

**Plan Commission Summary Minutes
City of Bloomington Council Chambers – Room #115**

June 13, 2022 - 5:30 pm

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The City of Bloomington Plan Commission (PC) met on June 13, 2022 at 5:30 p.m., a hybrid meeting was held both in the Council Chambers, located in Room 115, at 401 N. Morton Street, City Hall Bloomington, IN 47404 and remotely via Zoom. Members present in Chambers: Tim Ballard, Flavia Burrell, Andrew Cibor, Trohn Enright-Randolph, Jillian Kinzie, Ron Smith and Brad Wisler. Chris Cockerham and Israel Herrera were present via Zoom. Absent was Karin St. John.

ROLL CALL

APPROVAL OF MINUTES: May 16, 2022

****Kinzie moved to approve the May 16, 2022 minutes, with no changes. Cibor seconded the motion. Motion carried by voice vote 8:0- Approved.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

RS-28-22 Resolution for Zoning Commitment Termination

Eric Greulich reported this is for 2036 N Walnut Street, for Plato's Court Apartments. There was a building permit issued for this location several years ago, back when the Unified Development Ordinance (UDO) regulated density based on the number of units on the property. The petitioners were looking to remodel the apartments and they wanted to create some additional units and bedrooms within the existing buildings and they owned a lot just to the west that use to have a restaurant, but is vacant now. They transferred some of the development rights, the density that would have been allowed on that contiguous property, to allow for them to do the remodel. It required a zoning commitment in order to solidify that to make sure that future individuals were aware of this transfer. However, since that time the zoning code no longer regulates density in any manor whatsoever, the zoning commitment no longer serves any propose and the petitioners are trying to clear up the title for the property. Petitioners are requesting the zoning commitment be terminated, Planning is in agreement with the termination and do not see any implications or problems as the result of this termination.

COMMISSIONER COMMENTS:

Smith asked if this request means there will be no density requirements and the City has no control over the density. Greulich said this will mean is that this property can be developed in accordance with the current zoning. All of these properties are currently zoned as Mixed-Use Student Housing, this change would allow them to develop in accordance with the current zoning without having to deal with implications of previous zoning codes that are no longer applicable and have outdated standards. So this really is just clean it up so that it can be used with current zoning.

Smith also asked what the previous unit count was. Greulich said it was maybe 20 units with 50 bed, not a substantial amount.

Kinzie wanted to clarify they are just restoring this property to a neutral place, where it is now influenced by the current zoning policies by removing the previous agreement. Greulich confirmed that was correct.

PUBLIC COMMENTS: None

ADDITIONAL COMMISSIONER COMMENTS:

Kinzie asked for Greulich's response to Commission Smith's question. Greulich couldn't find the exact number of units/beds that were going to be added but was sure it wasn't going to a substantial number. Scanlan wanted to add that under the new code they wouldn't have done this, they wouldn't have to have the dwelling unit equivalents transferred, we don't do dwelling unit equivalents anymore. Code is based on a form based system where if you can fit them appropriately, meeting all building code requirements and architectural requirements, that is what dictates what you can put in the building, not the density.

Kinzie asked if a petitioner were to come forward with a plan to develop this property and this agreement was not terminated, would this agreement be binding. Greulich said yes this is binding, would be mixing different zoning codes and but with this change we would only be bound to the new codes.

****Kinzie motioned to adopt RS-28-22 as presented. Cibor seconded the motion. Motion carried by roll call vote 8:0—Approved.**

RS-23-22 Resolution for Redevelopment Commission Resolution Regarding New Economic Development Are of Meridiam

Scanlan reported the Redevelopment Commission, of the City of Bloomington, has worked on a resolution and economic development plan to start the process for providing city wide fiber and one thing they are doing to establish a new TIF area. The Plan Commission has a role in that process and their role is to determine whether or not the resolution and Economic Development Plan conforms to the plan of development, you can approve or disapprove the resolution and the plan that is proposed. Part of the recommendation could be related to rezoning certain land or some subdivision recommendations, things that are very much of the purview of the Plan Commission. In this case those types of proposals are not part of the Redevelopment Commission's Economic Development Plan or Resolution, but is still the responsibility of this commission to determine whether or not those two documents do conform to the comprehensive plan. We have taken a look at the comprehensive plan and the idea of providing availability for a service that has become integral in life for a lot of people. Access to the internet from different locations, including homes and places of work is definitely something that the comprehensive plan supports. Helping fiber proliferate through town is something we think could actually increase equity for a lot of people for what we consider to be a pretty basic service. Policy 1.5.2, partner locally to make available quality wired and wireless connectivity throughout the City of Bloomington. This is something the administration has been working on for a number of years and we are getting close to fruition, and this is one of the steps toward finally having the desired outcome of the plan to provide quality wired and wireless connectivity availability throughout the city. The department is recommending to the Plan Commission determine that RDC Resolution 22-23 conforms to the Comprehensive Plan and approve the provided resolution.

