise the concerns in the current litigation but still provided a modicum of oversight to IU. Rouker explained that the challenges presented by unsanctioned or unrecognized Greek organizations were considerably more than for those with some university oversight.

Volan asked about the fraternities on Atwater, and asked if they were still not in compliance.

Rouker explained that the issue there was a lawful nonconforming use at that site, and not a fraternity/sorority concern.

Volan asked if, by creating the definition, it was expanding IU's boundaries of the campus, or IU jurisdiction, if there was a fraternity not connected to the campus. Volan asked if it was based on IU owning the land.

Rouker responded that a fraternity or sorority could not be placed in zoning districts where that was not allowed by-right or conditional use.

Volan expressed that he was concerned about the possible extension of jurisdictional courtesy to IU that was returned complementarily.

Piedmont-Smith asked Robinson to expand on the definition of family, and what had changed and what had not, since that word was used quite a lot.

Robinson stated that the best place to see that language was on the Plan Commission's website where there was an amendment that dealt with the changes. Robinson explained that the expiring UDO had a more traditional definition of family, and that Ordinance 19-24 expanded that definition to include individuals like adopted children, grandparents, et cetera.

Sandberg stated that the definition of family was being challenged by economic realities, and people had to pool their resources together and live together. Sandberg asked if the changing norms

influenced people to want to live together to share economic resources.

Robinson agreed.

Sturbaum asked about the definition referencing non-single-family home districts, where five unrelated adults and their children could live together as a single housekeeping unit, and asked where that would apply.

Robinson explained that he would have to look at the specifics, and the Use Table. He stated that definitions like student housing also affected non-single-family home districts.

Volan asked if the only difference between fraternity/sorority and cooperative housing was the occupational status of the people living in it.

Robinson responded that staff considered either a definition or a use-specific standard, and that staff did not want to regulate ownership. He said that Chapter 3 would look at use-specific guidelines and not a definition on cooperative housing.

Rouker stated that cooperative housing was a form of ownership where one owned shares, whereas a fraternity/sorority was an entity that was affiliated, by definition, with an institution of higher learning.

Volan asked if staff had any qualms about having a zoning type for student housing, separate from the community.

Robinson stated that he disagreed with that assumption and explained that students were not a protected class, and were permitted in virtually all districts. He further explained that what was distinguished was the large student developments.

Piedmont-Smith asked for clarification on “dwelling, short-term rental” and if it pertained to Airbnb type of rentals.

Eric Greulich, Senior Zoning Planner, stated that it was a defined use that was not permitted anywhere. He said that this applied to homes that were rented for a prolonged period of time. Greulich stated that it was very purposefully excluded.

Piedmont-Smith asked about rentals where only a room or a part of the home was rented.

Greulich responded that those rentals were still permitted and were not regulated differently.

Ruff commented on the general definition of development, and that it was specific to physical development of land or projects, and asked if there was a need to differentiate community or qualitative development from physical growth. Ruff referenced the Comprehensive Plan’s effort to differentiate community development.

Greulich responded that it was a regulatory effort to use language in the code regarding what was allowed. He said that it was not guidance about community development.

Sturbaum asked if the state precluded council from regulating rentals like Airbnb, and about occupancy where individuals rent a house for the weekend, for i.e. a football game. Sturbaum asked if a home that rented to 12 people for two days could be regulated.

Greulich explained that was a gray area of occupancy because zoning districts addressed people on the lease, and that there was not currently something in place for regulating those types of rentals.

Sturbaum stated that he would like to work on an amendment to address that issue.

Presentation, Discussion, and Public Comment on Chapter 7: Definitions (*cont’d*)

Council discussion:

Robinson confirmed that the state limited the ability for the city to regulate short-term rentals, and that he would work with the Legal Department to see where it fit within Ordinance 19-24.

Presentation, Discussion, and Public Comment on Chapter 7: Definitions (*cont'd*)

Robinson clarified that there were tools like the noise ordinance to deal with issues, too.

Council discussion:

Volan commented that Sturbaum raised an interesting point about the scope of occupancy, like fire occupancy and longer term occupancy, and asked if staff was interested in distinguishing the two terms to make it easier as they come up.

Greulich stated that staff could certainly look into it.

Piedmont-Smith read the new definition of family, and commented on the additional language. Piedmont-Smith explained that there would not be an increase in the number of unrelated people who could live in a single family home. She further explained that in all other zones, family included no more than five unrelated adults and their children. Piedmont-Smith stated that she hoped there would be a definition for cooperative housing that would be allowed in single family districts.

Volan read the definition of student housing or dormitory. He noted problems like grouping together graduate students and undergraduate students. Volan stated that the definition created a separation of class and assumed that it was not desirable to live by students, and did not integrate students into the community. Volan explained that he was against having a student housing definition and urged people to stop infantilizing students.

Rollo announced that the council was taking up the consideration of written objections, and that there was a packet of written objections.

Consideration of Written Objections per I.C. 36-7-4-606(c)(3) [8:08 pm]

Elizabeth Cox-Ash spoke about community concerns about people's homes and about the Farmer's Market.

Public comment:

Michelle Henderson commented on the housing study, and urged councilmembers to vote against the upzoning in core neighborhoods.

Patrick Murray spoke against allowing three- and four-unit multiplexes in the core neighborhoods.

David Keppel thanked members of the public and councilmembers, and stated he had no objections to the proposed UDO as presented to the Plan Commission.

Wendy Bricht spoke about living close to IU and the encroachment of student housing.

Sturbaum spoke about the Plan Commission's consideration of ADUs as by-right or conditional use. He said that the Planning Department had explained that only 10-12 ADUs had come through, and implied that it was the conditional use that stopped those ADUs. Sturbaum said he was told none were turned down. Sturbaum stated that the ADUs did not fit the lots. Sturbaum explained that there was nothing in the conditional use process that obstructed the ADUs from being built, but that there had been inconsistent language. Sturbaum commented on the 1970s and the changes that were made, including upzoning to five unrelated people in a home,

Council discussion:

which devastated neighborhoods and brought in speculators. Sturbaum spoke about down-zoning under former Mayor Tomi Allison's administration. Sturbaum cited statistics in the written objections agreed with him, as well as an Elm Heights meeting where neighbors voted to not permit plexes.

Consideration of Written
Objections per I.C. 36-7-4-
606(c)(3) (*cont'd*)

Council discussion:

Piedmont-Smith spoke about the effects of upzoning and said that some research indicated that upzoning led to affordable housing, and other research indicated that it did not. She said that it was difficult to make data-driven decisions because scholars were mostly researching large cities, mainly in California, and not cities like Bloomington. Piedmont-Smith stated that she, like Sturbaum, had also received more public comment on not allowing plexes in single family neighborhoods. Piedmont-Smith explained that she believed climate change to be the most important issue that society was facing, and that the city had to do everything possible to reduce greenhouse gas emissions. She further explained that greater density to where people work, play, and study was important. She also commented on the Council of Neighborhood Associations (CONA) who had sent out a mailer with false information, and that CONA was a non-profit and should not be lobbying. Piedmont-Smith said that the process had become uncivil, but that her focus had been to listen, take notes, and weigh the two sides. She clarified that she had not made up her mind about plexes, but was leaning towards allowing them. She hoped that the greatest concerns could be addressed, perhaps not this year, but that density could be increased soon.

Sandberg stated that throughout the process there was academic politics, where people get entrenched very early on and developed confirmation bias. She said that she had listened to all sides and thought about how it applied to Bloomington. Sandberg explained some history, told by long term residents, about the encroachment of the university, and how it impacted the quality of their life in a negative way. She commented that she followed the money to see who profited and that plexes in the core were not for affordability. Sandberg clarified that she was not against plexes, but wanted to put them in the areas that were not developed that did not tread on the core neighborhood residents where there was already diversity and plexes. She also stated that she did not want negative, unintended consequences. Sandberg also urged people to not compare Bloomington to large cities.

Volan commented that students were people and constituents and stated that they moved every year and were not in Bloomington in the summer. Volan explained that some homeowners spoke about their property as though they were the only ones that mattered. Volan asked if there were any renters who had spoken during the debate, or submitted written objections, and stated that there were none that he could see. He commented that some community members assumed everyone wanted single family housing. Volan explained that two-thirds of housing was rental and not everyone in that category wanted to buy a house. Volan suggested that policies at IU affected city decisions. Volan also discussed density versus cost, and that the prices were high in neighborhoods because there was not enough housing for the demand. He commented that the location of housing mattered, with respect to the places where people wanted to live and go to, and that inner, core housing allowed people to live without the use of a car. Volan clarified that council was elected to represent everyone and that the CONA mailer made him very upset. Volan explained that CONA was no longer

affiliated with the city and that they were a 501(c)3, which prohibited them from lobbying. Volan stated that CONA should be calling themselves the Political Action Committee of the Association of Residential Property Owners.

Consideration of Written Objections per I.C. 36-7-4-606(c)(3) (*cont'd*)

Council discussion:

Chopra asked who funded CONA, and how they paid for the mailer. Chopra stated that CONA was a very small group of people in town and so were the homeowners who commented in council meetings. Chopra explained that many of her friends were not homeowners because they could not afford to buy homes in Bloomington. She explained that council had to stop focusing on the individuals who were able to show up because they had the time and resources to go to meetings. Chopra clarified that there were many more people in Bloomington than the ones who were speaking up and urged council to keep them in mind too.

Sims commented on the complicated process of discussing the UDO and upzoning, and stated that he preferred to say rezoning. Sims said that many people stepped over the line sometimes. Sims explained that over 50% was rental property, and that council needed to be aware and cognizant of that. He also said there were many people who would prefer to buy a home, but that there was not enough housing stock, and asked if adding five hundred new houses in the county would solve the problem. Sims clarified that his main focus was making socially-just decisions, as equitable as possible, in order to eliminate discrimination and unfair treatment of minorities and marginalized communities along with everyone else. He stated that he was also concerned with climate change, and that he understood the urgency. Sims asked what if there had been a sense of urgency four hundred years ago that focused on eliminating all discrimination by 1800. He concluded that there were many urgencies in the community.

Ruff stated that he would comment on controversial topics during amendments and would have more to say then.

Rollo stated that he had referred to the Comprehensive Plan to determine if plexes and upzoning were appropriate, and commented on the three types of land use classifications. Rollo explained that one was to maintain, including replicating and protecting older residential neighborhoods. The second was to enhance, which focused on those neighborhoods that had lost their integrity. Rollo said that the third was to transform, which contained areas that were virtually empty or needed redevelopment. Rollo stated that the neighborhoods where plexes were being considered were neighborhoods that were to be maintained and not transformed, and that they were already the most dense and affordable, and cohesive. Rollo explained that there was an established group that owned, and a transient group that rented. Rollo stated that the Comprehensive Plan favored homeowner occupancy. Rollo commented that there were areas for density where housing could be developed. Rollo stated that the housing study described that the most sought after housing was single family homes, which Rollo described as the most affordable, and that to eliminate them, worked against affordability and sustainability. Rollo concluded that he would support removing conditional use from Ordinance 19-24.

Sturbaum stated that some people did not agree with what CONA published and called it lies. He explained that it was published because the newspaper was not letting people know what was coming. He indicated that he talked to community members and learned that they did not know what was being considered.

Consideration of Written Objections per I.C. 36-7-4-606(c)(3) (cont'd)

Council discussion:

Volan explained that there were lies in the publication, and that a 501(c)3 should not be lobbying. Volan asked where would the housing that would be needed in twenty years be built, or if it would ever be built.

Volan confirmed that the deadline for amendments was Monday, November 04, 2019 at 12:00pm.

Any Other Matters or Actions Related to the Proposal Ready to be Raised at this Meeting

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

RECESS [8:55pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 13, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 13, 2019

Councilmembers present: Allison Chopra (arrived 6:13 pm), Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Andy Ruff, Susan Sandberg, Jim Sims, Chris Sturbaum, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:08 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:09 pm]

Volan moved and it was seconded that Appropriation Ordinance 19-08 be read by title and synopsis only. The motion was approved by a voice vote. City Clerk Nicole Bolden read Appropriation Ordinance 19-08 by title and synopsis only.

LEGISLATION FOR FIRST
READING [6:14 pm]

Appropriation Ordinance 19-08
TO SPECIALLY APPROPRIATE
FROM THE RENTAL
INSPECTION PROGRAM AND
THE PARKING METER FUND
EXPENDITURES NOT
OTHERWISE APPROPRIATED
(Appropriating Various
Transfers of Funds within the
General Fund, Parks and
Recreation General Fund,
Parking Facilities Fund, Motor
Vehicle Highway Fund,
Alternative Transportation
Fund; Cumulative Capital
Development Fund and,
Appropriating Additional Funds
from the Parking Meter Fund
and the Rental Inspection Fund)

Stephen Lucas, Deputy Attorney/Administrator, reviewed the proposed 2020 schedule.

COUNCIL SCHEDULE [6:15 pm]

There was brief council discussion.

Volan moved and it was seconded to amend the council schedule by renaming the Committee of the Whole/Land Use Committee column to Committee Discussion. The motion was approved by a voice vote.

Volan moved that legislative cycle 12 be moved to after the summer recess.

There was brief council discussion.

The motion to move legislative cycle 12 to after the summer recess was approved by a voice vote.

Volan moved and it was seconded to adopt the council schedule as amended. The motion was approved by a voice vote.

Vote to adopt Amended Council
Schedule [6:17 pm]

Chopra stated that she wished to abstain.

Sherman stated that there was a work session that may need to be scheduled to discuss the Convention Center and "predatory towing."

Rollo asked that the work session be scheduled.

Rollo stated that the next item was the continued consideration of Ordinance 19-24.

Scott Robinson, Assistant Director for the Planning and Transportation Department, read a statement from the Legal Department regarding imposing owner-occupied ordinances in the Unified Development Ordinance (UDO). The statement included that there had not been litigation of the requirement in Indiana, but that there had been in various other states. The statement summarized that the city Legal Department believed that owner-occupied zoning would be invalidated, but that due to existing owner-occupancy requirements for accessory dwelling units, it was more likely to survive a legal challenge.

Piedmont-Smith commented that this affected her proposed Am 04, which was withdrawn.

Robinson stated that that was correct.

Piedmont-Smith responded that she wanted it to be on record that she had made an attempt.

Volan moved and it was seconded to amend the procedures for consideration of Ordinance 19-24 so that each amendment would be heard in the following manner:

- Sponsor presentation: 10 minutes.
- Comment from Planning and Transportation staff: 5 minutes.
- Common Council questions: 2 minutes per council member per round, 20 minutes total.
- Public Input: if less than 50 speakers, then one 3-minute statement per speaker. If more than 50 speakers, then one 2-minute statement per speaker. No more than 2.5 hours for public comment. This period may be extended by a majority vote of the council.
- Additional council questions: 2 minutes per council member, per round, 20 minutes total.
- Common Council debate and vote: 3 minutes per council member per round.

Volan asked the public who intended to speak, and 41 members of the public raised their hand.

There was brief council discussion.

Piedmont-Smith moved and it was seconded to amend the structure of debate to include a two minute time limit to public comment. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

The motion to approve the structure debate as amended was approved via a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Ruff reviewed the order of amendments with the consideration of ballot ranking by each council member.

Volan stated that he opposed the motion because the amendments were not equal, with one amendment permitting plexes, and another opposing plexes.

Piedmont-Smith stated that she agreed with Volan because Amendment 03 and Amendment 05 were a compromise, and implored her colleagues to consider the compromises first and then consider the plexes as a whole.

CONTINUED CONSIDERATION OF ORDINANCE 19-24 TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED UNIFIED DEVELOPMENT ORDINANCE [6:24 pm]

Presentation, Discussion, and Public Comment on Ordinance 19-24

Council discussion:

Motion to Approve Conduct of Deliberations

Vote to Amend the Structure of Debate [6:28 pm]

Vote to Approve the Structure of Debate as Amended [6:33 pm]

Deliberation on the Consideration of the Order of Amendments

Ruff stated that ballot-ranking for amendments was a democratic way to consider the amendments.

Deliberation on the Consideration of the Order of Amendments (*cont'd*)

Rollo stated that, as President of the council, he could have set the agenda unilaterally, but that ballot-ranking was the most democratic way.

Volan responded that if Amendment 01 was ranked first, then it was likely the only amendment to be considered.

Chopra asked if the vote sheets will be public record, and Sherman stated that they would and that the results would be read into the record.

Volan moved and it was seconded to proceed with the rank-choice voting. The motion was approved by a voice vote.

Vote to Approve the Ballot-Ranking of Amendments to Ordinance 19-24 [7:08 pm]

Clerk Bolden read the ranking of amendments per councilmember.

- Granger: Am 01: 2, Am 02: 3, Am 03 & Am 05: 1
- Rollo: Am 01: 1, Am 02: 2, Am 03 & Am 05: 3
- Volan: Am 01: 3, Am 02: 2, Am 03 & Am 05: 1
- Sims: Am 01: 3, Am 02: 2, Am 03 & Am 05: 1
- Sturbaum: Am 01: 1, Am 02: 2, Am 03 & Am 05: 3
- Sandberg: Am 01: 1, Am 02: 2, Am 03 & Am 05: 3
- Piedmont-Smith: Am 01: 2, Am 02: 3, Am 03 & Am 05: 1
- Chopra: Am 01: 3, Am 02: 2, Am 03 & Am 05: 1
- Ruff: Am 01: 1, Am 02: 2, Am 03 & Am 05: 3
- RESULT:** Am 01: 17, Am 03 & Am 5: 17, Am 02: 20

Ranking of Amendments [7:15pm]

Rollo stated that there would be a second round of voting, per the motion.

Volan objected to the rank-choice ballot language.

Second round of ballot-ranking of amendments:

- Granger: Am 01: 2, Am 03 & Am 05: 1
- Rollo: Am 01: 1, Am 03 & Am 05: 2
- Volan: Am 01: 2, Am 03 & Am 05: 1
- Sims: Am 01: 2, Am 03 & Am 05: 2
- Sturbaum: Am 01: 1, Am 03 & Am 05: 2
- Sandberg: Am 01: 1, Am 03 & Am 05: 2
- Piedmont-Smith: Am 01: 2, Am 03 & Am 05: 1
- Chopra: Am 01: 2, Am 03 & Am 05: 1
- Ruff: Am 01: 1, Am 03 & Am 05: 2
- RESULT:** Am 01: 14, Am 03 & Am 5: 13

Second Round: Ranking of Amendments to Ordinance 19-24 [7:30pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 03 to Ordinance 19-24. Piedmont-Smith presented Amendment 03.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 [7:31 pm]

Amendment 03 Synopsis: The purpose of this amendment is to limit the number of bedrooms in duplexes and triplexes in existing residential neighborhoods in response to public concerns about increased density.

Council discussion:

Volan stated that there was an upper limit on duplexes and triplexes, and asked if there was a lower limit for plexes.

Piedmont-Smith stated that it referred to the total number of bedrooms in the unit.

Robinson commented that the definition of bedroom needed to be considered.

Jackie Scanlan, Development Services Manager, stated that the definition of “dwelling, multi-family” particularly excluded duplexes, and that staff suggested clarifying the language to say a maximum of two per unit.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 (cont’d)

Council discussion:

Granger asked why there was not a limit to bedrooms in the fourplexes.

Piedmont-Smith stated that the fourplexes were only allowed in the R4 zoning district which was not mapped, and that it would be important for density in the long run.

Sims asked about a single parent with two children, and whether they would then need to move to a triplex?

Piedmont-Smith stated that that particular family would not be able to move into a duplex.

Piedmont-Smith stated that she would like to amend Amendment 03 to state that, in the duplex section, the relevant sentence read “no duplex dwelling structure shall contain more than two bedrooms per unit,” and in the triplex section, “no triplex dwelling structure shall contain more than two bedrooms per unit.’

Volan moved and it was seconded to amend Amendment 03 as stated by Piedmont-Smith. The motion was approved by a voice vote.

Vote to amend Amendment 03 [7:52 pm]

Sturbaum asked if R4 would be zoned into existing family neighborhoods.

Council discussion:

Piedmont-Smith stated that that was correct.

Rollo stated that Amendment 03 applied to all zones, so if conditional use was considered in R1, R2, and R3, then it would apply to all zones.

Piedmont-Smith stated that that was correct.

Robinson clarified that the difference between conditional use versus by right was that existing areas would go through the conditional use process while new areas would be allowed by right.

David Keppel offered his strong support for Amendment 03.

Public comment:

Ed Whitesville spoke against the limitation of two bedrooms per unit.

Peter Dorfman stated that he was thankful to Councilmember Piedmont-Smith for drafting Amendment 03, but that further study needed to be done to fully understand the impact.

Ramsey Harik spoke against Amendment 03.

Mary Morgan, Greater Chamber of Commerce, stated that she was proud to be a part of a coalition to increase density. Morgan stated that she appreciated the consideration of the amendments.

Sandy Clothier stated that she lived in a core neighborhood and that if it was to apply to all zones, that it was ridiculous to limit duplexes to two bedrooms.

Pam Weaver, stated that she was speaking on behalf of the Commission of Sustainability, and that there were 8 not in favor of Amendment 03, 1 in favor of Amendment 03, and 2 abstaining.

Jean Simonian stated that she applauded the good faith effort of Piedmont-Smith but that Amendment 03 guaranteed that families would not be able to live there.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 (cont'd)

Kayte Young stated that she was in favor of the UDO, but was concerned that it was going to get watered down and lose its power. Young stated that she was most concerned about equity and affordable housing.

Public comment:

Lori Hoevener urged councilmembers to vote against Amendment 03.

Jean Capler stated that she was in favor of allowing housing type diversity and increased density.

Kate Rosenbarger stated that she was in favor of Am 02, but if Amendment 03 helped to address concerns, that it was a good compromise.

Steve Wyatt stated that there were affordable houses in core neighborhoods due to the compact lots, and that home ownership gave equity and long-term investment. Wyatt stated that the city should be creating more compact neighborhoods.

Cathy Fuentes-Rohwer commented that increased density was good for the environment and the community.

Richard Linnemeier stated that he was a resident and homeowner of 13 units of affordable housing, and that it was impossible to predict what the amendments would do. Linnemeier proposed a limit to the number of units and to study the results.

Sara Copper stated that if Amendment 03 would help councilmembers accept plexes then she would be in favor of it but was disappointed in limiting the bedrooms.

Peter Finn voiced his strong opposition to Amendment 03 and Amendment 05 because it would not provide for more affordable housing.

Cathy Myers stated that she did not understand why large swaths of land were not being looked at for development.

Joe Bergen, Director of City Relations for IU Student Government, stated that Amendment 03 was a step but that Amendment 02 was the bold solution.

Quintin Thompson commented that Amendment 03 brought together sustainability and compromise.

Dominic Thompson, Speaker for IU Student Government, stated that there was a housing crisis in Bloomington and urged council to vote against Amendment 03 because it limited the number of units.

Jess Tang stated that she was a student renter, and that she and her partner had been offered opportunities to stay in Bloomington after graduation, but that they were looking for sustainable ways that did not include living far away and driving. Tang spoke against restricting units to two bedrooms.

Cassiday Moriarity stated that she had lived in Bloomington for four years, and that limiting the bedrooms to two per unit would limit options for families.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 (cont'd)

Dave Warren spoke in favor of more housing.

Public comment:

Christine Linnemeier stated that she was in favor of Amendment 01, but that Amendment 03 would cut out families and put in students.

Eliza Dowd stated that she was a student renter, and that people her age could not afford to live in Bloomington. Dowd spoke about the housing and environmental crises and commented that affordable and denser housing would cut carbon emissions and would lead to a more inclusive community.

Alan Balkema, President of the Near West Side Neighborhood, stated that he was against Amendment 03, Amendment 05, and Am 02.

Charles Krazyanka stated that he had renovated a house on 1st street but that if Amendment 03 or Amendment 02 would have passed, he likely would not have done so.

Burhan Elturam stated that he lived in the Near West Side Neighborhood for the last 45 years. Elturam stated that the changes had been quantitative but not qualitative, and that there were still people who could not afford a home.

Alex Goodlad stated that density was necessary because of the climate crisis, and stated that there was no evidence that there would be only students that lived in multiplexes.

Kathleen Bogess stated that she was a Court Appointed Special Advocate (CASA) and that it would be nice if Children in Need of Services (CHINS) families had affordable housing, with strong role models. Bogess stated that two bedrooms was too limiting, and urged the council to vote against Amendment 03.

Betty Bridgewaters stated that she had a duplex on S. Washington and rented to students and married people. Bridgewaters stated that the two bedroom limitation was not ideal, and that she would vote down Amendment 03.

Jan Sorby stated that she lived in a core neighborhood, and thanked Piedmont-Smith for attempting to compromise, but that this was not a good solution because it put the affordable housing at risk.

Will Stahly stated that he was against the amendment to Amendment 03.

Joe Lee thanked Piedmont-Smith for her attempt to compromise. Lee stated that there was no plan to assure affordable housing or environmental protection. Lee stated that the plan did not solve Bloomington's housing problem, but did solve IU's housing crisis.

Marc Cornett stated that core neighborhoods were in the shadow of IU, and that families could not compete with multiple incomes. Cornett urged the council to vote no on Amendment 03.

Michelle Henderson stated that she appreciated the compromise on multiplexes by limiting bedrooms and conditional [use] based on

guidelines, but that voting on anything conditional was like voting by right.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 (cont'd)

Nathan Geiger stated that he taught at the university and that he opposed the current amendment as worded, and that he supported the UDO and by right plexes. Geiger stated that he opposed Amendment 03.

Public comment:

John Torok stated that he lived in Elm Heights, and that a developer bought a house and built two units on top, graveled everything they could, and tore down trees. Torok stated that it was not affordable housing.

Sally Jones expressed her opposition to Amendment 03 and stated that there was no evidence that it would increase home ownership or integrate neighborhoods. Jones stated that there should be innovative solutions to help families buy the homes. Jones stated there was not a plan to address the infrastructure of increased density, like storm water drains.

Christopher Harrell, from the Near West Side Neighborhood, expressed his opposition to Amendment 03 because it limited the ability to address the affordable housing issue. Harrell stated that he did not support limiting the bedrooms.

Jackie Witmer-Mouton, had lived in Bloomington since 1983. She stated that there was no language in the UDO that guaranteed affordability or diversity, or protected the quality of the neighborhood.

Cory Ray stated that he preferred Amendment 02, and expressed his support for the UDO and allowing duplexes and triplexes by right. Ray stated that Bloomington had the opportunity to increase density and take the lead in innovative opportunities to promote diversity.

Wendy Bricht stated that she appreciated Amendment 03 because it was honest, even though she did not support multiplexes. Bricht stated that developers wanted to build in core neighborhoods because of the guaranteed high rent.

Jeff Mansfield stated that he lived in District 01, and that he wanted to support Amendment 03 but was concerned about limiting the bedrooms and urged the council to consider amending the amendment.

Darrell Boggess stated that he lived near the IU campus and had noticed a change in the neighborhood, and that he opposed the amendment. Boggess stated that he did not see how plexes in neighborhoods made a difference in the community and in responding to climate crisis.

Charles Gillespie stated that he represented renters in the community and that buying a home in Bloomington was not feasible for many. Gillespie stated that Bloomington could be doing more to attract and retain talented young people, and that allowing plexes in core neighborhoods would do that. Gillespie stated that he was not opposed to limiting the bedrooms, but that two bedrooms was too small.

Sturbaum stated that people did not understand what core neighborhoods were and that Amendment 03 was largely meaningless and only slightly less terrible.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 (cont'd)

Granger stated that she appreciated Amendment 03 but that she was not sure that limiting the number of bedrooms increased diversity and that she would vote against the amendment.

Public comment:

Piedmont-Smith spoke of compromise and of listening, and addressed the public's concerns. Piedmont-Smith commented that plexes were not going to fix the affordable housing problems. She explained that plexes would have the same landscape and setback requirements as single family housing. Piedmont-Smith had spoken with Vic Kelson, Director of Public Utilities, regarding overtaxed infrastructure, who said it was not a problem and more efficient to have housing closer together.

Council discussion:

Sandberg said she would not support Amendment 03 and commented that more thought was needed regarding families and people of low income. Sandberg spoke about the placement of plexes. She stated that she would support Amendment 01, and appreciated the compromise on Amendment 03.

Chopra stated that Amendment 03 offered a compromise and that she would be voting in favor of the amendment. She said that she supported plexes everywhere, including in her neighborhood.

Volan discussed the number of bedrooms and student housing. He commented that some families wanted separate bedrooms for their children. Volan stated that he would not object to the amendment to Amendment 03 if it would make a difference in the outcome.

Piedmont-Smith stated that she lived in a core neighborhood and that there was a mobile home park, a homeless shelter, and the community kitchen all nearby. She said she loved her neighborhood, and spoke about the different housing types there and stated that she wanted more people to be able to live in her neighborhood.

Sims stated that he could not vote against plexes and discussed the need to talk about housing that was affordable. Sims did not particularly like Amendment 03 and clarified that his position was in the middle with conditional use.

Rollo spoke in opposition to plexes in existing neighborhoods because they were a threat to the neighborhoods and to single-family homes. He explained that plexes opened neighborhoods up to predatory speculative development. He commented that Amendment 03 was intended to limit bedrooms as a compromise, and that he opposed the amendment.

Sturbaum commented that there were places to build for the missing middle. He spoke about excluding neighborhoods that were completely built out. Sturbaum stated that he supported density and plexes but not in existing neighborhoods.

Ruff discussed plexes as affordable housing, and said that staff indicated that was not the intent. He also commented on the increased number of high-income, out of state and international students, developers, and speculators who were intending to

maximize their profit. Ruff stated that he would be voting against Amendment 03.

Presentation, Discussion, and Public Comment on Amendment 03 to Ordinance 19-24 (cont'd)

Volan explained that the core neighborhoods worked for the people already living there and not for those who wanted to reside there. He commented about attempting to find a compromise, and that he preferred that Amendment 02, Amendment 03, and Amendment 05 be combined.

Council discussion:

Sims repeated that there was a housing crisis and discussed previous debate concerning ADUs (Accessory Dwelling Units). He also commented that thirty could be built under conditional approval, but that only ten had been built. Sims questioned if that could be done with plexes, and the impact analyzed later. He explained that it could be done, the right way, the equitable and fair way.

Sandberg moved and it was seconded to adopt Amendment 03 as amended. The motion received a roll call vote of Ayes: 4 (Chopra, Piedmont-Smith, Sims, Volan), Nays: 5, Abstain: 0. FAILED.

Vote to Adopt Amendment 03 as Amended to Ordinance 19-24 [8:54 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 05 to the Ordinance 19-24. Piedmont-Smith presented Amendment 05.

Presentation, Discussion, and Public Comment on Amendment 05 to Ordinance 19-24

Amendment 05 Synopsis: Limits “plexes” on property in R1, R2 & R3 districts where demolition of at least 35% of the principal dwelling structure occurred within the previous three years and the construction of the duplex structure would exceed the gross square footage of the original structure by more than 25%.

Robinson clarified that the proposal was to allow plexes in many residential districts, and was not targeting specific neighborhoods. He said there was confusion on affordable housing and affordability, and clarified that the state had limited the ability to do inclusionary housing. He further clarified that there were voluntary incentives for plexes to require affordability but the intent was not for affordable housing.

Jackie Scanlan, Development Services, said that tracking could be easily done and provided an example of building permits. She discussed the public’s fear that developers would completely demolish homes. Scanlan explained that several local developers had stated that buying a property in the core districts to tear down and build a duplex did not make financial sense. Scanlan spoke about median home price in Bloomington, and some of the main goals of the Comprehensive Plan including smart-growth adherence. She commented that Amendment 05 facilitated that. Scanlan also clarified that staff from the Utilities Department confirmed there was plenty of infrastructure to support this type of growth.

Chopra stated that it was important to consider data given that some public comments claimed that there was no evidence or data. She asked Scanlan to expound on the data.

Council discussion:

Scanlan mentioned that data was presented at the Plan Commission, and that current information about Bloomington had been gathered. She spoke about the analysis of land value where existing plexes were in core neighborhoods, as well as any negative effect on land value, compared to other single-family homes. She said there was no correlation found. She explained that staff looked at the American Community Survey, as required by law, which showed that homeowners in Bloomington’s core neighborhoods had twice as

many cars than renters. Scanlan discussed concerns that renters would each would have a car, which was not accurate based on community data. She commented that the homeowner-occupied homes in the RC districts had been steady since 2008. She clarified that owner-occupancy in plexes had increased and that the public was looking for duplexes to own, and to rent the other side.

Presentation, Discussion, and
Public Comment on Amendment
05 to Ordinance 19-24 (cont'd)

Council discussion:

Sims asked if there was information on covenants and restrictions in neighborhoods throughout the city; what they were, and when they expired.

Scanlan confirmed there was a list of subdivisions based on zoning. She discussed the RS (non-core neighborhoods) subdivisions and their restrictions. Scanlan stated that things not allowed by covenant was a private issue, and not widespread.

Volan reiterated that if more than one-third of the house was torn down, a plex could not be built for three years, and could not be more than 25% greater than the square footage of the original building. Volan asked to what extent the changes would help or hinder the development of plexes, and if it would incentivize the building or more or fewer plexes.

Scanlan responded that she believed it would discourage teardown for duplexes, but that it would not dissuade a remodel in homes occupied by families.

Volan asked if someone could buy two houses next to each other, and wait three years to build something on the combined lots.

Scanlan stated that under existing regulations, they would be able to but not be able to build greater than 25% of the original structure. Scanlan clarified that the proposal gave the council, as decision-makers, the time to address the issue if it became problematic.

Ruff commented on the proposed amendments, and locations where duplexes could and could not be. He explained that Amendment 01, only addressed R1, R2, and R3 zones, and that there were residential zones and mixed-use zones where plexes would be permitted even with the passage of Amendment 01.

Scanlan responded that that was correct because R4 was not yet mapped. She explained that in a multi-family zone, and based on discussions with local developers, it would be less likely to develop a 40 foot wide duplex when a larger building could be built in the commercial districts. Scanlan stated that this also addressed Volan's earlier question about a duplex on two lots and said it could still only be 40 foot wide. She said that design requirements were the same as building a single-family structure, and that the side of the plex that faced the road could only be 40 foot wide to fit in with the neighborhood.

Sturbaum asked if the 40 foot width applied to remodeling, such as a converting a ranch home that was 60 foot wide into a duplex.

Scanlan stated that nothing was excluded, so it would apply to remodeling. She said a ranch home could not be converted into a duplex without a variance if the building was more than 40 feet wide.

Sturbaum asked about the suburban ranch homes.

Scanlan stated that that was possible they would be excluded if they were over 40 feet wide.

Sturbaum asked for additional details about lot sizes and any subdivisions that prohibited single-family zoning.

Scanlan stated that staff could provide that information and map.

Volan moved and it was seconded to limit public comment to one minute per person, and one minute and a half for council comment. There was brief council discussion.

Presentation, Discussion, and Public Comment on Amendment 05 to Ordinance 19-24 (*cont'd*)

The motion to limit public comment to one minute per person, and to limit council comment to one minute and a half, was approved by a voice vote.

Vote to limit public comment and council comment [9:13 pm]

Peter Dorfman stated that the website Home.com listed Bloomington as the 5th most attractive for small college towns with a high rate of return for developers.

Public comment:

Ramsey Harik spoke about putting plexes in green and brown spaces.

David Keppel stated that Amendment 05 was the most important item to consider and commended the amendment.

Richard Linnemeier stated that he supported Sandberg's idea of extreme density and would support a higher building. He stated it was important to use the data correctly.

Jim Rosenbarger commented that investors would be looking at the largest, nicest houses they could find to do a minimal amount of work on them, and would just change the occupancy.

Jane Goodman referenced the US Landlord Index for College Towns and Cities. She stated that Bloomington was ranked 19th overall, and that when compared to cities of its size, it was ranked 5th.

Richard Lewis spoke about recent sales in Prospect Hill neighborhood, and that two had been torn down. He stated that it would affect the community for the lots to be vacant for three years.

Marc Cornett urged the council to vote against the amendment.

Pam Weaver urged the council to vote in favor of the amendment because it was an excellent compromise from an environmental standpoint, and it was better to encourage redevelopment rather than tear down.

Jean Simonian stated that there needed to be clarity into real estate development because it had changed since 2008. She commented on tax advantages and other factors that made the holding of empty lots, by big outside developers, for appreciation.

Wendy Bernstein stated that she had been trying to picture what the house across the street from her would look like with 30% missing for three years.

Dave Warren said that Amendment 05 was a good amendment and that while it was not perfect, wanted to encourage the council to vote in favor of it in an effort to reach the missing middle.

Quintin Thompson stated that he believed the Amendment 05 was a good compromise and urged the council to vote in favor of it.

Michelle Henderson spoke about small and shabby rentals, rented by low-income individuals. She said that those were the houses that would be demolished wondered where the renters would go.

Joe Bergin, Director of City Relations, IU Student Government, stated that he supported Amendment 05.

Presentation, Discussion, and Public Comment on Amendment 05 to Ordinance 19-24 (cont'd)

Alex Goodlad spoke in support of Amendment 05, and the need to redevelop in a way that addressed climate change.

Public comment:

Olivia Dorfman stated that the Near West Side Neighborhood had some of the least expensive rentals in the city mostly because they were older and smaller homes. She said that Fairview Elementary school was 90% free or reduced lunch, and that their housing was likely the first to be plucked out of the neighborhood.

Jackie Witmer-Mouton stated that there was no language in the amendments regarding affordable housing. She said that she was able to buy a house in Barclay, which was a bit more dangerous, but that she could not afford a house near Bryan Park.

Volan asked if anyone demolished a house and left it empty.

Council discussion:

Scott Robinson stated that there was an annual report that listed the demolition reports, but that he did not know how long the lots stayed vacant.

Ryan Robling, Zoning Planner, stated that most demolitions, including all the current year's were rebuilt as single family homes.

Volan asked about lots staying vacant for three years.

Robling stated that there was nothing that prevented that, but that it was very uncommon.

Volan asked if there were standards for preventing the pooling of water, for example.

Robling stated that there were vacancy standards that a parcel would have to meet in order to remain vacant.

Volan stated that many core neighborhoods were historic districts, and asked if there were protections against certain kinds of demolition.

Robling stated that there were.

Volan stated that if he wanted to tear down the back part of his own home, that there was a process he would have to go through.

Robling stated that that was correct, there was a process he would have to go through via the Historic Preservation Commission.

Sturbaum read from the Comprehensive Plan and summarized that the core neighborhoods should not be the focus. He said that the proposal was far off from the Comprehensive Plan.

Sandberg stated that she would be opposing Amendment 05, because the problem was that developers would buy the property and expand it. She explained that would increase occupancy in already dense areas that had narrow streets and limited parking.

Volan stated that Sturbaum referenced the Comprehensive Plan, and also read a portion it. Volan summarized that policy 5.1.2 established affordable housing in locations with close proximity to schools, employment center, transit, recreational opportunities, and other community services to increase access.

Ruff stated that the proposal was an experiment and said that the Comprehensive Plan called for the establishment of affordable housing, yet there was no reason to believe that it would actually create affordable housing.

Piedmont-Smith shared that she felt that compromise had become a dirty word, and that those who were opposed to plexes were unwilling to listen. She explained that the proposal would not immediately lead to affordable housing, but that compromise was ideal.

Presentation, Discussion, and Public Comment on Amendment 05 to Ordinance 19-24 (cont'd)

Council discussion:

Granger stated that she supported Amendment 05 and the original Amendment 03, and applauded her colleague for trying to compromise. Granger stated that she would support Amendment 05.

Ruff stated that it was not all or nothing, and that there were zones where plexes would be allowed.

Sturbaum commented on his work in neighborhoods, and the effects of zoning. He said there was a healthy balance of rentals and home-owning, but that there would not be more single-family zones built after the adoption of the UDO. He commented that plexes needed to be built on edges, corridors, and new land that was being made available.

Rollo discussed on tear-downs, transformation of homes, and the threat to existing neighborhoods. He emphasized that smaller homes faced the greatest threat. Rollo said that plexes in core neighborhoods would not work towards affordability. He reiterated that the most vulnerable homes would be transformed into plexes renting at market rate.

Volan commented on Smallwood and said that the same year, that year four houses in Garden Hill flipped to owner-occupied. He said that Sims brought up a good point about the difference between affordable housing and housing that was affordable. Volan explained that some housing would be market-rate, and not affordable for some. Volan stated that Amendment 05 would be thoughtful development.

The motion to adopt Amendment 05 to Ordinance 19-24 received a roll call vote of Ayes: 6, Nays: 3 (Ruff, Sturbaum, Sandberg), Abstain: 0.

Vote to Adopt Amendment 05 to Ordinance 19-24 [9:44pm]

Sturbaum moved and it was seconded to adopt Amendment 01 to Ordinance 19-24. Sturbaum and Rollo presented Amendment 01.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24

Amendment 01 Synopsis: This amendment brings forward a simplified version of PC Am-4A. It prohibits the “plexes” on properties zoned R1, R2 & R3 on the effective date of the UDO by making two changes. First, it amends Table 3-1: Allowed Use Table by removing the “C” (Conditional Use) for duplexes and triplexes in R1, R2, and R3 districts and, second, it strikes two provisions in the Use-Specific Standards for “plexes” that would allow them in those districts via reconfiguring lots.

Robinson explained the intent behind the plexes and described key details, zones, and housing issues.

Ruff moved and it was seconded to extend debate to 11:00pm. There was council debate.

The motion to extend debate until 11pm received a roll call vote of Ayes: 3 (Ruff, Granger, Rollo), Nays: 6, Abstain: 0. FAILED.

Vote to Extend Debate [10:10 pm]

Rollo recessed the meeting until November 14, 2019.

RECESS [10:11pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Thursday, November 14, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 14, 2019

Councilmembers present: Andy Ruff, Isabel Piedmont-Smith, Dorothy Granger, Dave Rollo, Steve Volan, Jim Sims, Chris Sturbaum, Susan Sandberg
Councilmembers absent: Allison Chopra

ROLL CALL [6:02pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:31 pm]

Dan Sherman, Council Attorney, summarized the council schedule.

COUNCIL SCHEDULE

Volan moved and it was seconded to cancel the work session scheduled for November 15, 2019. The motion was approved by a voice vote.

Vote to amend council schedule [6:07 pm]

Scott Robinson, Assistant Director of Planning and Transportation, summarized Amendment 01.

CONTINUED CONSIDERATION OF
ORDINANCE 19-24 - TO REPEAL
AND REPLACE TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED
DEVELOPMENT ORDINANCE"

Amendment 01 Synopsis: This amendment brings forward a simplified version of PC Am-4A. It prohibits the "plexes" on properties zoned R1, R2 & R3 on the effective date of the UDO by making two changes. First, it amends Table 3-1: Allowed Use Table by removing the "C" (Conditional Use) for duplexes and triplexes in R1, R2, and R3 districts and, second, it strikes two provisions in the Use-Specific Standards for "plexes" that would allow them in those districts via reconfiguring lots.

Presentation, Discussion, and
Public Comment on Amendment
01 to Ordinance 19-24 [6:07pm]

Piedmont-Smith asked if Amendment 01 passed, it would preclude the pilot program.

Council discussion:

Robinson responded that Amendment 01 would prohibit plexes in any of the existing areas of the community, and that rezoning would occur the following year.

Piedmont-Smith asked if there would be the opportunity to propose a pilot program after the UDO was passed.

Robinson stated that the UDO could be amended at any time.

Sturbaum asked staff to comment on specific language regarding properties that would be rezoned.

Robinson said there was an adopted date and an effective date, and commented on the Plan Commission's process to differentiate between the conditional use and by right areas.

Granger asked what staff looked for when considering conditional use.

Robinson responded that staff looked at use-specific, and lot-specific standards, and there was consideration of consistency with the Comprehensive Plan and feedback from the community.

Sims asked staff to discuss the pilot program further and to comment on standards.

Robinson stated that if there were additional conditions or criteria, they could be added to an amendment.

Jackie Scanlan, Development Services Manager, further explained conditions and limits, and said that council could propose other requirements.

Sims asked if council could set the number at 100 units throughout the city, and two to three units in core neighborhoods.

Robinson stated that the council could set a number, but that he recommended district-specific instead.

Scanlan stated that council could implement a pilot program by separation requirement and provided an example.

Sims stated that council could set a limit, and determine the community impact in three years.

Granger asked if the more strict provision would be applied if there were two provisions in conflict.

Robinson stated that was correct, and that the more restrictive standard was the setback.

Piedmont-Smith asked Robinson to review the design standards that applied to duplexes and triplexes.

Robinson explained the design standard for plexes including compatibility with the general area, roof pitch, front porch width and depth, setback, and vehicle parking.

Piedmont-Smith asked about the maximum width.

Robinson stated that it would be 40 feet.

Scanlan stated the design standards would be the same as for a single family house. She said there were additional restrictions for new lots, after the effective date, which were not eligible for plexes. Scanlan stated that a large lot could not be subdivided.

Piedmont-Smith asked about green space.

Scanlan confirmed that there would not be less green space.

Volan asked staff to explain the maps shown during the presentation.

Robinson explained the map and the areas that were zoned and were recorded subdivisions, including future R2 and R3 areas, and areas with covenant restrictions and non-covenant restrictions for plexes.

Volan stated that the covenants were protected and enabled by state law and transcended local law.

Robinson confirmed that the city had no authority to undo the covenants.

Volan stated that the only way to make plexes apply to the entire city would be to persuade the subdivision to abandon their restriction.

Robinson stated that it would be a legal question within neighborhood associations, and that some did not enforce covenants.

Sims asked about staff's research on the covenants.

Ryan Robling, Zoning Planner, stated that most of the newer subdivisions had ten to twenty-five year limit, and were renewed every ten years, unless there was a majority of residents writing to give up the covenants.

David Keppel stated that he opposed Amendment 01 and provided reasons.

Patrick Murray stated that he supported Amendment 01 and he was opposed to Amendment 02.

Dave Bernstein spoke about the overwhelming response from the public to not have multiplexes that would destroy core neighborhoods and change the city forever.

Jane Goodman spoke about Bloomington's return for investors and stated that she did not believe that the absentee landlord was concerned with the interests of neighbors.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

Barre Klapper spoke about the design criteria of plexes, and unintended consequences.

Tim Mueller spoke about conditional use and affordable housing.

Wendy Bernstein pled that the council be constructive rather than destructive, and stated that she feared putting plexes in core neighborhoods.

Ramsey Harik stated that he opposed the upzoning plan, and that the Rollo-Sturbaum amendment was the only credible protection of Bloomington's core neighborhoods.

Mary Morgan, Director of Advocacy for the Bloomington Chamber, stated that the chamber strongly opposed Amendment 01, and that permitting plexes in all neighborhoods would be an incremental change to address the community's housing crisis.

Dave Warren spoke about Bloomington as a desirable place to live, and about sprawl, exclusionary single family zoning, and affordability for all.

Emily Nehaus spoke about affordability of housing in Bloomington, and that the city should be interested in equity and in making it affordable for all people to live there.

Beau Vallems stated that she lived in a core neighborhood, and spoke in favor of plexes, but that she strongly opposed the chopping up of stable, mixed, already dense, already rented old neighborhoods.

Nate Ferreira, Habitat for Humanity of Monroe County, stated that Habitat was opposed to a ban on plexes, and they would like to see more opportunities for struggling families, and that plexes created an opportunity.

Jon Fiedler commented on capital and that plexes were not useful for affordable housing.

John Krushke spoke on the disruption a plex would cause in a neighborhood and provided examples.

Joe Bergin, Director of City Relations, IU Student Government, asked the council to not vote against plexes.

Jim Rosenbarger commented on plexes and that he did not see where the UDO had separate conditions for plexes in new or existing buildings and assumed that the 40 foot limit applied to both.

Sandy Clothier stated that she understood the need for rentals, but that core neighborhoods needed to be preserved.

Jan Sorby asked council members to vote for Amendment 01 and provided information about housing sales, and that homes in Matlock Heights, Blue Ridge, Hoosier Acres, or Park Ridge that were not susceptible to the 40 foot limit.

Greg Alexander spoke about cities building exclusively for cars by turning their downtown thoroughfares into highways, and bulldozing half of the downtown and turning it into parking lots, and using zoning to rigidly separate the neighborhoods.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Public comment:

Peter Finn stated that he strongly supported Amendment 01 and had heard heart-wrenching stories from both sides, from people who were concerned about their neighborhoods and about affordable housing.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Public comment:

Alex Goodlad spoke about housing density and affordability, and mass transportation.

Edmund Cord explained that some duplexes and triplexes were ugly and that there was not consideration of aesthetics, and that he was in favor of the passage of Amendment 01.

Michelle Henderson asked councilmembers to support Amendment 01 and provided examples of why.

Peter Dorfman stated that upzoning in core neighborhoods would make current residents give up something they valued, renters included, and urged the council to support Amendment 01.

Rob Henderson stated that he supported Amendment 01 and spoke about plexes and affordable housing.

Olivia Dorfman spoke about other cities and stated that she supported the amendment.

Bronson Bast discussed special presidential commissions that looked at what drove up high housing cost in the U.S., and that one consistent conclusion was single family zoning and exclusionary zoning. Bast urged the council to support plexes.

Karen Duffy spoke about the Near West Side neighborhood and its association and history. She stated the Near West Side Neighborhood Association supported Amendment 01 and opposed the introduction of additional duplex, triplex, and other multi-unit housing forms in the already dense and diverse neighborhoods.

Christine Matthew expressed concern about houses in Elm Heights not being protected as historic properties, and that based on the proximity to IU, developers would target that neighborhood.

Sarah Kopper spoke against Amendment 01, and discussed status quo bias, density, and hoped that the council were thinking of the folks who were not at the meeting.

Lori Haevener strongly urged councilmembers to support the Rollo/Sturbaum amendment, and stated that upzoning was simply an experiment with core neighborhoods.

Jack Parke, President of the College Democrats at Indiana University, urged the council to vote against Amendment 01. Parke explained that climate change was an existential threat and urged council to vote against the ban of plexes in core neighborhoods.

Mark Cornett encouraged councilmembers to support Amendment 01 and to protect historic core neighborhoods that had diversity, that had duplexes, apartment buildings, density, were not exclusive, and did not have covenants and restrictions. Cornett stated that he hoped that the 40 foot width was a mistake, because it excluded suburbia.

Alessia Modjarrad, College Democrats Director of Outreach, stated that it was imperative that council vote against the amendment, that they support the UDO as proposed, and hopefully support by-right standards. Modjarrad provided reasons supporting her stance.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Public comment:

Daniel Bingham commented on racist policies and read excerpts from two books. Bingham stated that single family zoning was explicitly created to segregate neighborhoods.

Jess McPherson urged council to not support Amendment 01 because she was specifically concerned about how it would affect Bloomington and its output regarding climate change.

Solomon Bogdanoff expressed concern for the racist ideologies that prevented African American citizens from being able to invest in their own homes, and that the money was given to landlords who had no concern about their wellbeing or ending systemic racism.

Pam Weaver, Bloomington Commission on Sustainability, stated that the commission strongly urged the council to vote against Amendment 01.

Richard Lewis expressed his support for Amendment 01 and that plexes would not increase local home ownership, as city staff had acknowledged due to state law.

Linda Stewart urged the council to preserve the zoning of the core neighborhoods and stated that she was not against plexes, but was against opening up core neighborhoods to developers coming in to change the integrity of the core neighborhoods.

Jenny Southern stated that it had been a long hard fight to keep the core neighborhoods nice, and urged the council to not take a step backwards.

Pete Kinne stated that he owned four single family homes in three core neighborhoods and that it would make economic sense to tear down three to build a duplex. Kinne clarified that he liked the way the neighborhoods were, and commented on selling the properties eventually.

Wendy Bricht commented on the upzoning that occurred in the 1970s when much of the neighborhoods was lost and encouraged the council to pass the Amendment 01.

Erin Cooperman urged the council to support Amendment 01 and spoke about her neighborhood.

Joe Lee said that plexes on ten blocks could amount to three hundred and sixty new bedrooms and one hundred and eighty new automobiles in the neighborhoods. Lee spoke about sidewalks and narrow streets.

Jon Torok spoke about living in Elm Heights, sidewalks, and the density of plexes. Torok clarified that there were people like him and his family that wanted to live downtown and not in the suburbs that would be forced out.

Betty Rose Nagle urged the council to vote in favor of Amendment 01 and concluded that no one had talked about mass transit and the transportation plan.

Cynthia Brethheim urged councilmembers to vote yes on Amendment 01 and stated that subdivisions were specifically intended to limit racial and financial equality, and that the core neighborhoods naturally developed.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Public comment:

Matt Flaherty spoke about the housing data, subsidized housing, cliff effects, and stated that housing was expensive and artificially scarce making it difficult to find affordable homes. Flaherty spoke about the average age of residents of plexes and urged council to vote no on Amendment 01.

Alan Balkema spoke about densification, parking lots, the hospital site, and empty buildings. Balkema urged council to vote for Amendment 01.

Marc Haggerty commented on his neighborhood and about outside interests, boards and commissions, IU, and intellectual cultures that caused gentrification.

Jean Simonian discussed the housing crash of 2008, private equities' acquisition of millions of foreclosed homes, the government bailout of the financial industry, the subsequent dismantling of controls on the financial industry, and the Hollingsworth amendment to the tax bill that extended a tax advantage to real estate investors.

Kate Rosenbarger urged council members to vote no on Amendment 01 and to instead continue to look for a compromise. Rosenbarger discussed that in 2014, there were seven hundred and thirty seven duplexes, and in 2019, there were seven hundred and four, so that thirty three duplexes were lost over five years.

Dave Weaver urged council to vote against Amendment 01. Weaver stated it was the same small group of people, but that most were not at the working session constructing documents, or on local listservs with suggestions, or at any of the volunteer opportunities in the city. Weaver commented on the Commission on Sustainability's report.

Novella Shuck asked the council to vote against Amendment 01 banning plexes, and that conditional plexes or even smaller scale projects should be considered in the near future. Shuck stated that the current housing policies were not working.

Lana Eisenberg spoke about feeling under attack because she was old, and owned a house for thirty five years. Eisenberg strongly advised that the council adopt Sturbaum's amendment.

Volan asked staff about the 40 foot height, and if it was possible to build two long units on one lot as a duplex.

Council discussion:

Scanlan confirmed that it was possible as long as it met the setback requirements and the lot width, with one building.

Piedmont-Smith asked staff to comment on conditional use.

Scanlan explained that the Bloomington Zoning Appeals Board (BZA) could deny a conditional use request if it did not meet the requirements, including if it had a negative effect on surrounding properties. She clarified that the Legal Department had confirmed it was possible, and that the notion that conditional use was basically by-right was false. Scanlan said that if someone called the Planning Department with an idea that did not meet code, and the person did not think they could meet the high threshold to receive a variance or conditional use, they would be told up front.

Piedmont-Smith asked what the reasoning was behind the 40 foot width requirement.

Robinson explained there had been modules and feedback, and that they looked at developing use specific standards. Robinson clarified that the 40 foot width was an approximation, as one standard, that was developed throughout the process and was proposed.

Piedmont-Smith asked if it could be revised so that in some zoning districts it could be wider.

Robinson stated that there could be a variance in response to the concerns heard from the core neighborhoods. Robinson explained that they had not heard from many residents in other neighborhoods.

Rollo asked if staff was aware that by having a 40 foot maximum frontage, the impact would be disproportionately on pre-WWII homes, and that most of the plexes would be allowed only in the core neighborhoods.

Robinson responded that the standards were mostly directed towards the conversion of existing structures. He said that there was discussion on prohibiting demolition, and protections were put in regarding dividing lots. Robinson clarified that the 40 foot width standard was for existing structures and that there was vacant land that would easily meet that standard, so it was not specifically targeting or excluding those homes.

Rollo asked about plexes in existing neighborhoods.

Scanlan explained that Robinson was referring to vacant lots all over town, even in places where they were platted.

Rollo said that plexes would be allowed throughout all the neighborhoods, but that it would only really manifest in the core neighborhoods because there were so few in other neighborhoods, post-WWII, that had a 40 foot frontage or less.

Robinson disagreed and clarified that there were vacant lots in other areas outside of the core.

Scanlan further clarified that not all of the lots around town were built out and there were opportunities all over town to build new.

Rollo reiterated that he was referring to existing suburban neighborhoods, like Ridgemedede or Somax, that were built out post-WWII, and that almost every home was over 40 foot wide. Rollo said it seemed that this was targeting core neighborhoods.

Scanlan stated that it was an unintended consequence that could change.

Sturbaum commented on climate change, fuel conservation, presidential elections, and his personal history in Bloomington. He said that densifying everything would not solve problems and would cause harm. Sturbaum explained that there was enough space to build new duplexes, triplexes, and quads, and row houses of higher density without harming the neighborhoods. Sturbaum questioned why anyone would propose demolishing existing, stable, and dense neighborhoods to build new buildings. He stated that if there was no alternative and no space to build or to redevelop, he would understand. Sturbaum commented on loss of tree coverage, upzoning, home ownership, property value, and housing affordability. He commented that there was fifty years of build out before we had to get in to the precious neighborhoods.

Ruff stated that after a lot of listening, he felt as if he had only heard from a small majority of the political spectrum. He commented on his history of sitting on the counsel for nearly 20 years. Ruff stated that everyone valued and prioritized justice, equity, fairness, and

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Council discussion:

opportunity, environmental protection, and climate action, but that there were unintended consequences. Ruff explained that he had seen how policies played out, and was skeptical.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Sandberg stated that when council was making tough decisions, there was not many people in attendance. Sandberg commented on people's experience, the history of the city, and the loosening of regulations and council's responsibility to regulate. She said that she took her job as a regulatory body as seriously as her budgetary responsibilities and her need to reflect what was in the best interest of everybody and not just the vocal, active, and wonderful people. Sandberg commented that there were many people watching the meeting from home, and many people that council interacted with in various ways. Sandberg spoke about the Habitat for Humanity breakfast, homeownership, affordable living committee, Plan Commission projects to consider if they contributed to the housing stock, added diversity, or helped students and low income people. Sandberg stated that she would be voting yes on Amendment 01.

Council discussion:

Granger spoke about Indiana University, the environment, and issues like nuclear proliferation, environmental concerns, sustainability, women's rights, and women's health rights. She explained that she was concerned about the environment, diversity of housing stock, out of town private equity developers, issues of diversity versus segregation, and housing that was affordable for everybody. Granger stated that Amendment 01 opened up areas other than the core neighborhoods for development.

Sims thanked council and the public for listening and being patient. He said that by-right plexes were right for core neighborhoods, and he did not support Amendment 01. He explained that he supported a pilot program approach to plexes and not the prohibition of them. He further explained that it would allow for impact review. Sims said that one tool was to increase the housing stock, which would help create housing that was more affordable. Sims clarified that he meant housing for people who couldn't afford homes, as well as for those who could. Sims understood the need to be careful with an increase in density in certain areas but also with controlling sprawl. Sims stated that he respected all of the positions he had heard, both in support and opposition, and that he hoped people could agree to disagree and work towards a solution.

Volan stated that members of the public in the room recognized the privilege it was to be present and to have a say in each amendment. He asked the public to question how representative of the city the people in the room were. He stated that two-thirds of housing were rentals and that two-thirds of the people in the room were not renters. Volan continued that when it came to city council elections, that single family zoning was on the ballot and had lost, meaning it was not representative of the city. He explained that there was the privilege of an emphatically racist policy of single family zoning and red lining. Volan stated that the house that was declared historic at 700 N. Walnut Street had a clause in its deed prohibiting it from being sold to African Americans. He further explained that laws change and that it was incumbent of every community member to be marginally aware of the conversations that happened in council chambers. Volan stated that he could not support Amendment 01 and would withdraw Amendment 02 because while the city might be ready, the city's current politics were not. Volan continued that the 40 foot width problem was something that could be fixed with a technical amendment in December and encouraged the public to

work with council and the Planning Department to make sure that the loophole did not remain.

Piedmont-Smith spoke about misleading statements and outright false statements made about single family zoning, rezoning, including that duplexes, triplexes, quads, and larger apartments were proposed to be added in single family neighborhoods, which were not true. She also spoke about CONA being a 501(c)3 nonprofit and thus not supposed to do more than 20% lobbying efforts. She stated that CONA's response was insufficient. Piedmont-Smith stated that she thought that Amendment 01 was not the best policy and that a pilot project for plexes was a good approach, but was not on the table. Piedmont-Smith stated that even though she did not agree that plexes were bad, that she would vote for Amendment 01 because an overwhelming number of her constituents reached out to her in favor of the amendment.

Rollo stated that he was not against plexes but had voted against Amendment 03 because limiting the number of bedrooms would limit density. He explained that he was opposed to plexes in established neighborhoods and commented on the arguments for plexes such as the housing crisis, climate change, and affordability. Rollo stated that as the code was written, core neighborhoods would bear the burden of plexes, which had been targeted in the past by speculative development, and had struggled to establish greater owner-occupancy over the years. He said that the conversion of those homes would reduce the affordable single family housing stock, which would increase sprawl and create a larger carbon footprint, exactly the opposite of climate interests. He stated that Bloomington was a target for rent maximization and not affordability. Rollo stated that the neighborhoods were already diverse and had a mix of rentals and owner occupied homes. Rollo concluded that the majority of District IV opposed plexes and that he was elected to represent their interests and that this amendment was in their interest.

The motion to adopt Amendment 01 to Ordinance 19-24 received a roll call vote of Ayes: 6, Nays: 2 (Sims, Volan), Abstain: 0 (Chopra, absent).

Rollo moved and it was seconded to take a short recess. The motion was approved via voice vote.

Volan withdrew Amendment 02 to Ordinance 19-24.

Amendment 02 Synopsis: Permits "plexes" by right where currently allowed via conditional use approval.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Council discussion:

Vote to Adopt Amendment 01 to Ordinance 19-24 [9:04 pm]

Vote to Recess [9:04 pm]

Withdrawal of Amendment 02 to Ordinance 19-24 [9:10 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 06 to the Ordinance 19-24. Piedmont-Smith summarized Amendment 06.

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 [9:11 pm]

Amendment 06 Synopsis: ADUs are called for in multiple paragraphs in the Comprehensive Plan. The City has now allowed ADUs as a conditional use for over 2 years, and there have been no negative impacts of such approved uses as far as I know. I think this is largely due to the owner occupancy requirement. The conditional use process is an unnecessary burden for homeowners who want to add an ADU to their property and are able to do so within the rules of the city. Therefore I seek to remove the conditional use limitation for ADUs in all residential districts. [Sic]

Eric Greulich, Senior Zoning Planner, spoke about Amendment 06 and ADUs. Greulich stated that staff was supportive of making them by right or accessory use.

Sturbaum asked about discussions between Planning staff and the public pertaining to ADUs and additions.

Council discussion:

Greulich stated that staff gave the petitioner the governing rules, regulations, and standards regarding size and setbacks. He said that the individual sometimes didn't return for approval.

Sturbaum asked if individuals would not seek approval if they were told that it wouldn't fit the standard.

Greulich confirmed that was accurate and explained more about lot size requirements for ADUs.

Sturbaum asked what the fee was for conditional use.

Greulich stated that it was \$250.

Sturbaum commented on his experience with the process.

Ruff asked what the most important function was of the conditional use process for ADUs since the pilot project was done.

Greulich explained that while there were many checks and balances, the conditional use process gave awareness to the surrounding property owners about potentially negative impacts.

Ruff asked if residents that were immediately adjacent would be able participate in a hearing resulting in improvements.

Greulich stated that there had been a few changes as a result of comments from adjacent neighbors, like landscaping. He said that for the most part, the petitions had been approved as presented.

Granger asked if staff anticipated that people interested in ADUs would still ask for support or to ensure their plan was appropriate.

Greulich stated that was anticipated and that staff would provide the rules and regulations.

Sims asked what the new minimum lot size was.

Greulich explained that the RE zone was estate zoning with 2.5 acre lots, the RS zone was 8400 square feet, and the RC zone was 7200 square feet. Greulich stated that there would be four zones; R1, R2, R3, and R4, and that the minimum lot would go down to 5400 square feet.

Sims asked if the length of time for the pilot program was a sufficient enough to observe impacts.

Greulich responded that specific component was not approved, though there had been some approvals, but it had been very scarce.

Sims asked that of the ADUs that had been approved and built, if there were any parking issues within the neighborhoods.

Greulich stated that there were not any that he had heard of.

Piedmont-Smith asked staff to remind everyone of the noticing requirements if someone wanted to put in an ADU.

Greulich responded that a sign was posted on the properties within a radius of three hundred feet and two properties deep, and a legal ad was placed in the Herald Times.

Presentation, Discussion, and Public
Comment on Amendment 06 to
Ordinance 19-24 (cont'd)

Council discussion:

Rollo asked if anyone found the conditional use process onerous or discouraging.

Greulich confirmed that there were petitioners who were discouraged, not just for the ADUs but for other conditional uses.

Robinson added that the UDO put forward objective, and not subjective, standards. He explained staff's evaluation of criteria, challenges, and on recommendations of projects. Robinson reiterated that staff had to make judgement calls.

Rollo asked about the public hearing pertaining to the conditional use process where neighbors could have input.

Greulich stated that staff directed petitioners to active neighborhood associations and/or listservs. He explained that there was almost no one at the hearings.

Rollo asked if it was a positive experience where information was exchanged.

Greulich responded that it was.

Volan stated that Amendment 07 removed the owner-occupancy requirement, and asked for staff's input on that.

Greulich stated that it discouraged an individual's investment opportunity of buying a property and adding another unit on the property.

Sturbaum asked if staff was aware of illegally built ADUs, and if the process of conditional use was a good way to talk to the owner about the legal requirement. Sturbaum commented on an annual renewal of the occupancy permit.

Greulich stated that HAND notified the Planning Department of illegal duplexes, ADUs, or converted basements.

Sturbaum mentioned that neighbors might not know if something was illegal if it was built by right.

Greulich stated that staff had not encountered anything that had gone through the ADU process, but was built illegally. He added that there was not an annual permit for ADUs.

Sturbaum asked how someone proved the occupancy.

Greulich stated that HAND would do an inspection if it was a rental property.

Sturbaum asked if there was an annual check on who was living in the ADU and who was living in the property.

Piedmont-Smith stated that there was an annual check and read a quote about affidavits.

Robinson stated that was a new change in the current proposal.

Sturbaum stated that the conditional process was a good way to communicate the rules to the owner.

Robinson explained that conditional use had nothing to do with communication of rules, and that the criteria needed to be met regardless. He said that if the criteria was met, then subjective reasons should not matter. He commented on being a hearing officer and referred to one case that dealt with very personal health issues. Robinson said that he should not be making a judgement call on that.

Greulich added that some ADUs had been built but that it had not been one year yet. He also confirmed that individuals were required to submit an affidavit every year.

Sandberg asked if there was a process in place to check on the residency requirement.

Greulich stated that the Planning Department enforcement staff would handle that.

Sandberg commented on not misusing property, and asked about formal tracking for accountability.

Greulich stated that there would be an annual date set up for enforcement staff to reach out and get the affidavits.

Sandberg asked if the process would trigger someone from the city to send an email or a letter, or to make some contact.

Robinson stated that the affidavit was used to notify staff of changes, and it would be part of the enforcement. He explained that the city operated on complaints, so if there was an illegal ADU, staff would address it.

Sandberg commented on the need to clarify the tracking process.

Robinson stated that he did not see the affidavit process being a burden on staff, and that he didn't think the conditional use process alleviated that concern one way or another.

Dave Warren stated that he supported allowing ADUs by right, and commented on the housing crisis.

Tim Mueller commented on conditional use, neighborhood participation, violations of the requirements, and owner-occupancy.

David Keppel stated that he was in favor of the Amendment 06, economic factors, privacy, and that it was wise to allow by-right, with conditions.

Marc Cornett urged council to leave the conditional use in place and not make it by right, and discussed lot sizes.

Pete Kinne commented on his experience with the ADU process, and stated that there was a clean, clear, and logical way to ease into housing density.

Matt Flaherty discussed plexes, the housing stock, that conditional use not being a barrier, and that if good rules were made, then people could follow them. He expressed his concern for privacy at a public or neighborhood meeting.

Christine Linnemeier stated that she was pro-ADU but still thought that conditional use was needed.

Solomon Bogdanoff stated that ADUs helped build community but expressed concern for those who had made an investment in their homes. He explained that there were landlords who did not care about upholding the code and could lie.

Jan Sorby stated that she thought that conditional use affidavits were good, and spoke about ADUs in her neighborhood. She urged council to keep conditional use.

Jenny Southern stated that she supported conditional use, and that she wanted the ADUs to be owner-occupied and conditional. She hoped that the four illegal ones in her neighborhood would come to be legal.

Pam Weaver, Bloomington Commission on Sustainability, stated that BCOS was in favor of ADUs by-right with no conditional use. Speaking personally for herself, Weaver commented on

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

neighborhood association meetings, mistreatment of residents, and autonomy of one's property.

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 (cont'd)

Sandi Clothier expressed her support of conditional use and commented on neighborhoods and discussion amongst neighbors.

Public comment:

Sturbaum moved and it was seconded to continue the meeting until 10:30pm. The motion received a roll call vote of Ayes: 6, Nay: 1 (Ruff), Abstain: 1 (Sandberg)(Chopra, absent).

Vote to extend discussion [10:05 pm]

Volan moved and it was seconded that all comments be limited to one minute for council members and the public. The motion was approved via voice vote.

Vote to limit comments [10:06 pm]

Richard Lewis stated that he was pro-ADU, owner occupied, and was in favor of retaining the conditional use.

Public comment:

Steve Layman stated that he was in favor of conditional use for ADUs, and that he would like to see a report on the pilot program.

Tom Shafer stated that he was in favor of retaining the conditional use, and highlighted problems with covenants and other restrictions.

[Unidentified Speaker] stated that she thought ADUs were wonderful, and that she would build one if she could afford to do so.

Daniel Bingham commented on the need for clarification on the conditional use process and requirements. He also spoke about the housing stock, sprawl and commuting, and by right housing.

Wendy Bricht stated that ADUs should remain conditional, that there should be as much dialogue as possible, and expressed concern for parents of students buying houses and renting out an ADU to other students.

Mary Morgan stated that more housing was needed. She also stated that she was concerned about the treatment of planning staff, that they had expertise and were competent and knowledgeable, and deserved people's respect.

Rollo asked for clarification on whether one had to reveal personal details when applying for an ADU.

Council discussion:

Greulich responded that no information was required for requesting approvals, but that people had volunteered that information at meetings.

Robinson commented on the perception of what the criteria was for conditional use, and the unforeseen expectation that one had to explain the purpose.

Rollo asked if staff told individuals that they did not need to explain the purpose.

Robinson responded that it was just included in the person's statement.

Sturbaum asked about ADUs in neighborhoods with covenants and conditional use processes.

Greulich stated that staff did not advise people or enforce private covenants.

Ruff asked if there was evidence that the burden of going through a conditional use process rose to a level of change in the number of proposals, and if it would discourage people.

Greulich stated that he did not know because sometimes people would not return after getting information from staff, and staff did not always know why.

Sturbaum stated that he had supported ADUs ten years ago with conditional use, though they failed. He recalled when the mayor declared they were going to be by right, and that the council voted to make them conditional. He commented further that the same issue should not be changed or brought back the following year.

Piedmont-Smith commented on the privilege of being able to go to a city council meeting and stay for four hours. She asked attendees to consider, for example, a single parent who had just scraped together money for an ADU which would help pay the mortgage. Piedmont-Smith commented on processes, council meetings, and the experience of engaging with neighbors. She discussed being vilified, being called stupid, a liar, and being compared to Donald Trump. Piedmont-Smith concluded that people needed a fundamental change in thinking about housing, if there was any hope in saving the planet from climate change and climate destruction. Piedmont-Smith stated that more housing was needed closer to the city center.

Ruff stated that there needed to be some substantive evidence that conditional use was dissuading the realization of ADUs, in order to vote against the requirement. Ruff stated that he believed it was a burden for people, and discussed divisiveness between neighbors.

Sandberg stated that most of the ADUs would meet the criteria, and would not be a burden. She explained that addressing issues at the beginning was ideal, rather than asking for forgiveness later. Sandberg stated that she saw the value in conditional use and it was not a burden. Sandberg concluded that conditional use was a way to keep things under control in a regulatory manner.

Granger stated that she would support Amendment 06. She stated that it was an opportunity to move forward with additional housing, with the noticing process for neighbors. Granger explained that people could still connect and dialogue with their neighbors, and that, as Piedmont-Smith pointed out, people were not terribly civil these days for many reasons, but that council could not direct people to be civil to each other.

Volan commented on the difficulty of being a councilor. He explained that two years ago, ADUs were not popular, and commented on people's appreciation of conditional use being a good tool to get neighborhood input. He said that could have been done with plexes. Volan clarified that Amendment 01 only removed conditional input. He commented further on processes and council meetings including time limits.

Sims stated that he supported Piedmont-Smith's amendment, and asked people to keep in mind that council could not legislate one's morals, wisdom, or agreement. He said that council could not legislate things like the relationship with one's neighbor. Sims explained that he lived on the far west side, and that if he wanted to put an ADU on his property and if he met the criteria, that it was not the neighborhood association's business.

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 (cont'd)

Council discussion:

Rollo stated that there were good arguments on both sides and that council was taking a step towards increasing density by allowing ADUs. He explained that he wanted to take an incremental approach, and that conditional use was not a major impediment. Rollo commented that the key had been owner occupancy. He stated that he would be voting against the amendment to maintain conditional use.

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 (cont'd)

Council discussion:

The motion to adopt Amendment 06 to Ordinance 19-24 received a roll call vote of Ayes: 5, Nays: 3 (Rollo, Sturbaum, Sandberg), Abstain: 0 (Chopra, absent).

Vote to Adopt Amendment 06 to Ordinance 19-24 [10:26 pm]

Volan moved and it was seconded to recess until November 19, 2019 at 6:00 pm. The motion was approved by a voice vote.

Vote to Recess [10:26 pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, November 19, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 19, 2019

Councilmembers present: Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Chris Sturbaum, Susan Sandberg, Jim Sims, Andy Ruff, Stephen Volan
Councilmembers absent: Allison Chopra

ROLL CALL [6:04 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:05 pm]

Dan Sherman, Council Attorney, summarized the council schedule.

COUNCIL SCHEDULE

Clerk's Note: On October 16, 2019, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 19-24 to be completed over a series of meetings. At its meeting on November 14, 2019, the Council adopted a motion to extend its deliberations of Ordinance 19-24.

CONTINUED CONSIDERATION OF
ORDINANCE 19-24 - TO REPEAL
AND REPLACE TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED
DEVELOPMENT ORDINANCE"

There were no presentations.

Presentation on Unanswered
Questions from Previous
Discussions:

Volan moved and it was seconded that the Council alter the conduct of deliberations as adopted on October 16, 2019 in the following manner:

Motion on conduct of
deliberations-time limits
[6:14 pm]

- Sponsor presentation: 5 minutes.
- Comment from Planning and Transportation staff: 5 minutes.
- Common Council questions: 2 minutes per council member, no more than 20 minutes total.
- Public Input: One 3-minute statement per speaker.
- Additional council questions: 2 minutes per council member, 20 minutes total.
- Common Council debate and vote: 3 minutes per council member, maximum of 30 minutes total.

Piedmont-Smith noted, for the benefit of the public, that the Council was not reducing public comment.

Council discussion:

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

Vote on conduct of deliberations
[6:16 pm]

Rollo brought the consent agenda to the table for consideration.

CONSENT AGENDA:

Piedmont-Smith moved and it was seconded that Amendment 23 be withdrawn from the consent agenda.

Motion to withdraw Amendment
23 from the consent agenda

There was no council discussion.

Council discussion:

Volan moved and it was seconded to consider the consent agenda as amended. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Chopra absent, Sturbaum out of room).

Vote to amend the consent agenda
[6:22 pm]

Piedmont-Smith moved and it was seconded to adopt the consent agenda as amended. The motion received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Vote to adopt the Consent Agenda
as Amended [6:23 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 08 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 08 to Ordinance 19-24

Piedmont-Smith explained her reasoning for introducing Amendment 08.

Scott Robinson, Assistant Director of Planning and Transportation, spoke about the desire for consistency in the Unified Development Ordinance (UDO). He explained the staff's preference.

Sandberg asked if it was legal to require developers to include a percentage of affordable housing in PUDs.

Council discussion:

Michael Rouker, City Attorney, explained that Planned Unit Developments (PUD) were discretionary and voluntary and that he did not see a legal problem.

Sturbaum asked if the proposal was too restrictive.

Robinson explained that under the current code, there were no standards for affordable housing provisions in PUDs.

Piedmont-Smith asked if developers had a process for approval if they had a circumstance preventing the inclusion of affordable housing.

Jackie Scanlan, Development Services Manager for the Planning and Transportation Department, said that council could grant a waiver.

Peter Dorfman spoke in support of Amendment 08.

Public comment:

Michelle Henderson spoke in support of Amendment 08.

Matt Flaherty spoke about the criteria, which he believed had merit.

Council discussion:

Sturbaum asked Piedmont-Smith to elaborate about scenarios when affordable housing could not be included in a PUD.

Piedmont-Smith responded that it would be an unusual circumstance, and that the developer could request a waiver from the Council as part of the PUD approval process.

Sturbaum asked for further clarification.

Piedmont-Smith said Amendment 08 did not change the parameters for workforce level housing that existed in the UDO.

Granger stated her support of the amendment.

Volan was supportive of the idea of restricting PUDs and discussed payments in lieu and affordable housing. He spoke in favor of the amendment.

Sturbaum spoke in support of the amendment.

Piedmont-Smith thanked Granger for pointing out another reason to support the amendment, because it was important to have housing integrating affordability for different income levels.

The motion to adopt Amendment 08 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Vote on Amendment 08 to Ordinance 19-24 [6:41 pm]

Volan moved and it was seconded to adopt Amendment 09 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 09 to Ordinance 19-24

Volan deferred to staff to explain the amendment.

Robinson explained that when a request for cooperative living housing was proposed, it was considered through a use variance request. He further explained that staff attempted to clarify objective standards for cooperative housing, including balancing concerns over-occupancy issues in residential districts. He spoke about addressing the regulation of fraternities and student housing, and that staff had defined cooperative living for the UDO that was effective.

Volan asked how Amendment 09 would affect Bloomington Cooperative Housing.

Robinson said the structure had already been approved as non-conforming use and that a similar property would not be approved in the zone in that location.

Volan asked if Amendment 09 would preclude another similar project.

Robinson said that it might not be a permitted use type in certain districts.

Sturbaum asked about housing occupancy in Amendment 09.

Robinson said occupancy decisions would be based on the district.

Zackary Dunivin, Bloomington Cooperative Living Membership Coordinator, spoke about cooperative housing and the group's upcoming plans.

Peter Dorfman said that Amendment 09 was too restrictive and hoped it would be reconsidered.

Michelle Henderson spoke in favor of cooperative living housing and Amendment 09.

Matt Flaherty, spoke on behalf of the Bloomington Sustainability Commission, who had voted to support the project at 921 W. 9th St. He also spoke in support of allowing cooperative living housing in any district in Bloomington.

Volan asked Sherman if he could temporarily postpone the consideration of Amendment 09 so that it could be further studied.

Sherman answered that a motion could be made to request withdrawal with the intent to submit later.

Volan stated that the model that Bloomington Cooperative Living was using seemed to have wide community support.

Robinson said council could decide on the effective date for an adopted amendment. He said staff recommended setting the effective date for three to six months after the adoption date in an effort to catch errors. He commented that the UDO could be amended.

Piedmont-Smith asked Robinson why the use was not listed in the category of group living, and commented that no more than three unrelated adults were permitted to live together in single-family neighborhoods. She further commented that group care facilities were allowed in all single-family neighborhoods.

Robinson answered that group living definitions were triggered by the Fair Housing Act and that cooperative housing might not be eligible.

Council discussion:

Public comments:

Council discussion:

Presentation, Discussion, and Public Comment on Amendment 09 to Ordinance 19-24 (cont'd)

Council discussion:

Piedmont-Smith stated that group living was a defined category in the current UDO and asked for further clarification on why cooperative housing could not be categorized as group living.

Robinson said cooperative housing was in both household and group living.

Piedmont-Smith stated her question was not answered but that her time expired.

Sturbaum asked why the use variance process would no longer be available as an option.

Robinson responded that the goal of Amendment 09 was to create clear and objective standards and discussed use variance.

Piedmont-Smith asked for clarification on her earlier question about why cooperative housing was not listed under the group living category.

Scanlan said that the attempt was to regulate based on ownership type and that cooperative housing was shared ownership which did not fall under the category for group housing. She commented that the consultant said that cooperative housing differed from all other types of housing and should not be listed separately with its own code. She addressed use variance and said that staff was attempting to align practices with state guidelines.

Piedmont-Smith asked if the rule pertaining to three unrelated adults would be waived in cooperative housing.

Scanlan said she was not sure at the time.

Piedmont-Smith said that was a constraint she would like revisited.

Scanlan said they would research that further.

Sturbaum asked about occupancy requirements.

Robinson said there were occupancy rules for each district.

Sims asked for clarification on the manner in which cooperatives were owned.

Robinson stated that the proposed definition of cooperative housing was a facility used for the purpose of household living where the residents shared common areas in cooking, dining, and maintenance duties. He said that all residents were shareholders in a cooperative corporation that owned the property and were entitled to use of a housing unit in that property but did not own real property interest in the building, land, or other amenities that made up the facility.

Rouker expounded on the ownership of cooperatives. He stated that often the cooperative corporation was operated by a non-profit.

Sims asked if Bloomington Cooperative Living was organized as a non-profit.

Rouker answered that it was.

Volan asked how Bloomington Cooperative Living was different than a corporation owning a house in a single-family neighborhood. He asked Bloomington Cooperative Living if they could speak about what would need to change in the proposed amendment to make their properties allowable.

Zackary Dunivin, Bloomington Cooperative Living Membership Coordinator, stated that cooperative living was not legally recognized in the code and hoped that the city would define their specific use type and recognize it as a legally accepted type of housing.

Presentation, Discussion, and
Public Comment on Amendment
09 to Ordinance 19-24 (cont'd)

Council discussion:

Rollo asked Rouker if he could address the possibility of permitting cooperative living arrangements in the code.

Rouker said the topic was something he would need to investigate and would ask the consultant.

Sandberg asked Dunivin if Bloomington Cooperative Living could provide legal documents that proved they operated as cooperative housing.

Dunivin said there were bylaws and contracts that could be provided.

Sandberg asked if the city could establish its own rules for qualifying a facility as cooperative living housing.

Rouker said he needed to do more research on the topic before giving an answer.

Sandberg stated her support of Amendment 09 and said council would refine it as they go along.

Volan supported Amendment 09 but had reservations and preferred postponing adoption until a time in December.

Piedmont-Smith opposed the way Amendment 09 was written and spoke in support of allowing cooperatives to operate in Bloomington. She said she preferred that Amendment 09 be postponed and reworked. She spoke against proposals being refined between the adoption date and implementation date. Piedmont-Smith preferred to adopt the best version of the UDO without the possibility of changing things before the effective date.

Rollo agreed with Piedmont-Smith's statements.

Sims recommended withdrawing Amendment 09 for the time being.

Granger supported the cooperative living concept but said there was some confusion and a technical amendment could be forthcoming. She indicated her support for withdrawing Amendment 09 for the time being.

Volan moved and it was seconded to withdraw Amendment 09 with the intent to reintroduce during technical amendments. The motion received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 13 to Ordinance 19-24.

Piedmont-Smith corrected the synopsis from the agenda to read: Changes the dimensional standards for single-family homes and "plexes" from R2 to R4 to provide for higher densities in the RM and RH districts. She explained the correction.

Scanlan spoke about current lots and setbacks.

Sturbaum asked if setting the dimensional standards to meet R4 zoning standards would make it easier for the individual requesting an expansion or change.

Scanlan answered yes.

Sturbaum asked if there are any negative consequences associated with implementing this change.

Scanlan stated she did not believe there would be any.

Vote to withdraw Amendment 09 to Ordinance 19-24 (7:20pm)

Presentation, Discussion, and Public Comment on Amendment 13 to Ordinance 19-24

Council discussion:

There was no public comment.

There was no further council discussion.

The motion to adopt Amendment 13 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 17 to Ordinance 19-24.

Piedmont-Smith explained that Methadone Treatment Clinics were the only opioid treatment clinics that were highly regulated. She said they were needed and would be best suited in the MC districts.

Robinson explained that staff was in support of Amendment 17, and made note of a technical correction to Amendment 17 to eliminate "other treatment facilities" because the only type of facility that would be permitted would be methadone treatment facilities.

Piedmont-Smith inquired if the correction Robinson noted would require an amendment to Amendment 17.

Robinson said that staff had adopted scrivener error edits which included the change, but that staff would double check.

Rollo asked Sherman if the council needed to take action.

Sherman said no action was required that evening.

There was no public comment.

There was no further council discussion.

The motion to adopt Amendment 17 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 18 to Ordinance 19-24.

Piedmont-Smith explained that this amendment clarified that residents who grow produce for their own use were not required to test their soil and that only growers who intended to sell their agricultural products were regulated.

Robinson stated that the planning department supported Amendment 18.

Sims asked Piedmont-Smith how the regulation would be enforced.

Piedmont-Smith said she did not know about enforcement.

Robinson said that staff would not be proactively reviewing growers and that a permit was not required. He said if there was a concern raised by the public, the standard would be referenced.

Sims asked if this would be complaint driven.

Robinson confirmed that it would.

Presentation, Discussion, and Public Comment on Amendment 13 to Ordinance 19-24 [cont'd]

Public comment:

Council discussion:

Vote on Amendment 13 to Ordinance 19-24 [7:26 pm]

Presentation, Discussion, and Public Comment on Amendment 17 to Ordinance 19-24

Council discussion:

Public comment:

Council discussion:

Vote on Amendment 17 to Ordinance 19-24 [7:32 pm]

Presentation, Discussion, and Public Comment on Amendment 18 to Ordinance 19-24

Council discussion:

Rollo asked if soil testing would include Polychlorinated biphenyls (PCB) contaminants.

Robinson said the soil testing include United States Department of Agriculture (USDA) and Environmental Protection Agency (EPA) standards but that PCBs could be added to the list.

Rollo asked if soil testing results were submitted to the Planning and Transportation department and with an affidavit.

Robinson said that process could be included in the administrative manual.

Rollo further asked who would inspect when someone grew products in raised beds with clean soil, but had testing that came back with contaminated soil on the ground.

Robinson explained the process.

Peter Dorfman spoke in support of Amendment 18.

There was no further council comments.

The motion to adopt Amendment 18 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 19 to Ordinance 19-24.

Piedmont-Smith explained that Amendment 19 allowed for more flexibility on the location of solar collectors.

Scanlan stated that solar panels would be allowed to be as close to the street as the minimum front setback for a house in the district it was located.

Robinson stated that staff supported Amendment 19. Sturbaum asked if satellite dishes would be also be allowed where the solar panels were being permitted.

Piedmont-Smith answered that they were not included in Amendment 19.

Sturbaum asked why satellite dishes were not included.

Scanlan responded that the intent of Amendment 19 was to encourage solar energy for home energy use.

Sturbaum asked why the current code did not allow satellite dishes in the front yard.

Scanlan said that current code allowed satellite dishes to be located five feet into the front setback. Historically, single-family home restrictions prohibit anything from being located in the front yard.

Sturbaum asked if there was an aesthetic reason for the prohibition of satellite dishes being located in the front yard.

Scanlan believed that historic development had discouraged anything to be located in the front yard.

Rollo questioned how satellite dishes were relevant to a discussion about solar panels.

Piedmont-Smith stated that solar panels were for the public good because they reduced greenhouse gasses, whereas, satellite dishes were not for the public good.

Matt Flaherty spoke in support of Amendment 19.

There was no further council discussion.

Presentation, Discussion, and Public Comment on Amendment 18 to Ordinance 19-24 [*cont'd*]

Public comment:

Council comment:

Vote on Amendment 18 to Ordinance 19-24 [7:40 pm]

Presentation, Discussion, and Public Comment on Amendment 19 to Ordinance 19-24

Council discussion:

Public comment:

Council discussion:

The motion to adopt Amendment 19 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote on Amendment 19 to Ordinance 19-24 [7:46 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 24 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 24 to Ordinance 19-24

Piedmont-Smith instructed the council to disregard Amendment 24R that was provided in the packet for that evening's meeting and to instead consider the original Amendment 24.

Rollo asked Sherman what procedure should be followed to revoke Amendment 24R for consideration.

Sherman said that because the agenda was revised during the afternoon before this meeting to include Amendment 24R for consideration, someone would need to request to withdraw it.

Volan moved and it was seconded to withdraw Amendment 24R from consideration. The motion was approved by voice vote. Piedmont-Smith apologized for the confusion.

Vote to withdraw Amendment 24R to Ordinance 19-24 [7:44 pm]

Piedmont-Smith explained the proposed changes clarify and simplify what was allowed to be built in a flood plain. The city had to follow the State of Indiana's guidance about flood plains and that language in the city code was derived from the Indiana Department of Natural Resources. Piedmont-Smith clarified that every building would be a conditional use in a flood plain.

Robinson apologized for the confusion between Amendments 24 and 24R and stated that staff was in support of Amendment 24.

Granger asked if conditional uses for buildings or structures would be defined.

Scanlan answered that conditional use requirements for development in a flood plain included a request to the Board of Zoning Appeals (BZA) which would be processed as a regular conditional use.

There were no comments from the public.

Public comment:

There was no further discussion from the council.

Council comment:

The motion to adopt Amendment 24 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote on Amendment 24 to Ordinance 19-24 [7:52 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 25 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 25 to Ordinance 19-24

Robinson stated that staff did not have any concerns with Amendment 25.

There was no council discussion.

Council discussion:

There were no public comments.

Public comment:

Granger supported reducing impervious surfaces and Amendment 25.

Council discussion:

Piedmont-Smith explained other added benefits of Amendment 25.

The motion to adopt Amendment 25 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote on Amendment 25 to Ordinance 19-24 [7: 55pm]

Sturbaum moved and it was seconded to adopt Amendment 26 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 26 to Ordinance 19-24

Sturbaum explained minimum required parking spaces in plexes and student residence halls and Amendment 26's proposal to increase the minimum parking by one space.

Council discussion:

Scanlan clarified that Amendment 26 increased the required parking space requirement by one space per dwelling unit.

Robinson stated that staff was not in opposition to Amendment 26 but that it conflicted with Amendment 27. He said that staff understood the parking concerns.

Granger asked staff if they preferred Amendment 26 or 27.

Robinson said staff preferred that neither amendment be adopted and that the code remain the same, but that he recognized that it was a policy that was decided by council.

Volan asked if this amendment applied to existing housing or just new housing.

Robinson said it would apply to new housing or if someone was going to add on or substantially change existing housing.

Piedmont-Smith asked if people were required to park on impermeable surfaces and if parking spaces could be made out of permeable surfaces.