Rick Dietz, Director of Information and Technology Service, presented information about Meridiam and the benefits that this project will offer to all our city residents. Mr. Dietz provided definitions for

Open Access Network, Network Neutrality and Digital Equity. The focal point for our efforts in and working with Meridiam is we have a package that goes above and beyond what is currently offered, not just in our environment, but in the United States. The technology is fiber optics cables contain strands of glass that move information very quickly. The City has long sought to ensure that Bloomington residences and businesses have ubiquitous affordable, high speed internet connectivity based on fiber and to secure the benefits of modern technology for all of our residents, including education, healthcare, jobs, entertainment, personal engagement and more – regardless of income or geographic factors. We are here because we believe we should make every possible effort to bridge the digital divide in our community and we want to enhance Bloomington's overall competitiveness in our region, in the United States and in the world around us. The current state of our broadband environment as defined by the Federal Communications Commission at 25/3Mbps is grossly inadequate for the kind of work that people do today. Inequalities exist for low-income groups, but also families with children, and older residents. Found that a significant number of people in our community only means of access to the internet is through phones and not through home internet. Reliable, high speed internet is increasingly a work requirement. The COVID-19 pandemic highlighted even more the equity gaps in our broad marketplace. Current providers subsidy programs are not attracting users and don't go far enough to attract customers. It is understandable the incumbents in this environment would not want increased competition, but we think more competition in broadband is better and there is no right number for broadband and the open access network nature of this proposal provides for a future where there can be come significant number of competing opportunities without placing a new infrastructure in the ground. Questions arise, why would we not want additional provider options, what are the downsides? That's not clear. But we do expect more options for residents, lower cost of service and better customer service. Mr. Dietz gave the backstory of how they got to this point in the process of choosing Meridiam for this project. Meridiam has requested, and the City supports the creation of an allocation area (TIF) to cover personal business property of Meridiam as they install their fiber infrastructure and network equipment throughout the City. The taxes collected from this TIF (Tax Increment Finance) will be transferred to Meridiam by the City, to facilitate the building of the network and achieve our overall objectives.

The project involves a number of facets. Meridiam is proposing to build a gigabit speed fiber optic network, an Open-access network-Meridiam is not an ISP. After a time-limited exclusive period with a new ISP, the network will be open to other ISPs. They are proposing to make a greater than \$50 million investment, including new jobs which will be located in Bloomington. Meridiam has also brought in other communities, Columbus, Shelbyville and Martinsville will also see this exact same network model built in their communities, commitment from Meridiam for full community coverage of 85%+. The City is focused in their negotiations with Meridiam about the residential market place, particularly as it relates to digital equity. That includes 250 Mbps service symmetrical with no connection fees, a zero dollar monthly charge, \$30 from the ISP that is offset by the Federal government's \$30 affordable connectivity program subsidy. Meridiam is committed to providing these prices, but they are committing to having a staff member dedicated to signing up the low income households. Meridiam will contribute \$85,000 into the City digital equity fund. Mayor Hamilton has pledged to establish a digital equity fund to support connection to the network and other digital equity activities. This TIF will provide roughly \$10,900,000 and reduce business personal property taxes, and to make this project possible the City is providing Meridiam access to unused conduit with the Bloomington digital underground conduit network. Meridiam has requested this tax relief and we fully give our support, given the breadth of what they are offering our community. The TIF that will span 20 years is approximately \$10.9M minus any City administrative fees. The TIF is for essentially the corporate boundary of the City of Bloomington. No tax increase to the public for this TIF, no drop in funding for other taxing units, plus new revenue from employment, other taxes, property purchase/rental will provide new tax revenue.