Scanlan said permeable pavers were the only recognized permeable surface for parking, and that gravel became compacted so it could not be considered a permeable surface.

Piedmont-Smith thought that pavers were not considered a permeable surface.

Scanlan responded that pavers would no longer be allowed to be used towards the open space requirement.

Piedmont-Smith asked if the UDO required that pavers be used for parking surfaces.

Scanlan answered that there was not a requirement that permeable surfaces (pavers) be used for parking spaces.

Sturbaum asked if the parking rules would be in effect if a single-family home in a RM zone was converted to a triplex.

Scanlan affirmed that it would.

Sturbaum asked if an R4 district, with the parking requirements, could be put on the edges of R3 or R2 during the mapping process. He believed that R4 districts could be put in single-family neighborhoods and expressed concerns.

Robinson answered that it was not just a mapping issue, and that it went back to when the triggers would happen. He explained that if a new development was proposed, the parking requirements would apply, regardless of the zoning district.

Sturbaum said that the new development could be modifying a house to become a triplex or a quad.

Robinson said that there could be instances where it would arise like the legally non-conforming and conforming proposals. Volan asked if these standards would apply across the city, not just in residential zones.

Scanlan confirmed that was correct.

Volan asked Sturbaum if he was concerned that student dormitories would be built in R3 neighborhoods or if he intended that Amendment 26 apply to the whole city.

Sturbaum intended it to apply to the whole city. He spoke about residential multi-family, single-family properties, and upzoning that had occurred. He also stated that residential multi-family was indistinguishable from residential high-density on the chart, other than a differing height standard. He commented that everything was allowed in those zones, and stated that there could be damage to existing housing in residential multi-family zones. He referenced that future mapping was unpredictable.

Volan asked if Sturbaum felt housing damage could occur because there was no minimum parking required.

Sturbaum responded that there was already a problem with overparking in certain areas.

Greg Alexander spoke in opposition to Amendment 26.

Peter Dorfman spoke in support of Amendment 26.

Matt Flaherty spoke in opposition to Amendment 26.

Mary Morgan stated her support of the planning department's desire to not change the UDO regarding this matter.

Sturbaum asked what the parking maximums were for triplexes.

Robinson responded that the maximum for the plexes would be 2 spaces per dwelling unit and that for student housing and dormitories, the maximum was .75 spaces per bedroom.

Sturbaum stated that the maximums were reasonable and that the proposed minimums in Amendment 26 were not excessive.

Sandberg said that parking was a common topic for many of her constituents, and that it was a quality of life issue. She spoke about inviting guests over and the impact on the way people lived in Bloomington. She opined that developers of new housing should provide adequate parking for the residents. Sandberg supported Amendment 26.

Piedmont-Smith stated her strong opposition to Amendment 26. She said that requiring additional parking spaces by developers ignored the contribution that cars had on climate change.

Volan stated that the more parking was provided, the more it encouraged people to drive. He said that the vast majority of neighborhoods had already been built out and that Amendment 01, which passed, prohibited plexes from being built in core neighborhoods. Volan explained that statistics supported the fact that not all students and renters had cars. He opposed Amendment 26.

Sturbaum commented on car ownership and stated that Amendment 26 was a practical requirement for new development.

Rollo stated that he was comfortable with staff's preference for keeping the current UDO requirements, and that he opposed Amendment 26.

Volan commented that requiring a minimum amount of parking would not do harm and questioned why it should be required. He spoke about the proven solution of implementing neighborhood

Presentation, Discussion, and Public Comment on Amendment 26 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

Council discussion:

parking zones. He commented that Chapter 3 of the Comprehensive Plan addressed the environment and not parking while Chapter 6 addressed increasing the sustainability of the transportation system. He spoke about goals set for prioritizing non-automotive modes of transportation and said that the Comprehensive Plan stated that the city should be increasing parking in neighborhoods. He stated his opposition to Amendment 26.

Presentation, Discussion, and Public Comment on Amendment 26 to Ordinance 19-24 (*cont'd*)

The motion to adopt Amendment 26 to Ordinance 19-24 received a roll call vote of Ayes: 3 (Sims, Sturbaum, Sandberg), Nays: 5 (Granger, Rollo, Volan, Ruff, Piedmont-Smith), Abstain: 0. FAILED

Vote on Amendment 26 to Ordinance 19-24 [8:28 pm]

Volan moved and it was seconded to adopt Amendment 27 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 27 to Ordinance 19-24

Volan explained that there were parking lots and garages that were not full and asked about requiring minimum parking for new development.

Robinson said some of the minimums have been lowered in the draft of the current UDO but not eliminated.

There was no council discussion.

Council discussion:

Greg Alexander spoke in favor of Amendment 27.

Public comment:

Peter Dorfman spoke in opposition to Amendment 27.

Pam Weaver spoke in favor of Amendment 27.

Matt Flaherty spoke in favor of Amendment 27.

Ruff asked staff to comment how Amendment 27 would cause harm. Robinson remarked that the core neighborhoods would not be greatly impacted.

Council discussion:

Sturbaum asked for clarification of the stated definition of minimum parking for student housing.

Sims stated his opposition to Amendment 27 because it ignored the reality that people drove cars and would need a parking space for their vehicle.

Volan stated that Amendment 27 did not eliminate parking and that developers could include parking if they chose. He explained that Amendment 27 eliminated the requirement to provide a minimum number of parking spaces. He further explained that the Comprehensive Plan did not set a goal for parking to be increased and supported parking requirements being reduced.

Piedmont-Smith spoke on behalf of the amendment. She quoted from "Strong Towns," an organization that encouraged the efficiency and financial health of cities.

Sturbaum said that the UDO reduced the stated parking minimums. He said he was not endorsing a great increase in required parking, he just wanted to make sure that a minimal amount of parking was required to be provided when new development was proposed. He stated his opposition to Amendment 27.

Ruff spoke in support of Amendment 27.

Presentation, Discussion, and Public Comment on Amendment 27 to Ordinance 19-24 (cont'd)

Rollo stated his support of the proposed parking minimums that staff had recommended. He stated his interest in revisiting this topic in the future.

Volan urged councilmembers to support Amendment 27.

The motion to adopt Amendment 27 to Ordinance 19-24 received a roll call vote of Ayes: 4 (Volan, Ruff, Piedmont-Smith, Granger), Nays: 4 (Rollo, Sims, Sturbaum, Sandberg), Abstain: 0. FAILED

Vote on Amendment 27 to Ordinance 19-24 [8:58 pm]

Volan requested that his vote be changed from yes to no.

Council discussion:

Sherman responded that a vote could not be changed if it affected the outcome of the vote that just took place.

There was council discussion regarding the vote on Amendment 27.

Sturbaum moved and it was seconded to adopt Amendment 29 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 29 to Ordinance 19-24

Sturbaum explained that it was a bad idea to use Exterior Insulation Finishing systems (EIFS) as a primary material because it was a cheap replacement for stucco and did not last over time.

Robinson commented that the proposed change was essentially expanding the downtown regulations, which regulated primary materials in areas outside of the downtown. He said that code did not currently regulate secondary materials outside of downtown.

Piedmont-Smith asked staff what their opinion was about prohibiting wood as a primary exterior finish.

Council discussion:

Robinson said that Amendment 29 was taking the regulation for downtown materials and applying those regulations to a wider area outside of downtown. Staff did not endorse this idea.

Piedmont-Smith stated that she felt that wood should be allowed as a primary material in areas outside of downtown.

Robinson agreed.

Sturbaum asked staff to describe zones MN, MM, MC, ME, MI, and MH.

Robinson answered that those were all the mixed-use commercial zones and that they were medium, commercial, employment, industrial, and healthcare.

Sturbaum argued that wood siding decayed rapidly and that buildings being constructed in the mixed-use areas should be made primarily from more permanent, lasting materials.

Granger asked about some technical, perhaps scrivener, errors in the amendment.

Robinson stated that there was a technical issue resulting from the conversion of a word document by cutting and pasting. He said that the source document was lost in the process resulting in language saying source error and that the renumbering was also corrupted. Robinson addressed the use of wood as a primary material in mixed-use construction, and that the districts allowed residential uses. The cost of building materials could play into council's decision.

Sturbaum stated that cement siding had long been a permitted use in the downtown area, and that cement board was often used and was not costly but held up better than wood.

Rollo asked Sturbaum to comment on his proposal to omit glass as a primary material. He said that staff recommended that glass could be used as a primary material in some cases.

Sturbaum said windows did not count as a percentage of the exterior. He did not understand why glass was included as a primary material.

Rollo asked staff to comment for their opinion of allowing glass to be used as a primary building material.

Robinson objected to regulating secondary materials in areas other than downtown. He said staff did not object to EIFS being prohibited as a primary building material and that transparent glass would be considered a primary building material if it was used throughout a building. Staff recommended the omission of any secondary materials in Amendment 29.

Rollo asked Robinson if his department opposed the amendment. Robinson said they did.

Ruff requested a summary of Amendment 29 from staff.

Ryan Robling, Zoning Planner from the Planning & Transportation Department, stated that windows counted towards the façade in the downtown area.

Sturbaum stated that when he reviewed Amendment 29 with Sherman, windows were not to be counted towards the façade.

Sherman cited the definition of exterior finish material for primary and secondary. He said both excluded windows as counting towards the calculation of square footage of the façade.

Robinson believed that the downtown area was different than other areas in this regard. Staff believed that Amendment 29 would change how that was interpreted.

There was no public comment.

Public comment:

Granger said she understood the prohibition of EIFS as a primary material but was concerned about the implications of the rest of the Amendment.

Council discussion:

Sturbaum was trying to eliminate two main materials that were not durable as primary materials, wood and EIFS. He did not understand how transparent glass could be listed as a primary material.

Piedmont-Smith asked staff what they primarily objected to in Amendment 29.

Robinson remarked that the restrictions in Amendment 29 might hinder creativity in some areas outside of downtown. Staff wondered if areas outside of downtown should be regulated in this manner.

Ruff asked Sturbaum to remark on the use of wood and EIFS as primary materials.

Sturbaum's experience was that wood decays and would need repair after a certain number of years.

Piedmont-Smith asked Sturbaum if he would agree to alter Amendment 29 to allow transparent glass as a primary material.

Sturbaum said he would agree to that.

Rollo asked Sherman if a voice or roll-call vote was in order to amend the amendment.

Sherman advised doing a roll-call vote.

Piedmont-Smith moved and it was seconded to amend Amendment 29 to include transparent glass as a primary exterior finish material.

Amendment 01 to Amendment 29 of Ordinance 19-24

There was no council discussion.

Council discussion:

The motion to adopt Amendment 01 to Amendment 29 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 29 to Ordinance 19-24 [9:43 pm]

Ruff asked if there was any nexus between the green building ordinance and the changes proposed in Amendment 29.

Council discussion:

Robinson said it was difficult to answer at the time.

Sturbaum spoke about the façade of the Trojan Horse restaurant which was stripped down to the original brick, which was a good result because the brick façade would last for another hundred years.

Volan supported the goal of Amendment 29 but due to staff's concerns he said that Amendment 29 should be fixed and put off until December. He said that he would not support Amendment 29 as it was.

Rollo stated that he had never seen EIFS that he liked and agreed it was a good idea to ban it as a primary material.

The motion to adopt Amendment 29 as amended to Ordinance 19-24 received a roll call vote of Ayes: 7 (Chopra absent), Nays: 1 (Volan), Abstain: 0.

Vote on Amendment 29 as amended to Ordinance 19-24 [9:47 pm]

Sturbaum moved and it was seconded to adopt Amendment 30 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 30 to Ordinance 19-24

Sturbaum suggested that "contributing" buildings be added to the list of structures that would have step-down requirements.

Robinson said Amendment 30 was technically fine and that staff believed it was a policy decision to be made by council.

Ruff asked staff for their opinion on Amendment 30.

Council discussion:

Robinson said that staff was okay with Amendment 30. He said that notable and outstanding structures had an obvious reason for regulating step-down requirements, and that buildings that were contributing were unique and might benefit from being reviewed on a case-by-case basis rather than being regulated along with historically significant buildings.

Sims asked for a rough estimate of how many buildings downtown were contributing.

Robinson answered that there were about 120 contributing structures.

Piedmont-Smith stated that Amendment 30 was applicable for all mixed-use zones.

Robinson confirmed that was correct.

Ruff asked staff if the previous opinion given for downtown buildings also applied to mixed-use zones. He asked staff for further clarification on the effects of this amendment.

Robinson responded that Amendment 30 could hinder some infill development.

Rollo asked if it would affect density.

Robinson said it could have that effect depending on the height of the contributing structure.

Rollo stated his concern over the effect of Amendment 30.

Presentation, Discussion, and Public Comment on Amendment 30 to Ordinance 19-24 (cont'd)

Mary [unknown] stated her support of Amendment 30.

Public comment:

Pam Weaver spoke against Amendment 30.

Matt Flaherty spoke in opposition to Amendment 30.

Rollo noted that it was past 10:00 pm and asked Sherman if they could continue the meeting.

Council discussion:

Sherman said the meeting could continue if there was a majority vote in favor of doing so.

Piedmont-Smith moved and it was seconded to continue the meeting past 10:00 pm. The motion was approved by a voice vote.

Vote to continue the meeting past 10:00 pm [10:01 pm]

Sturbaum said he was trying to preserve the aesthetics of historic buildings.

Council discussion:

Sims commented that Amendment 30 might be too restrictive and that he would not support it.

Piedmont-Smith stated her opposition to Amendment 30 because it went against the ability to increase density in housing.

Ruff recognized the work that Sturbaum put into Amendment 30 but stated his opposition to the amendment.

Sandberg advocated for creativity in development and would therefore would vote against Amendment 30.

Rollo stated his opposition to Amendment 30 for similar reasons that were stated by other councilmembers.

The motion to adopt Amendment 30 to Ordinance 19-24 received a roll call vote of Ayes: 1(Sturbaum)(Chopra, absent), Nays: 7, Abstain: 0.

Vote on Amendment 30 to Ordinance 19-24 [10:10 pm]

Volan moved and it was seconded to recess until Wednesday, November 20, 2019, at 6:00 pm. The motion was approved by voice vote.

Vote to recess [10:11 pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 20 at 6:00pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 20, 2019

Councilmembers present: Andy Ruff (arrived at 7:03pm), Allison Chopra (arrived at 6:37pm), Chris Sturbaum, Isabel Piedmont-Smith, Dorothy Granger, Stephen Volan, Susan Sandberg, Jim Sims, Dave Rollo
Councilmembers absent: none

ROLL CALL [6:04pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:03pm]

CONTINUED CONSIDERATION OF
ORDINANCE 19-24 TO REPEAL
AND REPLACE TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED
DEVELOPMENT ORDINANCE"

Piedmont-Smith moved and it was seconded to adopt Amendment 32 to Ordinance 19-24. Piedmont-Smith presented Amendment 32.

Presentation, Discussion, and
Public Comment on Amendment
32 to Ordinance 19-24

Amendment 32 Synopsis: Removes screening requirement for ground-mounted solar panels.

Scott Robinson, Assistant Director of Transportation and Planning, stated that staff supported Amendment 32.

Sturbaum asked about aesthetics and functionality of solar panels.

Council discussion:

Piedmont-Smith responded that installing screens was an added burden and that the benefit of solar panels outweighed the aesthetic concerns.

Sims asked if there was any evidence that not requiring screening would increase solar panel installation.

Piedmont-Smith stated that the effort was to remove roadblocks.

Sturbaum asked staff why the screening requirement was in the proposed Unified Development Ordinance (UDO) to begin with.

Robinson explained that it had been an accepted standard that had been used for solar panels as well as other uses, too.

Scanlan clarified that there was some flexibility, and that staff supported Amendment 32 based on guidance from the Comprehensive Plan. She clarified that Planning and Transportation staff did not see all solar panel installation requests.

The motion to adopt Amendment 32 to Ordinance 19-24 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 1 (Sturbaum)(Ruff, arrived at 7:03pm, Chopra, arrived at 6:37pm).

Vote to Adopt Amendment 32 to
Ordinance 19-24 [6:15pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 33 to Ordinance 19-24. Piedmont-Smith presented Amendment 33.

Presentation, Discussion, and
Public Comment on Amendment
33 to Ordinance 19-24

Amendment 33 Synopsis: Requires the portion of fences exceeding 5' on corner, interior, and through lots to be of "open construction" and increases the maximum height of fences protecting gardens from 8' to 12'.

Scanlan explained that Amendment 33 addressed concerns by the Environmental Commission and the Deer Task Force. She clarified language pertaining to fencing heights in certain sections in the proposed UDO.

Presentation, Discussion, and Public Comment on Amendment 33 to Ordinance 19-24 (cont'd)

Piedmont-Smith clarified language pertaining to fencing and gardening in Amendment 33.

Council discussion:

Sturbaum asked if staff was requesting the change delineated in Amendment 33.

Scanlan explained staff's reasoning for supporting Amendment 33 and height maximums for fencing.

Sturbaum asked about the maximum height of twelve feet in corner lots, next to a road or sidewalk.

Scanlan stated that what was proposed was for behind the front wall of a house.

Rollo asked if the city would inspect when there was a garden that enabled a higher fence height.

Scanlan confirmed there was an added enforcement issue and that staff would inspect.

Sturbaum asked if Amendment 33 could be postponed and brought back with more information.

Piedmont-Smith stated that Amendment 33 had been in the packet and Sturbaum could have asked for more information prior to the meeting.

Rollo asked if staff could illustrate the concern in a drawing.

Scanlan drew a corner lot and explained what was allowed and what was not.

Peter Dorfman spoke about fence heights.

Public comment:

Volan asked for clarification on fence heights.

Council discussion:

Scanlan explained that an eight foot tall fence could be built behind the front wall of a house, and discussed fences for the purposes of gardening.

Sturbaum inquired about an amendment that was done the previous year regarding corner lots.

Scanlan explained the requirements for fence heights, and said that sections that could be opaque, and others open, like lattice.

Rollo asked what happened when someone built a fence under the gardening allowance but was not growing vegetables.

Scanlan stated that the city sends a notice of noncompliance with guidance on how to become compliant, or that the individual can apply for a variance with the Board of Zoning Appeals (BZA).

Rollo explained that objections to tall fences would be complaint driven and asked if the intent of fencing requirements was for growing vegetables or just gardening.

Scanlan stated that Amendment 33 used the word gardening, which was not defined in code. She explained that code required that a typical definition was then used, and clarified that staff would refer to the requirement as gardening for food.

Rollo said that anything could be considered gardening unless specified.

Piedmont-Smith stated that Stephen Lucas, Deputy Council Administrator, prepared a revised version of Amendment 33 with recommendations from staff. She said that the Environmental Commission supported urban agriculture, and that she supported revising the amendment language to say “for the purposes of growing food.”

Rollo asked Dan Sherman, Council Attorney, if there could be a parentheses added to add the new language. There was brief council discussion.

Volan asked if the revision limited the reason for having a fence for growing food.

Rollo confirmed that was correct.

Sturbaum mentioned that he had an upcoming amendment pertaining to fencing and wondered if it made sense to wait to vote on Amendment 33.

Piedmont-Smith reviewed the revisions to Amendment 33.

Piedmont-Smith moved and it was seconded to amend Amendment 33.

Volan said that he did not understand why individuals not growing food were precluded.

Piedmont-Smith explained that without the specification that the taller fence was for growing food, there would be many people who would want tall fencing.

Volan asked how much food would need to be planted to qualify.

Piedmont-Smith stated that any amount of food would suffice.

Sturbaum asked for clarification on what was widely accepted in the fence industry for garden protection.

Scanlan explained the types of open fencing for gardening and that staff would apply those types as being widely accepted.

Granger said the amended language clarified the intent of Amendment 33 and that she supported the revision.

Sturbaum asked if plastic fencing would be acceptable and explained temporary versus permanent garden protection fencing.

Scanlan stated that staff would be looking for permanent fencing, and that plastic fencing would not be considered permanent.

Volan stated that he understood the point of the revision, but that it would be useless because people could plant food with a tall fence.

Rollo said that he did not believe it would be useless because most people would not want to build a tall fence to protect their hostas, for example. Rollo stated that a deer could destroy an entire food garden, which was for consumption.

Sandberg explained that there had been many complaints about deer, and stated that the amendment was a good step for food gardens. She commented that she did not believe the fencing would be widely used.

Chopra mentioned that people would utilize the accommodation without following the intent of the legislation. She stated that someone could plant one potted tomato plant and fence their whole backyard.

Presentation, Discussion, and Public Comment on Amendment 33 to Ordinance 19-24 (cont'd)

Council discussion:

Piedmont-Smith stated that the entire fence could be lattice.

Presentation, Discussion, and Public Comment on Amendment 33 to Ordinance 19-24 (cont'd)

Piedmont-Smith commented that the Environmental Commission brought forward Amendment 33 and that there was value in listening to the commission.

Sturbaum explained that he would support the amendment to help with deer problems.

The motion to amend Amendment 33 received a roll call vote of Ayes: 9 (Ruff arrived 7:03pm), Nays: 0, Abstain: 0.

Vote to Amend Amendment 33 [6:55pm]

Sims explained limitations on gardening, planting food, and deer. He also discussed concerns about ticks, or attacks, and asked where those concerns fit in.

Council discussion:

Rollo asked staff what happened when a person planted food one year, but not the following year.

Scanlan explained that would be addressed in enforcement and that people should continue to grow food since that was what was stipulated in the allowance. Scanlan also explained that a variance could be allowed via the BZA.

Piedmont-Smith commented that ticks could get through fencing.

Sims clarified his point on deer ticks and the substantial increase when ticks were in the yard, versus at the back of one's yard.

Rollo commented on the deer population, which was greater at the time. He said that the core issue of managing deer should be addressed.

Volan moved and it was seconded to adopt Amendment 33 as amended to Ordinance 19-24. The motion received a roll call vote of Ayes: 8, Nays: 1 (Chopra), Abstain: 0.

Vote to adopt Amendment 33 as amended to Ordinance 19-24 [7:03pm]

Volan moved and it was seconded to adopt Amendment 34 to Ordinance 19-24. Volan presented Amendment 34.

Presentation, Discussion, and Public Comment on Amendment 34 to Ordinance 19-24

Amendment 34 Synopsis: Increases maximum size of projection signs in MixedUse Downtown (MD) district.

Scanlan said that staff was generally favorable to Amendment 34. She explained that ninety-six inches for signage could be too big and listed locations where it was not allowed.

Volan explained that it was an oversight to exclude areas around the courthouse square. He also explained that he listed ninety-six inches based on the Indiana Theater sign.

Council discussion:

Scanlan clarified that other, non-historic, entities like downtown garages, and student housing, could take advantage of the new signage size and that it could become visual clutter.

Granger asked staff when the issue had been discussed before.

Scanlan responded that signage was addressed in the original UDO as well as about four years prior, to be in line with a supreme court ruling.

Chopra asked if the Indiana Theater sign was grandfathered in, and was therefore legal.

Scanlan confirmed that was correct.

Sandberg asked about any prohibition about how the signage was lighted.

Volan stated that was not any language about prohibition, and that neon was not prohibited by code.

Sandberg commented that lighting had been an issue for individuals living above downtown stores.

Scanlan stated that lighting would fall under existing restrictions including no trespassing over the property.

Sandberg asked if the types shown in the presentation were "blade" signs.

Scanlan confirmed that was correct.

Sturbaum mentioned that there were historic guidelines that would have oversight on downtown signage.

Scanlan confirmed that was correct, and that the Historic Preservation Commission (HPC) would review any signage for historic districts. Scanlan stated that blade signs were allowed downtown.

Sturbaum asked what areas would not have guidelines

Scanlan believed it was for all the existing downtown, mixed use zoning, and that currently the main two areas were outside of the courthouse square and restaurant row.

Sims asked what the current limit for signs was.

Scanlan stated that for projecting signs, the maximum was twenty square feet, and could only project thirty-six inches from the front building wall. She explained that it was not allowed in the courthouse square character area.

Volan mentioned the large, three-story tall semicircle signs that say "Parking" on the parking garages downtown and asked if those signs complied with existing law.

Scanlan stated that she believed those were pre-UDO and did not comply with existing law.

Volan stated that there was artwork on the 4th Street parking garage and asked if those were considered signs.

Scanlan explained that she did not believe they were signs and were not under twenty square feet in area.

Volan moved and it was seconded to amend Amendment 34 to strike Section 20.04.100L(3)H.

Sturbaum expressed his support for the amendment.

Sally Jones spoke about signage in the downtown area.

Public comment:

Peter Dorfman spoke about signs and the prohibition of video signs.

Sandberg commented that retro signs had a more charming aesthetic that added to the artistic side of the downtown.

Council discussion:

Sturbaum reminded council that the HPC would review all signage in the downtown historic district.

Volan spoke about where signs were allowed, about the value of signs, and signs capturing drivers' eyes which slowed them down.

Chopra wondered if the signs were appreciated or were considered loud, busy, annoying, and a nuisance. She commented on the HPC's ability to review signs, and its inability to discriminate on what type of business was allowed. She stated that while sexually-oriented businesses were not allowed on the courthouse square, businesses like pro-life clinics were allowed.

Presentation, Discussion, and Public Comment on Amendment 34 to Ordinance 19-24 (cont'd)

Council discussion:

Piedmont-Smith opposed Amendment 34, and its proposed amendment. She stated that it would not contribute to the downtown character, and that once allowed, anything could be on the sign.

Granger explained that the signs would add clutter and destroy the historical façade of the historical building. She said that drilling holes and putting up of signs, then replacing when a business left, hurt the historic building.

Rollo expressed agreement with Chopra and Piedmont-Smith and said that there would be clutter. He commented that current signage was aesthetic and did not obscure the architecture of the downtown buildings. Rollo stated that he was against the amendment to Amendment 34 as well as Amendment 34.

Sturbaum spoke about the downtown historic district, and clarified that the HPC guidelines superseded Amendment 34. Sturbaum discussed the placing of signs which were required to be in mortar and not in the building itself.

Volan spoke about the Indiana Theater sign and awning and asked why people thought this was a nice show. He said that projecting signs were historic, and explained that there could be restriction on video signs. Volan was surprised that there was opposition.

Granger commented on why the Indiana Theater sign was appreciated and that it was because it was the only sign of its type. Granger stated that a sign on every single building was overload.

Rollo stated that he liked the Indiana Theater sign because it was a rarity.

The motion to amend Amendment 34 received a roll call vote of Ayes: 5 (Volan, Sims, Sturbaum, Sandberg, Ruff), Nays: 4, Abstain: 0.

Vote to amend Amendment 34 [7:35pm]

Volan asked staff what parts of the city were currently mixed use zoning.

Council discussion:

Scanlan listed other overlays, like College Avenue and Walnut Street and around the center of town.

Volan clarified that the change only affected the overlays and not anywhere else.

Scanlan confirmed that was correct.

Chopra commented that there was a focus on the downtown square and on the historic overlay, and asked staff to name areas where there was not the extra layer of overview.

Scanlan stated that it would be the existing Commercial Downtown (CD) areas like on Kirkwood Avenue that were not a part of the historic district, all the way to Indiana University. Scanlan also listed other areas.

Chopra asked if it included Seminary Square.

Scanlan stated that she would have to double check.

Chopra asked if only non-chain businesses could be allowed to put up large signs.

Scanlan explained that those with conditional use approvals for standardized business, were slightly more restricted because they had agreed to have signage be compatible with the surrounding areas.

Presentation, Discussion, and Public Comment on Amendment 34 as amended to Ordinance 19-24 (cont'd)

Council discussion:

Volan asked if the fifty-four square feet was the total for the entire building and not for each particular sign.

Scanlan confirmed that was correct and explained how it was measured.

Volan clarified that it was possible that a building might have no signs and asked if there was more than one limit on size limitation.

Scanlan confirmed that was accurate, and that it was larger buildings or those on corner lots that would easily meet the requirement.

Jean Simonian spoke in favor of neon signs.

Public comment:

Sandberg stated that larger signs, with a neon component, were not cheap and would not proliferate, and expressed concern for the empty storefronts. She spoke about the arts district, and commented on creatively blending historic buildings with newer buildings and energy. Sandberg stated that the amendment was an exciting component of the proposed UDO and that it advertised art.

Council discussion:

Sims commented on light pollution, and wondered if the sign would remain lighted while a business was closed. Sims mentioned concerns for light usage, too.

Piedmont-Smith stated that projected signs could be artistic, but that it was subjective, and expressed concern about the commercialization of the downtown that went against the aesthetic of historic buildings. Piedmont-Smith stated it would take away from the historic façade of buildings.

Chopra spoke about the worst case scenario with Amendment 34, as amended. Chopra commented on the permanently closed Seaview Outfitters and its sign. Chopra stated that the signs would be cheap and ugly, and very few businesses that dedicated money to materials and artistic design.

Volan clarified his intent with Amendment 34. Volan explained that the current occupant of the Princess Theater was interested in building an awning to draw people in. He said he was in favor of technical components, like perpendicularity, to signs. He referenced that the lights on the courthouse remained on. Volan spoke about art and commerce and stated that he understood people's concern.

Granger stated that it the square footage seemed to be too much, and that she did not believe they needed to be that big.

Rollo expressed that Amendment 34 could create advertising clutter, and light pollution, and would obscure the aesthetics of a building. He wondered about a building would have 8x7 foot sign. Rollo that there was a romanticizing of the signage and predicted that there would be large signs on the buildings.

Sturbaum wondered if Amendment 34 needed more work because it had potential problems.

Volan stated that he would support language that would make people more comfortable with the aesthetics of the signs. Volan cautioned people that 54 square feet was not dramatically different and was based on the façade and what was permitted.

Presentation, Discussion, and Public Comment on Amendment 34 as amended to Ordinance 19-24 (cont'd)

Sturbaum asked if the best path was to withdraw Amendment 34 and return it to the table at a later date.

Council discussion:

Volan asked councilmembers to come up with language to make it acceptable for Amendment 34 to make it more acceptable.

Sturbaum said that language that would control the signs was ideal.

Volan asked staff to provide input.

Robinson explained that there was not time to draft creative language for a technical amendment, and cautioned council on rushing through a technical amendment. Robinson urged council to consider Amendment 34 that evening.

Ruff mentioned the romanticizing of signs and discussed historic photos of Bloomington with many projected signs, and that it did not appear cluttered to him. Ruff stated that he supported Amendment 34.

Volan addressed the issue of light pollution and potential requirements to meet to not bother the occupants above businesses. Volan also spoke about the courthouse and its lighting.

Sims spoke about lighting and commented again on signs being turned off after business hours.

Rollo stated that if the amendment was passed, that it would be hard to redress at a later date.

The motion to adopt Amendment 34 as amended to Ordinance 19-24 received a roll call vote of Ayes: 5 (Volan, Sims, Sturbaum, Sandberg, Ruff), Nays: 4, Abstain: 0.

Vote to Adopt Amendment 34 as amended to Ordinance 19-24 [8:04pm]

Piedmont-Smith requested the withdrawal of Amendment 36.

Sherman advised council to withdraw Amendment 36 from the consent agenda, as well as Amendment 23.

Withdrawal of Amendment 23 and Amendment 36 [8:05pm]

Piedmont-Smith requested the withdrawal of Amendment 23 and Amendment 36. Piedmont-Smith stated the reason was due to state law which governed pesticides, herbicides, etc., and that Bloomington could not be more stringent.

Amendment 23 Synopsis: Prohibits use of fertilizers, pesticides, and herbicides within the riparian buffer and requires all new plants to be kept alive and maintained in a good condition.

Amendment 36 Synopsis: Prohibits use of fertilizers, pesticides, and herbicides in drainage and conservation easements.

Piedmont-Smith moved and it was seconded to adopt Amendment 37 to Ordinance 19-24. Piedmont-Smith presented Amendment 37.

Presentation, Discussion, and Public Comment on Amendment 37 to Ordinance 19-24

Amendment 37 Synopsis: – Removes street “eyebrows” (a form of widening a street) as a component of street design.

Robinson stated that staff supported Amendment 37.

Chopra asked what the benefit was to eyebrow street design.

Robinson explained that some benefits were pedestrian safety, the orientation of houses, and wide driveways. Robinson commented that Public Works had concerns with access to eyebrows by service vehicles, trash trucks, and snow plows. Piedmont-Smith asked if having buildings closer to the street slowed the speed of vehicles.

Robinson stated that on-street parking slowed vehicles the most, as well as streets that appeared to be narrower.

Granger stated that she did not know what eyebrows were and thanked Piedmont-Smith for her diligent research on the topic.

Rollo asked if cul-de-sacs were removed as permitted use in the previous UDO.

Scanlan clarified that the cul-de-sacs were only permitted in commercial districts.

The motion to adopt Amendment 37 to Ordinance 19-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Presentation, Discussion, and Public Comment on Amendment 37 to Ordinance 19-24 (cont'd)

Council discussion:

Vote to adopt Amendment 37 to Ordinance 19-24 [8:14pm]

Sturbaum moved and it was seconded to adopt Amendment 38 to Ordinance 19-24. Sturbaum presented Amendment 38.

Presentation, Discussion, and Public Comment on Amendment 38 to Ordinance 19-24

Amendment 38 Synopsis: Requires review of partial demolition of "contributing" historic structures and clarifies the standard of review in those instances. Note: This is a Revised version of PC Am 09.

Scanlan clarified that a house was demolished on 7th Street by the homeowner, outside of the normal process, and that in that case, demolition delay worked properly. Scanlan explained that in the current proposal, a full demolition of a contributing structure would be reviewed, but that if less than 50% was changed, it would not be reviewed. Scanlan mentioned that staff mostly reviewed window and door size changes, or small additions. She explained that Amendment 38 required that contributing structures with less than 50% proposed changes be reviewed, which would affect thousands of properties. Scanlan stated that staff had concerns with allowing the Historic Preservation staff to use different criteria than the HPC.

Sturbaum explained that contributing structures were reviewed by HPC staff, and the change would only be for structures where the less than 50% change would change the structure enough to lose its rating as a historic structure. Sturbaum stated that Amendment 38 would add back in the review for those structure changes.

Granger asked staff if Conor Herterich, Program Manager, Historic Preservation, had thoughts on Amendment 38.

Council discussion:

Scanlan stated that she had spoken with Mr. Herterich who hoped the amendment did not pass. She explained that there was no standard for a contributing structure to drop to a non-contributing structure, and any decision would be subjective.

Ruff asked staff to clarify what the practical impact was on structures and on the process itself.

Scanlan commented that the request was to not change the criteria used on how staff made decisions. She clarified HPC had two options for demolition delay; to recommend to the Common Council that the structure be locally designated or to release the permit. Scanlan explained that Amendment 38 would give Historic Preservation staff new criteria in subjective decision making regarding the change of the historic designation of a structure.

Presentation, Discussion, and Public Comment on Amendment 38 to Ordinance 19-24 (cont'd)

Council discussion:

Sturbaum stated that the HPC spoke with Mr. Herterich, and suggested staff use a Consent Decree stating that the structure could be downgraded. He said that some structures would be significantly changed resulting in a change of their historic designation.

Rollo asked when Mr. Herterich's objection was issued, and if he was aware of the ongoing conversation.

Scanlan stated that he was aware, and that Philippa Guthrie, Corporation Counsel, was the representative from Legal for Historic Preservation.

Guthrie confirmed that was correct.

Jean Simonian spoke about her concerns with demolishing houses close to Indiana University's campus, and historical structures.

Public comment:

Granger stated that Bloomington did not have any say in IU purchasing a house and then tearing it down. She said she would not vote for Amendment 38 because of staff's concerns.

Council discussion:

Sturbaum stated that his, and the HPC's, motivation was based on a deep commitment to historic preservation, and that his goal was to give a full review to the historic structures before they were demolished and no longer considered historic.

Volan stated that it was not true that Bloomington did not have a say in what IU did, and provided details. Volan stated that he did not understand Amendment 38 and would most likely abstain.

Chopra said that she would not be voting for the Amendment 38 due to staff's concerns, and who were truly the experts. She explained that it did not make sense to ask staff to judge criteria differently from the HPC.

Piedmont-Smith agreed with Chopra and stated that there was a gap, but that Amendment 38 was not the way to resolve the issue because the criteria did not exist. She explained that the Legal Department, Planning and Transportation staff, and the staff member for the HPC were all against Amendment 38, so it was not the way to solve the problem. Piedmont-Smith stated she was opposed to Amendment 38.

Ruff stated that he was inclined to support something that would protect historic structures, but that he was uncomfortable with the disagreement between knowledgeable proponents and city staff. He acknowledged that he did not fully understand the disagreement, and that while there might be a problem to solve, that Amendment 38 was not the way and that he would not support it.

Sandberg commented that she was typically in favor of something that provided one last review before irreparable changes happened. She stated that she would vote in favor of Amendment 38.

Presentation, Discussion, and Public Comment on Amendment 38 to Ordinance 19-24 (cont'd)

Sturbaum mentioned that the HPC was state-enabled, and was often at odds with staff and administration, and that its directive was to save historic structures.

Council discussion:

Sims stated that he would not support Amendment 38. He said it was improper to make statements about a staff member who provided feedback in good faith. Sims stated that Mr. Herterich genuinely cared about historic preservation.

The motion to adopt Amendment 38 to Ordinance 19-24 received a roll call vote of Ayes: 2 (Sandberg, Sturbaum), Nays: 6, Abstain: 1 (Volan). FAILED.

Vote to adopt Amendment 38 to Ordinance 19-24 [8:49pm]

Sherman reviewed the upcoming schedule. There was council discussion.

COUNCIL SCHEDULE [8:50pm]

Volan moved and it was seconded to schedule a meeting to consider Ordinance 19-24 on December 3, 2019 at 6pm. The motion received a roll call vote of Ayes: 8, Nays: 1 (Chopra), Abstain: 0.

Vote to Schedule a Meeting on December 3, 2019 [9:04pm]

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

RECESS [9:05pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, December 03, 2019 at 6:00pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
December 03, 2019

Councilmembers present: Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Andy Ruff (arrived at 6:05pm), Susan Sandberg, Jim Sims, Chris Sturbaum (arrived 6:36pm), Stephen Volan
Councilmembers absent: Allison Chopra

ROLL CALL [6:05pm]

Rollo summarized the regular agenda.

AGENDA SUMMATION [6:09pm]

CONTINUED CONSIDERATION OF AMENDMENTS TO ORDINANCE 19-24 - TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "UNIFIED DEVELOPMENT ORDINANCE"

There were no unanswered questions from previous discussions.

Presentation on unanswered questions from previous discussions [6:13pm]

Parliamentarian Stephen Volan described the conduct of deliberations, as follows:

Conduct of Deliberations – Time Limits [6:13pm]

- 10 minutes per sponsor for presentation
- 5 minutes for Planning and Transportation Department staff comment
- 20 minutes for Common Council questions; 2 minutes per member per round of questions
- 3 minutes for public input, per speaker if fewer than 50 speakers
- 20 minutes for additional Common Council questions; 2 minutes per member
- 30 minutes for Common Council debate; 3 minutes per member per opportunity to speak with a maximum of two opportunities to speak

Piedmont-Smith moved and it was seconded to adopt the consent agenda as presented.

Volan requested that Amendment 57 be taken off the consent agenda.

The motion to amend the consent agenda as presented, with the removal of Amendment 57, was approved via a voice vote.

Vote to amend Consent Agenda [6:18pm]

Sandberg moved and it was seconded to adopt the consent agenda as amended. Clerk Nicole Bolden read the roll and the motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sturbaum arrived 6:36pm, Chopra, absent).

Vote to adopt Consent Agenda as amended [6:18pm]

REGULAR AGENDA
Other First Round Amendments

Granger moved and it was seconded to adopt Amendment 40 to Ordinance 19-24. Granger summarized Amendment 40.

Presentation, Discussion, and Public Comment on Amendment 40 to Ordinance 19-24

Scott Robinson, Assistant Director of Planning and Transportation, stated that staff did not support Amendment 40 and believed that there was confusion regarding the height limitation. Robinson stated that certain districts had already had a 40 foot height maximum for a very long time.

Volan moved and it was seconded to move the consideration of Amendment 40 until after Amendment 48 on the agenda. The motion was approved via a voice vote.

Vote to move the consideration of Amendment 40 [6:22pm]

Volan moved and it was seconded to adopt Amendment 57 to Ordinance 19-24. Sandberg summarized Amendment 57.

Presentation, Discussion, and Public Comment on Amendment 57 to Ordinance 19-24

Michael Rouker, City Attorney, presented Amendment 57 and explained the modified definition of sorority and fraternity houses.

Council discussion:

Volan asked for further specification on the deficiencies of the definitions.

Rouker stated that there was a pending case in the court of appeals and that the city did not believe the current definition had constitutional deficiencies, but had made modifications that would erase any questions about the definitions. Rouker clarified that the issue pertained to the language about the delegation, by a governmental body, of what constituted a sorority or fraternity.

Ruff asked if the definition would return to its current language if the city prevailed in the pending litigation.

Rouker stated that it would not and that the city was satisfied with the modified definition.

Volan expressed interest in knowing the outcome of the pending litigation, and stated that it had been an issue in the past with respect to land use off-campus. Volan commented that there were several off-campus houses that were concerning.

The motion to adopt Amendment 57 to Ordinance 19-24 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sturbaum arrived 6:36pm)(Chopra, absent).

Vote to adopt Amendment 57 to Ordinance 19-24 [6:30pm]

Sandberg moved and it was seconded to adopt Amendment 48 to Ordinance 19-24. Sandberg summarized Amendment 48.

Presentation, Discussion, and Public Comment on Amendment 48 to Ordinance 19-24

Robinson explained that there had been a lot of public input regarding visibility and universal design, which were typically enforced through building codes and not via zoning ordinances. He said that staff had worked with the consultant to incorporate universal design standards to address needs about greater accessibility to housing. Robinson said that staff supported the amendment but recognized that there were challenges with enforcement.

Granger asked if Amendment 48 was intended to meet the American with Disabilities Act (ADA) requirements.

Robinsons stated that it was not because the ADA mainly applied to public places, and Amendment 48 would apply to private property or improvements.

Granger asked for clarification on why only two options out of five were required.

Robinson clarified that the idea was to provide a list of choices to developers. He further clarified that some issues pertained to building code, and not zoning ordinances, and that the city did not inspect buildings. Robinson commented on immediate needs, such as aging in place more easily, without needing modifications.

Presentation, Discussion, and Public Comment on Amendment 48 to Ordinance 19-24 (cont'd)

Council discussion:

Piedmont-Smith proposed an amendment to Amendment 48 after speaking with Phil Stafford, a commissioner on the Commission on Aging. She requested that one item be required, and that an additional item could be selected from the list. She added that the required item should be that at least one entrance be at grade level without any steps up or down, or a ramp for entry.

Robinson said that staff supported this amendment and that it was easier to inspect.

Volan asked why the list for developers to choose from were more difficult to monitor.

Robinson stated that the items fell under the purview of building codes and provided examples. He said that the items were typically monitored during a building inspection.

Volan asked if this was an argument for having the city monitor building codes.

Robinson stated that he was not sure if it was an argument in favor or against, due to state building code regulations.

Rollo asked if the thirty-two inch wide interior door requirement was to accommodate wheelchairs.

Robinson explained that was a minimum standard.

Volan questioned why the city could require any of the items if it went against state statute.

Robinson responded that it was not against state statute, and that the issue was with enforcement.

Phil Stafford spoke about age-friendly communities, the Comprehensive Plan, and accessibility.

Public comment:

Sandberg stated that she supported the amendment to Amendment 48 because it prioritized needs, including wheelchairs, and also visitors with disabilities.

Council discussion:

Volan spoke in favor of the amendment to Amendment 48 and expressed concern about not requiring all the items in Amendment 48.

Volan moved and it was seconded to adopt the amendment of requiring at least one entrance be at grade level without steps up or down, or a ramp for entry, to Amendment 48. The motion received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote to amend Amendment 48 [6:45pm]

Volan asked staff how the number 20% of all the lots of two combined subdivisions was chosen.

Robinson responded that it was a recommendation from the consultant and that it was a reasonable number to start with, based on research and impact on members of the community.

Volan asked why all new construction would not be included in the new standards.

Robinson stated that it was a policy question based on the recommendation from the consultants, who looked at what was

done in other places, which was a proportionality of the members in the community that it would benefit.

Sandberg stated that Amendment 48 was an incremental move in the right direction, and that typically, requirements like those in Amendment 48 benefitted everyone. She also said it was important to move the needle slowly because housing was needed, and it was not wise to put too many restrictions on developers at the time.

Volan commented that many people with restricted mobility had difficulty finding housing, and since the requirements in Amendment 48 would benefit everyone, he did not understand why all new construction had to implement the requirements and not just 20%.

Piedmont-Smith stated that she understood Volan's point, and that to her, it did not appear that the additional requirements would cost much more than not doing them. She said that Amendment 48 was a good start, and that she wanted to speak with developers and builders, as well as advertise to the public more.

Sturbaum commented on trends of building over the years, and stated that most of the suburban houses he worked on had two foot bathroom doors as though no one was going to age.

Sims stated that he would like to know more about state law and building code, and what infractions the city could run into. He said that he knew it would take staff time to gather that information.

Volan spoke about his mother's challenges regarding mobility in her wheelchair, including access to her bathroom and other rooms. He said Amendment 48 was a good incremental step that he would support, but that he was surprised that developers did not do universal designs as a standard of practice.

The motion to adopt Amendment 48 as amended received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Sturbaum moved and it was seconded to adopt Amendment 40 to Ordinance 19-24. Sturbaum presented Amendment 40.

Robinson stated that the height restriction in RS and R2 districts had been that height for a very long time, and that there had not been a proposal to increase the height. He said that staff did not support Amendment 40.

Volan asked staff to remind everyone how the building height was measured.

Robinson responded that flat roofs were not allowed, so the height was measured from the top of the roof.

Volan asked if there were any four-story buildings in the R2 districts.

Robinson stated that he was not aware of any.

Volan asked if in residential properties, the mechanicals were hidden in the roof, whereas they were not in commercial properties that had flat roofs.

Robinson clarified that typically, residential mechanicals were on the side of the house.

Sturbaum commented that while the height restriction had been around for a long time, the new discussion of putting multi-family in R2 districts, put it in a different context. He stated that forty feet was

Presentation, Discussion, and Public Comment on Amendment 48 as amended to Ordinance 19-24 (cont'd)

Council discussion:

Vote to adopt Amendment 48 as amended [6:56pm]

Presentation, Discussion, and Public Comment on Amendment 40 to Ordinance 19-24

Council discussion:

different when it came to limiting a “mcmansion” versus a “mcapartment” so that was why thirty-five feet maximums made more sense.

Presentation, Discussion, and Public Comment on Amendment 40 to Ordinance 19-24 (cont'd)

Piedmont-Smith stated that she did not see the need for Amendment 40 because the height limit had not been a problem. She iterated that the council had already voted to not allow plexes in single-family neighborhoods, so she would be voting against Amendment 40.

Council discussion:

The motion to adopt Amendment 40 to Ordinance 19-24 received a roll call vote of Ayes: 2 (Rollo, Sturbaum)(Chopra, absent), Nays: 6, Abstain: 0. FAILED

Vote to adopt Amendment 40 to Ordinance 19-24 [7:03pm]

Sturbaum moved and it was seconded to adopt Amendment 42 to Ordinance 19-24. Sturbaum summarized Amendment 42.

Presentation, Discussion, and Public Comment on Amendment 42 to Ordinance 19-24

Robinson stated that staff was not in support of Amendment 42.

Council discussion:

Piedmont-Smith stated that during the debate regarding plexes, Sturbaum had stated that he was not against plexes, but did not want to allow them in traditionally single-family neighborhoods. She asked how that reconciled with Amendment 42.

Sturbaum responded that conditional and by-right was essentially the same, and that there was a little more review with conditional use.

Sturbaum asked staff about the rationale of making RM and RH indistinguishable.

Robinson explained that the districts were not indistinguishable and that there were differences, such as bulk and standards. He said that the mapping of where the districts were was different as well.

Sturbaum asked if it was misleading that the charts were identical.

Terri Porter, Director of Planning and Transportation, explained that in the RM district the maximum was forty feet, but that in RH the maximum was sixty-three feet.

Public comment:

David Keppel thanked the council for advancing plexes in other areas of Bloomington, and commented on the urgency for affordable, sustainable, and dense housing, and conditional use compromises. He spoke about the urgency of climate change and urged the council to reject Amendment 42.

Greg Alexander supported housing density and spoke about residential multi-family districts. Alexander also spoke about the difficulties of conditional use.

Mary Morgan, Greater Bloomington Chamber of Commerce, commented on the need for housing, fewer barriers for development, and stated that conditional use was a barrier. She hoped that council rejected Amendment 42.

Sims stated that he would not support Amendment 42 and agreed with staff that this was a policy question. He also discussed multi-family districts. He said that Amendment 42 was more restrictive, could reduce density, and might encourage sprawl. Sims commented on the discussion of increasing public transportation, and said that reducing density was counterproductive.

Volan explained that density was already restricted due to Amendment 1, which had caused a contentious debate. He said that there were challenges finding places where denser houses were allowed. Volan also stated that there was a limited supply on housing for those individuals with physical restrictions. He commented on the marketing of luxury housing as being standard, but in reality was a pejorative term that meant market rate.

Presentation, Discussion, and Public Comment on Amendment 42 to Ordinance 19-24 (cont'd)

Council discussion:

Sturbaum commented on why he brought forward Amendment 42. He said that there were many residents living in RM zones, and that few had recognized what had happened to multi-family zoning. Sturbaum commented conditional use allowed residents a chance to weigh in on what was to happen in the area. He explained why conditional use was a great tool.

Piedmont-Smith commented that there were several false-equivalencies used by Sturbaum including that RM and RH districts were the same, and that conditional use and by-right were the same. She explained that conditional use was not the same as by-right. Piedmont-Smith stated that more dense housing was needed because it was more affordable, and made walking, biking, and public transportation more feasible.

Granger stated that she had voted against plexes in core neighborhoods because there were other vacant and underdeveloped properties that could be used. Granger stated that she would not be supporting Amendment 42.

Rollo commented that plexes deserved to be in the RM district, and that it was appropriate to keep it as a permitted use.

Volan stated that he wanted clarity on the definition of core neighborhoods. He said core neighborhoods had lower density housing and were closer to the dense center of the city. He said that Amendment 1 preserved the lower density of those neighborhoods, and Amendment 42 exposed the contradiction of artificially suppressing areas close to the center of town. Volan stated that Sturbaum had said that conditional use was a great tool, but also decried conditional use as being like by-right. He explained that demand would not cease in centralized neighborhoods if anything above triplexes were not allowed.

Rollo commented that core neighborhoods were the highest density neighborhoods.

The motion to adopt Amendment 42 to Ordinance 19-24 received a roll call vote of Ayes: 1 (Sturbaum)(Chopra, absent), Nays: 7, Abstain: 0. FAILED

Vote to adopt Amendment 42 to Ordinance 19-24 [7:30pm]

Sturbaum moved and it was seconded to adopt Amendment 47 to Ordinance 19-24. Sturbaum summarized Amendment 47.

Presentation, Discussion, and Public Comment on Amendment 47 to Ordinance 19-24

Robinson stated that staff had an architect reviewing the architectural designs, and explained that Amendment 47 incorporated the practice currently in place, and that staff supported the amendment. Robinson further explained that the intent was to include the language in the entire Unified Development Ordinance (UDO) and not just certain districts.

Rollo inquired if Sturbaum was in agreement with staff to include the language in the entire UDO.

Sturbaum stated that he was.

Rollo asked Sherman if a formal amendment to Amendment 47 was required.

Sherman stated that, with unanimous consent, the edit to include the language in the entire UDO could be a friendly amendment.

The motion to amend Amendment 47 to include the language in the entire UDO was passed via a voice vote.

Volan asked staff to define the phrase “significantly enhance the visual appeal of a building” and to clarify who decided what was appealing.

Robinson explained that the intent was to address concerns of complying with code, via the development review process, and that the Plan Commission would make the decision.

Volan stated that the phrase “visual appeal” seemed arbitrary.

Robinson responded that there had been talk about having a design committee. He explained that staff had already been using the process with current projects and that recommendations had been shared with petitioners.

Granger asked if Amendment 47 as amended was codifying current practice.

Robinson stated that was correct.

Piedmont-Smith asked what the cost was to retain the third-party architectural firm.

Porter stated that the initial contract that went into effect in 2017 was \$112,000 for a one year period, but that at the end of 2018 there was still \$50,000 left in that account. She explained that the firm mainly reviewed larger projects, complex developments, design and structure, green features, and pedestrian safety.

Volan asked how adverse impacts were defined.

Ryan Robling, Zoning Planner, responded that it was up to the Board of Zoning Appeals (BZA).

Sturbaum provided an example of an architectural design impacting a neighboring building with shade.

Volan asked if there were any more specific examples.

Sturbaum explained that it was a condition of conditional use, which had been in place since conditional use began to be used in Bloomington.

Volan stated that the phrase was too vague and it was not clear to people what they could and could not do.

Sturbaum provided more examples like light, noise, visual blight, traffic, parking, and there were more.

Sims asked how Amendment 47 would give an architect more creative freedom than a designer would have.

Sturbaum explained that an architect would have a concept and one material. He provided examples of things that could get in the way of design, like having three types of materials, height requirements, and said that rules in zoning laws affected architect design.

Sandberg stated that she was in favor the concept of creative freedom and that the Plan Commission and the BZA wanted to improve projects. She said that she was in favor of Amendment 47.

Presentation, Discussion, and Public Comment on Amendment 47 to Ordinance 19-24 (cont'd)

Council discussion:

Vote to amend Amendment 47 to Ordinance 19-24 [7:41pm]

Council discussion:

Granger was in support of Amendment 47 because it was what was already being done and was working. She mentioned that council had requested architectural support a long time ago.

Presentation, Discussion, and Public Comment on Amendment 47 as amended to Ordinance 19-24 (cont'd)

Volan googled the phrase "I know it when I see it" stated by Potter Stewards in a supreme court statement on obscenity, and read from the critique by William Goldberg. He commented that the reason to support Amendment 47 was because it was already being done, despite the arbitrariness of the language and definitions within the amendment.

Council discussion:

Piedmont-Smith expressed concern on the subjectivity of the bullet points in Amendment 47. She said that she was more concerned that the city was paying \$50,000/year for an architect. She explained that the urgency of climate change and she wondered how many solar panels could be installed for \$50,000/year. She further explained that she knew she could not move money around, but that there were better things to spend money on. Piedmont-Smith commented that she used to be on the Plan Commission, when Schmidt Associates was affiliated with the city, and stated that she never got a lot out of their reports, and would not renew that kind of contract. She stated that she would not support Amendment 47.

Sturbaum commented that the trouble with architecture was that it was an art form, and one could not always define how that art was supposed to work and fit. Sturbaum mentioned that the Comprehensive Plan requested a design review process. He stated that Amendment 47 was modest and would function as a type of appeal. Sturbaum stated that he was a traditionalist and that he knew that Amendment 47 would open the door for all types of architecture, and that sometimes the art transcends the rules.

Sims commented that he could support Amendment 47, but that he was uncomfortable with the lack of definitions. He said that he understood art, but that it was a different issue when it came to design and what was codified. Sims explained that it was important to have tighter definitions because what was visually appealing to one person, could be visually obnoxious to another person. Sims stated that he would support Amendment 47 since the practice was already being done.

Rollo agreed that it would be good to have more specificity with definitions. He said that what was visually appealing could be agreed upon, like downtown Bloomington. He explained that it could be replicated, and that the visual elements could be integrated into buildings.

Volan commented that he did not want to discourage current practice, but that it was ideal to be more specific, and have a better and stronger UDO. He explained that he could support Amendment 47 if there were more clear definitions. He said that perceived quality was whatever the BZA or Planning Department thought, or whomever was making the decision. Volan asked if council was going to settle for a vague definition, and suggested making it more specific before codifying.

The motion to adopt Amendment 47 as amended to Ordinance 19-24 received a roll call vote of Ayes: 6, Nays: 2 (Piedmont-Smith, Volan)(Chopra, absent), Abstain: 0.

Vote to adopt Amendment 47 as amended to Ordinance 19-24 [7:59pm]

Sandberg moved and it was seconded to adopt Amendment 50 to Ordinance 19-24. Sandberg summarized Amendment 50.

Presentation, Discussion, and Public Comment on Amendment 50 to Ordinance 19-24

Robinson explained that Amendment 50 considered the plant species list, with recommendation from the Environmental Commission (EC), and determined the list of invasive species, as well as those that were native species or acceptable plant species.

Council discussion:

Granger asked where the list appeared and commented that it was not the first time seeing the list.

Robinson stated that the list had been modified with input from the EC and staff, and the Parks Department.

Piedmont-Smith moved a friendly amendment to Amendment 50, and it was seconded, by adding Yellow Groove Bamboo under Prohibited Invasive Grasses. She said it was a recommendation by Linda Thompson, Senior Environmental Planner.

Robinson stated that staff supported the amendment to Amendment 50.

The motion to amend Amendment 50 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote to amend Amendment 50 [8:03pm]

Volan asked if the only reason it was not on the consent agenda was because it was an oversight.

The motion to adopt Amendment 50 as amended received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote to adopt Amendment 50 as amended [8:04pm]

Sturbaum moved and it was seconded to adopt Amendment 51 to Ordinance 19-24. Sturbaum summarized Amendment 51.

Presentation, Discussion, and Public Comment on Amendment 51 to Ordinance 19-24

Robinson explained that the intent of Amendment 51 was to specifically deal with corner lots. He clarified that recent changes to the fence ordinance created some unique situations. He said that corner lots had two frontages, and that those fences would have to be 4 feet, but that Amendment 51 allowed the frontage on the secondary street to have a higher fence. Robinson provided examples of corner lots. Robinson stated that staff recommended not adopting Amendment 51.

Ruff asked for clarification on why staff recommended not adopting Amendment 51.

Robinson explained that code required that both frontages of a corner lot be treated as a front yard, so fences had to be four feet and on the property line. He clarified that not every block had two corner lots, and that adjacent properties would have a front yard with a four foot fence on the primary street and an eight foot fence on the secondary street.

Sturbaum explained that most of the side yards ended in an alley and asked if staff was saying that there were properties whose side yard would end in another property's front yard.

Robinson stated that more frequently, alleys were not treated as frontage, and that there were some instances where two corner lots were on a narrower block, but that the nature of corner lots was to have two street frontages. He explained that staff recommended the consistency of four feet.

Piedmont-Smith asked staff about one of the images in the presentation.

Robinson explained the image and showed how the different fence heights would be determined if Amendment 51 was adopted. He showed how the fence height would be inconsistent with adjacent properties.

Presentation, Discussion, and
Public Comment on Amendment
51 to Ordinance 19-24 (cont'd)

Council discussion:

Sturbaum commented that the condition that Planning staff was highlighting had already occurred, and that it was not a problem. He said that it was problematic to impose on someone's yard. Sturbaum referenced two situations that were upsetting to homeowners; one who would have to move their fence back to the property line for a higher fence, and lose some of their yard, and another who wanted a higher fence to keep his dog in the yard. Sturbaum explained that it was about weighing the public good with the vague worry of the aesthetics of differing fence heights.

Granger stated that she would not support Amendment 51 and was concerned that it was limited to a certain number of properties.

Ruff asked if there was a safety issue or if it was primarily aesthetics.

Robinson stated that there were some safety considerations for corner lots, such as visibility.

Sherman explained that Amendment 51 complied with the vision sight triangle, but that there might be other issues.

Piedmont-Smith asked if Amendment 51 would allow an eight foot fence in the secondary frontage, instead of limiting it to a four foot fence, and if it allowed that fence to be closer to the street.

Robling explained that it would raise the height of the build-to line in the R3 district. He said that currently, the build-to line would be four feet, and behind the build-to line could be up to eight feet. He clarified that Amendment 51 would allow fencing up to the property line with an eight foot height.

Sturbaum asked for clarification.

Robling stated that this was correct for the secondary frontage.

Robinson stated that staff understood the intent, but that staff did not support Amendment 51 and explained why.

Piedmont-Smith asked if currently, in front of the build-to line, the fence on the secondary frontage could not exceed four feet, and that Amendment 51 allowed that fence to go to eight feet.

Robinson stated that was correct.

Sherman stated that Piedmont-Smith was correct and provided an example.

Sturbaum stated that the fence would go to the front build-to line, and that after the build-to line, would be reduced to four feet.

Sherman stated that was correct and that in the front house would be up to four feet.

Sturbaum stated that turning the corner, the fence would be four feet, and beyond that it could be up to eight feet. He explained that if Amendment 51 allowed the 8 foot fence to go to the front of the house, he would have withdrawn the amendment.

Piedmont-Smith read from the amendment and stated that it did not match Sturbaum's description. She asked if it was staff's interpretation as well. Piedmont-Smith explained that if the goal was to have the maximum fence height in front of the build-to line to be four feet, then Amendment 51 would have to be rewritten.

Sturbaum stated that Sherman wrote the amendment and would need to explain.

Sherman said that Amendment 51 accurately stated Sturbaum's intent. He stated that the primary frontage area, forward of the build to line, could be no more than four feet tall, and that from the building to the rear of the lot, the fence could be eight feet tall.

Presentation, Discussion, and Public Comment on Amendment 51 to Ordinance 19-24 (cont'd)

Council discussion:

Volan asked what the fence height maximum for the section that was parallel to the primary frontage was.

Robling stated that it depended on the build-to line, which was based on the average of the block. He explained that it was not necessarily at the house.

Sturbaum stated that it could be eight feet tall on the right line.

Volan asked for clarification on where the build-to line was.

Robling explained that in the example provided in the presentation, the build-to line appeared to be even with the façade since all the houses had the same frontage.

Sturbaum stated that in the example, the build-to line was flush with the house.

Volan asked where it was that the homeowner in the example would be able to build an eight foot fence.

Sturbaum explained that it would likely be a couple feet back, to the build-to line.

Granger stated that she was more confused and that if Amendment 51 could not be understood, council should vote against it.

Piedmont-Smith commented that the specific cases that Sturbaum brought forth as the reason for Amendment 51 could be solved by building an eight foot fence from the house, to the other fence just beyond the building setback line. She commented on side yards, back yards, and pets. Piedmont-Smith stated that Amendment 51 did not accomplish what Sturbaum intended and so she would be voting against it.

Sturbaum mentioned that he wished councilmembers could have heard from those impacted by the requirements and who could not build a fence. Sturbaum commented on process, confusing language, and property line. He said that Amendment 51 allowed the BZA more flexibility.

Ruff stated that he understood that Sherman stated that Amendment 51 did what Sturbaum intended, and would vote in favor of it.

Volan commented that he was still confused but that he was inclined to support Amendment 51 for the same reason as Ruff. He said that it allowed more flexibility to address confusing issues.

The motion to adopt Amendment 51 to Ordinance 19-24 received a roll call vote of Ayes: 4 (Ruff, Volan, Sturbaum, Sandberg)(Chopra, absent), Nays: 4, Abstain: 0. FAILED

Vote to adopt Amendment 51 to Ordinance 19-24 [8:39pm]

Sandberg moved and it was seconded to adopt Amendment 52 to Ordinance 19-24. Sandberg summarized Amendment 52.

Presentation, Discussion, and Public Comment on Amendment 52 to Ordinance 19-24

Robinson presented Amendment 52 and stated that it was a recommendation by the consultants. He commented that staff supported Amendment 52.

The motion to adopt Amendment 52 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote to adopt Amendment 52 to Ordinance 19-24 [8:44pm]

Sturbaum moved and it was seconded to adopt Amendment 53 to Ordinance 19-24. Sturbaum summarized Amendment 53.

Presentation, Discussion, and Public Comment on Amendment 53 to Ordinance 19-24

Rouker stated that staff did not support Amendment 53 because it was redundant and was covered by Title 14. He stated that it was ideal to have noise control in one section of the city code.

Council discussion:

Sturbaum asked if Rouker meant that the language in Amendment 53 was already covered in city code.

Rouker stated that was correct; in Title 14.

Sturbaum asked if an already installed HVAC unit made unreasonable noise, it was covered.

Rouker stated that was correct, and was subject to fines, per code.

Sturbaum stated that if that was the case he would withdraw Amendment 53.

Sturbaum moved and it was seconded to withdraw Amendment 53. The motion was approved via a voice vote.

Vote to Withdraw Amendment 53 [8:47pm]

Volan moved and it was seconded to adopt Amendment 45 to Ordinance 19-24. Volan summarized Amendment 45.

Presentation, Discussion, and Public Comment on Amendment 45 to Ordinance 19-24

Robinson stated that staff did not have any concerns with the terminology pertaining to allowance. He explained issues with specific uses, such as parking demands for grocery stores versus a pawn shop. Robinson said that staff did not support Amendment 45.

Ruff asked if compared to current practice, and based on use, the differential requirements or allowances, averaged out similarly across all uses. Ruff also asked about totals.

Robinson responded that he could not speculate on the averages, but could refer to a couple current cases like the Culver's project on West Third Street, which had consistently asked for more parking. Robinson stated that historically, auto-centered businesses requested additional parking but staff had not supported the request. He stated that his recommendation was to address concerns for specific uses individually.

Volan asked staff if every use in Amendment 45 was one-size-fits-all, or had no limit.

Robinson responded that many might be the same, but that staff had identified concerns with some instances.

Volan provided the example that a crematorium would have one space per three-hundred square feet, and asked why that was necessary.

Robinson stated that it was based on a review of current standards, recommendations from consultants, and that it was likely based on the number of employees, or the number of vehicles needed to deliver the deceased.

Volan commented that there was very little specificity for the concerns about the arbitrary parking standard. He asked who decided that a business needed X amount of parking spaces.

Robinson clarified that the standards had evolved over time since 2007 based on input and feedback from the consultants. He recommended was to have use-specific standards.

Piedmont-Smith asked Volan about the default allowance for non-residential uses being applied to a variety of categories, which had different needs for parking, such as a large fitness center having more need than a storage facility or pawn shop. She questioned why

it was not problematic to apply the same default allowance for such disparate uses.

Volan responded that parking was based on gross floor area and not use. He conceded that some uses were more intense than others but questioned how many pawn shops were the size of a grocery store. Volan stated that parking was a demand and not a need. Volan stated that Amendment 45 did not require any current usage to change, but that any new construction should conform to the modestly lower allowance, which was not that different from 1996.

Rollo valued the example of a pawn shop versus a grocery store, and questioned why a smaller fitness center, similar in size to a pawn shop, would be treated the same.

Volan questioned why there was a different parking space allowance for a large versus small fitness center.

Rollo asked specifically about the example he provided.

Volan stated that they would be treated the same.

Volan asked staff if there were specific uses that should be given a more than two per one-thousand square feet in order to change the standard.

Robinson stated that he recommended focusing on the uses that Volan had concerns with. He said that staff had not had the time yet to identify those uses. He also pointed out that Amendment 45 could apply retroactively to change of use projects.

Volan stated that a technical amendment could be used to change the language of Amendment 45.

Sandberg stated that Amendment 45 overreached, but that she respected the intent. She said that lowering the percentage of parking did not consider that vehicles in the future could be powered differently. Sandberg commented that in addition to the usage factor, which could not be predicted with 100% accuracy, other factors of innovation like addressing climate crisis were not being considered. Sandberg stated that she would be voting against Amendment 45.

Piedmont-Smith stated that she appreciated the changing of parking requirements to parking allowances because it shifted the perspective on parking, and made logical sense when considering limits. She explained that tying parking allowances to square footage for non-residential was something that she would need to research and study to see what worked in other communities. She said she had not had enough time to discuss the pros and cons with Volan or staff, and did not feel comfortable supporting Amendment 45.

Volan stated that he understood that Amendment 45 would likely not pass, and was thinking of ways to preserve changing the term "requirement" to "allowance" and changing the unit of measurement from one space per X square feet to X spaces per thousand square feet. He was thinking of withdrawing Amendment 45 to remove the controversial parts, even though it would only affect the new use or change of use. Volan stated that Amendment 45 was not as arbitrary as what was already in the code, and urged council to support the amendment.

Rollo stated that he was favorable to certain aspects of Amendment 45 but was unresolved in terms of the declining parking allowances over time. He was trying to determine if it was better to revisit the issue to lower the allowance instead of having staff continue to

Presentation, Discussion, and
Public Comment on Amendment
45 to Ordinance 19-24 (cont'd)

Council discussion:

modify. Rollo said that Amendment 45 was flawed in treating a number of different uses the same.

Presentation, Discussion, and Public Comment on Amendment 45 to Ordinance 19-24 (cont'd)

Piedmont-Smith stated that she liked the term "allowance" but did not like changing "no requirement" to "no limit" in various places in Table 10 because it made it sound like one could have as much parking as possible.

Council discussion:

Volan commented that changing the words "no requirement" to "no allowance" would imply that no parking was allowed at all. He said that changing the words "no limit" implied that there was no maximum requirement.

Volan moved and it was seconded to withdraw Amendment 45. The motion received a roll call vote of Ayes: 8(Chopra, absent), Nays: 0, Abstain: 0.

Vote to withdraw Amendment 45 [9:20pm]

Dan Sherman, Council Attorney, reviewed the upcoming schedule.

COUNCIL SCHEDULE [9:21pm]

Volan moved and it was seconded to recess. Rollo recessed the meeting until Tuesday, December 10, 2020 at 6:00pm.

RECESS [9:23pm]

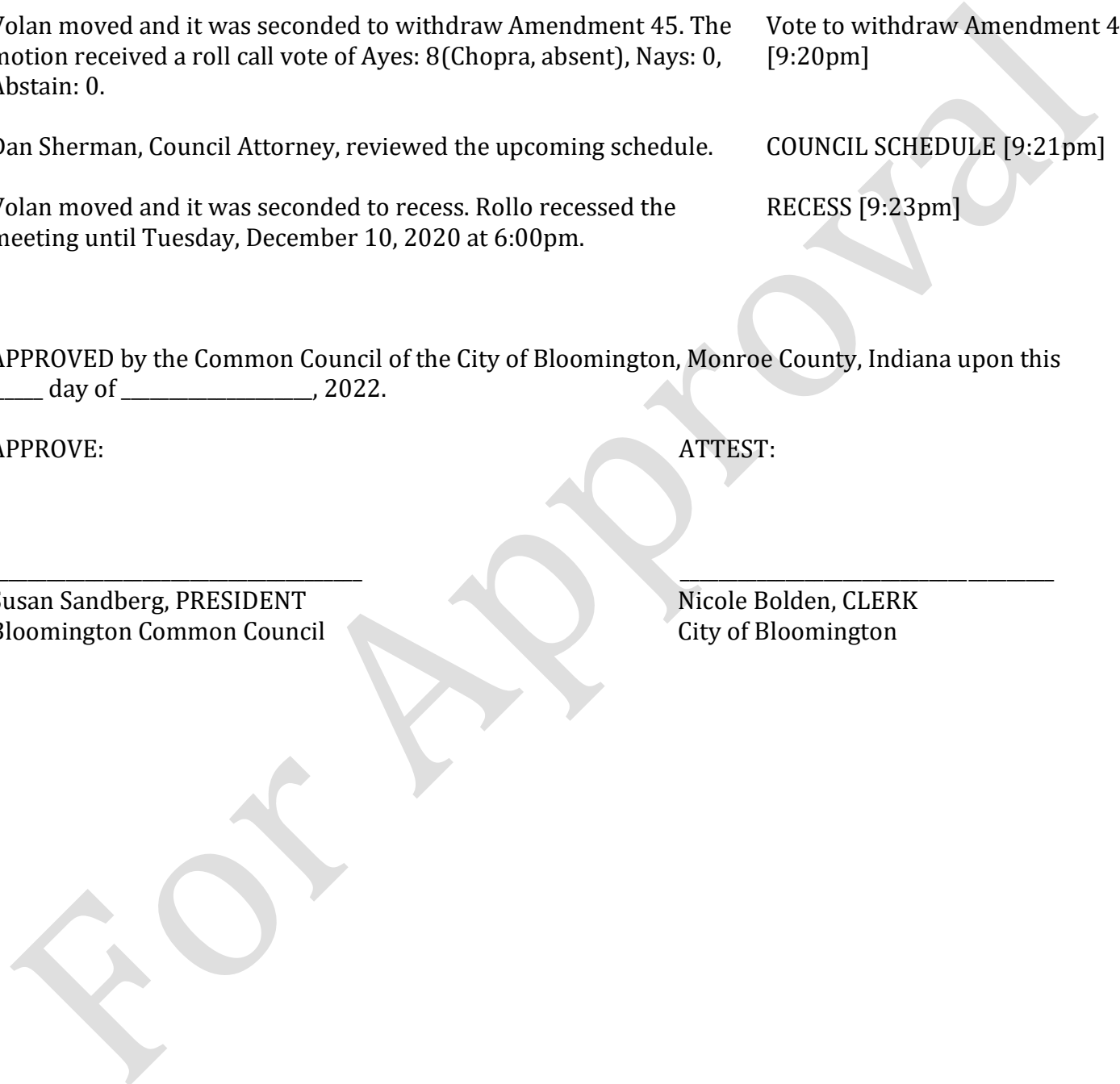
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2022.

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, December 10, 2019 at 6:00pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
December 10, 2019

Councilmembers present: Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Andy Ruff, Susan Sandberg, Jim Sims, Stephen Volan (arrived at 6:12pm)
Councilmembers absent: Allison Chopra, Chris Sturbaum

ROLL CALL [6:05pm]

Council President Dave Rollo summarized the consent agenda.

CONSENT AGENDA SUMMATION

Rollo summarized the regular agenda.

AGENDA SUMMATION

CONTINUED CONSIDERATION OF
AMENDMENTS TO ORDINANCE
19-24 - TO REPEAL AND
REPLACE TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED
DEVELOPMENT ORDINANCE"

There were no unanswered questions from previous discussions.

Presentation on unanswered
questions from previous
discussions [6:10pm]

Council President Rollo described the conduct of deliberations, as follows:

Conduct of deliberations [6:10pm]

- 10 minutes for sponsor presentation
- 5 minutes for Planning and Transportation Department staff comment
- 20 minutes for Common Council questions; 2 minutes per member per round of questions
- 3 minutes for public input, per speaker if fewer than 50 speakers, no more than 2.5 hours for public comment
- 20 minutes for additional Common Council questions; 2 minutes per member, per round
- 30 minutes for Common Council debate; 3 minutes per member per opportunity to speak with a maximum of two opportunities to speak

Granger moved and it was seconded to adopt the consent agenda as presented in the agenda summation. Clerk Nicole Bolden read the roll and the motion received a roll call vote of Ayes: 7 (Chopra, Sturbaum, absent), Nays: 0, Abstain: 0.

Vote to adopt Consent Agenda
[6:14pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 60 to Ordinance 19-24. Piedmont-Smith summarized Amendment 60.

Presentation, Discussion, and
Public Comment on Amendment
60 to Ordinance 19-24

Scott Robinson, Assistant Director of Planning and Transportation, stated that Amendment 60 dealt with aesthetics and not impervious surfaces. He further explained concerns with Amendment 60.

Rollo asked Robinson if staff had a preference.

Robinson stated that staff supported Amendment 60 as currently drafted, because it created better consistency for neighborhoods.

Sims asked about nonconforming lots and any issues with Amendment 60.

Robinson responded that there were legal, nonconforming lots that could continue to be used that way.

Sims asked for confirmation that Amendment 60 would not change that moving forward.

Robinson confirmed that was correct.

Council discussion:

Granger asked if there was loss of permeable surfaces with the current draft, and without Amendment 60.

Robinson stated that there was very little land that would be impacted by Amendment 60. He said that most of Bloomington was built out, so staff was looking at new areas where reducing impervious surface could occur. He clarified there were few instances where someone might reduce the impervious surface.

Ruff stated that areas that were not built out were not exclusively where flooding happened. He said there were more housing additions that contributed to increasing flooding in core neighborhoods, and the impacts were being felt.

Robinson responded that it was important to consider how people used their garages, and that things were stored in the garage while the vehicle was parked in the driveway which would block sidewalks. He said that he understood the desire, intent, and potential of Amendment 60 but that he did not think it would have a significant impact.

Ruff asked Piedmont-Smith how she felt about Amendment 60.

Piedmont-Smith stated that she did not think it would make a significant impact because of the zones that Amendment 60 affected.

Rollo stated that having garages be the prominent feature was terrible and that the goal was to have more building articulation.

Robinson stated that was correct, and that the setback would create building articulation. He explained that the prominent feature would be the façade of the house and the garage would be set back.

Piedmont-Smith clarified that Amendment 60 would not allow the garage to be closer to the street than the house. She said that was why Amendment 60 did not include R2, R3, or R4 districts. She said it was important to have a pedestrian-friendly street frontage, with the articulation, and the prominence being the front door or porch, and not the garage.

Ruff asked staff to estimate the percentage of development over the next decade that could be affected by Amendment 60, and if the storm water regulations would address additional runoff.

Robinson explained that there were impervious surface standards that would kick in depending on the size of the structure, but that it was site-specific. He further explained other factors to consider. Robinson clarified that multifamily housing was the primary driver in the housing market, and that through incentives, staff was trying to change that via the code.

Ruff commented that Amendment 60 did not allow the garage to be forward of the house, which created aesthetic issues. He said that he would support Amendment 60.

Piedmont-Smith stated that she would vote for Amendment 60 and that blocking sidewalks was an enforcement issue which could happen no matter how long the driveway was, so that was not a valid reason to vote against Amendment 60. Piedmont-Smith commented on residents using their garages to store items, which was a symptom of consumer culture.

Presentation, Discussion, and Public Comment on Amendment 60 to Ordinance 19-24 (*cont'd*)

Council discussion:

Sims commented that an ongoing issue was having garages forward and equal with the front setback, and having two cars parked in tandem blocked sidewalks. He said it appeared that there would not be a big difference with regard to storm water drainage. Sims stated that he would not support Amendment 60 because it might create issues, or would not create enough benefits in order to change the code.

Rollo stated that he would support Amendment 60 because every little bit helped in terms of impervious surface.

The motion to adopt Amendment 60 to Ordinance 19-24 received a roll call vote of Ayes: 5 (Chopra, Sturbaum, absent), Nays: 2 (Sandberg, Sims), Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 61 to Ordinance 19-24. Piedmont-Smith summarized Amendment 61.

Vote to adopt Amendment 60 to Ordinance 19-24 [6:39pm]

Robinson commented that staff was fine with Amendment 61 and that there had been concerns about height with smaller lots. He explained that a comparable reference change and a technical amendment would be needed.

Presentation, Discussion, and Public Comment on Amendment 61 to Ordinance 19-24

Piedmont-Smith stated that height standards for R1 and R2 districts were 40 feet.

The motion to adopt Amendment 61 to Ordinance 19-24 received a roll call vote of Ayes: 6 (Chopra, Sturbaum, absent)(Volan out of the room), Nays: 0, Abstain: 0.

Rollo moved and it was seconded to adopt Amendment 63 to Ordinance 19-24. Rollo summarized Amendment 63.

Vote to adopt Amendment 61 to Ordinance 19-24 [6:43pm]

Barre Klapper, Springpoint Architects, presented Amendment 63 and highlighted front yard additions in established neighborhoods, setbacks, variances, and property lines.

Presentation, Discussion, and Public Comment on Amendment 63 to Ordinance 19-24

Robinson stated that staff supported Amendment 63. He commented on build-to lines, and Utilities Department's access to property without a permanent structure, even on the homeowner's property.

Piedmont-Smith moved a friendly amendment, and it was seconded, to include the RE and R1 zoning districts.

Robinson reiterated that staff was in support of the amendment to Amendment 63.

The motion to amend Amendment 63 received a roll call vote of Ayes: 6 (Chopra, Sturbaum, absent)(Volan out of the room), Nays: 0, Abstain: 0.

Presentation, Discussion, and Public Comment on Amendment 63 to Ordinance 19-24 (cont'd)

The motion to adopt Amendment 63 as amended received a roll call vote of Ayes: 6 (Chopra, Sturbaum, absent)(Volan out of the room), Nays: 0, Abstain: 0.

Vote to amend Amendment 63 [6:51pm]

Rollo moved and it was seconded to adopt Amendment 64 to Ordinance 19-24.

Vote to adopt Amendment 63 as amended [6:53pm]

Robinson said there were concerns about calculation of the payment in lieu fees, and that the way the incentives were structured. Robinson clarified that the payment in lieu was the last option, but that staff wanted to keep it as an option. He spoke about the Plan Commission's amendment to provide clarity on what factors could be used. He commented on the proposal to tie the calculation to the effective date of the new UDO, which Council would decide, and that staff recommended it be three to six months after the adoption date, or after the conversion map was adopted. Robinson explained that staff was producing an Administrative Manual.

Presentation, Discussion, and Public Comment on Amendment 64 to Ordinance 19-24

Sims asked if there was a calculation rate based on the six criteria or if they each carried a different weight and asked for clarification for how that figure was determined.

Robinson stated that currently, everything went through a negotiated process and stated that the city was trying to get away from that process. He commented on voluntary incentives such as affordable housing having to be on-site as first option, near-site as the next option, and that a payment in lieu was the third option. He further explained the tiers of affordable housing units and stated that they needed to be fluid year to year and not codified, that a payment in lieu was X dollars per square foot. He commented that the information would be put in to the Administrative Manual so that individuals could clearly see how the figure was calculated.

Council discussion:

Sims asked if a proposal brought to City Council would be itemized with the value and the amount.

Robinson stated that was correct.

Piedmont-Smith stated that Amendment 64 did not specify which body would adopt the administrative procedures, and asked Robinson if it would be done by staff or another body.

Robinson explained that some of the administrative procedures were applications forms, that the city was looking at which board was appropriate to review and adopt those procedures. He further explained that the Legal Department was also reviewing the duties and responsibilities of the boards and commissions to determine which one was appropriate. He said that the Administrative Manual would reflect the administrative functions of Planning, such as permits and applications.

Piedmont-Smith asked if it would be a public body that would adopt the procedures for calculating, accounting for, and spending payments in lieu.

Robinson explained that the Administrative Manual would describe the steps in the process of administering the UDO, and would specify which board or commission would be responsible for reviewing proposals and making recommendations, or adopting the recommendation.

Piedmont-Smith asked if that would be approved in general or in a case by case basis by a public body.

Robinson stated that the intent was to not have it be too vague, but also not too rigid, and instead to have the appropriate public body review and approve. He clarified that there would be vetting so that people could understand how the rates were calculated, and provided examples of impacts to the rate.

Sandberg referenced the recommendations for the formation of a housing commission, in the Comprehensive Plan and in the Affordable Living Report, and it could be the body that would review petitions.

Robinson stated that the Comprehensive Plan referenced the possibility of creating other reviews and commissions, but not the UDO. He clarified that the administration was evaluating boards and commissions to ensure that they were being used and leveraged appropriately.

Sandberg stated that in respect to the public's concern about how the calculations were made, having a housing commission that was citizen [resident]-staffed, would be useful and would take away some of the lack of transparency.

Robinson reiterated that it would be vetted publicly and that the city was trying to determine the appropriate board or commission. He explained that creating new boards and commissions, added additional work and time for staff, and that the city was currently looking at the established boards and commissions first.

Granger stated that she would be passing on Amendment 64 because she did not like the concept of payment in lieu and would rather see housing mixed and diverse.

Piedmont-Smith thanked Rollo for bringing Amendment 64 forward and stated that she was not in favor of payment in lieu, but that since it was an option, council and staff needed to make the process public and the guidelines very clear so that they were applied fairly. She was pleased that once the new UDO was passed, the perception of there being a pay-to-play game would be gone and that proposals for development would either meet the rules, or not.

Sandberg stated that she was in favor of any mechanism possible in the toolkit to be able to provide funding, and incentives, for housing, and specifically affordable housing, which required subsidy. She was not adverse to the payment in lieu process but was concerned about the transparency and the public's perception. She said that the more that could be codified, with additional citizen review, would alleviate many concerns. She still had concerns about the language, negotiations, and mechanisms would be discussed with developers who voluntarily choose payment in lieu as their option.

Sims stated that he agreed that payment in lieu was another tool in the toolbox to help with housing. He explained his support because of the parameters set by state zoning laws. Sims looked forward to learning more about the calculation rates and how

Presentation, Discussion, and
Public Comment on Amendment
64 to Ordinance 19-24 (cont'd)

Council discussion:

they were calculated. Sims asked about a developer to provide 15% affordable housing on a project, what that would calculate as a payment in lieu. Sims restated the importance of transparency and getting away from the perception of backdoor deals.

The motion to adopt Amendment 64 to Ordinance 19-24 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 1 (Granger)(Chopra, Sturbaum, absent)(Volan out of the room).

Piedmont-Smith moved and it was seconded to adopt Amendment 9-R to Ordinance 19-24. Piedmont-Smith summarized Amendment 9-R.

Robinson presented Amendment 9-R and stated that staff supported it. He commented on feedback and concerns from the Bloomington Cooperative Living (BCL), as well as council's request regarding making cooperative housing and to make it more permissive in the community. Robinson explained that staff reevaluated the original proposal and examined the barriers in locations that BCL had been considering, and clarified that there would be use-specific standards in Amendment 9-R. He further explained that staff recommended changing the definition of family because it would satisfy the concerns about cooperative living.

Piedmont-Smith asked if the definition change would require that a group must be a cooperative corporation registered with the Indiana Secretary of State, and also asked if BCL was registered.

Rouker confirmed that BCL was registered.

Bradi Heaberlin, BCL, Inc. staff, expressed concern that the UDO allowed for only one kitchen area which was not ideal for cooperative living, and urged council to allow for multiple kitchens in the same structure.

Piedmont-Smith asked staff to respond to the concern of being allowed only one kitchen.

Rouker stated that the definition as written did not include the language of single housing unit and therefore would not create the concern of only allowing one kitchen.

Piedmont-Smith asked if more than one kitchen would be allowed.

Rouker confirmed that was correct.

Piedmont-Smith was concerned about the defined requirement for an Accessory Dwelling Unit (ADU) to have a separate kitchen, and that she did not want cooperative housing be required to go through the process of getting an ADU approved.

Rouker stated that no one from the Development Review Team was present but that in staff's conversations, it was understood that cooperative housing would not need to go through the ADU process.

Granger stated that she appreciated the language revision and thanked staff for their work, and expressed that Amendment 9-R fit a need in the community.

Piedmont-Smith echoed Granger's thanks and appreciation, and reminded everyone that cooperative housing was affordable housing and was often one of the only affordable housing options available in Bloomington. She said that council and staff needed to facilitate that type of living especially in neighborhoods that were

Presentation, Discussion, and Public Comment on Amendment 63 to Ordinance 19-24 (*cont'd*)

Council discussion:

Vote to adopt Amendment 64 to Ordinance 19-24 [7:11pm]

Presentation, Discussion, and Public Comment on Amendment 9-R to Ordinance 19-24

Council discussion:

Public comment:

Council discussion:

close to services. She said that she would like to see more of this type of housing for all ages, for affordability, and for closeness for community members to not have to rely on cars.

Presentation, Discussion, and Public Comment on Amendment 9-R to Ordinance 19-24 (*cont'd*)

Sims echoed Granger's and Piedmont-Smith's appreciation and thanked staff. He said that many concerns were raised at the last discussion, like having a clearer understanding of what cooperative housing meant.

Council discussion:

The motion to adopt Amendment 9-R to Ordinance 19-24 received a roll call vote of Ayes: 6 (Chopra, Sturbaum, absent)(Volan out of the room), Nays: 0, Abstain: 0.

Vote to adopt Amendment 9-R to Ordinance 19-24 [7:22]

Dan Sherman, Council Attorney, reviewed the upcoming schedule, and suggested changes to the current schedule.

COUNCIL SCHEDULE [7:22pm]

Ruff moved and it was seconded to cancel the meeting on Thursday, December 12, 2019. The motion was passed by a voice vote.

Vote to Cancel Meeting on December 12, 2019 [7:24]

There was brief council discussion about possible additional amendments.

Granger moved and it was seconded to cancel the meeting on Tuesday, December 17, 2021 and to schedule a special session for Wednesday, December 18, 2019 at 6pm, to conclude deliberations on the UDO, to be followed by a regular session. The motion was approved by a voice vote.

Vote to Amend Council Schedule [7:29pm]

Piedmont-Smith moved and it was seconded to recess. The motion was approved by a voice vote.

RECESS [7:30pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 18, 2019 at 6:00pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
December 18, 2019

Councilmembers present: Allison Chopra, Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Andy Ruff (arrived 6:06pm), Susan Sandberg, Jim Sims, Chris Sturbaum, Stephen Volan (arrived 6:07pm)
Councilmembers absent: none

ROLL CALL [6:02pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:03pm]

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

There were no unanswered questions from previous discussions.

Presentation on Unanswered
Questions from Previous
Discussions

Volan summarized the conduct of deliberations as follows:

CONDUCT OF DELIBERATIONS

- 10 minutes for sponsor presentation
- 5 minutes for Planning and Transportation Department staff comment
- 20 minutes for Common Council questions; 2 minutes per member per round of question
- 3 minutes for public input, per speaker if fewer than 50 speakers, no more than 2.5 hours for public comment
- 20 minutes for additional Common Council questions; 2 minutes per member, per round
- 30 minutes for Common Council debate; 3 minutes per member per opportunity to speak with a maximum of two opportunities to speak

Sims moved and it was seconded to accept the consent agenda as proposed. There was brief council discussion.

CONSENT AGENDA

The motion to accept the consent agenda as proposed received a roll call vote of Ayes: 8 (Chopra out of the room), Nays: 0, Abstain: 0.

Vote to accept Consent Agenda as
proposed [6:09pm]

The motion to adopt the consent agenda received a roll call vote of Ayes: 8 (Chopra out of the room), Nays: 0, Abstain: 0.

Vote to adopt Consent Agenda
[6:10pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 73 to Ordinance 19-24. Piedmont-Smith presented Amendment 73.

Presentation, Discussion, and
Public Comment on Amendment
73 to Ordinance 19-24

Scott Robinson, Assistant Director for Planning and Transportation Department, stated that staff supported Amendment 73.

There were no questions from council on Amendment 73.

Council discussion:

There was no public comment on Amendment 73.

Public comment:

There was no council comment on Amendment 73.

Council discussion:

The motion to adopt Amendment 73 to Ordinance 19-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to Adopt Amendment 73 to the Ordinance 19-24 [6:14pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 74 to the Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 74 to Ordinance 19-24

Scott Robinson, Assistant Director of Planning and Transportation Department, clarified that Amendment 74 was a technical amendment correcting an oversight.

There were no questions from council on Amendment 74.

Council discussion:

There was no public comment on Amendment 74.

Public comment:

There was no council comment on Amendment 74.

Council discussion:

The motion to adopt Amendment 74 to Ordinance 19-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 74 to Ordinance 19-24 [6:17pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 70-R to Ordinance 19-24. Piedmont-Smith presented Amendment 70-R.