COMMISSION COMMENTS:

Kinzie asked how this proposal conforms to some of the outcomes and indicators and the plan that are related to things like access speed and Wi-Fi hotspots and has anyone done a review yet. Mr. Dietz said this will provide more than a gigabit to practically every residence and business within Bloomington. This proposal is focused on building the underlying network, intends to expand the city Wi-Fi hotspots into additional parks and to other locations. Kinzie asked if there will be a commitment to education and digital literacy. Mr. Dietz said Meridiam has pledged to contribute \$85,000 annually to the digital equity fund which will be used for digital equity, which includes connectivity, devices and training. Kinzie asked about connection to every residence, Dietz clarified that connection will be made upon request, not every residence or business will be connected, it is all done per request.

Burrell asked for clarification if Meridiam will be the ISP provider for the first five to seven years. Dietz clarified that Meridiam is in negotiation with an ISP provider which will provide the ISP service for that period of time, but after that time the network is open and other providers will be able to utilize the network.

Smith asked if the Redevelopment Commission voted for and passed this resolution, Dietz said that it Passed unanimously. Smith asked if there has been any public engagement, Dietz said this has been in process since 2016 and there has been a number of public meetings and work sessions since that time.

Wisler asked about the exclusivity with the initial ISP, what is the benefit of that if Meridiam's business model is leasing to ISP. Wouldn't it make more sense to have more customers they can lease to? Dietz said in order for the network to be successful they want it to be fully utilized, so having one party that has access means they can approach the entire community of Bloomington. Open access networks don't have the sustainable business and the infrastructure provider doesn't have as much revenue as they need to sustain the business. Scott Layman with Meridiam, wanted to clarify that Meridiam is not requesting subsidizing for the construction of the network, only asking for a waiver of the property taxes they would need to pay based on the construction value of the network. Meridiam believes that in deploying its network is going to be intensely local with a firm local commitment. If you invite multiple players in without any commitment to the marketplace they may not have the commitment that Meridiam requires. Wisler asked about rates and have they been set yet, Dietz said rates will be competitive in our marketplace. Layman said Meridiam has a commitment to the City that will provide a 250 megabit by megabit connection to every low income qualifying resident in the city, which will be delivered via fiber, for \$30 which matches exactly with the Federal ACP payment. Wisler clarified this program is for qualifying residents, Layman confirmed this is a low income program.

Wisler asked about prioritizing installation of the fiber. Layman said they are looking at potentially bringing fiber first to the university and then will build out from that location, in and around the city. Dietz said the intent is to complete installation within three years, hopefully to start in the third quarter of this year. Wisler asked if areas that currently are not served would be first, Dietz said yes in some cases. Wisler asked if there is any difference in the cost or speed of the deployment in the areas where there is underground conduit versus above ground. Dietz said access to Duke polls, permits and access to underground access all have pros and cons. Wisler as for clarification on the map presented earlier, blue lines versus red lines, Dietz said blue was for aerial lines and red was underground.

Wisler asked for more clarification of the TIF revenue, essentially what we are saying to Meridiam is that all property tax would be paid into the general fund is essentially being given back to Meridiam to help fund the installation of the fiber. Is it defined so it is only the tax on the fiber or is there other business/personal property within the bounds of the TIF? Larry Allen, Assistant City Attorney, said it would cover any equipment that supports the network, but it doesn't cover it all. It will cover business/personal property that would support this particular network, but it's not all business/personal property within the district.

Kinzie asked about prioritizing, she is confused about the installation of the fiber at Indiana University before connection to areas that are not currently served. Dietz said it is related to the structure of the network. It is their intent that the network gets built out from the network core to provide full community coverage, and specifically coverage to low income areas, as soon as possible.

Enright-Randolph asked about the functions of the TIF, does this have to be continuous, like a normal TIF. Allen said it ends up being continuous because it's a network that streams out.

PUBLIC COMMENTS:

Dave Askins, of B Squared Bulletin, his question relates to the amount of the reimbursement for the TIF. The information provided prior to today said that \$14.4 million was the estimated TIF reimbursement and today's presentation said that the amount is \$10.9 million, would like an explanation for the decrease.

ADDITIONAL COMMISSION COMMENTS:

Enright-Randolph noted the map presented during this presentation shows a couple of patches that are isolated, suggested updating the map so it shows a continuous connection.

Smith asked if someone could respond to the difference in the initiative amount. Diekes replied the TIF was a 25 year term which was negotiated down to a 20 year term, which is how they arrived at the \$10.9 million.

Kinzie would like to make sure that the public is aware of the terms of the TIF and benefits.

Smith said if there are any individuals in the community that feel they want to weight in to send a note or email to their Council member or attend the next Council meeting.

Wisler commented he is uncomfortable with the idea of the government being in the business of picking the winners in the marketplace, but he does appreciate that this plan is not really using tax dollars to subsidize.