Presentation, Discussion, and Public Comment on Amendment 70-R to Ordinance 19-24

There were no questions from council on Amendment 70-R.

Council discussion:

There was no public comment on Amendment 70-R.

Public comment:

There was no council comment on Amendment 70-R.

Council discussion:

The motion to adopt Amendment 70-R to Ordinance 19-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 70-R to the Ordinance 19-24 [6:19pm]

Volan moved and it was seconded to adopt Amendment 45-R to Ordinance 19-24. Volan presented Amendment 45-R.

Presentation, Discussion, and Public Comment on Amendment 45-R to Ordinance 19-24

Robinson clarified key points on the number of parking spaces and stated that staff was in support of the amendment.

Sturbaum asked staff if Amendment 45-R was mostly harmless. Robinson explained that it was the same net difference.

Council discussion:

Granger asked if Amendment 45-R was what the council did not pass before.

Volan clarified what was not passed before and explained the change in wording.

Sandberg asked about reduction in parking being harmful, and provided an example.

Robinson explained that the only difference was in the wording; two spaces per one thousand square feet versus one space per five hundred square feet. He explained that the bigger concern was the built-in annual rate decrease in parking.

Volan stated that one standard across the city was not accepted.

Sims asked about the extra space for parking stated that it would round up.

Piedmont-Smith stated she would support Amendment 45-R, but expressed her disdain for having no limit in certain areas in the code table. Piedmont-Smith stated that she supported limiting parking.

Granger expressed her support for Amendment 45-R.

Presentation, Discussion, and Public Comment on Amendment 45-R to Ordinance 19-24 (cont'd)

Volan stated that he also supported limitations on parking, and commented that there needed to be a concern about carbon emissions. Volan stated that changing the word from "requirement" to "limit" or "allowance" made sense.

Council discussion:

There was no public comment on Amendment 73.

Public comment:

Piedmont-Smith stated her support of Amendment 73 but expressed her dislike of the term "no limit" regarding parking. She said that public transportation and other means of transportation, like bicycles, should be encouraged.

Council comment:

Granger supported of Amendment 73.

Volan was concerned regarding no limit to parking, and that there should be a limit on parking. He commented further on considerations with parking in the future and provided examples.

The motion to adopt Amendment 45-R to Ordinance 19-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 45-R to Ordinance 19-24 [6:33pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 72 to Ordinance 19-24. Piedmont-Smith presented Amendment 72.

Presentation, Discussion, and Public Comment on Amendment 72 to Ordinance 19-24

Robinson stated that staff was in support of Amendment 72.

There was no council discussion on Amendment 72.

Council discussion:

Kris Floyd thanked Piedmont-Smith and councilmembers and spoke in support of Amendment 72.

Public comment:

Sims thanked Piedmont-Smith for her work on Amendment 72 and expressed his support.

Council discussion:

The motion to adopt Amendment 72 to Ordinance 19-24. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 72 to Ordinance 19-24 [6:40pm]

Rollo stated that there were written objections in the packet, and asked the public that had any written objections to Ordinance 19-24, or portions thereof, to file with the clerk. There were no written objections.

Council Discussion on Written Objections [6:40pm]

Piedmont-Smith said most of the written objections were in regards to multiplexes, which were not passed.

Volan stated that he wished to bring forth Amendment 27 because the full council was present, and that the prevailing side would need to bring the amendment forward.

Consideration of Amendment 27 [6:41pm]

Dan Sherman, Council Attorney, stated that council would need to consider amending the agenda, and then a councilmember from the prevailing side would need to bring forward the amendment.

Volan moved and it was seconded to amend the agenda to enable consideration of Amendment 27.

There was no council discussion.

Council discussion:

There was no public comment.

Public comment:

Ruff stated that he would vote no on amending the agenda.

Volan stated that Amendment 27 was the only one that received a 4-4 vote. Volan explained that it would make a difference since all council members were present and the special session was a continuation of one long meeting.

Consideration of Amendment 27
(cont'd)

Council discussion:

Ruff commented that he had been on the losing side of the vote, and supported Amendment 27 at the time, but that he did not agree with the process and would be voting no.

Volan explained why it was necessary to reconsider Amendment 27.

Granger stated that she understood Volan's intent but that she agreed with Ruff on not supporting amending the agenda.

Piedmont-Smith explained that she would support amending the agenda and respectfully disagreed with Ruff and Granger, and stated that this was a legitimate reopening of the question.

Sims commented that he was cautious on putting more value on one particular amendment, and stated that he was not sure he would support amending the agenda.

Rollo clarified the process with Sherman.

The motion to amend the agenda to enable the consideration of Amendment 27 received a roll call vote of Ayes: 4 (Chopra, Piedmont-Smith, Rollo, Volan), Nays: 5, Abstain: 0. FAILED

Vote to amend the Agenda
[6:55pm]

Granger moved and it was seconded to adopt Ordinance 19-24 as amended.

Ordinance 19-24 TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED UNIFIED DEVELOPMENT ORDINANCE as amended

Volan asked how long it would take to codify Ordinance 19-24 and if the codification was necessary before the maps were approved.

Council discussion:

Robinson stated that the adopted date and the effective date were different. He explained that because the legislation was amended, it would go back to the Plan Commission and that staff would recommend the approval of the plan.

Volan asked Robinson to explain the two step map process including relabeling.

Robinson stated that there was a conversion map on the website, which renamed districts and did not change boundaries. He said that after it was adopted, staff would initiate a public process to evaluate zoning districts.

Volan asked about the likelihood of the entire UDO being approved in 2020.

Robinson stated that staff's goal was to get the conversion map through the process quickly, before the June recess.

Volan asked if it would not be approved in 2020.

Robinson said it was unlikely that the UDO and the conversion maps would be adopted in 2020 due to the procedural constraints like public hearings and noticing requirements per state code.

Volan asked if staff anticipated any major concerns during the conversion of properties.

Robinson stated that staff did not anticipate major concerns and that they were focused on the rules and disseminating information.

Piedmont-Smith asked staff to describe the process of the conversion map, and the new districts, as well as the timeline.

Robinson stated that the first step was the conversion process, which would be public, and to receive feedback, with the assistance of the consultant. He said that next was to include the Plan Commission and council and that he could not anticipate the timeline.

Jan Sorby thanked everyone involved in the process and spoke about her experience in the process.

Jennifer Pearl thanked the council and city staff for their work on the legislation.

Cynthia Bretheim thanked the council and city staff for their work and for answering the public's questions.

Sturbaum spoke about the public's participation, single family housing, plexes, covenants, and the process in general. He said that the goal of the UDO was to allow plexes in single family zones and urged everyone to find where density worked, and to work together towards that goal.

Granger thanked staff and councilmembers.

Chopra stated that the UDO did not need to be revisited in whole after long intervals and could be reviewed in small steps over a course of years, or one item at a time. She hoped that councilmembers in the future would bring amendments to the UDO and not wait for an overhaul.

Sims spoke on the need for civility in debates. Sims commented on the process, housing issues, and transit in the city. He was grateful for the community's input and welcomed the upcoming mapping process. He said that the UDO needed to be a working document that was fluid and could be revised.

Piedmont-Smith thanked city staff, and especially Robinson for taking the lead on the process, council staff for their assistance and work on the amendments, and her council colleagues. She thought the process resulted in a better document.

Sandberg commented that times changed and so too did the city. She thanked those who knew the city's history and spoke up. Sandberg said that there was much to look forward to and spoke to the need to be mindful and respectful, even if in disagreement.

Ruff spoke about complex and integrated issues like transportation and housing. He said that the proposal to densify core neighborhoods was not carefully thought out, and was too blunt. Ruff said that density and plexes could be implemented via a thoughtful mapping process. He said there were areas that could have densification, via plexes, in the city. He commented that simply revisiting the process the following year, denied the democratic and robust process that had occurred with the UDO. He hoped there would be a careful mapping process. He hypothesized about the future of the city's population, agriculture, and rural growth.

Volan commented on the responsibilities of the parliamentarian who must advise participants on the rules, regardless of the opinion

Ordinance 19-24 TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED UNIFIED DEVELOPMENT ORDINANCE as amended (*cont'd*)

Public comment:

Council discussion:

of the person. He said that all nine councilmembers should also know the rules and not just the parliamentarian. He reiterated that until the maps were done, the UDO was not completed. He reminded everyone that the conversion map, or relabeling of districts, was likely to occur in 2020 or 2021 due to process. He pointed out that changing the UDO was more onerous than other parts of city code, by design, including the Plan Commission and council. He commented on the history of Bloomington. Volan thanked all staff involved.

Ordinance 19-24 TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED UNIFIED DEVELOPMENT ORDINANCE as amended (*cont'd*)

Council discussion:

Rollo thanked city and council staff for their work on the UDO and spoke in appreciation of the participation of the public. He commented on the future of densification and the need to consult neighborhoods.

The motion to adopt Ordinance 19-24 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to Adopt Ordinance 19-24 as amended [7:33pm]

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

ADJOURNMENT [7:33pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-15 – To Vacate a Public Parcel - Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and South of 8th Street (Peerless Development, Petitioner)

Synopsis

The petitioner, Peerless Development, requests vacation of a segment of an alley running east/west between the B-Line Trail and an alley to the west and situated north of 7th Street and south of 8th Street in order to continue using the right-of-way as part of the Johnson's Creamery site and to allow for a proposed development at 335 W. 8th Street.

Relevant Materials

- Ordinance 22-15
- Staff Report from Planning and Transportation
- Petition for Vacation of Public Right-of-Way
 - Pre-Petition Review Request Letter from Peerless Development
 - Legal Description
 - ALTA/NSPS Land Title Survey
 - 1940 Company Site Plan
 - 1993 Demolition Plan
 - Aerial photos of site circa 1993
- Conceptual Rendering and Site Plan for potential development
- Aerial Map with Alley Segment Highlighted
- Current photos of site and alley

Summary

Ordinance 22-15 proposes to vacate a 12-foot wide alley segment that bifurcates 400 W. 7th Street. The Petitioner, Peerless Development, owns the property surrounding this public right-of-way and is requesting the vacation to allow the site to be developed. Petitioner argues that the right-of-way has been informally vacated going back at least 80 years, as it had been occupied by Johnson Creamery buildings for decades and has been utilized as part of the Johnson Creamery Company property. The Plan Commission considered a major site plan approval for this property at its October 18, 2021 meeting (meeting packet available [here](#)).

Vacations of rights-of-way are governed by procedures contained in state law (IC § 36-7-3-12 and following statutes). In addition to state law requirements, Bloomington has adopted local procedures and criteria for public right-of-way vacations. In Bloomington, the process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are



reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff and (typically) the Board of Public Works each make a recommendation on the request. Note that the Board of Public Works has not considered this petition. The Petitioner then submits the request to the Council Office, and, upon receipt of the petition, a date is set for the required public hearing, where remonstrances and objections must be heard. The public hearing for [Ordinance 22-15](#) is scheduled for June 1, 2022 at 6:30 p.m. The City Clerk must assure that owners of property abutting the right(s)-of-way (if any) are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections

In response to a question about the fiscal impact of this ordinance, Planning and Transportation Director Scott Robinson wrote that the act of vacating the ROW would not have a cost or impact to the city.

Senior Zoning Compliance Planner Elizabeth Carter also shared that relevant utilities were notified of the vacation request. The two responses she received are included below:

City of Bloomington Utilities: No concerns
Comcast: No issues with the ROW vacation

If additional utilities respond, those responses will be provided to the Council and made public.

Objections or grounds for remonstrations are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (See IC § 36-7-3-13). Aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. Under IC § 36-7-3-15, after the termination of a vacation proceeding, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years.

The Council's action to vacate a right-of-way must be done in the public interest, and the Council may consider whether there is a public benefit to granting the vacation. In [Resolution 87-02](#), the Council adopted the following criteria to guide its review of a request for right-of-way vacation:

1. Current Status – Access to Property: the current utilization of the right-of-way in question – as a means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.



2. Necessity for Growth of the City:

- a. Future Status – the future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
- b. Proposed Private Ownership Utilization – the proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
- c. Compliance with regulations – the effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change of use?);
- d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

In the event the Council adopts Ordinance 22-15, the Clerk must then file a copy with the County Recorder and the County Auditor.

Contact

Scott Robinson, Director, Planning and Transportation, robinsos@bloomington.in.gov, (812) 349-3566

Eric Greulich, Senior Zoning Planner, Planning and Transportation, greulice@bloomington.in.gov, (812) 349-3526

ORDINANCE 22-15

TO VACATE A PUBLIC PARCEL -

Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and South of 8th Street (Peerless Development, Petitioner)

WHEREAS, Ind. Code § 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, Peerless Development, has filed a petition to vacate a parcel of City property more particularly described below;

WHEREAS, pursuant to I.C. § 36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Transportation Department and the Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402); and

WHEREAS, pursuant to I.C. § 36-7-3-12(c), the City Clerk has provided notice to the owners of abutting property, if any, and published notice to the general public of the petition and public hearing on this matter, which will be held during the Common Council Regular Session on Wednesday, June 1st, 2022 at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. § 36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of I.C. § 36-7-3-12, one portion of City owned property shall be vacated as described below:

Being a part of a 12 foot public alley in the original plat of the Town of Bloomington, as shown in the plat thereof, recorded in Plat Book A, Page 5, in the Office of the Recorder of Monroe County, Indiana, described as follows:

Beginning at the Northwest corner of Inlot 295, thence North 00 degrees 21 minutes 11 seconds East, (Indiana State Plane, West Zone) 12.00 feet to the Southwest corner of Inlot 294; thence along the South line thereof North 89 degrees 42 minutes 40 seconds East 132.00 feet to the Southeast corner of said Inlot 294; thence South 00 degrees 21 minutes 11 seconds West 12.00 feet to the Northeast corner of said Inlot 295; thence along the North line thereof South 89 degrees 42 minutes 40 seconds West 132.00 feet to the point of beginning, containing 0.036 acres, more or less.

SECTION 2. If any section, sentence of provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
City of Bloomington

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Peerless Development, requests vacation of a segment of an alley running east/west between the B-Line Trail and the first alley to the west and situated north of 7th Street and south of 8th Street in order to continue using the right-of-way as part of the Johnson's Creamery site and to allow for a proposed development at 335 W. 8th Street.

Note: This ordinance was revised after distribution in the Legislative Packet but before introduction at the May 18, 2022 Regular Session. The revision corrected the legal description of the property in question.



Planning & Transportation

Peerless Development Right- of-Way Vacation

Memorandum

To: Members of the City of Bloomington Common Council
From: Scott Robinson, Director of Planning & Transportation
Re: Peerless Development/Johnson Creamery Right of Way Vacation Request
Date: May 13, 2022

The Plan Commission approved Site Plan SP-27-21 at its October 18, 2021 meeting with a vote of 9 (for) to 0 (against). There is a condition of approval that the east-west alley between the Johnson Creamery and the proposed building be vacated. At the time of the hearing, staff was waiting for a final determination on if this alley had been previously vacated or not, thus this condition of approval was included.

Since then, there has been on-going discussions regarding the historic preservation of the Johnson Creamery site and safety issues with the iconic smokestack – unrelated to the approved site plan. Council has adopted a local historic district for the Johnson Creamery building and smokestack. Peerless Development is progressing towards smokestack modifications and safety improvements, but is waiting for AT&T to remove equipment. Now that the safety and historic preservation items have been addressed, this request can be considered.

Typically, this process includes a recommendation from the Board of Public Works. The Board of Public Works did not review or provide a recommendation to this request. It was decided to bring this before Council without this advisory step in the process. Peerless Development has expressed interest to have a decision on their request as soon as possible. They are in conversations with P&T staff about modifying their approved site plan, which would require the Plan Commission to consider these changes (the only change would be with the sustainable development incentives that are being used – changing from solar panels to low impact storm water management improvements). This is tentatively placed on the June 13th Plan Commission agenda pending a decision on this right of way request.

Technically, the alley may not have been fully utilized over time because of the railroad - today it is the B-line Trail - and the location of the iconic smokestack within the alley, which likely hindered access from the east. There are no public utilities within the alley. However, like any public land, this alley is a public asset/benefit. Given the proximity to the B-Line Trail, the historic Johnson Creamery Site, and potentially a new multifamily development with 60 units, the value of this alley may not serve public access needs, but its value to the area and context should be considered.

Staff recommends to vacate the alley upon Council's full discretion to consider both the technical benefits of the alley balanced with today's contextual needs of the area that support quality urban design and development.



City of Bloomington
Planning and Transportation Department

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

02/02/2022 (with Planning staff)
Filing Date 05/10/2022 (with Council Office) Ordinance # 22-15
Filing Fee Paid Yes BPW Resolution # N/A

1st Reading May 18, 2022
Committee May 25, 2022
Final Hearing June 1, 2022

Address of Property 400 W. 7th St. Bloomington, IN 47404

Applicant's Name Peerless Development - Michael Cordaro

Address 105 S. York St. Suite 350 Elmhurst, IL 60126 Phone (630) 712-2400
E-Mail mike@peerlesscap.com

Counsel or Consultant

Address Phone
E-Mail

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

The undersigned agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: [Handwritten Signature]

PUBLIC RIGHT-OF-WAY VACATIONS

PROCEDURE AND CRITERIA FOR COMMON COUNCIL REVIEW

Persons who own or have an interest in any lots or parts of lots contiguous to a public way or place in the City of Bloomington may file a petition for vacation of the public way or place with the Common Council of the City of Bloomington. This information packet contains instructions regarding the procedures and criteria for right-of-way vacation petitions.

The Common Council strongly advises petitioners to utilize the pre-petition review process. Because Indiana Statute requires a public hearing within thirty (30) days of petition to the Council, early submittals prior to review and notice to utilities and other owners may subject the petitioner to unnecessary continuances or denials. These problems can be avoided by the pre-petition review process.

CRITERIA

The criteria which the Common Council utilizes when reviewing a public right-of-way vacation request are as follows:

CURRENT STATUS-ACCESS TO PROPERTY:

The current utilization of the right-of-way in question--as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

NECESSITY FOR GROWTH OF THE CITY:

Future Status: The future potential for public utilization, possible future need for the R.O.W. due to future changes in land use;

Proposed Private Ownership Utilization: The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (Does the proposed use contribute to City growth);

Compliance with Regulations: The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (Does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use);

Relation to Plans: The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

PROCEDURE

The procedure for right-of-way vacation petitions involves two basic steps. First, a pre-petition review of the petition by Planning and Transportation Department staff; second, review and action by the Common Council. This procedure is detailed as follows:

I. Pre-petition Review by Planning and Transportation staff

- A. Petitioner should submit the following information to the Planning and Transportation staff:
 - 1. A letter requesting pre-petition review, explaining and justifying the proposed utilization of the right-of-way and addressing, in detail, the criteria for vacation;
 - 2. An accurate legal description of the proposed vacation;
 - 3. A site plan or sketch map, drawn to scale, showing the right-of-way for which vacation is requested, and the adjoining properties;
 - 4. A list of the names and addresses of owners of all property abutting the proposed vacation.
- B. The Planning and Transportation staff will then commence review of the submitted information and will consult with the various utilities (List is included in this packet) who may use the right-of-way. A recommendation will be made and petitioner will be notified that Planning and Transportation review is completed. Please allow 2-3 weeks for this review. The petition for vacation should be filed, by the petitioner, with the Common Council office following completion of this review by the Planning and Transportation staff.
- C. If easements for utilities within the right-of-way to be vacated are needed, the Planning and Transportation Department will contact the petitioner so that the documents can be prepared prior to petition to the Common Council.

II. Common Council Review and Action

- A. The petitioner should submit the following to the Common Council Office following completion of review by the Planning and Transportation staff:
 - 1. A completed petition for vacation of right-of-way;
 - 2. The Planning and Transportation staff will forward additional information provided by the petitioner and the Planning and Transportation staff recommendation to the Council Office.
- B. Upon submission of the above petition, the Council Office will set a date for the public hearing. This date will likely be a committee meeting following first reading of the vacation ordinance. Following first reading and committee/public hearing,

ordinance is scheduled for second reading and vote. At that meeting, the Council may vacate the public way or place, in which case the City Clerk shall furnish a copy of the vacation ordinance to the County Recorder and the County Auditor.

III. Appeal

Any person aggrieved by a vacation of public right-of-way may appeal the vacation to the Monroe County Circuit Court within (30) days of adoption of the ordinance.

ATTACHMENT A

UTILITIES AND CITY SERVICES TO BE NOTIFIED OF VACATION REQUESTS

Board of Public Works
812-349-3410
Director
P.O. Box 100
Bloomington, IN 47402

Fire & Ambulance
812-332-9763
Fire Chief
P.O. Box 100
Bloomington, IN. 47402

Vectren Gas Co.
812-330-4008
1-800-666-2853
Superintendent
205 S. Madison St.
P.O. Box 966
Bloomington, IN. 47402

Duke Energy
812-336-6371
Manager
P.O. Box 1028
Bloomington, IN. 47402

Comcast
812-332-4152
2051 W. Vernal Pike
Bloomington, IN. 47401

Utilities Department
812-339-1444 (Ext. #206)
Utility Engineer
P.O. Box 100
Bloomington, IN 47402

Police Department
812-349-4477
Chief of Police
P.O. Box 100
Bloomington, IN 47402

TCl of Indiana, Inc.
812-332-9185
1600 W. 3rd St.
P.O. Box 729
Bloomington, IN 47402

AT&T Indiana Bell
812-334-4597
Engineering Dept.
4517 E. Indiana Bell Ct.
Bloomington, IN 47402

ITS
812-349-3454
Director
P.O. Box 100
Bloomington, IN 47402



May 13, 2022

Planning and Transportation Department
Bloomington, IN

RE: 400 W. 7th St. / 335 W. 8th St. - Alley Vacation: Pre-Petition Review Request – Revis. 1

Dear Planning and Transportation Department,

As part of the Petition for the Vacation of a Public Right-of-Way, we are providing this letter to serve as a Pre-Petition Review Request for the Planning and Transportation Departments use and reference.

The Legal description for the Right-of-Way in question is provided in the attached Exhibit A dated 5/12/22.

This Right-of-Way is currently used as a drive aisle for vehicular access to the rear parking lot of the building located at 400 W. 7th St. (The Johnson Creamery Building). This Right-of-Way also currently houses the Johnson Creamery Smokestack structure and associated brick maintenance & equipment building for the Johnson Creamery building and provides access to these structures for repair and maintenance. These structures have been located within this Right-of-Way since approximately 1949. In addition to these structures, there was formerly a pair of one-story brick buildings with served as loading docks and service/maintenance garages for the Johnson Creamery business. These buildings were in place as early as 1940 (See attached Johnson Creamery Company site plan dated September 1940 for reference) and were demolished in approximately 1993 (See attached Demolition Plan drawing dated 10/25/93 and aerial photos for reference). For all intents and purposes, this Right-of-Way has been informally vacated since at least 1940 and utilized as part of the Johnson Creamery Company property.

We are requesting that this Right-of-Way be formally vacated by the City of Bloomington to allow it to continue to be utilized as it has for the past 80+ years as part of the Johnson Creamery Company site. We do not believe that the act of vacating this Right-of-Way will in any way impact current subdivision, zoning, access control, or parking regulations to the best of our knowledge.

Peerless Development
105 South York Street
Suite 450
Elmhurst, IL 60126



Currently, there is only (1) property owners that relate to the Right-of-Way in question, since it bifurcates the single property located at 400 W. 7th St. That Owner entity is as follows:

400 W 7th LLC
Michael Cordaro (Sole Mbr)
C/O Peerless Development
105 S. York St.
Suite 350
Elmhurst, IL 60126

Please do not hesitate to call or email with any questions you might have regarding this topic.

Thank you
Joseph Patrick

Director of Development
Peerless Development

Attachment: Exhibit A, 5/12/22

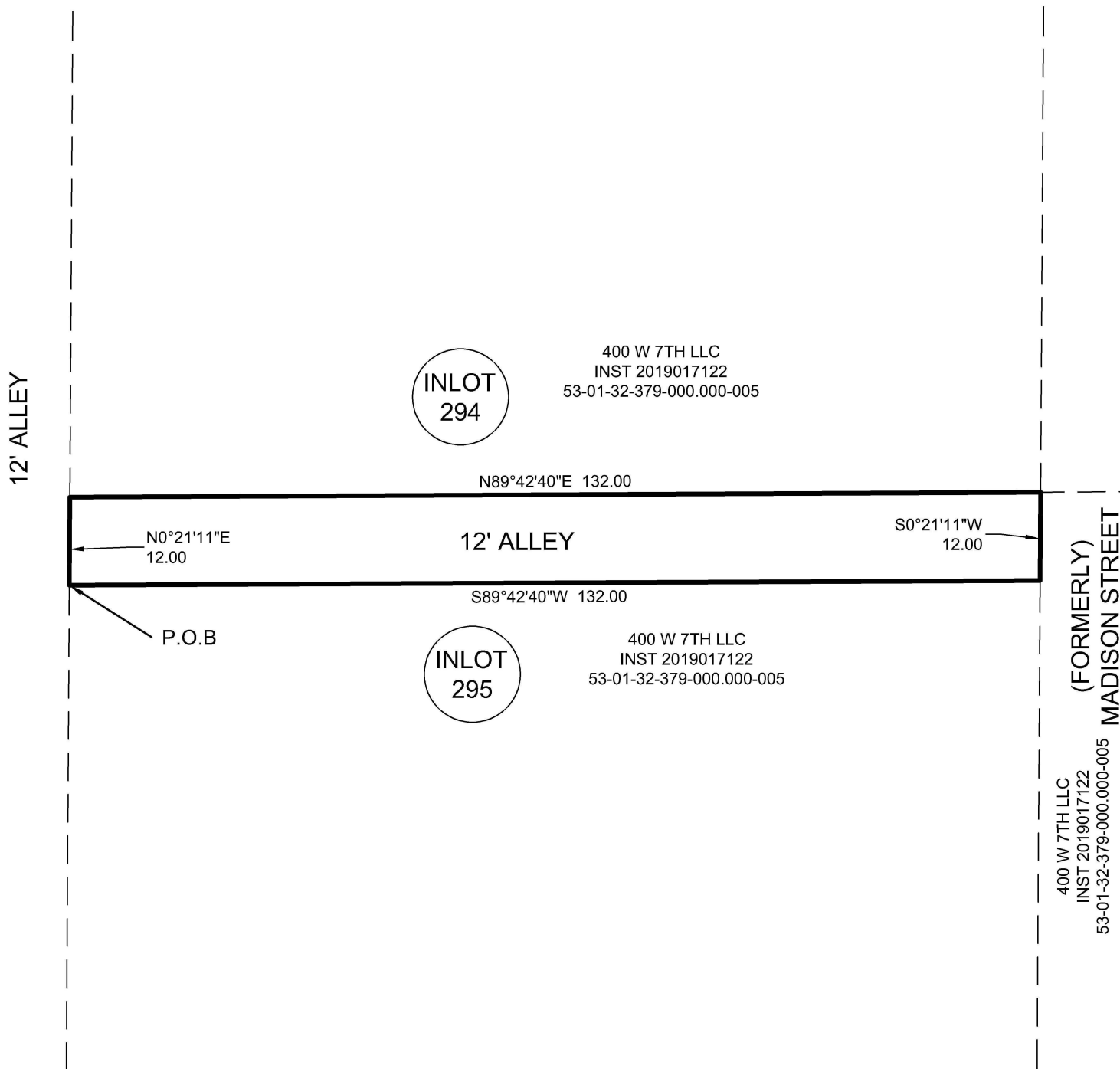
EXHIBIT 'A'

12' ALLEY

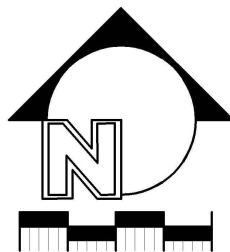
LEGAL DESCRIPTION

BEING A PART OF A 12 FOOT PUBLIC ALLEY IN THE ORIGINAL PLAT OF THE TOWN OF BLOOMINGTON, AS SHOWN IN THE PLAT THEREOF, RECORDED IN PLAT BOOK A, PAGE 5, IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF INLOT 295, THENCE NORTH 00 DEGREES 21 MINUTES 11 SECONDS EAST (INDIANA STATE PLANE, WEST ZONE) 12.00 FEET TO THE SOUTHWEST CORNER OF INLOT 294; THENCE ALONG THE SOUTH LINE THEREOF NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST 132.00 FEET TO THE SOUTHEAST CORNER OF SAID INLOT 294; THENCE SOUTH 00 DEGREES 21 MINUTES 11 SECONDS WEST 12.00 FEET TO THE NORTHEAST CORNER OF SAID INLOT 295; THENCE ALONG THE NORTH LINE THEREOF SOUTH 89 DEGREES 42 MINUTES 40 SECONDS WEST 132.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.036 ACRES, MORE OR LESS.



NOTE:
THIS EXHIBIT WAS PREPARED BASED UPON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF MONROE COUNTY, AND OTHER SOURCES AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.



**SMITH
DESIGN
GROUP**

CIVIL ENGINEERING - LAND SURVEYING
2755 E Canada Dr Suite 101 Bloomington, IN 47401
(812) 336-6536 - smithdgroup.com
JOB:6028 DATE:05/12/2022 PAGE: 1/1

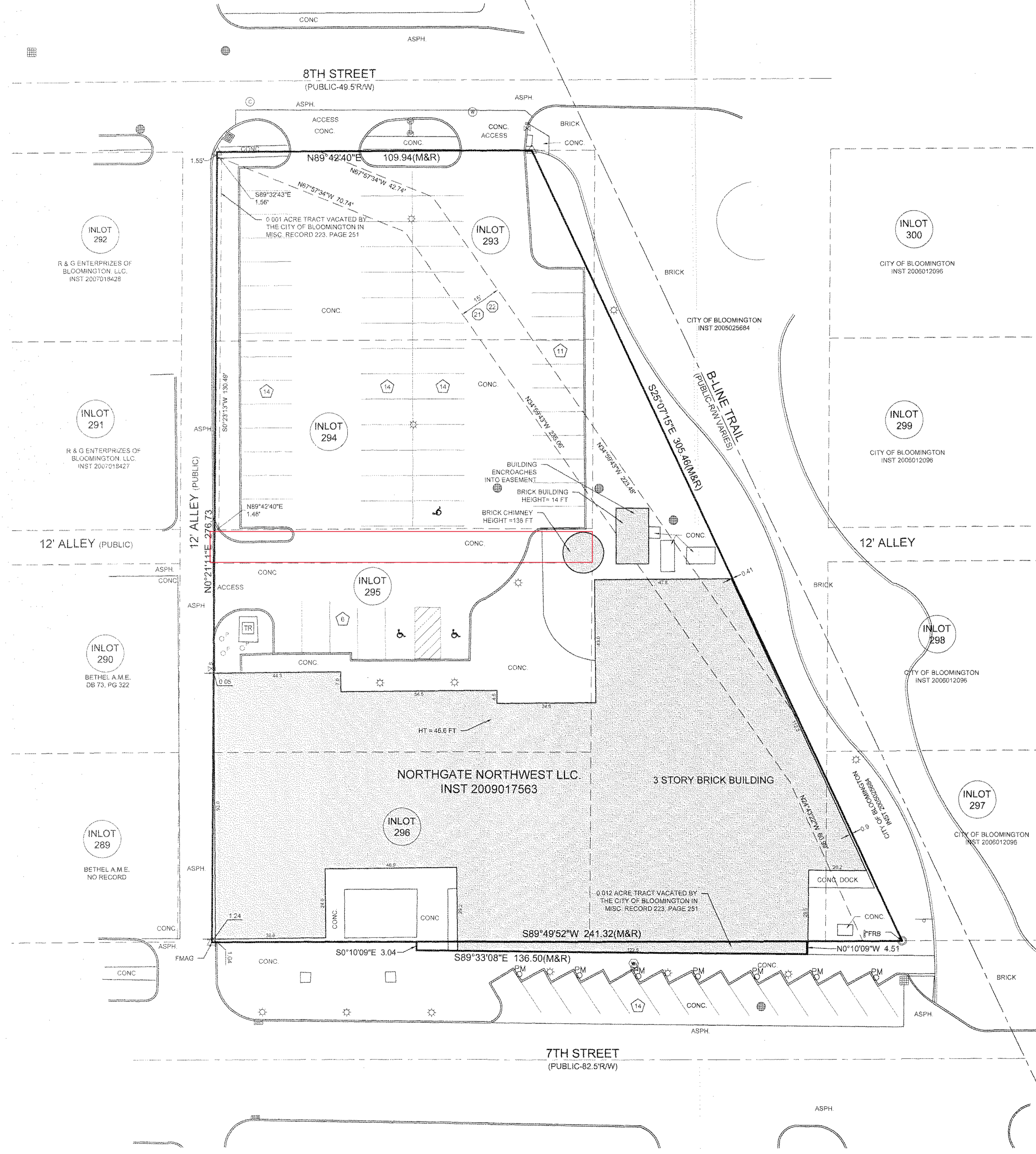


VICINITY MAP

Smith Brethob & Associates, Inc.
 433 S. Clarke Boulevard
 Bloomington, Indiana 47401
 Telephone: (812) 336-6336
 Fax: (812) 336-0513
 Web: http://smithbrethob.com



JOB TITLE
**ALTA/NSPS LAND TITLE SURVEY
 400 W 7TH STREET
 BLOOMINGTON, INDIANA
 SEC 32-T9N-R1W**



LEGEND			
RR SPIKE	YARD INLET	OVERHEAD WIRES	— OHW —
STONE	WATER VALVE	SANITARY SEWER	— S —
REBAR	WATER MANHOLE	UNDERGROUND GAS LINE	— G —
IRON PIPE	WATER METER	UNDERGROUND ELECTRIC LINE	— E —
MAG NAIL	FIRE HYDRANT	UNDERGROUND COMMUNICATION LINE	— C —
UTILITY POLE	AIR CONDITIONER	WATER LINE	— W —
LIGHT POLE	GAS METER	STORM SEWER	— ST —
GLY WIRE	GAS VALVE	FENCE	— X — X — X —
ELECTRIC METER	COMMUNICATION MANHOLE		
ELECTRIC MANHOLE	COMMUNICATION VAULT		
ELECTRIC VAULT	FIBER OPTIC MANHOLE		
ELECTRIC HANDHOLE	FIBER OPTIC VAULT		
ELECTRIC TRANSFORMER	CONCRETE BOLLARD	M	MEASURED
SANITARY MANHOLE	SIGN	P	PLATTED
CLEAN OUT	PARKING METER	R	RECORD
STORM MANHOLE	HANDICAPPED PARKING	FRB	FOUND REBAR
CURB INLET	PARKING COUNT	FRP	FOUND IRON PIPE
INLET ROUND	SCHEDULE 'B' ITEM	FRS	FOUND HALF-RADIUS SPIKE
INLET SQUARE	TELEPHONE RISER	FRM	FOUND IRON NAIL
		FRMG	FOUND MAG NAIL
		FRMAG	FOUND MAG NAIL
		FRSAG	FOUND SET MAG NAIL
		BC	BUILDING CORNER
		FD	FOUND
		P.D.O.	POSSIBLE DEED OVERLAP
		B.G.	BELOW GRADE
		A.G.	ABOVE GRADE

REVISIONS	BY	DATE

FIELD TS
 DRAFTED SPP
 CHECKED TMB

JOB NUMBER
5972

SHEET
1 OF 2

DATE
 11/12/19

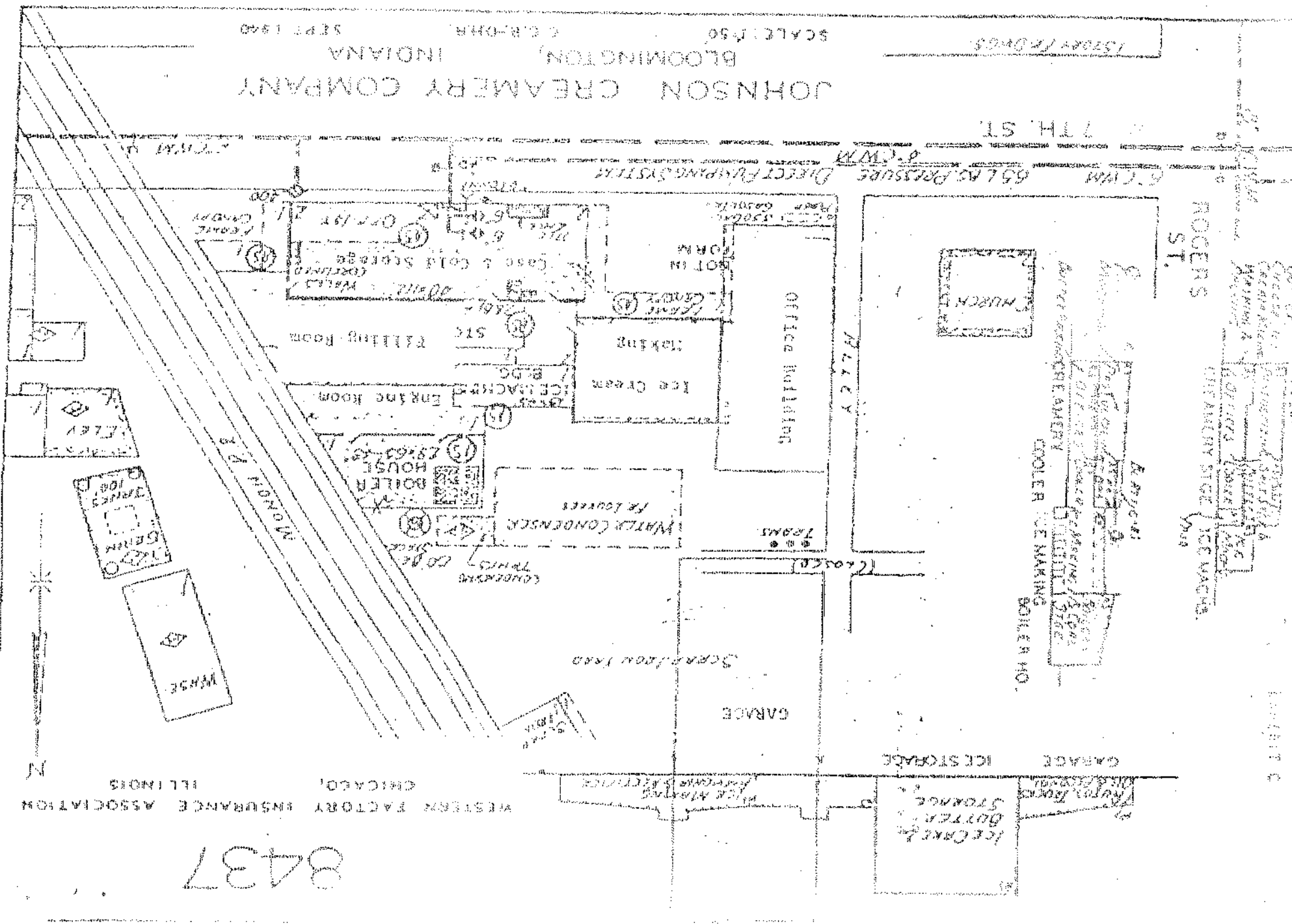
ALTA/NSPS
 LAND TITLE
 SURVEY

JOHNSON CREAMERY COMPANY
 BLOOMINGTON, INDIANA
 SCALE 1" = 50'
 E. C. BROWN
 SEPT 1940

157084 (P. DWG.)

77TH ST.

ROGERS ST.



WESTERN FACTORY INSURANCE ASSOCIATION
 CHICAGO, ILLINOIS

8437

SCALE : 1" = 20'

BENCHMARK

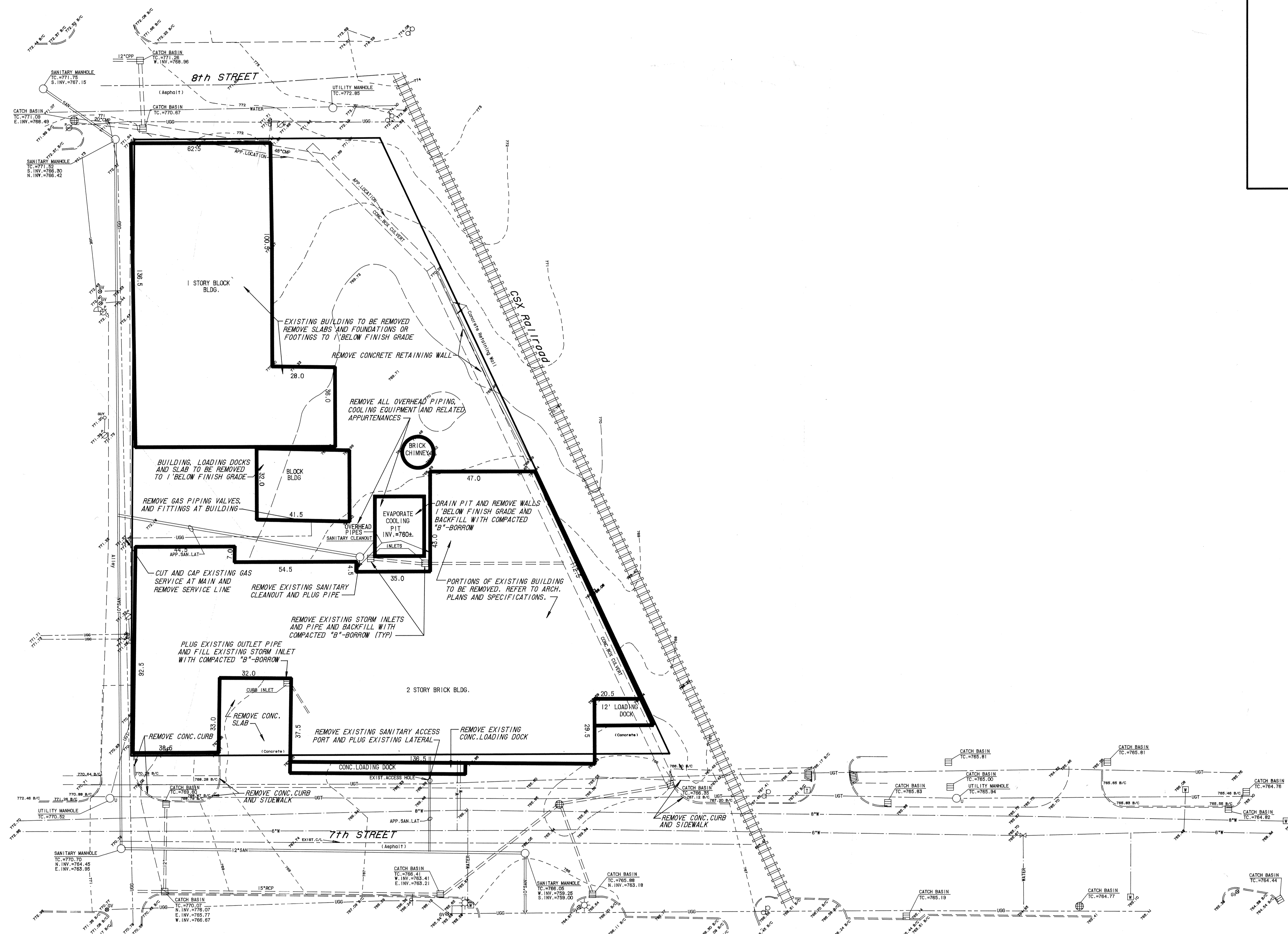
TBM= TOP OF CASTING OF SANITARY MANHOLE
IN C/L OF 7th STREET AT INTERSECTION
OF 7th STREET AND ALLEY. ELEV.=770.70

LEGEND

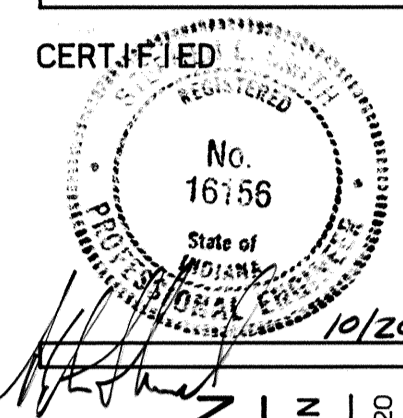
- - - Contour Line
- Concrete Curb
- ⊙ Light Pole
- ⊙ Ornamental Light
- ⊙ Catch Basin
- ⊙ Fire Hydrant
- ⊙ Water Meter
- ⊙ Water Valve
- ⊙ Parking Meter
- Large Info Sign
- Street Sign
- ⊙ Gas Meter
- ⊙ Gas Valve
- ⊙ Railroad Crossing Sign
- ⊙ Power Pole
- ⊙ Guy Anchor
- ⊙ Telephone Riser

GENERAL NOTES:

- 1) SEE SPECIFICATION BOOK FOR DEMOLITION INSTRUCTIONS.
- 2) ALL SIGNS (POSTS AND FOUNDATIONS) IN THE CONSTRUCTION ZONE ARE TO BE REMOVED BY THE CONTRACTOR AND REPLACED BY THE CITY OF BLOOMINGTON.



THIS INSTRUMENT PREPARED BY:
Smith Quilman Associates Inc.
4625 Morrisville Drive, Bloomington, IN 47402
(812) 330-6536



CERTIFIED
No. 15156
10/20/94
THE ODLE MCGUIRE & SHOOK CORPORATION
ARCHITECTURE ENGINEERING LANDSCAPE ARCHITECTURE INTERIOR DESIGN
8276 ALLIUM POINTE TRAIL, POST OFFICE BOX 56281, INDIANAPOLIS, INDIANA 46250, 317/946-0000

REVISIONS
1. REVISIONS FROM ALTERNATE NUMBER 12/24/93
01/05/94

JOHNSON'S CREAMERY
BUILDING RENOVATION
EIGHTH STREET DEVELOPMENT CORPORATION
BLOOMINGTON INDIANA

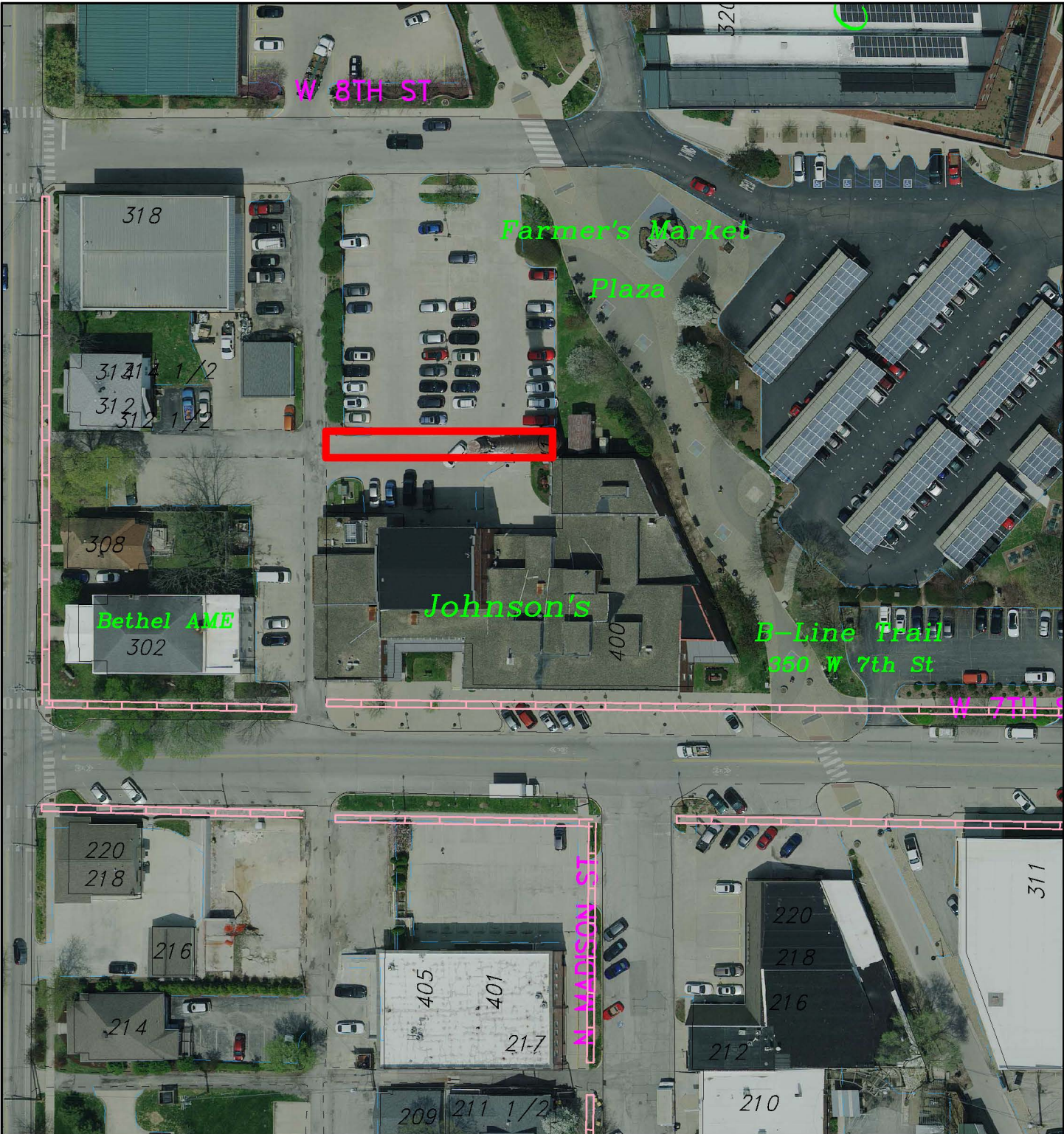
PROJECT NO. 93068
DATE: 10/25/93
drawn by: JAH
checked by: SAB

C-100
DEMOLITION PLAN

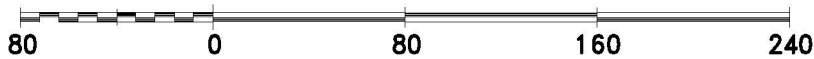






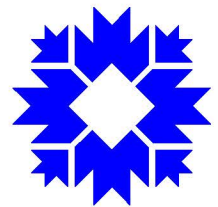


By: lucass
11 May 22



For reference only; map information NOT warranted.

City of Bloomington
Council Office



Scale: 1" = 80'







MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-05 – To Vacate Public Parcels – Re: Two 16.5 Foot Wide Alley Segments Located between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner)

Synopsis

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1st Street and West 2nd Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right of way will be replaced with new sections of South Madison Street and West University Street.

Relevant Materials

- Ordinance 22-05
- Staff Report from Planning and Transportation
- Subdivision Plat and Exhibits
- Board of Public Works Staff Report
- Petition for Vacation of Public Right-of-Way
 - Public Right-of-Way Pre-Petition Review Request Letter from Matthew Wallace
 - Survey and Legal description for each alley and street
- Link to Bloomington Hospital Site Redevelopment webpage (<https://bloomingtonhospital.com/>), which includes
 - Information on the master planning process
 - Frequently asked questions
 - Bloomington Hospital Site Redevelopment Master Plan Report – January 2021

Update following the Regular Session held April 6, 2022 and Procedural Matters

On April 6, the Council considered a motion to adopt Ordinance 22-05, which failed by a vote of Ayes: 4; Nays: 5. Under procedures set forth in Robert's Rules of Order (which serves as the Council's parliamentary authority), a motion made and disposed of without being adopted can be allowed to come before the Council after being made again by any member. In such a circumstance, the motion is said to be *renewed*.

Robert's provides that a main motion (like the motion to adopt Ordinance 22-05) that was introduced but not adopted during one session can be renewed at any later session unless it has become absurd. It is the duty of the presiding officer to prevent members from abusing the privilege of renewing certain motions merely to obstruct business.



Under IC § 36-7-3-15, after the termination of a vacation proceeding, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years. If the Council wishes to consider Ordinance 22-05 for adoption again, any member may move to introduce and move to adopt the ordinance at the appropriate time during the June 1 meeting. Absent such an action by the Council, the Petitioner is barred for two years from initiating a subsequent vacation petition to ask for the same relief.

Summary

Ordinance 22-05 proposes to vacate two existing alleys in order to develop the Hopewell Subdivision in accordance with the Bloomington Hospital Site Redevelopment Master Plan. Resources related to the Bloomington Hospital Site Redevelopment Master Plan can be found [here](#). The petitioner, Bloomington Redevelopment Commission (RDC), requests to vacate an existing alley that runs north and south from 1st Street to 2nd Street in the block between Rogers and Morton Streets. Additionally the RDC requests the vacation of a second existing alley that runs east and west from the previously described alley to Morton Street. These right-of-way vacations will be improved with the proposed Madison Street extension and the new greenway known as University Street.

Vacations of rights-of-way are governed by procedures contained in state law (IC § 36-7-3-12 and following statutes). In addition to state law requirements, Bloomington has adopted local procedures and criteria for public right-of-way vacations. In Bloomington, the process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff and the Board of Public Works each make a recommendation on the request. The Petitioner then submits the request to the Council Office, and upon receipt of the petition, a date is set for the required public hearing, where remonstrances and objections must be heard. The public hearing for Ordinance 22-05 was held on March 30, 2022 at 6:30 p.m. The City Clerk must assure that owners of property abutting the right(s)-of-way are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections

In response to a question about the fiscal impact of this ordinance, Planning and Transportation Director Scott Robinson writes:

There would be no immediate anticipated fiscal impact for the vacation of ROW:

- Land is currently not generating any property taxes.
- Current ROW is either unimproved, or an alley which typically Public Works does not maintain. If vacated, and if there were any maintenance costs for this ROW, maintenance would no longer be needed.
- Any planned redevelopment for the portions of vacated ROW would have fiscal impacts as the ownership would be transferred from the current public agency/not for profit status to a taxable unit. This would not happen



immediately because the Redevelopment Commission/City will be the owner once IU Health turns over the property. It would be hard to estimate the fiscal impact other than it would generate property tax and it would also be within a TIF. Perhaps sometime in the next 2-5 years as property/lots are transferred to new owners.

Engineering Department Project Engineer Patrick Dierkes adds:

To create the developable lots per the Master Plan we need to vacate the alleys. Keeping the north-south alley in the current project design would create slivers of unusable land between the proposed road and the existing alleys. If the alleys are not vacated a redesign of the project would be required. Again placing a value on this is difficult.

I think the most straightforward way is to look at the costs for relocating the utilities from the alleys. While these costs will likely be offset by the sale and development of the lots that are created it is hard to put an accurate value to that. Below is a summary of each utility.

- Centerpoint (natural gas) - No relocation costs
- Duke (electric) - Waiting for costs from Duke for the relocation required to keep service to 3 buildings in the area. We expect this to be a minimal cost to the project.
- AT&T (communication) - Waiting for an official response from AT&T. We know this is not a transmission line. Since the lines are only distribution this will likely result in no costs to the City.
- Comcast (cable) - Waiting for an official response from Comcast. The facilities appear no longer in service. Likely remnants from serving the buildings to be removed.

We are working to get official responses from each utility and a cost estimate from Duke. I will provide updates as we receive the information.

Objections or grounds for remonstrations are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (See IC § 36-7-3-13). Aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way.



The Council's action to vacate a right-of-way must be done in the public interest. In [Resolution 87-02](#), the Council adopted the following criteria to guide its review of a request for right-of-way vacation:

1. Current Status – Access to Property: the current utilization of the right-of-way in question – as a means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.
2. Necessity for Growth of the City:
 - a. Future Status – the future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
 - b. Proposed Private Ownership Utilization – the proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
 - c. Compliance with regulations – the effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change of use?);
 - d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

On March 1, 2022, after hearing from staff, the Board of Public Works unanimously recommended approval of the vacation. A copy of the Board of Public Works Staff Report is included in the packet materials.

In the event the Council adopts [Ordinance 22-05](#), the Clerk must then file a copy with the County Recorder and the County Auditor.

Contact

Scott Robinson, Director Planning and Transportation, robinsos@bloomington.in.gov, (812) 349-3566

Patrick Dierkes, Project Engineer, Engineering, patrick.dierkes@bloomington.in.gov, (812) 349-3913

ORDINANCE 22-05

TO VACATE PUBLIC PARCELS –

**Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street,
South Rogers Street, and South Morton Street
(City of Bloomington Redevelopment Commission, Petitioner)**

WHEREAS, Ind. Code § 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, in Resolution 18-06, the Common Council approved the purchase of the legacy site of the IU Health Bloomington Hospital for redevelopment into the new Hopewell neighborhood by Petitioner, the City of Bloomington Redevelopment Commission; and

WHEREAS, part of this redevelopment includes Phase 1 East as detailed in the Hospital Reuse Master Plan, which called for the vacation of current public parcel alleys in favor of extending University Street and Madison Street; and

WHEREAS, the Petitioner, the City of Bloomington Redevelopment Commission, has ownership interest in real estate that is contiguous to the public right of way and has filed to vacate two (2) portions of public parcels more particularly described below; and

WHEREAS, pursuant to I.C. § 36-7-3-12(c), the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Committee of the Whole meeting on Wednesday, March 30, 2022, at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. § 36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of I.C. § 36-7-3-12, two (2) portions of City owned property shall be vacated.

SECTION 2. The first property is a north/south alley segment running between Lots 37 and 9 through 14, north from West 1st Street to West 2nd Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2nd Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1st Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2nd Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a

survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 3. The second property is an east/west alley segment running between Lots 12 and 13, west from South Morton Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 4. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
City of Bloomington

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1st Street and West 2nd Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right-of-way will be replaced with new sections of South Madison Street and West University Street.



Memorandum

To: Members of the City of Bloomington Common Council
From: Scott Robinson, Director of Planning & Transportation
Regarding: Hopewell Right of Way Vacation Request
Date: March 18, 2022

The Bloomington Hospital Site Redevelopment Master Plan Report (Master Plan) outlined the planning, design concepts, public amenities, estimated costs, and phasing to redevelop the Hopewell Neighborhood. Phase 1 East, the area east of Rogers Street, south of 2nd Street, west of the B-Line, and north of 1st Street, is in the early implementation steps to reactivate and fulfill the vision for the legacy Bloomington Hospital site. Early site preparation includes land survey, property acquisition, building demolition, utility relocation, and street, sidewalk, greenway and other public improvement designs for bidding and construction. A primary plat was approved by the Plan Commission on February 7, 2022 and details the realignment of property boundaries and public right of way. Building demolition, utility relocation, and new infrastructure is scheduled to begin as early as June 2022.

Part of this realignment of property boundaries requires existing right of way (ROW) to be vacated (a north-south alley and east-west alley, each 16.5 feet wide) and new ROW platted to extend the traditional street grid into this area and create four city blocks. The extension of Madison Street and University Street are consistent with the design concepts of the Master Plan, with 70 and 76 foot wide ROW, respectively. The realignment also includes land for a linear park on the north side of University Street (two parcels of land totaling 0.93 acres that will be operated and maintained by the city's Parks and Recreation Department).

Planning & Transportation Department staff notified utilities of the ROW vacation application. The Phase 1 East project is in ongoing coordination with existing utilities that currently occupy the right of way. These utilities are allowed to remain in place pursuant to Indiana Code 36-7-3-16. The Indiana Code also provides the utilities legal access as needed for maintenance. The utilities will be relocated to the new public ROW after it is dedicated and cleared for their relocations.

Staff presented the proposed ROW vacation to the Board of Public Works (BPW) at their March 1, 2022 public meeting, which allowed an opportunity for additional input on this request. Information on current purchase agreements for lands bordering the alleys to be vacated and a previous alley that was vacated (CV8010-060A) in 1980 to allow the Local Council of Women to construct the hospital laundry facility was also provided. The BPW provided a positive recommendation for this ROW vacation request.

Staff is requesting Council to vacate the existing ROW within the Phase 1 East area. Maps and exhibits are also included for reference.

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP



Scale 1" = 50 ft
BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88



LOCATION MAP

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.

This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

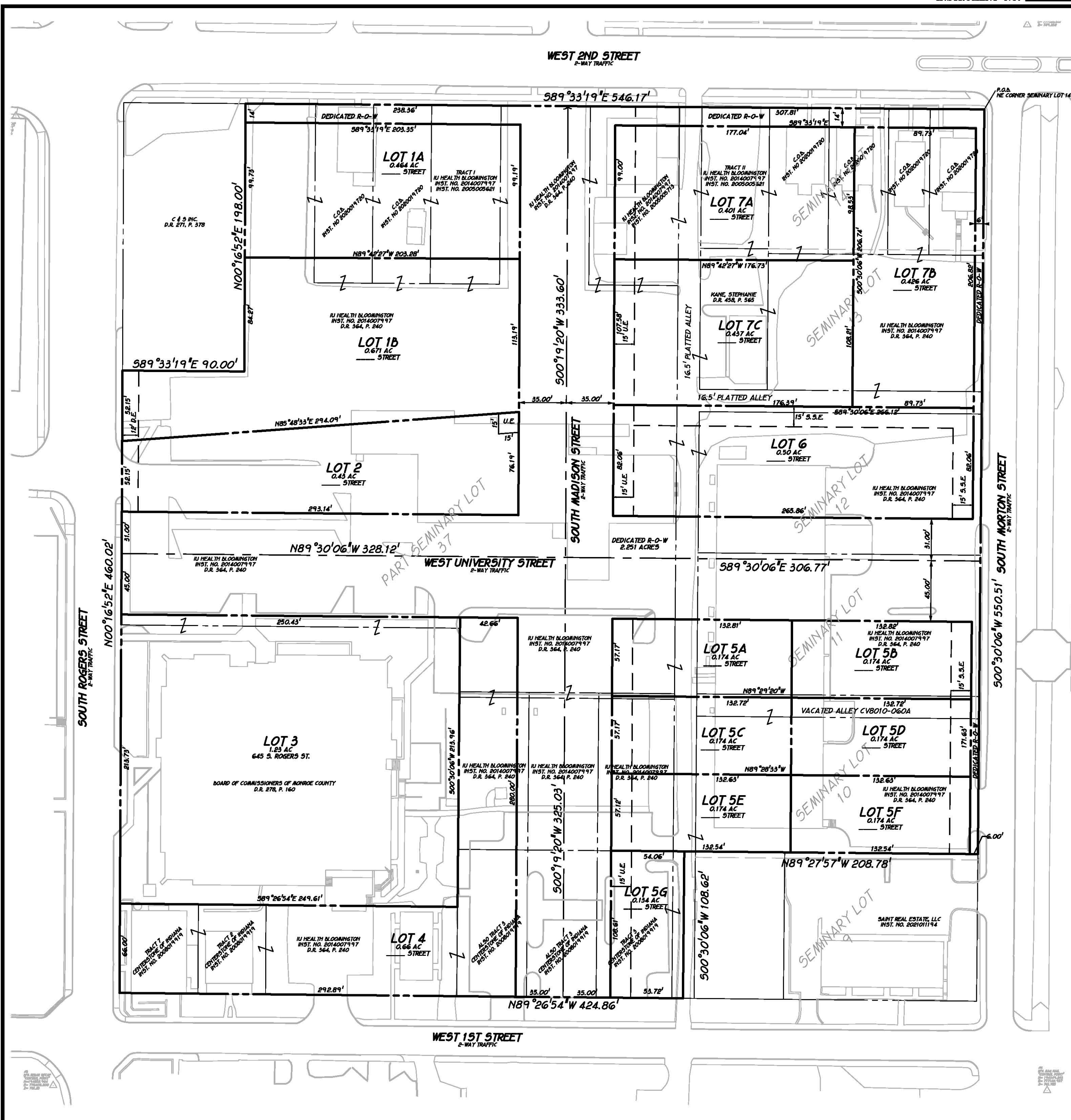
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.



HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

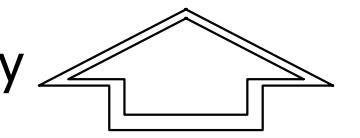
HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP

ALLEY VACATION EXHIBIT 1

 Previously Vacated Alley

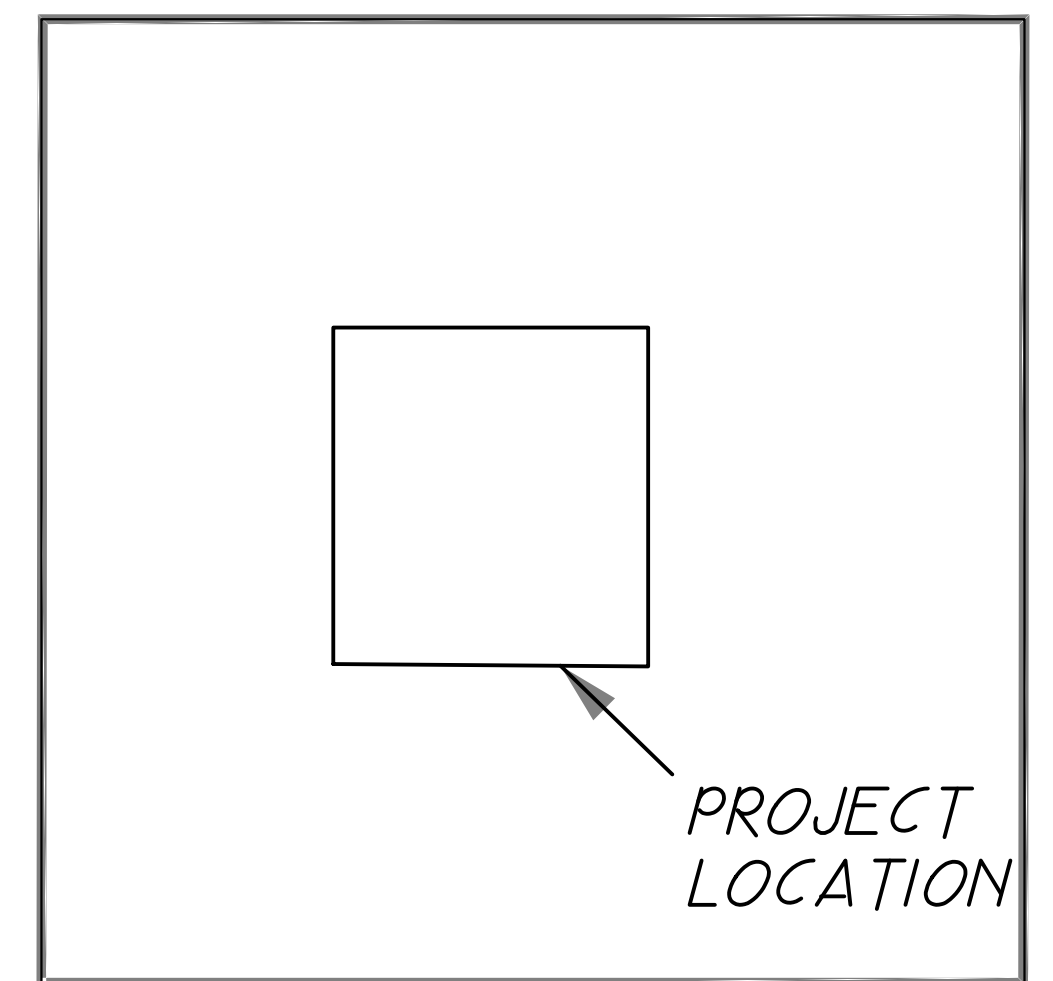
 Alleys to Vacate



NORTH



Scale 1" = 50 ft
BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88



PROJECT
LOCATION

LOCATION MAP

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of
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This property is located in Zone X, an area of minimal flood hazard.

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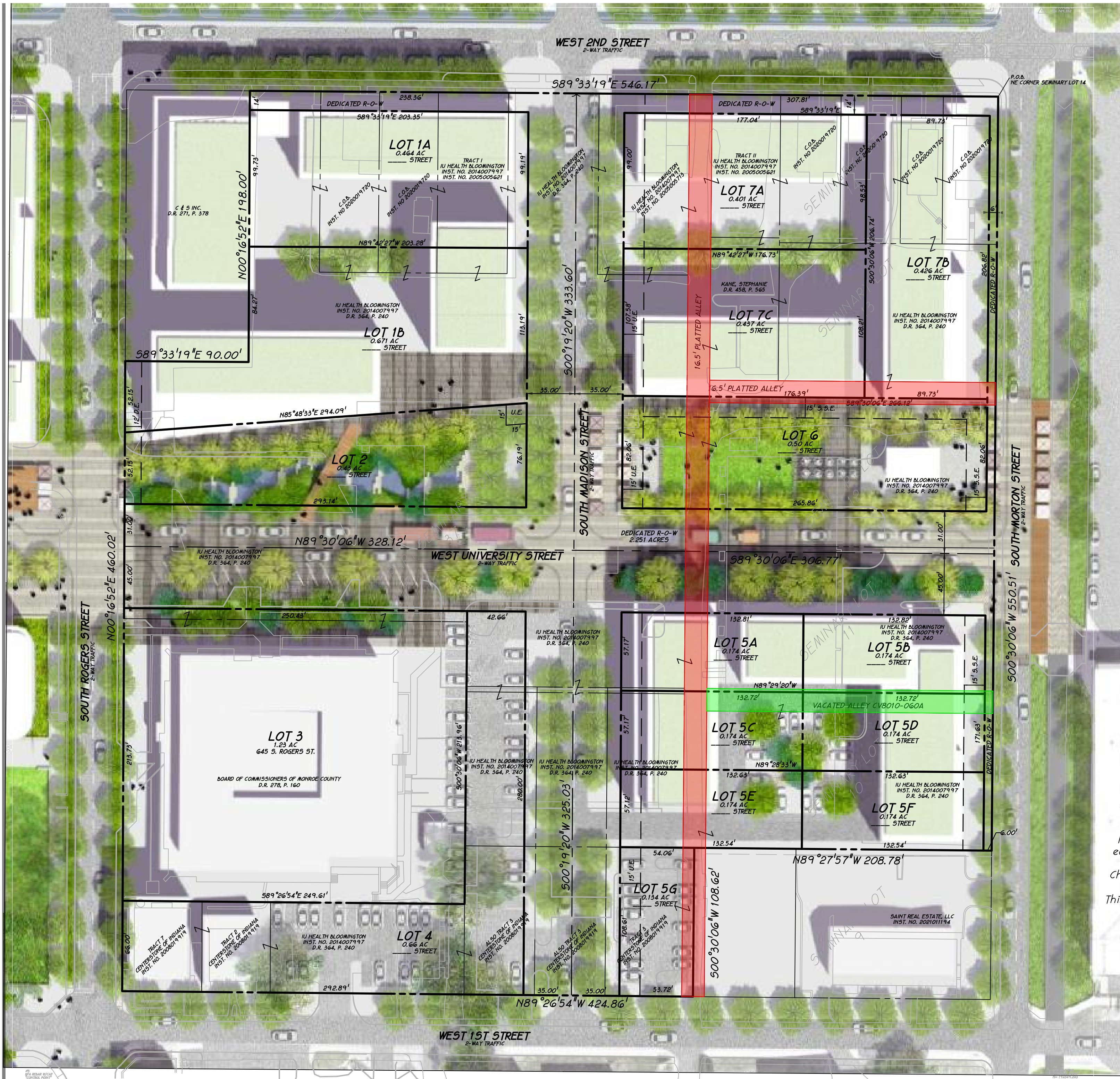
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NOTE:

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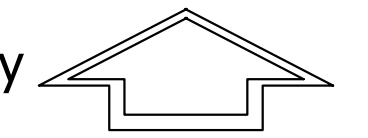


HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP

ALLEY VACATION EXHIBIT 2

- Previously Vacated Alley
- Alleys to Vacate
Approx. 0.33 Acres
- ROW Dedication
Approx. 4.03 Acres

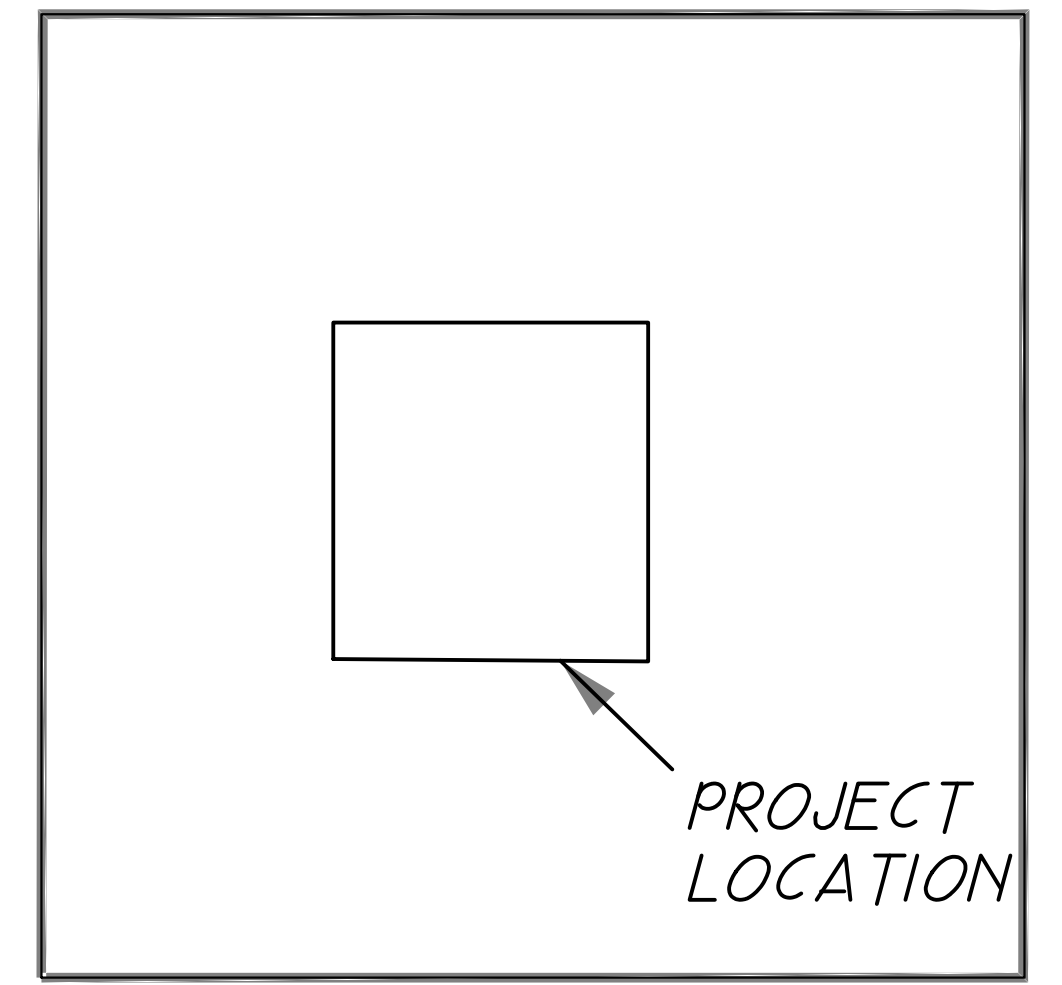


NORTH



Scale 1" = 50 ft

BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88



PROJECT LOCATION

LOCATION MAP

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.

This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

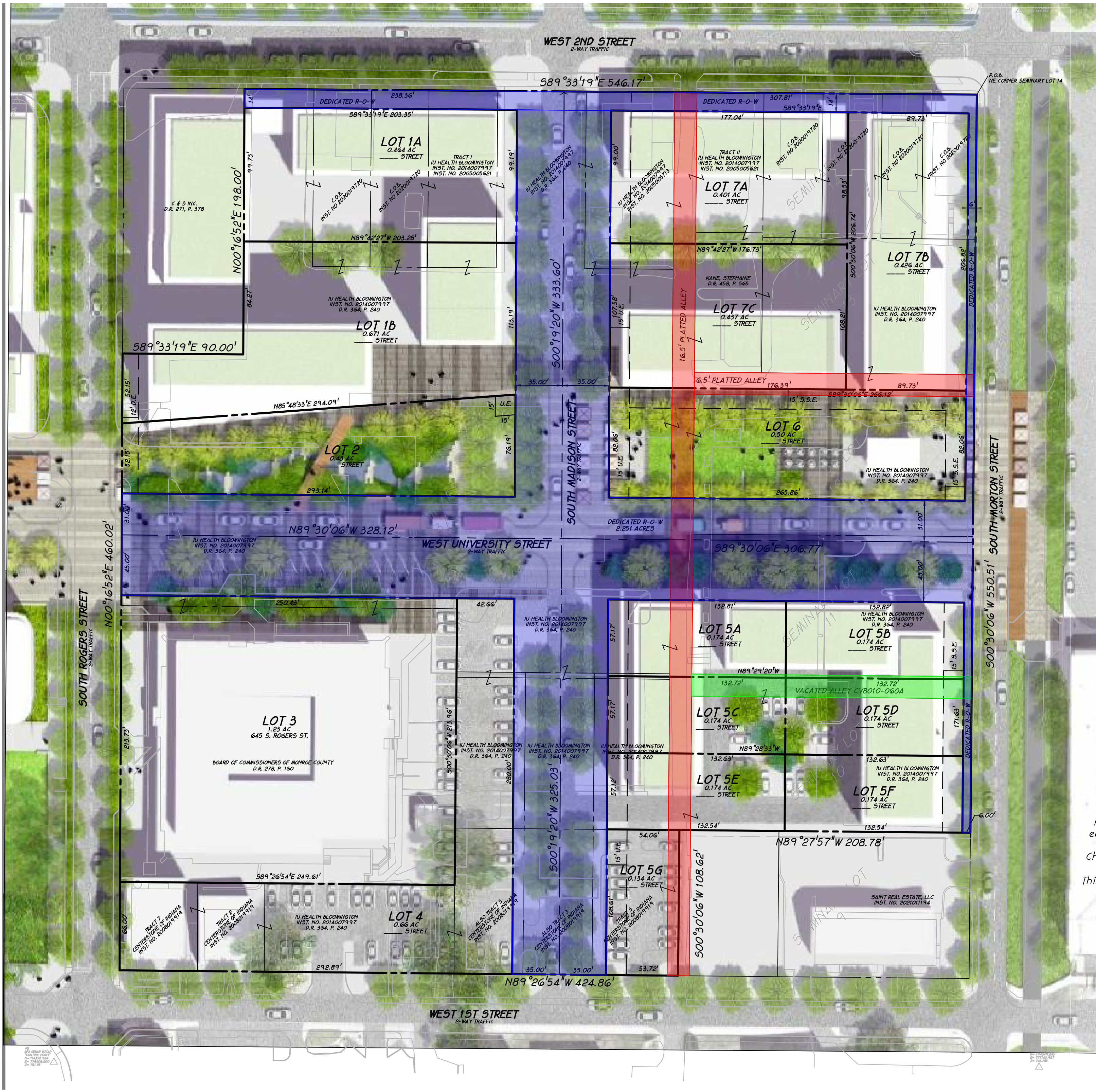
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.





Board of Public Works Staff Report

Project/Event: Alley Right-of-Way Vacation – Phase 1 East (Hopewell) Development Proposing to Vacate Existing North-South and East-West Alleys

Petitioner/Representative: Engineering Department

Staff Representative: Patrick Dierkes, Project Engineer

Date: 03/01/2022

Report: As part of the redevelopment of the Phase 1 East project the existing alleys are to be vacated to allow for new ROW for the extension of Madison St and the new greenway now known as University St. The Phase 1 East project area is bounded by 2nd Street to the north, 1st Street to the south, the B-Line Trail to the east, and Rogers Street to the west. Both existing alleys are 16.5 feet wide and will be replaced by 70 foot wide ROW for the new Madison St and 76 foot wide ROW for the new University St. The project also plans to construct a linear park on the northside of University St and deed the two parcels of land totaling 0.93 acres to Parks and Recreation. While the vacation of ROW is a City Council decision it has been the standard practice to present the vacations for BPW consideration prior to requesting the vacation from Council. The project seeks BPW opinion on the proposed ROW vacations.

The Bloomington Redevelopment Commission represented by Shrewsberry on this request has agreements to purchase the lands bordering the alleys to be vacated with the exception of one parcel owned by Saint Real Estate LLC. The parcel is located at the southeast corner of the intersection of the north-south alley and West 1st St. The Saint Real Estate parcel is currently vacant and was previously accessed by 1st St and the north-south alley. Saint Real Estate also owns the parcels to the east of this property which are accessed by 1st St and Morton St. The alley vacation does not appear to limit future use of the parcels owned by Saint Real Estate.

The alley vacations requested are in line with the Bloomington Hospital Site Redevelopment Master Plan Report dated January 2021 that underwent a rigorous public engagement process. The connections currently provided by the alleys will be improved with the proposed Madison St extension and new University St.

A previous alley was vacated in the area by CV8010-060A in 1980 to allow the Local Council of Women to construct the hospital laundry facility.



**City of Bloomington
Planning and Transportation Department**

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

Filing Date _____ Ordinance # _____
Filing Fee Paid _____ BPW Resolution # _____

1st Reading _____
Committee _____
Final Hearing _____

Address of Property S of 2nd St / W of Rogers St / N of 1st St / E of Morton St

Applicant's Name Redevelopment Commission - City of Bloomington

Address City Hall - 401 N. Morton St. Suite 130 Phone 812.349.3420
E-Mail _____

Counsel or Consultant Matthew Wallace - Shrewsberry & Associates, LLC

Address 7321 Shadeland Station Suite 160, Indianapolis, IN 46256 Phone 812.306.1551
E-Mail mwallace@shrewsusa.com

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

_____ The undersigned agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: 



February 24, 2022

Jackie Scanlan, AICP
Development Services Manager
City of Bloomington – Planning & Transportation

**RE: PUBLIC RIGHT-OF-WAY PRE-PETITION REVIEW REQUEST LETTER
HOPEWELL SUBDIVISION PROJECT
SHREWSBERRY PROJECT No. 21-0049**

Dear Jackie,

Please accept this letter as official request for the pre-petition review to vacate public right-of-way. In order to develop our project, Hopewell Subdivision, in accordance with the Bloomington Hospital Site Redevelopment Master Plan, we request to vacate an existing alley that runs north and south from 1st Street to 2nd Street in the block between Rogers and Morton Streets. We also request to vacate an existing alley that runs east and west from the previously described alley to Morton Street. The legal descriptions and exhibit drawings of both alleys are included with this letter.

The Bloomington Redevelopment Commission represented by Shrewsberry on this request has agreements to purchase the lands bordering the alleys to be vacated with the exception of parcel 53-08-05-100-109.000-009 owned by Saint Real Estate LLC. The parcel is located at the southeast corner of the intersection of the north-south alley and West 1st St. The Saint Real Estate parcel is currently vacant and was previously accessed by 1st St and the north-south alley. Saint Real Estate also owns the parcels to the east of this property which are accessed by 1st St and Morton St. The alley vacation does not appear to limit future use of the parcels owned by Saint Real Estate.

The existing utilities that currently occupy the alley are allowed to remain in place pursuant to Indiana Code 37-7-3-16. The Indiana Code also provides the utilities legal access as needed for maintenance. The utilities will be relocated to the new public Right-of-Way after it is dedicated and cleared for their relocations.

The alley vacations requested are in line with the Bloomington Hospital Site Redevelopment Master Plan Report dated January 2021 that underwent a rigorous public engagement process. The connections currently provided by the alleys will be improved with the proposed Madison St extension and University St. A previous alley was vacated in the area by CV8010-060A in 1980 to allow the Local Council of Women to construct the hospital laundry facility.

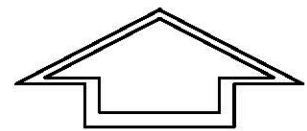
The approved Primary Plat for Hopewell Subdivision includes the dedication of new public Right-of-Way for an extension of Madison Street from 1st to 2nd Street, as well as the dedication of various public utility easements that will replace the alleys to be vacated.

If you need any additional information or would like to discuss this further, please feel free to contact me at your convenience.

Respectfully submitted,

SHREWSBERRY & ASSOCIATES, LLC

Matthew D. Wallace, PE, LEED AP
Senior Engineer Project Manger



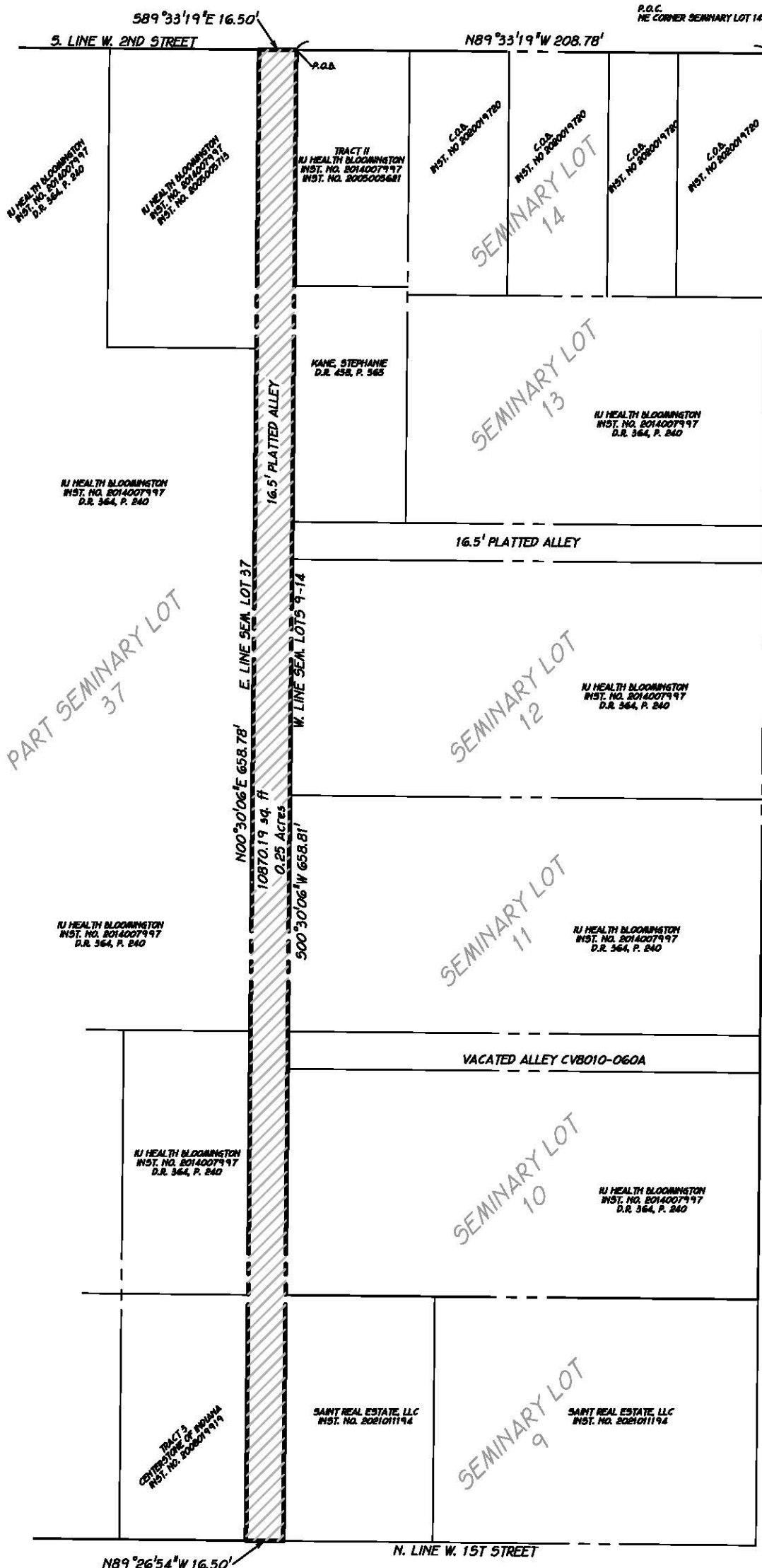
NORTH



Scale 1" = 60 ft

BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88

WEST 2ND STREET



SOUTH MORTON STREET

WEST 1ST STREET

C.D. Graham

Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030



I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

NOTE:

This instrument prepared by Charles D. Graham

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

EXHIBIT "B"
ALLEY VACATION
BETWEEN SEMINARY LOTS 37 & 9 THROUGH 14
BLOOMINGTON, IN

Date: 2-17-2022

SHEET 2 OF 2

Project No: 5021058

BFA
BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone (812)332-8030 Fax (812)339-2990

PUBLIC RIGHT-OF-WAY VACATION

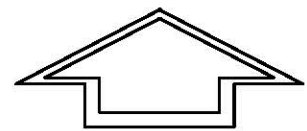
North/South Alley between Seminary Lots 37 and 9 through 14

0.25 ACRES

An alley that runs north and south between West 2nd Street and West 1st Street as shown by the plat of the Seminary Lots, in the City of Bloomington, Indiana, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2nd Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1st Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2nd Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.