Burrell appreciates the very thorough presentation, especially showing the history of the process since 2016. The public has not seen the process in motion, but reads about it in the newspaper, and they don't understand how Meridiam was chosen.

****Kinzie motioned to approve RS-23-22 New Economic Development Area for Meridiam. Cibor seconded the motion. Motion carried by roll call vote 7:0—Approved, Cockerham left meeting before the vote.**

PETITIONS CONTINUED TO: July 11, 2022

PUD/DP-24-21 Robert V Shaw

N Prow Road: 3500 block of N Hackberry Street
Request: Petitioner requests Final Plan and Preliminary Plat amendment for Ridgefield PUD and Subdivision Section V.
Case Manager: Jackie Scanlan

SP-06-22 Strauser Construction Co., Inc.

3000 & 3070 S Walnut St.
Request: Major site plan approval to construct a 9 building self service Storage facility with 10 new vehicle parking spaces.
Case Manager: Karina Pazos

SP-19-22 People’s State Bank

202 W 17th Street
Request: Major site plan approval to allow construction of a 34,200 gross-square-foot commercial building with a bank drive-through and associated parking in the Mixed-Use Corridor (MC) zoning district.
Case Manager: Gabriel Holbrow

PETITIONS: June 13, 2022

ZO-10-22 UDO Technical Text Amendments – Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive. Returned from Council.
Case Manager: Jackie Scanlan

Scanlan reminded the Plan Commission these were UDO updates approved by this Commission, they were then sent to the Council for approval, and then to the Mayor for signature. This was the ordinance that amended chapters five through seven of the Unified Development Ordinance which is Title 20.

Council Ordinance 22-08, our petition number ZO-10-22 was technical corrections ordinance, the Council had two amendments to that ordinance, one was a typing error and the other was to remove the development standards setbacks and covered changes that Planning Department and Plan Commission has proposed to be included in the hospital redevelopment site. So the Council removed those. You will find the companion changes that were a part of ZO-12-22 which was to amend tables 04-3 with those same types of changes related to setbacks, impervious surface coverage and Phase One East and other areas of the hospital redevelopment site. Council has asked that the department prepare an overlay for that area and that those changes be done, not that they are necessarily opposed to those changes or types of changes that are similar, but that it would be done in a different way. These are the only things the Council is recommending to change, so the Plan Department recommends that the Plan Commission accepts these changes and approve ZO-10-22 as amended by Council.

COMMISSIONER COMMENTS:

Kinzie asked if the Plan Commission will see the overlay in a forthcoming meeting if that's the

expectation. Scanlan said the expectation is to look into doing that and that would be a map amendment to the zoning map.

PUBLIC COMMENTS: None

****Kinzie motioned to approve petition ZO-10-22. Smith seconded the motion. Motion carried by roll call vote 7:0—Approved.**

ZO-11-22 UDO Chapter 3, Use Regulations, Amendments – Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive. Returned from Council.
Case Manager: Jackie Scanlan

Council Ordinance 22-09, is our petition ZO-11-22, is for correction set forth in Chapter Three. This amendment only one change and it was a grammatical error, so nothing of substantive has changed.

COMMISSIONER COMMENTS: None

PUBLIC COMMENTS: None

****Smith motioned to approve petition ZO-11-22. St. Kinzie seconded the motion. Motion carried by roll call vote 7:0—Approved**

ZO-12-22 UDO Chapter 4, Development Standards & Incentives, Amendments – Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive. Returned from Council.
Case Manager: Jackie Scanlan

Council Ordinance 22-10, our petition ZO-12-22 has three amendments, two typographical errors and the third is removing the proposed notes under table 4-3 related to the setback and impervious surface coverage developments standards in the mixed up medium scale in the redevelopment district.

COMMISSIONER COMMENTS: None

PUBLIC COMMENTS: None

****Cockerham motioned to approve petition ZO-12-22. Kinzie seconded the motion. Motion carried by roll call vote 7:0—Approved**

DP-20-22 Trinitas Ventures
1550 N Arlington Park Drive
Request: Primary plat approval of a 50 lot subdivision for 40.75 acres including 45 single family lots and 4 multifamily lots within a Planned Unit Development.
Requesting a waiver of the required second hearing and delegation of secondary plat approval to staff.
Case Manager: Eric Greulich