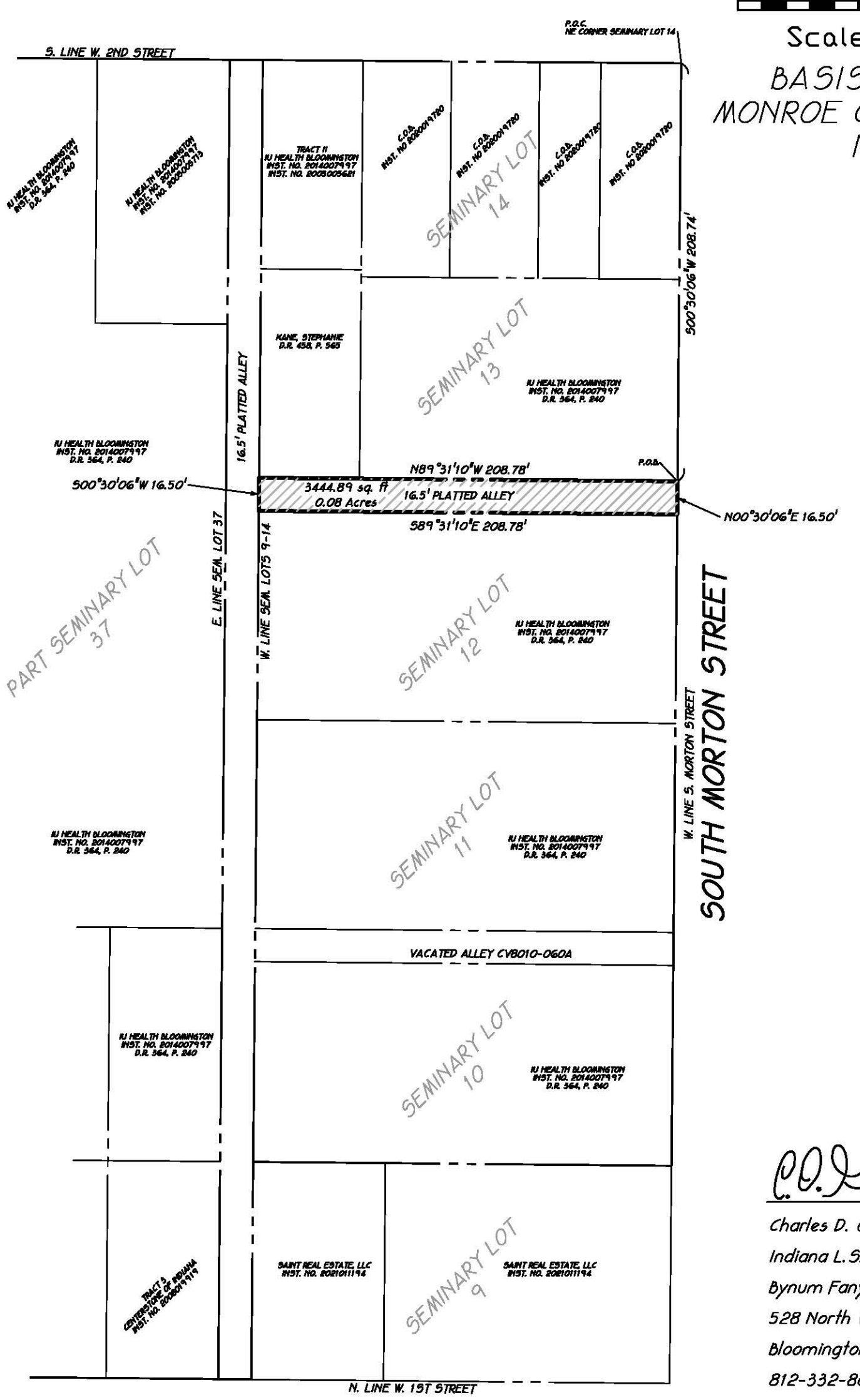
NORTH



Scale 1" = 60 ft

BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88

WEST 2ND STREET



WEST 1ST STREET

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

NOTE:

This instrument prepared by Charles D. Graham

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030



EXHIBIT "B"
ALLEY VACATION
BETWEEN SEMINARY LOTS 12 & 13
BLOOMINGTON, INDIANA

Date: 2-17-2022

SHT 2 OF 2

Project No: 5021058

BFA
BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone (812)332-8030 Fax (812)339-2990

PUBLIC RIGHT-OF-WAY VACATION
East/West Alley between Seminary Lots 12 and 13

0.08 ACRES

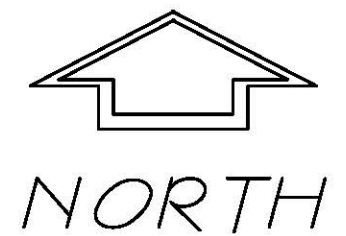
An alley that runs east and west between South Morton Street and a 16.5 foot platted alley as shown by the plat of the Seminary Lots, in the City of Bloomington, Indiana, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

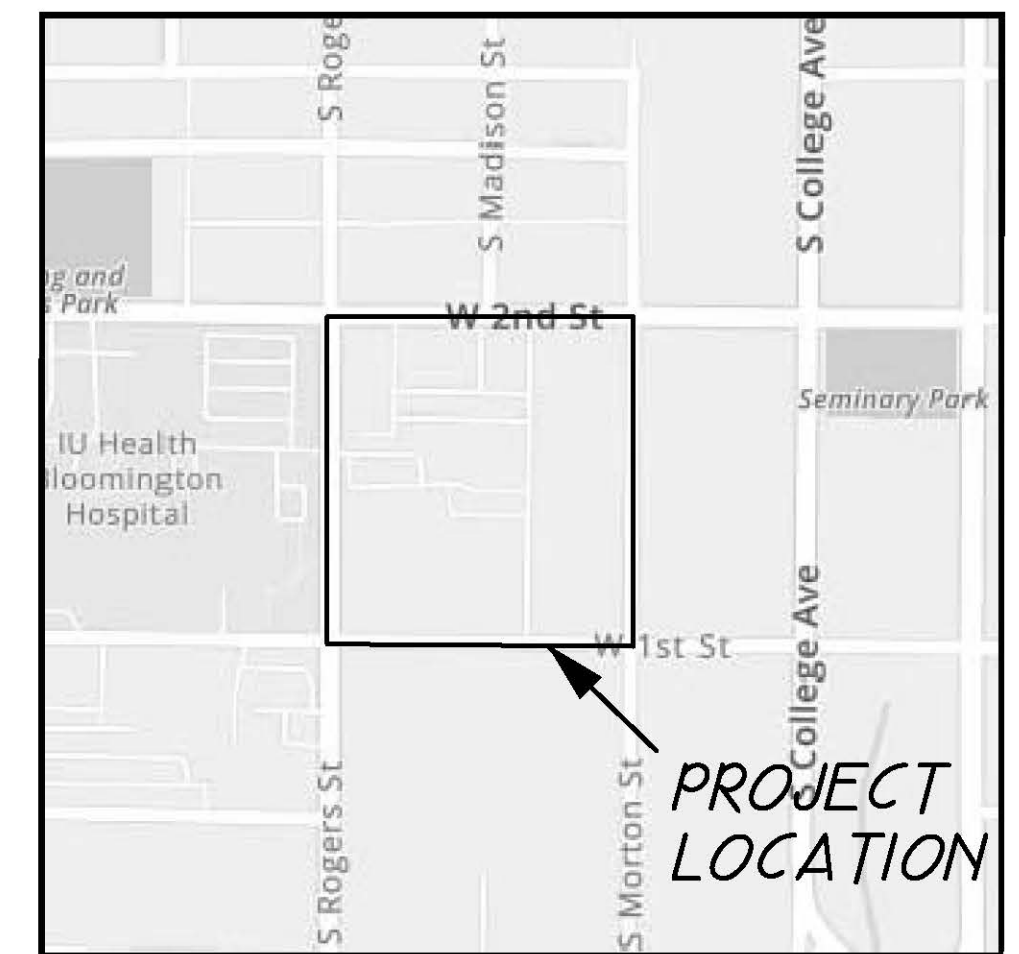
Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP



Scale 1" = 50 ft
BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88



LOCATION MAP

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.

This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

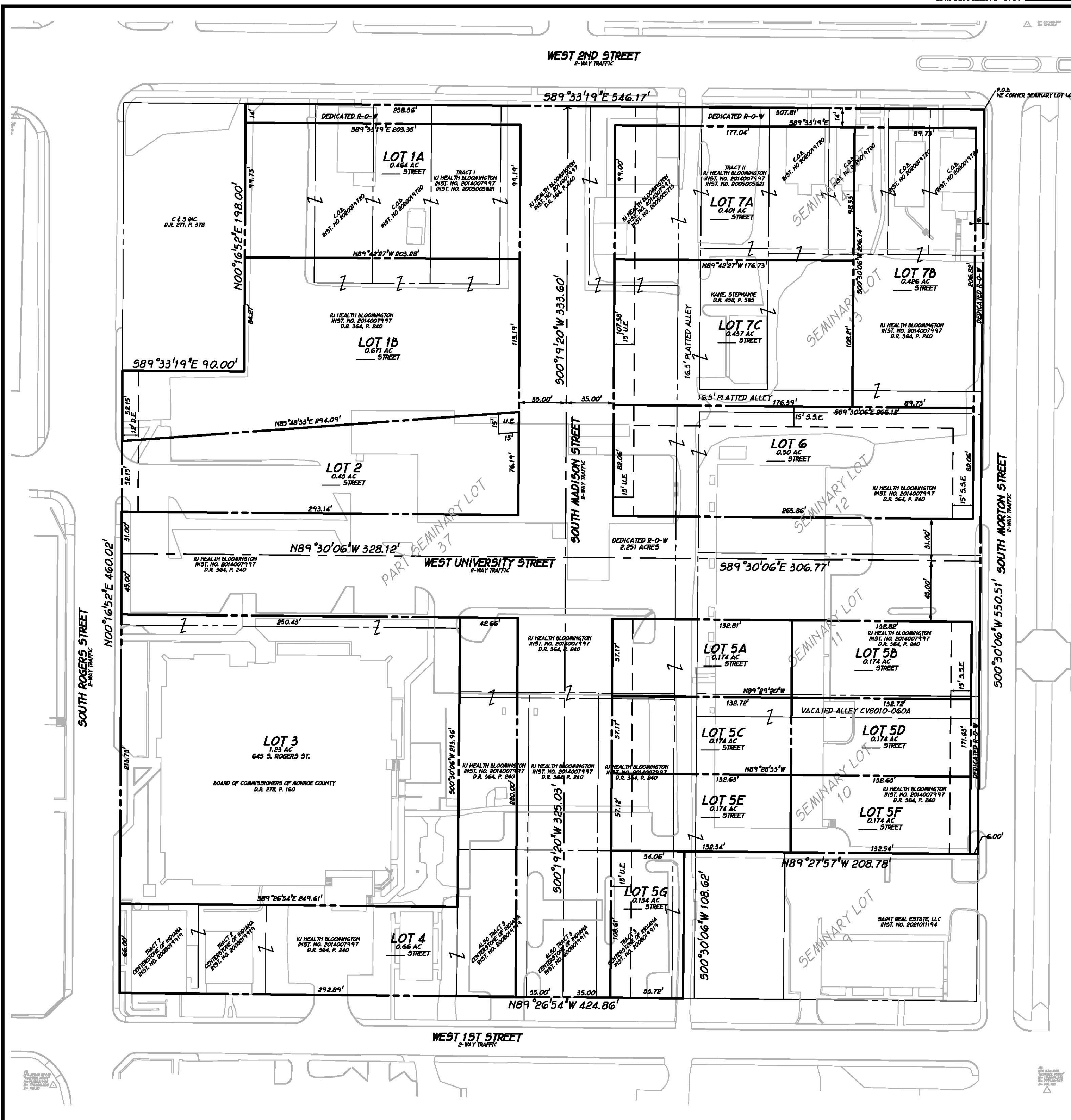
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.



HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

SOURCE OF TITLE: SEE SHEET 1 FOR SOURCES

HOPEWELL SUBDIVISION

OWNER: CENTERSTONE OF INDIANA; CITY OF BLOOMINGTON; IU HEALTH BLOOMINGTON; STEPHANIE KANE

OWNER: IU Health Bloomington PT OF SEM. LOTS 9-14 & 37 PERRY TOWNSHIP

ZONING: MH - MIXED USE MEDIUM SCALE

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platted real estate and their successors in title to remonstrate against any pending or future annexation by the City of Bloomington, Indiana, of such platted real estate.

CENTERSTONE OF INDIANA, CITY OF BLOOMINGTON, IU HEALTH BLOOMINGTON & STEPHANIE KANE, the owners of the real estate shown and described herein, does hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed _____, 20__.

OWNER: Centerstone of Indiana

Name Printed: _____

Title/Office: _____

STATE OF INDIANA)
) 55:
COUNTY OF _____)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20__.

County of Residence _____ Commission Expiration _____

Notary Public, Written _____ Notary Public, Printed _____

Signed and Sealed _____, 20__.

OWNER: City of Bloomington

Name Printed: _____

Title/Office: _____

STATE OF INDIANA)
) 55:
COUNTY OF _____)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20__.

County of Residence _____ Commission Expiration _____

Notary Public, Written _____ Notary Public, Printed _____

Public Alleys to be vacated per this plat:

- 16.5 foot north - south alley being part of the Seminary plat in the City of Bloomington, In.
 - 1-16.5 foot east - west alleys being part of the Seminary plat in the City of Bloomington, In.
- These alleys are being vacated at the request of the property owners and with consent and approval of City of Bloomington.

Name Printed: _____

Title/Office: _____

STATE OF INDIANA)
) 55:
COUNTY OF _____)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20__.

County of Residence _____ Commission Expiration _____

Notary Public, Written _____ Notary Public, Printed _____

Signed and Sealed _____, 20__.

OWNER: Stephanie Kane

Name Printed: _____

Title/Office: _____

STATE OF INDIANA)
) 55:
COUNTY OF _____)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20__.

County of Residence _____ Commission Expiration _____

Notary Public, Written _____ Notary Public, Printed _____

LEGAL DESCRIPTION

A part of Seminary Lots 37 and 10 and all of Lots 11, 12, 13 and 14 in the City of Bloomington, County of Monroe, State of Indiana, more particularly described as follows:

Beginning at the northeast corner of said Lot 14, said point being on the west right-of-way of South Morton Street; Thence on and along the east lines of Lots 14, 13, 12, 11 and part of 10 and the west right-of-way of South Morton Street South 00 degrees 30 minutes 06 seconds East 550.51 feet; Thence leaving said east and west lines North 89 degrees 27 minutes 57 seconds West 208.78 feet to the east line of a platted alley; Thence on said east line South 00 degrees 30 minutes 06 seconds West 108.62 feet to the north right-of-way line of West 1st Street; Thence on said north line and on and along the south line of Lot 37 North 89 degrees 26 minutes 54 seconds West 424.86 feet to the east right-of-way of South Rogers Street; Thence leaving said north and south lines and on and along said east line North 00 degrees 16 minutes 52 seconds East 460.02 feet; Thence leaving said east line South 89 degrees 33 minutes 19 seconds East 90.00 feet; Thence North 00 degrees 16 minutes 52 seconds East 198.00 feet to the south right-of-way line of West 2nd Street and the north line of Lot 37; Thence on and along said north and south line South 89 degrees 33 minutes 19 seconds East 546.17 feet to the Point of Beginning, containing within said bounds 8.65 acres (376,794 sq. ft.).

EASEMENT LEGEND

UE = Utility Easement

(A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

(B) Prohibits the placement of any unauthorized obstructions within the easement area.

DE = Drainage Easement

(A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.

(B) Shall prohibit any alteration within the easement that would hinder or redirect flow.

(C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.

(D) Shall be enforceable by the City Utilities Department and by owners of properties that are adversely affected by conditions within the easement.

(E) Shall allow the City Utilities Department to enter upon the easement for the purpose of maintenance, to charge the cost of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

W.L.E. = Waterline Easement.

(A) Shall allow the city utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the city utilities department in conjunction with the preliminary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the final plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.

(D) Grading activity shall be prohibited within waterline easements without written permission from the city utilities department.

(E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the city.

SSE = Sanitary Sewer Easement

(A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the Final Plats.

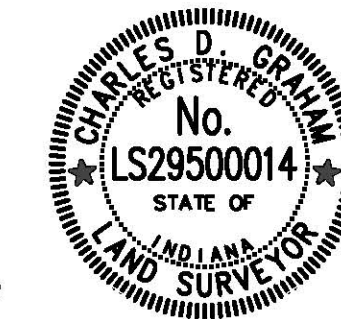
(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within the Sanitary Sewer Easement.

(D) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the City Utilities Department.

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana; that this plat accurately represents a survey made by me on December 28, 2021, and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

Charles D. Graham

Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030



HOPEWELL SUBDIVISION
1-20-2022
SHEET 2 OF 2
JOB NO. 5021058

MP-70-80

STATE OF INDIANA)
)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

IN THE MATTER OF THE PETITION)
OF THE LOCAL COUNCIL OF WOMEN,)
INC., TO VACATE AN ALLEY)

CAUSE NUMBER CV8010-060A

PETITION TO VACATE ALLEY

Comes now the Local Council of Women, by counsel, Bunger, Harrell & Robertson, and respectfully petitions this Court to issue an order vacating the following described alley located within the city limits of Bloomington, Indiana;

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 11 and 12 of the City of Bloomington, Indiana. (See Exhibit "A" attached hereto)

11 11

Petitioner would indicate to this Court that the Local Council of Women are the owners of all the real estate adjacent to this alley.

This petition is filed pursuant to the provisions of Indiana Code 18-5-10-44, and the petitioner would respectfully pray that the Court grant said petition to enable the petitioner to utilize that portion of the alleyway described herein for the construction of a laundry facility for the Bloomington Hospital for all other relief.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

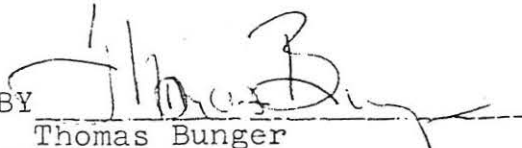
BY 
Thomas Bunger
226 South College Square
P.O. Box 787
Bloomington, Indiana 47402
Telephone: (812) 332-9295

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 11 and 12 of the City of Bloomington, Indiana.



Bloomington, Indiana 47402
Telephone: (812) 332-9295

STATE OF INDIANA)
)
COUNTY OF MONROE)

SS:

FILED
OCT 2 1968
CLERK OF COURT
BLOOMINGTON, INDIANA

IN THE MONROE CIRCUIT COURT
CAUSE NO. CV8010-060A

IN THE MATTER OF THE PETITION
OF THE LOCAL COUNCIL OF WOMEN,
INC., TO VACATE AN ALLEY

AMENDED PETITION TO VACATE
ALLEY

Comes now the Local Council of Women, by counsel,
Bunger, Harrell & Robertson, and respectfully petitions this
Court to issue an order vacating the following described alley
located within the city limits of Bloomington, Indiana:

That portion of an alleyway running east and
west between South Morton Street and a platted
alleyway running along the eastern boundary
of Seminary Lot 37 which lies west of the
intersection of the east/west alleyway with
South Morton Street and which is adjacent to
and between Seminary Lots 10 and 11 of the
City of Bloomington, Indiana. (See Exhibit "A"
attached hereto).

Petitioner would indicate to this Court that the Local
Council of Women are the owners of all the real estate adjacent to
this alley.

This petition is filed pursuant to the provisions of
Indiana Code 18-5-10-44, and the petitioner would respectfully
pray that the Court grant said petition to enable the petitioner
to utilize that portion of the alleyway described herein for the
construction of a laundry facility for the Bloomington Hospital and
for all other relief.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

BY


Thomas Bungler

BUNGER, HARRELL & ROBERTSON
POST OFFICE BOX 787
BLOOMINGTON, INDIANA 47402
812-3329295

EXHIBIT "A"

Legal Description

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 10 and 11 of the City of Bloomington, Indiana.

BUNGER, HARRELL & ROBERTSON

226 SOUTH COLLEGE SQUARE

P. O. Box 787

BLOOMINGTON, INDIANA 47402

TELEPHONE
AREA CODE 812
332-9295

LEN E. BUNGER
HAROLD A. HARRELL
DON M. ROBERTSON
WILLIAM K. STEGER
WILLIAM H. KELLEY
GARY J. CLENDENING
LYNN H. COYNE
THOMAS BUNGER
PHILIP C. HILL
JOSEPH D. O'CONNOR III

October 29, 1980

Mr. William Finch
City Attorney
Post Office Box 100
Bloomington, Indiana 47402

Dear Bill:

Please find enclosed Petition to Vacate Alley,
Amended Petition to Vacate Alley and Summons
concerning an alleyway between Seminary Lots 10
and 11.

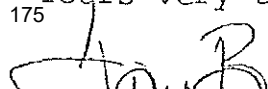
Township
Perry
4
7 UW

We inadvertantly filed the initial petition showing
the alleyway between Seminary Lots 11 and 12 when
in reality it is between 10 and 11 and consequently
filed an amended petition. We have already filed with
the Board of Public Works and the Plan Commission
the necessary documents in order to place this
matter on their agendum.

The Local Council of Women, the operating body of
the Bloomington Hospital, owns all real estate which
is adjacent to the proposed alley to be vacated.

After you have received these documents and had a
chance to review them, I would appreciate it if you
would call me so we may discuss this matter further.

Yours very truly,

175


CITY OF BLOOMINGTON

Interdepartmental Memo

TO: John Freeman , Bill Finch SUBJ: Alley Vacation
 Tim Mueller

FROM: Jeff Fanyo DATE: November 6, 1980

Engineering has no objections to the attached alley vacations, however the following corrections should be made:

The alley is in Perry Township 1/4 Section 4-SW in the City of Bloomington, Indiana; which, in my opinion, to be also included in the Legal Description.

JSF/nlo

xc: file

MINUTES : OCT 27
NOV 10

**MP-70-80 LOCAL COUNCIL OF WOMEN, South Morton Street, request for alley vacation. Mr. Mueller gave the staff report noting that this vacation of an alley is on land that will be used for the hospital expansion plans. He said that there will be a lot of activity concerning this hospital expansion during the next few months. The Mental Health Center is going to be built on the corner of 1st and Rogers. The S.E. corner will be used temporarily as an employee's parking lot, as well as property on Rogers and Second for the same purpose. On Morton Street there is a proposal for a laundry facility for the hospital. Mr. Mueller concluded that the staff has a positive outlook on this petition and recommends that it be placed on the agenda for final hearing November 24, 1980 when information on the possible utilities in the alleyways may be known.

MP-70-80
PLACED ON THE
AGENDA

11/10

Tom Bunger, Attorney for Petitioner, said that he had nothing to add to Mr. Mueller's presentation except that as representative for the Local Council of Women, he had contacted the Utility Departments. To the best of his knowledge, there is no problem, but he said that he agrees that it should be placed on the agenda for final hearing on November 24th.

*Mr. Zabriskie moved and Mr. Fleetwood seconded a motion to place this

11/24/80

6

**MP-70-80 LOCAL COUNCIL OF WOMEN, 600 block of S. Morton Street, request for an alley vacation. Mr. Mueller gave the staff report. He added that a condition of approval should be that storm sewer pipes be relocated to the satisfaction of the City Engineer before this is passed on to the BPW.

MP-70-80
APPROVED W/
CONDITION

Tom Bunger, said that all utilities have been notified and that there are no problems other than the storm sewer. He said that they will address the problem.

11/24

Mr. Fanyo told the Commission that he has been in contact with Don Brock of the Hospital and there is a tentative plan to increase the sewer's capacity as needed.

Mr. Fanyo told Mr. Zabriskie that the plans are to use the existing 18" storm sewer on site to remove run off from the property and add a parallel line in another alley to the North. There was some discussion concerning the run-off downstream. After some discussion between them, Mr. Fanyo addressed Mr. Zabriskie's concerns about the need for a retention pond on-site or required downstream improvements by assuring him that there is not a significant enough run-off from this laundry project alone to warrant a retention pond (only an increase of 1/10). Mr. Fanyo said that he is trying to get an overall plan from the hospital (relating to their projected buildings) so that he can estimate the increased run-off. They will definitely need retention when the large addition is built.

*Mr. Anderson moved and Mr. Zabriskie seconded a motion to make a positive recommendation to the BPW on the condition that storm sewer pipe be relocated to the satisfaction of the City Engineer to be resolved before this goes to the Board. The motion passed unanimously (9-0).

PLAN COMMISSION
NOVEMBER 24, 1980
FINAL STAFF REPORT

MP-70-80 Local Council of Women
South Morton Street, 600 block
Request for an alley vacation

The property is a right of way strip that extends west off of South Morton Street and terminates at a platted alleyway running parallel to South Morton Street in the 600 block.

The petitioners plan to utilize the vacated strip as part of the new laundry site for the hospital to be developed on the block interior.

Current status: Semi-improved; serving only the applicant

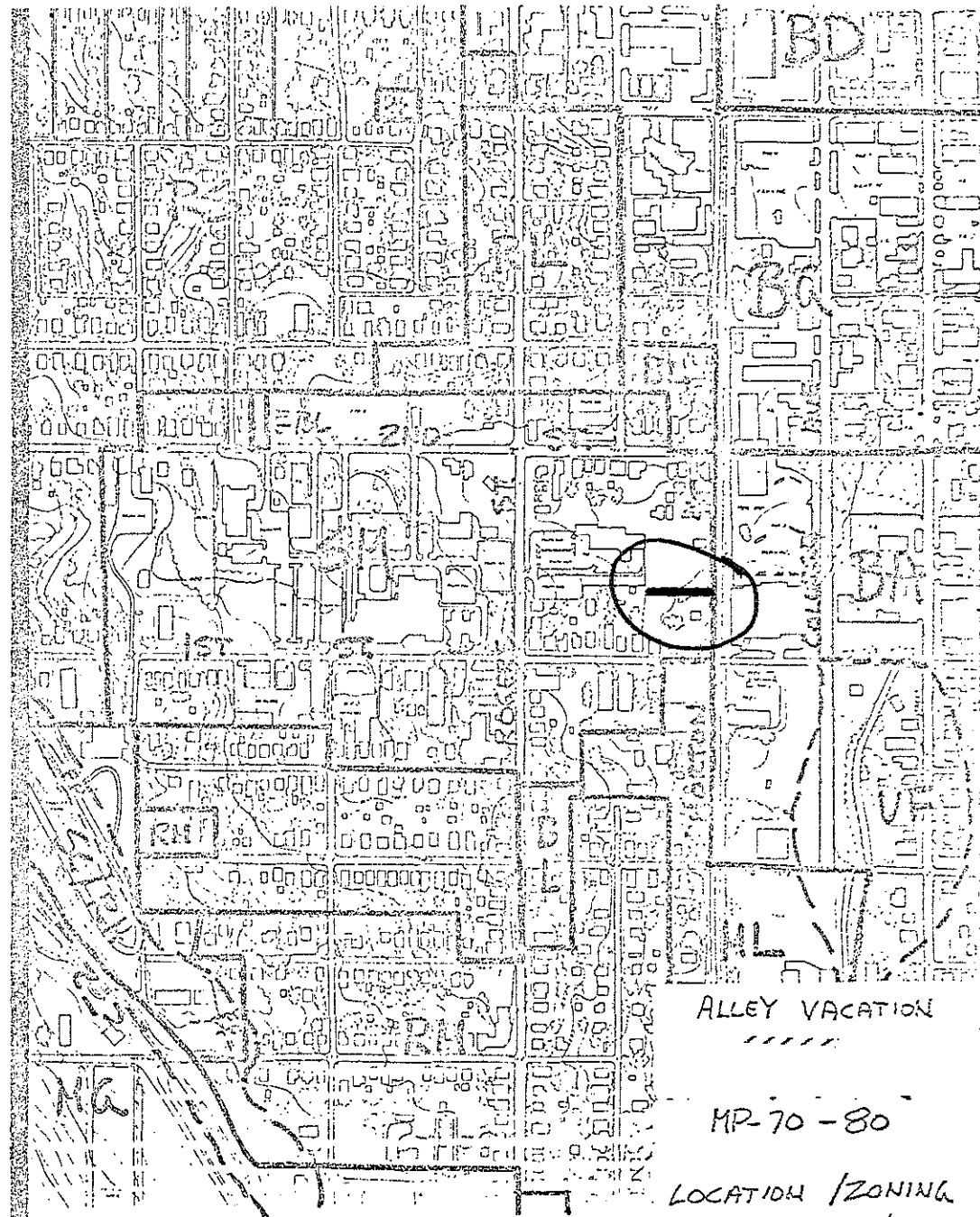
Future status: No potential for public sector utilization.

Proposed Private Ownership Utilization: Given vacation by the City, the Petitioners intend to construct a new building on the real estate, thereby enhancing the currently vacant property and the area in general.

Compliance with Regulations: The vacation request does not interfere with any zoning or thoroughfare regulations.

Relation to Plans: This request complies with the prevailing SM Zoning, and will not pose interference to the Master Plan.

RECOMMENDATION: Staff recommends approval to the Board of Public Works.



STATEMENT OF JUSTIFICATION

The Local Council of Women wishes to have the alley vacated for the following reasons:

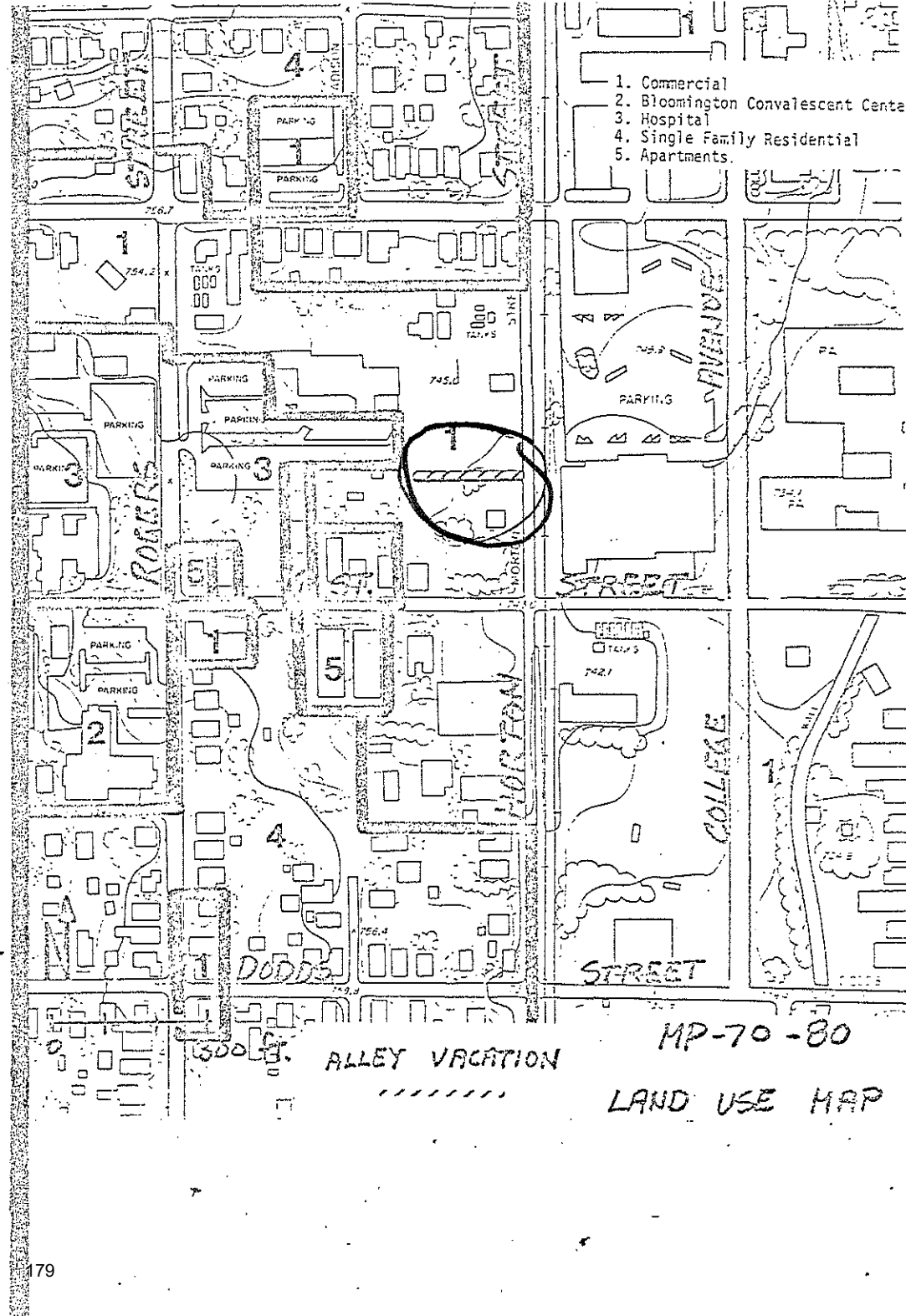
1. The Local Council of Women owns the real estate on all sides of the alley.
2. The Local Council of Women in its development plan would propose to construct a laundry facility on the real estate which they own in Seminary Lots 10 and 12. (11 & 12)
3. If the alley is vacated, Local Council of Women are planning to build a new building on the real estate. This will enhance the area and make more pleasant surroundings for all the neighbors.
4. The alley does not carry a great deal of east/west traffic. The vacation of this alley would not upset the traffic flow a great deal.

Thomas Burger
 Thomas Burger
 Attorney for Petitioner

MP-70-80

PETITIONERS STATEMENT

OCT 25 1980
 PLANNING COMMISSION



MP-70-80
 LAND USE MAP

29

PLATTED ALLEY

300

LOCAL COUNCIL OF WOMEN

SEM LOT 12
LOCAL COUNCIL OF WOMEN

SEM LOT 11
LOCAL COUNCIL OF WOMEN

PLATTED ALLEY

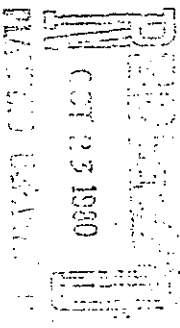
SEM LOT 10
LOCAL COUNCIL OF WOMEN

LOCAL COUNCIL OF WOMEN

ALLEY TO BE VACATED

MP - 70 - 80

PROPOSED ALLEY VACATION



LIN RAIL ROAD

SOUTH MORTON STREET

180



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-17 – An Ordinance to Amend Ordinance 21-36, as Amended by Ordinance 22-03, Which Fixed Salaries for Officers of the Police and Fire Departments for the Year 2022 - Re: Incentives for Police officers and increasing Probationary Officer base pay instead of providing retention pay

Synopsis

This ordinance amends Ordinance 21-36, as amended by Ordinance 22-03, which fixed the salaries for officers of the Police and Fire departments for the year 2022. The ordinance provides for incentives for new and existing officers in order to recruit more officers. It also removes quarterly retention pay for Probationary Officers as a result of a corresponding increase to base pay for those positions.

Relevant Materials

- Ordinance 22-17
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

Ordinance 22-17 proposes to amend Ordinance 21-36, as amended once already by Ordinance 22-03, which set the salaries of officers of the police and fire departments for the City of Bloomington for 2022.

Section 1 of Ordinance 22-17 would remove the position of Probationary Officer from the list of positions in the Police Department that receive retention pay in 2022. Retention pay was originally included in Ordinance 21-36 for the positions of Officers First Class, Senior Police Officers, and Supervisory Sergeants. That ordinance called for \$1,000 in retention pay to be paid to those positions each quarter in 2022. Ordinance 22-03, adopted in January 2022, added the position of Probationary Officer as eligible for retention payments. According to Human Resources Director Caroline Shaw, probationary officers will now see an increase to base pay instead of receiving one-time retention payments in 2022.

Section 2 of Ordinance 22-17 would provide for new recruitment incentives within the Police Department. One new incentive would provide \$1,000 to eligible officers who refer candidates hired as police officers pursuant to an Employee Referral Program, which the administration is still finalizing. A separate recruitment incentive would also be added to provide \$5,000 to newly hired certified police officers within the first year of employment, and \$3,000 to newly hired officers who are not certified police officers within the first year of employment. Director Shaw has stated that \$250,000 is available to fund these incentives. If the incentives prove to be successful, she indicated the administration may propose an additional appropriation to further fund the program.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

ORDINANCE 22-17

AN ORDINANCE TO AMEND ORDINANCE 21-36, AS AMENDED BY ORDINANCE 22-03, WHICH FIXED SALARIES FOR OFFICERS OF THE POLICE AND FIRE DEPARTMENTS FOR THE YEAR 2022

- Re: Incentives for Police officers and increasing Probationary Officer base pay instead of providing retention pay

WHEREAS, IC § 36-8-3-3(d) authorizes the Council to fix by ordinance the annual compensation of all members of the police and fire departments and other appointees; and

WHEREAS, salaries for certain City of Bloomington employees of the Police and Fire departments were set by Ordinance 21-36 and amended in Ordinance 22-03;

WHEREAS, the Mayor desires to provide additional pay to new police officers and those police officers who refer new officers; and

WHEREAS, the Mayor desires to increase Probationary Officer base pay instead of providing quarterly retention pay under Section II G of the ordinance.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section II G of Ordinance 21-36 as amended by Ordinance 22-03 fixed salaries for Officers of the Police and Fire Departments and shall be amended by deleting the section in its entirety and replacing it with the following language:

SECTION II G. Retention Pay

Active Officers First Class, Senior Police Officers, and Supervisory Sergeants who perform at least four-hundred (400) hours in-person work for the City during the COVID-19 public health emergency are deemed to have performed essential work as essential workers and shall receive an additional premium payment of one-thousand dollars (\$1,000) once per quarter. In order to be eligible for premium pay, officers must be active qualifying officers during the pay period during which the premium pay is issued. Said premium shall be calculated as four-hundred (400) hours paid at ten dollars (\$10.00) per hour.

SECTION 2. Ordinance 21-36 as amended by Ordinance 22-03 fixed salaries for Officers of the Police and Fire Departments and shall be amended by inserting a new Section II H after Section II G as follows:

Section II H. Recruitment Incentives

Eligible officers who refer a candidate who is hired as a police officer will receive \$1,000 in accordance with the procedures and requirements outlined in the Employee Referral Program.

Newly hired certified police officers will receive \$5,000 within the first year of employment. Those newly hired officers who are not certified police officers will receive \$3,000 within the first year of employment. Those who have previously been employed by the City must have a year gap in full time employment with the City to be eligible for this incentive.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 21-36, as amended by Ordinance 22-03, which fixed the salaries for officers of the Police and Fire departments for the year 2022. The ordinance provides for incentives for new and existing officers in order to recruit more officers. It also removes quarterly retention pay for Probationary Officers as a result of a corresponding increase to base pay for those positions.



MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Mayor Don Griffin, Controller Jeff Underwood, and Council Administrator Stephen Lucas

Date: May 23, 2022

Re: Ordinance 22-17 to Amend Ordinance 21-36, which Fixed the Salaries of Officers of the Police and Fire Departments

Attached for your review and approval is Ordinance 22-17 which amends Ordinance 21-36, as previously amended by Ordinance 22-03, which outlines the salaries for officers of the Police and Fire Departments.

The City desires to provide additional incentives to assist with the recruitment of police officers. Ordinance 22-17 takes away quarterly retention pay for Probationary Officers, but Probationary Officer pay will be raised by \$4,000. The amendment also provides for up to \$5,000 in additional pay for newly hired officers and an additional \$1,000 for officers who refer individuals who are later hired.

Your approval of Ordinance 22-17 is requested. Please feel free to contact me if you have any questions at 349-3578.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-18 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 200 E Kirkwood Ave. (Bloomington National Savings And Loan Association) (Bloomington Historic Preservation Commission, Petitioner)

Synopsis

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate the Bloomington National Savings and Loan Association building as a historic district. The Bloomington Historic Preservation Commission, after a public hearing April 14, 2022, recommended that the structure be designated historic with a rating as “Notable.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.010(e) entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.

Relevant Materials

- Ordinance 22-18
- Map of proposed historic district
- Staff Report from Bloomington Historic Preservation Commission
- Staff presentation slides

Summary

Ordinance 22-18 would add “Bloomington National Savings and Loan Association” as a historic district under Title 8 of the Bloomington Municipal Code (entitled “Historic Preservation and Protection”). The provisions of Title 8 are enabled by state law under Indiana Code 36-7-11 (and following provisions) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission (“HPC”) is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC acted on its own to recommend that the Bloomington National Savings and Loan Association be designated as a single-property



historic district due to it meeting at least two of the criteria required by [Bloomington Municipal Code 08.08.010\(e\)](#) for the creation of a historic district.

Under [BMC 08.08.020](#), once an area is designated as a historic district, a certificate of appropriateness must be issued by the HPC prior to the issuance of a permit for, or prior to work beginning on, any of the following within all areas of the historic district:

- The demolition of any building;
- The moving of any building;
- A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

The HPC promulgates [rules and procedures](#) for reviewing changes to properties within historic districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances may be done by staff and other instances must be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken within 30 days of submittal of the application. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

According to the BMC, in order to bring forward a historic designation, the HPC must hold a public hearing and submit a map and staff report to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see also [BMC 08.08.010\(e\)](#)). These criteria provide the grounds for the designation.

In summary, [Ordinance 22-18](#):

- Approves the map and establishes the district, which provide the basis for the designation;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

Contact

Gloria Colom-Braña, Historic Preservation Program Manager, (812) 349-3507

ORDINANCE 22-18

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT –**

**Re: 200 E Kirkwood Ave. (Bloomington National Savings and Loan Association)
(Bloomington Historic Preservation Commission, Petitioner)**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on April 14, 2022, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Bloomington National Savings and Loan Association located at 200 E Kirkwood Ave.; and
- WHEREAS, at the same hearing, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report that accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing the Commission voted to submit the map and report, which recommend local historic designation of said properties to the Common Council; and
- WHEREAS, the report considered by the Commission at this hearing notes that this property is a bank built in 1961, providing an almost intact example of the modernist international style of building using locally sourced Indiana limestone; and
- WHEREAS, the site is currently rated as “Contributing” on the Bloomington Historic Sites and Structures Survey of 2018.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

53-05-33-310-227.000-005 in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property at “200 E Kirkwood Avenue” shall be classified as “Notable”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “Bloomington National Savings and Loan Association” and such entry shall read as follows:

Bloomington National Savings and Loan Association 200 East Kirkwood Avenue

SECTION 4. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
City of Bloomington

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

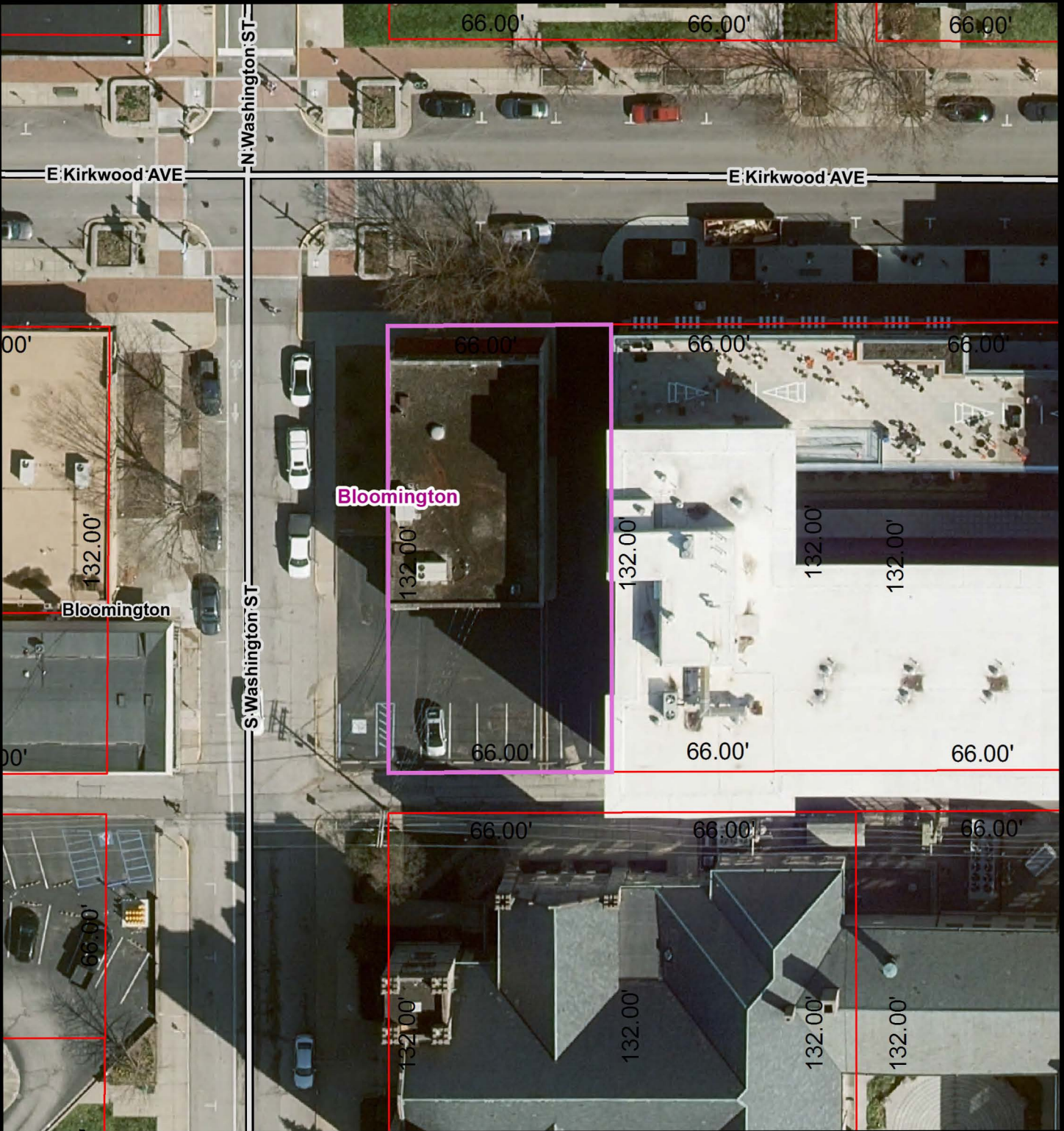
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate the Bloomington National Savings and Loan Association building as a historic district. The Bloomington Historic Preservation Commission, after a public hearing April 14, 2022, recommended that the structure be designated historic with a rating as “Notable.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.010(e) entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.



CITY OF
BLOOMINGTON

HOUSING AND NEIGHBORHOOD DEVELOPMENT



Boundary Line

200 E Kirkwood Ave Historic District Proposed Boundary Map

The property at 200 E Kirkwood Ave. qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a // (2) b, g

- 1) Historic:
 - a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
 - b) Is the site of an historic event; or
 - c) **Exemplifies the cultural, political, economic, social, or historic heritage of the community.**

- 2) Architectural:
 - a) **Embodies distinguishing characteristics of an architectural or engineering type; or**
 - b) Is the work of a designer whose individual work has significantly influenced the development of the community; or
 - c) Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
 - d) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - e) Contains any architectural style, detail, or other element in danger of being lost; or
 - f) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city; or
 - g) Exemplifies the built environment in an era of history characterized by a distinctive architectural style

Case Background

The proposed district consists of one building on the lot legally recorded as 53-05-33-310-227.000-005, the Bloomington National Savings and Loan Association (referred to as the bank) is located in the heart of Bloomington's urban center. The lot is currently zoned as Mixed-Use Downtown University Village (MD-UV) and is located just one block east of the city's courthouse square. The bank was inaugurated in the summer of 1961 and specialized in mortgage and loan distribution.

Bloomington National Savings and Loan Association had originally been located on the 100 S College Ave block facing the courthouse, where it served Bloomington's community since the turn of the twentieth century. They relocated four blocks to the east on Kirkwood Ave to its current location in 1961. The bank changed hands in 1987 and has been functioning as the People's State Bank to the present.

The firm Monical and Wolverton, Inc. was an architectural and engineering firm that specialized primarily in institutional and public work designs including public schools, prisons, banks, bridges, and roadways throughout Indiana. Based in Indianapolis during the 1950's and 1960's the firm designed at least two banks with drive throughs, the Bloomington National Savings and Loan Association as well as another bank in Jasper Indiana in 1964 (The Daily Herald 1964, 1-2).

Kirkwood Avenue, especially the zone marked between the Sample Gates and the historic courthouse, connects Indiana University with the courthouse square, Bloomington's center. This area was originally built up with houses, most of which were later replaced with shops, banks, restaurants, and institutions such as churches and the county library. Locally sourced Indiana limestone was used as the principle material to cover most of the facades. The bank is one of the two remaining international style bank structures on Kirkwood Avenue outside of the Courthouse Square historic district. The other is 121 E Kirkwood Ave. built in c. 1955, that served as the Workingmen's Federal Savings & Loan Association (Old National Bank) and which currently houses the CVS Pharmacy.

Historic surveys rating and designations:

The Bank has been rated as Contributing in the 2018 Bloomington Historical Building Survey. The survey indicates that the building typology is in risk of disappearing. Staff proposes changing the rating of the structure to Notable due to the rarity of the architectural typology in Bloomington and integrity of the building components, including the metal and glass windows, and the limestone and marble veneer. The original drive through carport has been replaced with a canvas awning. A matching red canvas awning was installed on the front facade at some point between 2007 and 2013 according to Google Street View (Google). An ATM machine has also been installed on the front facade. The wall maintains a relatively minimalist aesthetic, the side windows facing Washington St. echoing earlier art deco style patterning.

Historic, 1 (a): exemplifies the cultural, political, economic, social, or historic heritage of the community.

The Bank's relocation to 200 E Kirkwood, on a corner lot provided customer parking and a drive through for customers at the time when both car and house sales were booming in the United States. Bloomington was expanding at this time with neighborhoods featuring mid-century ranch style houses at further distances from the urban center. People who wanted to purchase houses through the mortgages offered by the bank could now come via car. Smaller transactions such as payments, deposits, and withdrawals could be done without ever having to leave the car in the drive-through.

Architectural Significance, 2 (a): Embodies distinguishing characteristics of an architectural or engineering type

The architecture and engineering firm of Monical and Wolverton was hired to design the Bank. Based in Indianapolis, the design firm was at its peak of projects during this time, working on large scale government projects throughout Indiana between the late 1950's and early 1960's including doing large studies of buildings for the purposes of fallout shelters, studies of road and bridge conditions and designing banks, schools, and

prisons. The firm drew inspiration for the bank's design from the post World War II proliferation of International Style open and transparent design popularized throughout the United States.

"Banks offered mortgages, loans for automobiles and appliances, money for new business start-ups, and retirement savings plans. This new emphasis on customer service went hand-in-hand with the Modern aesthetic of architecture that was sweeping the architecture world. In March 1945, a panel of bank leaders and experts from Banking, The Journal of American Bankers Association charged with future planning for the banking industry unanimously agreed that "the bank building as well as the banker, must get rid of the 'stiff collar and fishy eye' and meet the customer at least as engagingly as a first-rate retail store." With such a proclamation retail merchandising became the model for the modern bank, being "open, friendly, warm and unimposing; no more marble and bronze, no more columns, grills and cages." A bank's exterior should have large windows to show customers happily conducting their business in a colorful, well-lit, modern interior. Banking took on a more "homey" feel, with welcoming interiors, community meeting rooms and a lobby for exhibits (Kellerhals 2013, 4-5) ."

The bank's design reflects all of these principles while maintaining a sense of privacy and even a sense of minimal aesthetic ornamentation through the window patterning and material textures on the side and back facades. The building conveys its use as a bank and a clean, almost monumental use of materials and proportions while being relatively small in scale.

Indiana limestone was used as a veneer material, with large slabs used to cover the two main facades, facing Kirkwood Avenue and Washington St. Black marble was used as a contrasting material on the front facade. A random coursed ashlar pattern was used for the back facades which would be less viewable by the public.

Financial Impact Statement:

There is no anticipated fiscal impact according to BMC 2.04.090 associated with this Ordinance.

Recommendation: Approval

Staff recommends property parcel 53-05-33-310-227.000-005 "Bloomington National Savings and Loan Association" be designated as a local historic district. After careful consideration of the application and review of the Historic District Criteria as found in Ordinance 95-20 of the Municipal Code, staff finds that the property not only meets, but exceeds the minimum criteria listed in the code.

The property meets Criteria 1(c) as the bank represents an era of dynamic change when a larger segment of the population could afford to buy both a car and a house, as shown by the bank moving location and offering additional services to car based clients.

The property meets Criteria 2(a) The building reflects the clean lines of the International Style modernist aesthetics and Post-War open spaces while retaining a small scale and using the locally sourced Indiana limestone as the primary facade material.

Bibliography

1961. "Savings, Loan Firm Sets Open House at New Home." *Daily Herald*, June 21, 1961.

1964. "New Drive-In Bank Is Ready To Open." *The Daily Herald*, May, 6 1964.

2007. "2007 Google Map Street View."

[https://www.google.com/maps/place/200+E+Kirkwood+Ave,+Bloomington,+IN+47408/](https://www.google.com/maps/place/200+E+Kirkwood+Ave,+Bloomington,+IN+47408/@39.1665605,-)

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Kellerhals, Kelli A. [Unknown]. "Banks." [chapter for unpublished book], ed. Duncan Campbell.

Wise, M. W., and Robert D Loring. 1913. *Fire Insurance Maps of Downtown Bloomington, Indiana*.



Figure 1: Daily Herald 1961. The interior image reflects the changing norms in bank design during the mid-twentieth century that encouraged an open and engaging space for clients.



Figure 2: Aerial Photo of Bloomington National Savings and Loan Association 1961

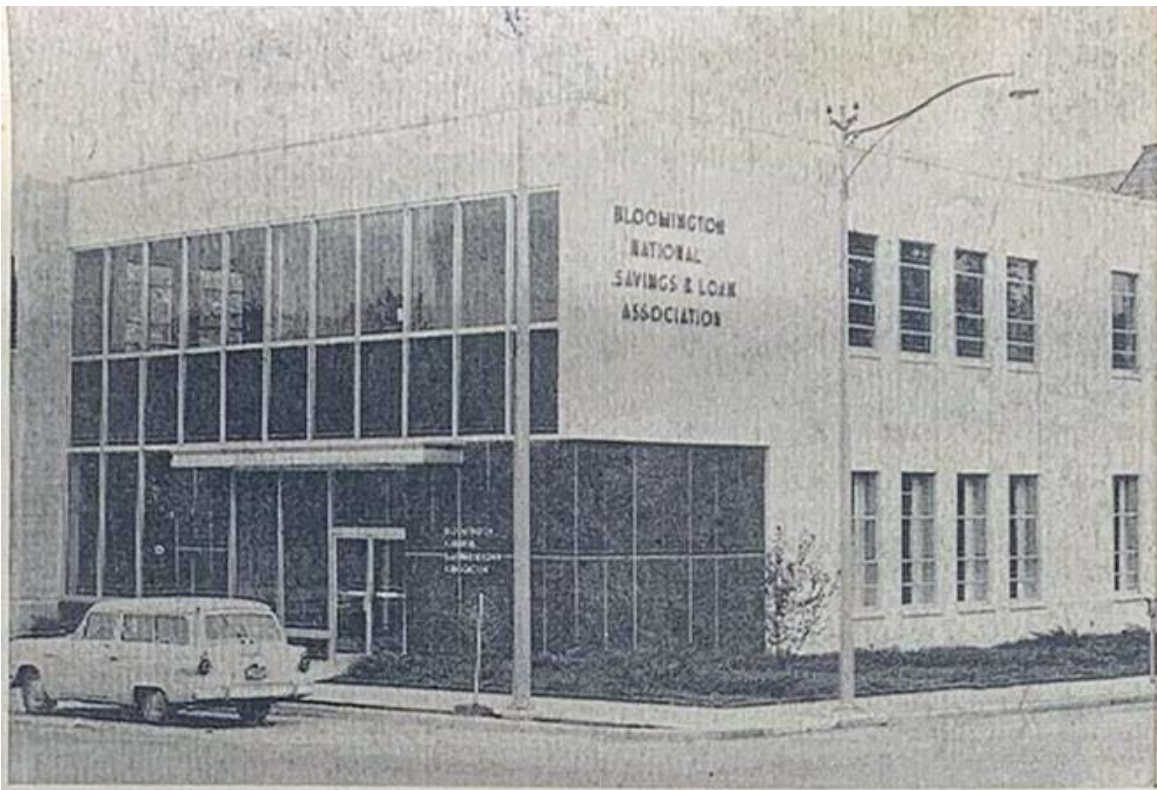


Figure 3: Daily Herald. 1961



Figure 4: Google Street View Image from 2007 with the original metal canopy intact



Figure 5: Facade facing Kirkwood Avenue and the drive through



Figure 6: Facades facing Washington Street and the parking lot



Figure 7: The lines and drilled holes from the original sign create a palimpsest of the bank's original name.

HISTORIC DISTRICT NOMINATION: HD 22-02

STAFF RECOMMENDATION

SUMMARY

CONTRIBUTING



- **Address:** 200 E Kirkwood Ave.
- **Petitioner:** HPC
- **Redistrict:** **NOTABLE**
- **Recommendation:** Approval Staff recommends property parcel 53-05-33-310-227.000-005 “Bloomington National Savings and Loan Association” be designated as a local historic district. After careful consideration of the application and review of the Historic District Criteria as found in Ordinance 95-20 of the Municipal Code, staff finds that the property not only meets, but exceeds the minimum criteria listed in the code.

COMMENTS

- The property meets Criteria 1(c) as the bank represents an era of dynamic change when a larger segment of the population could afford to buy both a car and a house, as shown by the bank moving location and offering additional services to car based clients.
- The property meets Criteria 2(a) The building reflects the clean lines of the International Style modernist aesthetics and postwar open spaces while retaining a small scale and using the locally sourced Indiana limestone as the primary facade material.



Figure 1: Daily Herald 1961. The interior image reflects the changing norms in bank design during the mid-twentieth century that encouraged an open and engaging space for clients.



Figure 2: Aerial Photo of Bloomington National Savings and Loan Association 1961

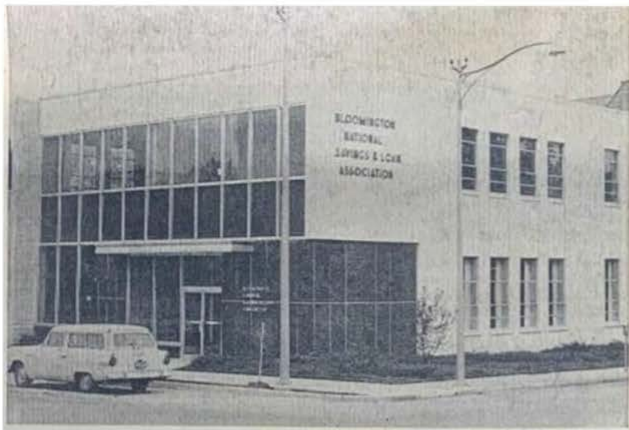


Figure 3: Daily Herald. 1961



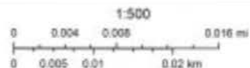
Figure 4: Google Street View Image from 2007 with the original metal canopy intact



Figure 5: Facade facing Kirkwood Avenue and the drive through



Figure 6: Facades facing Washington Street and the parking lot



□ Boundary Line

200 E Kirkwood Ave Historic District Proposed Boundary Map



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-19 – An Ordinance Authorizing the Entering into of a Conditional Project Expenditure Agreement of the City of Bloomington, Indiana (Meridiam Project), and the Disposition of the Proceeds Thereof to Meridiam, and Authorizing and Approving Other Actions in Respect Thereto

Synopsis

This Ordinance approves the issuance of a Conditional Project Expenditure Agreement in order to facilitate the expansion of high speed fiber in the City, in order to (i) promote significant opportunities for gainful employment of its citizens, (ii) attract a new major business enterprise to the City, and (iii) retain and expand significant business enterprises existing in the boundaries of the City.

Relevant Materials

- Ordinance 22-19
- Staff Memo re: Ordinance 22-19 and companion resolution (forthcoming)
- Conditional Project Expenditure Agreement (forthcoming)
- Report/Recommendation of Economic Development Commission and Letter to Plan Commission Chair (forthcoming)

Note: The administration has indicated that a companion resolution to Ordinance 22-19 will be needed to accomplish the purposes of the ordinance. The resolution has yet to be submitted to the Council Office. The following materials, included herein, pertain to the companion resolution but may be informative during discussion of Ordinance-22-19.

- Redevelopment Commission Declaratory Resolution
- Economic Development Plan
- Map of Economic Development Area/Allocation Area

Summary

Ordinance 22-19 and the supporting materials included herein were submitted by the administration to the Council Office in part on May 26th and in part on May 27th, 2022, after the deadline for submission of materials meant for introduction at the June 1st Regular Session contained in the Council's Annual Schedule and called for by local code. For this reason, Council staff has not had an opportunity to review the materials or provide a summary of the proposal. The materials included herein are being released as submitted by the administration to the Council Office. The administration has indicated that it will submit additional materials for distribution as they are finalized.

Contact

Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, 812-349-3426

Rick Dietz, Director, Information and Technology Services, 812-349-3485,

dietzr@bloomington.in.gov

ORDINANCE 22-19

AN ORDINANCE AUTHORIZING THE ENTERING INTO OF A CONDITIONAL PROJECT EXPENDITURE AGREEMENT OF THE CITY OF BLOOMINGTON, INDIANA (MERIDIAM PROJECT), AND THE DISPOSITION OF THE PROCEEDS THEREOF TO MERIDIAM, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Bloomington, Indiana (the “City”), is a political subdivision of the State of Indiana, and by virtue of Indiana Code 36-7-11.9 and 36-7-12 (collectively, the “Act”), is authorized and empowered to adopt this ordinance (this “Ordinance”) and to enter into a Conditional Project Expenditure Agreement (the “Expenditure Agreement”) and dispose of the proceeds of such Expenditure Agreement to any person for the purpose of financing or refinancing any economic development facilities (as defined in the Act); and

WHEREAS, Hoosier Networks, LLC (the “Company”), has requested that the City enter into the Expenditure Agreement under the Act, whereby the payments thereunder to the Company will be equal to ninety-five percent (95%) of the available tax increment relating to the Project (as hereinafter defined) each year for a period of twenty (20) years (the “Pledge of Applicable TIF Revenues”), for the purpose of financing all or any portion of the cost of the acquisition, construction or installation of fiber optic cable installed in the City, to be owned and operated by the Company and located in the City (the “Project”); and

WHEREAS, the City of Bloomington Economic Development Commission (the “Economic Development Commission”) prepared a report (the “Report”) that (a) briefly described the proposed Project, (b) estimated the number and expense of public works or services that would be made necessary or desirable by the proposed Project, (c) estimated the total costs of the proposed Project and (d) estimated the number of jobs and the payroll to be created by the Project, and submitted the Report to the chair of the plan commission; and

WHEREAS, the Economic Development Commission considered whether the proposed Project may have an adverse competitive effect on similar facilities already constructed or operating in the City; and

WHEREAS, the Economic Development Commission held a public hearing, for itself and on behalf of this Common Council (the “Common Council”), on the proposed financing of the Project, after giving notice by publication in accordance with Indiana Code 5-3-1; and

WHEREAS, the Economic Development Commission found and determined that the proposed financing of the Project will create opportunities for gainful employment in the City and will be of benefit to the health and general welfare of the City and its citizens and that the proposed financing of the Project complies with the Act and, by resolution adopted June 14, 2022 (the “Resolution”), approved the financing of the Project, including the form and terms of (a) the Expenditure Agreement, (b) a Financing Agreement (the “Financing Agreement”) between the City and the Company, and (c) this Ordinance (the Expenditure Agreement and the Financing Agreement, collectively, the “Incentive Agreements”), and the Secretary of the Commission transmitted the Resolution to this Common Council; and

WHEREAS, the City of Bloomington Redevelopment Commission will consider adoption of a resolution on July 5, 2022, to confirm the pledge of Applicable TIF Revenues (as defined therein) for disposition in accordance with the Incentive Agreements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BLOOMINGTON COMMON COUNCIL AS FOLLOWS:

SECTION 1. Findings and Determinations. This Common Council hereby finds and determines that the financing of the Project approved by the Economic Development Commission (a) will create opportunities for gainful employment in the City and will be of benefit to the health and general welfare of the City and its citizens and (b) complies with the Act.

SECTION 2. Approval of Financing. The proposed financing of the Project, in the form that such financing was approved by the Economic Development Commission, is hereby approved.

SECTION 3. Authorization of Expenditure Agreement. The Expenditure Agreement, payable solely from revenues and receipts derived from the Pledge of Applicable TIF Revenues is hereby authorized.

SECTION 4. Terms of Expenditure Agreement.

(a) The Expenditure Agreement, with an aggregate principal amount equal to ninety-five percent (95%) of the available tax increment relating to the Project each year for a period of twenty (20) years shall: (i) be executed by the manual or facsimile signatures of the Mayor and the Clerk of the City; (ii) be dated the date of its delivery; (iii) mature on any date not later than 24 years after the date of execution; (iv) bear interest at the rate determined in accordance with the Expenditure Agreement; (v) be issuable in the denominations as set forth in the Expenditure Agreement; (vi) be issuable only in fully registered form; (vii) be subject to registration on the bond register as provided in the Expenditure Agreement; (viii) be payable in lawful money of the United States of America; (ix) be payable at the place or places set forth in the Expenditure Agreement; (x) be subject to optional or mandatory redemption prior to maturity as set forth in the Expenditure Agreement; and (xi) contain any other provisions set forth in the Expenditure Agreement.

(b) The Expenditure Agreement and the interest thereon, if any, do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City, but shall be special and limited obligations of the City, payable solely from revenues and other amounts derived from the Incentive Agreements. Forms of the Incentive Agreements are before this meeting and are by this reference incorporated in this Ordinance, and the Clerk of the City is hereby directed, in the name and on behalf of the City, to insert them into the minutes of this Common Council and to keep them on file.

SECTION 5. Execution and Delivery of Incentive Agreements. The Mayor and the Clerk of the City are hereby authorized and directed, in the name and on behalf of the City, to execute and deliver the Incentive Agreements submitted to this Common Council, which are hereby approved in all respects.

SECTION 6. Changes in Incentive Agreements. The Mayor and the Clerk of the City are hereby authorized, in the name and on behalf of the City, without further approval of this Common Council or the Economic Development Commission, to approve any non-material changes in the Incentive Agreements as may be permitted by Act, such approval to be conclusively evidenced by their execution thereof.

SECTION 7. General. The Mayor and the Clerk of the City, and each of them, are hereby authorized and directed, in the name and on behalf of the City, to execute and deliver any and all agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or any of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Ordinance (including the preambles hereto and the documents mentioned herein), the Project, the issuance of the Expenditure Agreement, and the securing of the Expenditure Agreement under the Incentive Agreements, and any such execution and delivery, endorsement, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 8. Binding Effect. The provisions of this Ordinance and the Incentive Agreements shall constitute a binding contract between the City and the holders of the Incentive Agreements, and after issuance of the Expenditure Agreement this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the holders of the Expenditure Agreement as long as the Expenditure Agreement or interest thereon remains unpaid.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Council and its approval by the Mayor of the City. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance approves the issuance of a Conditional Project Expenditure Agreement in order to facilitate the expansion of high speed fiber in the City, in order to (i) promote significant opportunities for gainful employment of its citizens, (ii) attract a new major business enterprise to the City, and (iii) retain and expand significant business enterprises existing in the boundaries of the City.

**RESOLUTION NO. 22-33
OF THE REDEVELOPMENT COMMISSION
OF THE CITY OF BLOOMINGTON, INDIANA**

**DECLARING AN AREA IN BLOOMINGTON AS
AN ECONOMIC DEVELOPMENT AREA, DESIGNATING SUCH AREA AS
AN ALLOCATION AREA AND APPROVING AN ECONOMIC DEVELOPMENT
PLAN FOR SAID AREA**

WHEREAS, the City of Bloomington, Indiana (the “City”), desires to undertake an economic development project that will assist the City in a project by Hoosier Networks, LLC, or its subsidiaries, affiliates, successors or assigns (collectively, the “Company”), to install fiber optic cable that will provide high speed internet in certain areas in the City; and

WHEREAS, the City desires to create an economic development area that will include all areas in the City where the Company’s depreciable personal property will be located (the “Project”); and

WHEREAS, the Bloomington Redevelopment Commission (the “Commission”), governing body of the Bloomington Department of Redevelopment (the “Department”), pursuant to Indiana Code 36-7-14, as amended (the “Act”), has thoroughly studied the area of the City described above, and consists of all depreciable personal property consisting of fiber optic cable installed for the Project in the City where the Company’s depreciable personal property will be located, with such area to be designated as the “Bloomington Meridian Allocation Area” (the “Allocation Area”), which area is also an economic development area known as the “Bloomington Meridian Economic Development Area” (the “Area”); and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, or redevelopment of the Area, and the parts of the Area acquired that are to be devoted to public ways and other public purposes under the Plan (as hereinafter defined), lists of the owners of the various parcels of property to be acquired, if any, and an estimate of the cost of the acquisition and redevelopment; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an economic development plan for the Area (the “Plan”), which is attached to this Resolution as Exhibit A and incorporated herein by referenced thereto; and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the development projects as set forth in the Plan; and

WHEREAS, the Plan and supporting data were reviewed and considered at this meeting; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of “economic development areas” and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal

area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 15-17.5, 39, 39.3, 41 and 43 of the Act to the Plan and the financing of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Plan for the Area promotes significant opportunities for the gainful employment of its citizens, attracts a major new business enterprise to the City, and retains or expands a significant business enterprise existing in the boundaries of the City, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the City and the State of Indiana (the “State”), and serving to protect and increase property values in the City and the State.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Plan for the Area conforms to other development and redevelopment plans for the City.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. The Plan does not recommend any specific property acquisition, and the Department does not at this time propose to acquire any land or interests in land within the boundaries of the Area. If at any time in the future, the Department proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication, notice to affected property owners and a public hearing.

8. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

9. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting. The Area is hereby designated, declared and determined to be an “economic development area” under Section 41 of the Act.

10. The entire Area is hereby designated as an “allocation area” pursuant to Section 39 of the Act, designated as the “Bloomington Meridian Allocation Area” (the “Allocation Area”) for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Pursuant to the Act and this resolution, there is created an allocation fund related to the Allocation Area hereby designated as the “Bloomington Meridian Allocation Area Allocation Fund” (the “Allocation Fund”). Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into the Allocation Fund for the allocation area and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. The Allocation Fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

11. The Commission hereby designates Hoosier Networks, LLC and any of its successors, affiliates or assigns (collectively, the “Designated Taxpayer”), as a “designated taxpayer” for purposes of Section 39.3 of the Act. The Commission hereby finds with respect to the Designated Taxpayer that:

(a) The taxes to be derived from the Designated Taxpayer’s depreciable personal property in the allocation area and all other depreciable property located and taxable on the Designated Taxpayer’s site of operations within the allocation area in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service or to provide security for bonds issued under Section 25.1 of the Act or to make payments or to provide security on leases payable under Section 25.2 of the Act, in order to

provide local public improvements in or directly serving or benefiting the such Allocation Area;

(b) the property of the Designated Taxpayer in the Allocation Area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects or regulated amusement devices and related improvements; and

(c) the property of the Designated Taxpayer in the Allocation Area will not consist primarily of retail, commercial or residential projects, other than an amusement park or tourism industry project.

Based upon the foregoing and in accordance with Section 39.3 of the Act, the Commission hereby modifies the term “property taxes,” referred to herein, to mean taxes imposed under Indiana Code 6-1.1 on real property and taxes imposed under Indiana Code 6-1.1 on the depreciable personal property located and taxable on the site of operations of the Designated Taxpayer in the Allocation Area.

12. The allocation provisions in Sections 10 and 11 hereof shall apply to all of the Allocation Area. These allocation provisions allow for the capture of additional tax increment revenues that will be available to the Commission to finance infrastructure and other improvements located in or serving or benefitting the Area as contemplated by the Plan, thereby facilitating additional investment in the Allocation Area. The Commission hereby finds that the adoption of these allocation provision will result in new property taxes in the Allocation Area that would not have been generated but for the adoption of the allocation provision. The base assessment date for the Allocation Area is January 1, 2022.

13. The foregoing allocation provisions in Sections 10 and 11 hereof shall expire with respect to the Allocation Area on the date that is twenty (20) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from such Allocation Area.

14. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Monroe County Auditor in connection with the creation of the Allocation Area.

15. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

16. This Resolution, together with any supporting data and together with the Plan, shall be submitted to the Bloomington Plan Commission (the “Plan Commission”), and upon the approval of the Plan Commission and the Common Council of the City, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

Adopted this 31st day of May, 2022.

BLOOMINGTON REDEVELOPMENT
COMMISSION

Cindy Kinnarney, President

Deborah Myerson, Secretary

Randy Cassady, Member

Deb Hutton, Member

**BLOOMINGTON, INDIANA
REDEVELOPMENT COMMISSION**

Economic Development Plan
Meridiam Economic Development Area

May 31, 2022

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SUMMARY

REQUIRED FINDING OF FACTS TO SUPPORT THE STATUTORY REQUIREMENTS

FACTS

1. This Economic Development Plan (the “Plan”) promotes significant opportunities for gainful employment of its citizens, attracts a new major business enterprise to the City, retains and expands significant business enterprises existing in the boundaries of the City, and meets other statutory purposes, as set forth in Indiana Code Sections 36-7-14-2.5 and 36-7-14-43.
2. The Plan for the Meridian Economic Development Area (the “EDA”) cannot happen by regulatory process or by the ordinary operation of private enterprise because of the lack of public infrastructure or other similar conditions.
3. The public health and welfare will benefit by the accomplishment of the Plan for the EDA.
4. The achievement of the Plan for the EDA will constitute a public utility and will benefit as measured by the attraction or retention of permanent jobs, an increase in the property values, thus equating to increased assessed value (which herein is defined as “assessed value”), improved diversity of the economic base through the enhanced mix of property and other public benefits and the expansion of technology and high speed internet services to a significant portion of Bloomington, Indiana (the “City”), which is in direct alignment with the goals of the Federal Government.
5. The Plan for the EDA conforms to other development and redevelopment plans for the City.

PURPOSE AND BACKGROUND

Purpose

The Bloomington Redevelopment Commission (the “Redevelopment Commission”) has been established in accordance with Indiana Code 36-7-14, as amended (the “Act”), for the purpose of fostering economic development and redevelopment within certain eligible areas of Bloomington, Indiana (the “City”). The Redevelopment Commission has identified certain areas of the City, including any cities or towns without a redevelopment commission, where Meridian SAS, Hoosier Networks, LLC, or any of their affiliates, successors or assigns (collectively, the “Company”) will build, construct and/or install fiber optic cable and related equipment to provide high-speed internet services will be located (the “Project”).

The purposes of this Plan are to benefit the public health, safety, morals and welfare of the citizens of the City, to increase the economic well-being of the City and the State of Indiana and to serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the City, retain and expand existing significant business enterprises in the City, provide for local public improvements in the Area, retain permanent jobs, and increase the property tax base. This document is intended to be approved by the Bloomington Redevelopment Commission in conformance with the procedures set forth in the Act and described herein.

The Plan has been undertaken within the context of recent economic development initiatives in the City in order to set forth the objectives for current and future development, including the construction of public roads, utilities, and other infrastructure, including fiber optic cables and related equipment to provide high-speed internet services throughout the City. This Plan recognizes the need for potential economic development incentives to attract significant employers and to accelerate commercial development to the Area, and that such future development in the Area may also require significant improvements to the roads, the sanitary sewer system, the water system and/or other infrastructure improvements which benefit and serve the Area in order to facilitate such development.

DESIGNATION OF TAX INCREMENT ALLOCATION AREAS

The Redevelopment Commission recognizes that tax increment financing (“TIF”) is one method by which local governments may finance incentives and infrastructure by allowing the capture and use of incremental property tax revenues attributable to new commercial development in the Area to pay the costs of capital improvements in the Area or to pay debt service on bonds issued by the City or by the Bloomington Redevelopment District (the “District”) to finance the costs of such improvements. To implement TIF, the Redevelopment Commission may designate all or a portion of the Area as an “allocation area” pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes on *real property* for the purposes and in the manner provided by Section 39 of the Act. Additionally, pursuant to Section 39.3 of the Act, the Redevelopment Commission may designate an entity as a “designated taxpayer” for the allocation and

distribution of property taxes on certain depreciable *personal property*. As new projects and needs arise in the future, the Redevelopment Commission may designate additional portions of the Area as tax increment allocation areas.

DESCRIPTION OF THE AREA

The Redevelopment Commission has determined that implementation of the Plan would be facilitated by the designating the area of the City, upon which the Company will build, construct and/or install fiber optic cable and related equipment to provide high-speed internet services will be located, as the Meridiam Economic Development Area (the “Area”), and designating all of the Area as a tax increment allocation area for purposes of the Act, to be known as the “Meridiam Allocation Area” (the “Allocation Area”). The Area and the Allocation Area are located within the corporate boundaries of the City, and consists of all depreciable personal property tax proceeds attributable to the incremental assessed valuation due to where the Project is situated, which area will include all depreciable personal property consisting of any and all structures, equipment and fiber optic cable due to the Project located within the City. In addition, the Redevelopment Commission believes it necessary to designate the Company as a designated taxpayer from which incremental personal property tax revenues may be captured. As described further below, the Redevelopment Commission has determined that the tax increment revenues generated from such personal property of the Company will be needed to secure the repayment of bonds issued to finance infrastructure improvements and/or the purchase of equipment which benefit and serve the Area. Consequently, the taxes to be derived from the depreciable personal property of the Company in the Allocation Area and all other depreciable property located and taxable on the Company’s site of operations within the Allocation Area in excess of the taxes attributable to the base assessed value of that personal property, will be needed to pay debt service on bonds issued under Section 25.1 of the Act, or to make payments or to provide security on leases payable under Section 25.2 of the Act, in order to provide local public improvements for the Allocation Area.

DESCRIPTION OF PROPOSED PROJECTS

The Project to be undertaken by the Company is anticipated to be comprised of certain and the design, construction, and/or installation of (1) fiber optic cable in public rights-of-way and (2) any necessary, related electronic equipment.

The City is also pledging up to \$1,000,000 for a Digital Equity Fund (“City’s Initial Contribution”) that will be used to pay the installation of costs of fiber to income-qualifying residents up to \$350 per unit. The Company will pay an annual digital equity dividend of \$85,000 in the Digital Equity Fund and half (50%) of the costs of bringing fiber to the income-qualifying residents as long as funds remain from the City’s Initial Contribution. After the City’s Initial Contribution of \$1,000,000 is expended from the fund, the Company will cover all (100%) of the installation costs of bringing fiber to income-qualifying residents.

In order to accomplish such Project and otherwise implement this Plan, the Redevelopment Commission recognizes and determines that tax increment revenues

derived from the Allocation Area, as well as other funds of the Redevelopment Commission legally available for such purposes, may be used for the following purposes, all of which shall be deemed to be a part of the Project or Projects contemplated by this Plan:

- To pay or finance the cost of the design, engineering and/or construction of various infrastructure improvements in or serving the Area (as well as demolition, in, serving, or benefiting the Area), including without limitation, (1) transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, bridge improvements, rail crossings and spur track improvements, sidewalk and multiuse pathway improvements, street lighting, traffic signals, signage, parking lot improvements, and site improvements including landscape buffers; (2) utility infrastructure projects including, without limitation, utility relocation, water, sanitary sewer and/or storm water lines, water wells, water towers, pumping stations, lift stations, waste water lines, storm water lines, retention ponds, ditches, storm water basin improvements, and high-speed telecommunications and fiber-optic cable and related equipment, together with other similar utility costs or improvements; (3) public park improvements and recreational equipment; (4) job training and assistance as permitted under I.C. § 36-7-14-39(b)(3)(K) and I.C. § 36-7-25-7; (5) eligible efficiency projects as permitted under § 36-7-14-39(b)(3)(L); and (6) all projects related to any of the forgoing projects and all other purposes permitted by law. Although the precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Area.
- To offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the City, or to pay principal or interest on economic development revenue bonds issued by the City to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Area. The provision of incentives by the application of tax increment revenues to offset developer promissory notes that secure economic development revenue bonds, or to pay principal or interest on economic development revenue bonds issued by the City to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Area, has become an established financial tool and an increasingly common form of incentive for attracting economic development and redevelopment.
- To pay or finance the costs of the acquisition or design, engineering and/or construction of projects to enhance the cultural attractiveness of the entire City, including the portion thereof which comprises the Area.

- To pay or finance the costs of the acquisition or design, engineering and/or construction of projects to enhance the public safety of the entire City, including the portion thereof which comprises the Area.
- To pay or finance the costs of the design, engineering and/or construction and installation of public amenities such as street trees, street furniture, and wayfinding signage.
- To fund job training grants and assistance as permitted under I.C. § 36-7-14-39(b)(2)(K) and I.C. § 36-7-25.
- To provide financial incentives to new and existing businesses locating in the Area as permitted by law including targeted incentives to encourage the reuse and redevelopment of commercial structures in the Area.

Based on the development profile of the Area, the Redevelopment Commission has determined that the development of the Area will not proceed as planned without the contribution of tax increment revenues derived from the Allocation Areas to the Projects described above.

ACQUISITION OF PROPERTY

In connection with the accomplishment of the Plan, the Redevelopment Commission has no present plans to acquire any interests in real property. In the event the Redevelopment Commission determines to acquire any interests in real property in the future, it shall follow procedures set forth in Section 19 of the Act. The Redevelopment Commission may not exercise the power of eminent domain.

THE PROCESS OF DESIGNATING AN ECONOMIC DEVELOPMENT AREA

The following represents a general narrative summary of the sequence of actions necessary to designate territory as an economic development area in the City. The designation of any tax increment allocation areas would be included in the process for the designation of an economic development area. Any future amendments to this Plan or to the declaratory resolution establishing the Area will be required to follow an identical process as described below.

Declaratory Resolution

To establish an economic development area, the Redevelopment Commission must first pass a declaratory resolution (the “Declaratory Resolution”) and adopt an economic development plan for the area. The Declaratory Resolution declares the intent of the Redevelopment Commission to create an economic development area.

Plan Commission Review

After passing the Declaratory Resolution, the Redevelopment Commission must then submit the Declaratory Resolution and the adopted economic development plan to the Bloomington Plan Commission (the “Plan Commission”) for review to assure that the

Declaratory Resolution and the economic development plan conform to the plan of development for the City. The Plan Commission is not charged with the responsibility of evaluating and approving the merits of the Declaratory Resolution or the economic development plan. Rather, the Plan Commission's task is to determine whether the Declaratory Resolution and economic development plan conform to the plan of development for the City, as contained in the previously established comprehensive plan for the City. While an economic development plan may contemplate an alteration of land use in the City in response to a specific economic development project, any required rezoning must be approved by the Plan Commission at the appropriate time.

Common Council Approval

Upon receiving the approvals of the Redevelopment Commission and the Plan Commission, the Declaratory Resolution and economic development plan must be submitted to the Common Council of the City (the "Common Council") for its approval before the economic development plan can be implemented. The Common Council may approve or reject the Plan.

Confirmatory Resolution

Upon receipt of approval by the Common Council, the Redevelopment Commission must then give notice and hold a public hearing wherein the Redevelopment Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings. Following the public hearing, the Redevelopment Commission must pass a resolution which confirms, or modifies and confirms, the Redevelopment Commission's Declaratory Resolution designating territory as an "economic development area" and adoption of the proposed economic development plan (the "Confirmatory Resolution"). The Redevelopment Commission is not required to take this action, but may consider whether such designation is still appropriate. If the Redevelopment Commission passes the Confirmatory Resolution, an economic development area is then finally declared and designated.

EXAMPLES OF HOW THE CITY INTENDS TO MEET THE STATUTORY FINDINGS

The Project

The fiber optic system planned by the Company will enhance economic development and improve the overall financial health of the City by enhancing efforts to expand and diversify the economy by attracting 21st century businesses which rely upon technology and require band width in order to locate in the City. It will also anticipated that the Project will lead to the direct creation of jobs and an increase in annual payroll.

It is crucial to the long term fiscal health of the City that it be positioned to attract technology driven businesses especially those in logistics, advanced manufacturing, energy and agriculture. The local workforce is trained in these vocations and additional training

will improve skill levels to a degree commensurate with those required in the aforementioned industries.

Acquisition of Property

In order to accomplish the Project, the Redevelopment Commission may acquire, without the use of eminent domain, properties and right-of-way in the Project areas. The Redevelopment Commission shall follow procedures in IC 36-7-14-19, in any current or future acquisition of property. The Redevelopment Commission may not exercise the power of eminent domain in an economic development area. The acquisition process may be needed in order to facilitate the plan. At this time, no acquisition of property is contemplated.

Disposal of Property

The Redevelopment Commission may dispose of real property, if any is acquired, by sale or lease to the public, after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. The Redevelopment Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 36-7-14-22. The Redevelopment Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired. At this time, the disposal of property is neither anticipated nor expected, but may occur in the future.

Financing the Projects

It is the intention of the Redevelopment Commission to create a TIF District and to capture all incremental depreciable personal property within the EDA in order to finance the necessary projects. It may be necessary to issue bonds sometime in the future, based on the incremental ad valorem property taxes allocated under IC 36-7-14-39, in order to raise money for property acquisition and completion of the Projects in the Area, or the Redevelopment Commission may choose to “pay-as-you-go”.

Either form of financing may be used for part, or all, of the following:

- (1) The cost of land, right of way and other property to be acquired and developed;
- (2) All reasonable and necessary architectural, engineering, and construction, equipment, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and development of the Project or the issuance of bonds;
- (3) Interest on, and principal of, the bonds issued by the Commission for the project; and

- (4) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In conjunction with some form of financing, the Redevelopment Commission may enter into a lease of any property that could be financed with the proceeds of bonds under IC 36-7-14. The lease is subject to the provision of IC 36-7-14-25.2 and IC 36-7-14-25.3.

Amendment of the Plan

By following the procedures specified in IC, 36-7-14-15 the Redevelopment Commission may amend the Plan for the Area.

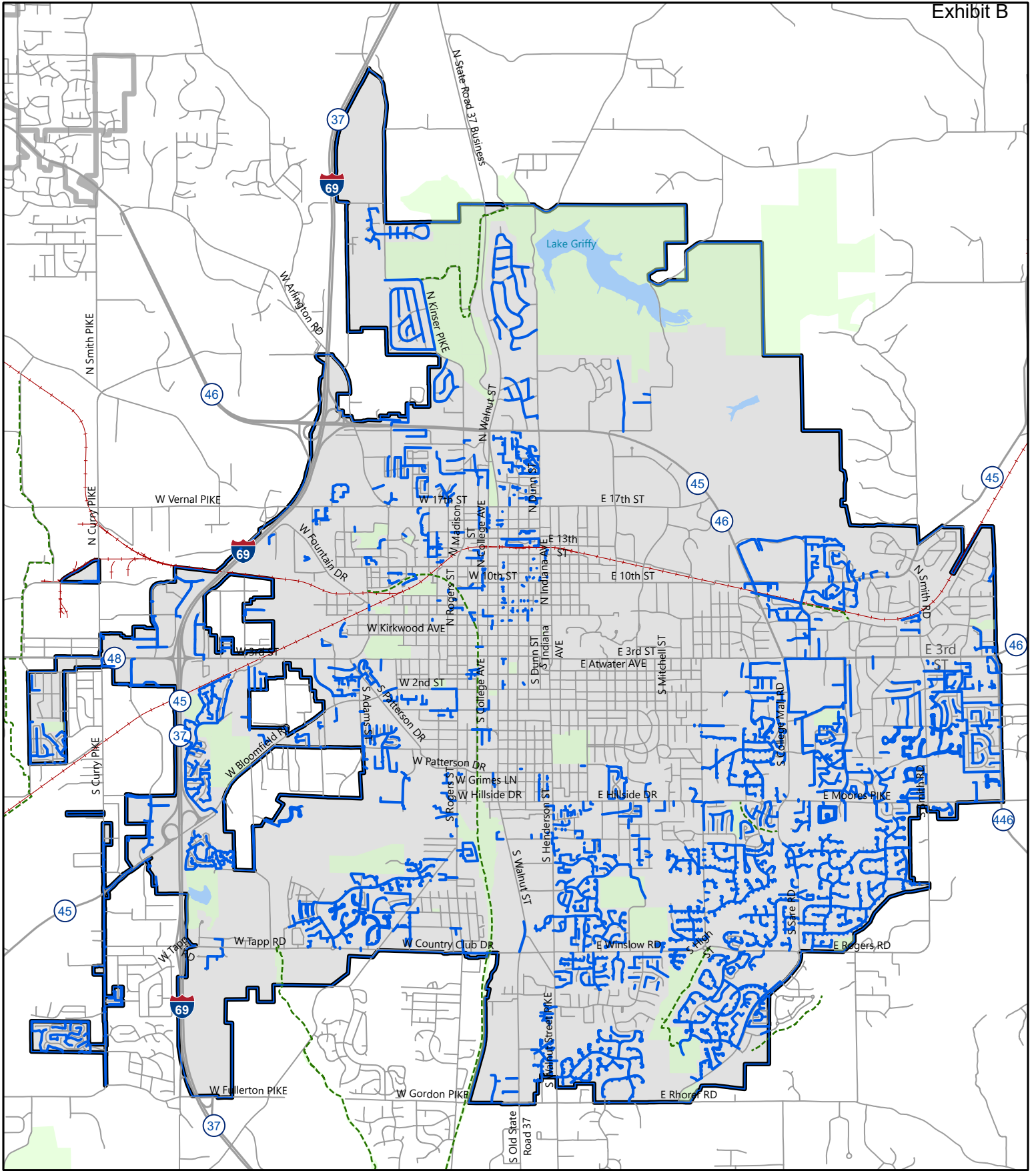
**FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN DECLARATORY RESOLUTION**

1. The Plan for the Meridian Economic Development Area (the “Area”) will promote significant opportunities for growth and the gainful employment of citizens of Bloomington, Indiana (the “City”) by providing the means to extend state of the art fiber optic lines and high speed internet services to the Area. This 21st century infrastructure is necessary to attract employers engaged in advanced manufacturing, logistics, distribution, food processing, energy, health care and value-added agriculture. This infrastructure will improve the City’s ability to attract employers as follows:
 - A. To locate in the Area, entities require sites that are shovel ready with all required infrastructure, including fiber optic broad band services. This Plan will provide a mechanism for allowing public funding for a portion of the costs of the fiber optic lines and electronic equipment required to bring high speed internet services to the Area.
 - B. The Plan provides for these services to be brought to publicly owned sites that are developed or will be developed as shovel ready sites suitable for development by entities that are engaged in logistics, distribution, food processing, energy, health care and value added agriculture.
2. The Plan:
 - A. Will promote significant opportunities for the gainful employment of the citizens of the City;
 - B. Is likely to attract major new business enterprises as a result of the existence of fiber optic and broadband services;
 - C. Enables the use of public funding to guide infrastructure design and construction and thus development in the Area to promote basic

employment and mixed uses of the land, to an extent individual property owners would not otherwise attain.

- D. Benefits the public health, safety, morals and welfare of the citizens of the City and State as follows: The Plan, when fully implemented, will add high-speed broadband services that are required in the transmission of medical records. Development of this 21st century infrastructure will permit the community to approach land use development, public services, resources and public investments in a positive manner; and
 - E. Increases the economic well-being of the City and the State of Indiana in direct alignment with the Governor's public statements of promoting economic development opportunity in Indiana through the extension of 21st century broadband services throughout the state, especially in rural areas.
3. The planning and development of the Area will benefit the public health, safety morals and welfare; it will increase the economic well-being of the City and the State of Indiana and serve to protect and increase property values in the City and the State of Indiana.
- A. The Plan will create new employment opportunities; and
 - B. The Plan will diversify the local economy and add employment opportunities that do not now exist and cannot exist without the addition of 21st century broadband fiber optics.
4. The Plan for the Area cannot be achieved by the regulatory processes or by ordinary operation of private enterprise without resorting to IC 36-7-14 (the Redevelopment statutes) because of the lack of public improvements, the existence of geological impediments to industrial development and multiple ownership of land.
5. The accomplishment of the Plan for the Area will be of public utility benefit, for the following reasons. First, based on discussions with the Company, it is the Redevelopment Commission's understanding that the full development of the Area, pursuant to the Plan will allow for the attraction of permanent high tech jobs in the City. Secondly, current employers in the City have indicated a need for updated fiber optic broadband services to transmit engineering, medical records, books and technical manuals. The expectation is that hundreds of local jobs will be preserved and retained as a result of implementation of the plan. This information has been developed through interviews with a number of existing employers. It is also estimated that, when fully developed in accordance with the Plan, the assessed value for real property and depreciable personal property will be significantly increased. Lastly, the Plan will promote and support industrial, general business, medical, office, logistic, distribution, food processing development and generate CAGIT, LOIT and CEDIT taxes which are of increasing importance with the adoption of property tax caps.

6. The Commission believes that the TIF District will generate, over time, along with federal, state and local funds, sufficient monies to fully implement the Plan.

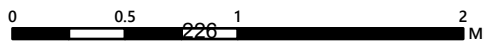


ITS
Department
**City of
Bloomington**



Hoosier Networks (Meridiam)
Proposed Underground Infrastructure

 Municipal Boundary  Proposed Underground Infrastructure



For use as map information only, information is NOT warranted.

Produced: 5/26/2022



Layout: MeridiamProposedUndergroundMap
Project: MeridiamFiberPlanning