Greulich present petition DP-20-22, the request is for Trinitas Development for the property they are redeveloping at the northwest portion of the city. This was approved as a planned unit

development (PUD) a few years ago and the petitioners have been working towards constructing the buildings associated with that development. The petitioners are here to request a primary plat approval in order to subdivide the overall property, a 50 lot subdivision for 40.75 acres including 45 single family lots and 4 multifamily lots within a PUD. They have acquired property along Arlington in order to give them frontage on that street that would be a dedicated right-of-way, they already had frontage along 17th Street and as part of the petition they also worked with adjacent property to reserve a change of plan to acquire property along their frontage in order to have public right-of-way connections out to 17th Street and they would also have a connection to Arlington to the east. The overall development has four separate components, there are 45 single family lots and Parcel A to the south there are a series of townhomes, these have private streets throughout. Parcel C contains a multifamily development with several dwelling units and Parcel D consists of a series of duplexes and some townhomes, all of these front on public streets. Most of the internal streets are public, with the exception of the ones that go through the townhomes on Parcel B. That was an aspect that was discussed at great length with the rezoning approval and the petitioners redesigned those streets so those were to be private. There will be several easements planted throughout for environmental features, karst features, wetlands, and tree preservation. The petitioners did receive a primary plan approval with the final plan approval, however, the primary plan was not filed for the secondary approval and so that has expired. They are just here to request primary plat approval again.

The overall plan and layout of roads and lots has not changed the cross sections for all the internal roads from what was approved with the final plat approval. As mentioned, there are public street connections out to Arlington to the east, through the property they acquired as well as right-of-way they acquired from adjacent property to the south to give them public road connections to the adjacent road frontage. One unique aspect with the primary plat approval is that they are requesting not to dedicate right-of-way along Hickory Street that runs along the north side of this property. It is somewhat of an interesting situation along the north side of this property where there is a right-of-way that was dedicated with a plat that was done in the late 1800's. However, that plat did not dedicate right-of-way all the way out to Arlington Street, the plat was for a 20 lot subdivision and Hickory Street is shown on that plat was renamed and is actually, in functionality, where the alley is on the plat. So Hickory has moved to the north and this area of the right-of-way that was dedicated along the south was labeled Hickory Street. Although it is not shown on GIS but does still appear to legally exist the petitioners are requesting not to dedicate additional right-of-way for this street, which in theory runs along their north property line and they were not required to install sidewalks or street trees as part of their overall approval. However, with this plat this would be the time for right-of-way dedication, but they are requesting not to require that right-of-way dedication. Because it doesn't connect to Arlington and it does not functionally exist on the ground at all, all these properties use what is called Hickory Lane along the front, so there is no line that runs along the south of these properties and it does not connect to Arlington. There would not be any benefit to gaining the right-of-way dedication or requiring those improvements as it doesn't connect and it is unlikely the properties to the east are ever going to subdivide and be able to dedicate right-of-way. And because of this they are requesting not to dedicate this additional right-of-way along Hickory Street on the north side of the property.

The waiver does require a second hearing, but the petitioners are also requesting a waiver from the required second hearing to allow for this plat to move forward tonight. The Department is recommending the Plan Commission adopt the proposed findings and approve this petition with the waiver request of the second hearing and the one condition that is listed in the staff report.

COMMISSIONER COMMENTS:

Cibor asked for clarification of the GIS map, appears to show what looks like a right-of-way running

through the middle of the site, for the Commission sake, explain what that area is or what it is not. Greulich explained the public right-of-way that runs down the center of what is labeled as Hickory Lane was initially plated as a 12 foot alley, there is a street called Hunter Street ran along the north side and there was a 10 foot alley, with Hickory Street on the south side. In reality, Hunter Street never really existed, that got called Gourley Pike and good chunk of that was removed when INDOT changed the exit ramp from 37 on to 46, they acquired a lot of those lots at the end of there and that street, although it did wrap around previously, was terminated as a result of that exit ramp. But the street along the north has always been called Gourley Pike. There is also another note on the plat that says that Hickory Street is incorrect in it is actually the alley that runs along the east and west. It is possible that that right-of-way was vacated at some point in the past 100 years and there is not record of that, since we find no record of it we are treating it as a public right-of-way. And that is why they have to request a waiver to not require the additional right-of-way for Hickory Street. But the initial plat stopped at what is known as lot 11 which is where the black line is shown on this GIS snapshot.

Cibor asked if there would be implications of dedicating the right-of-way on the development. Greulich said it would place the north portion of the site, which was all set aside as conservation area, within the right-of-way. But given the lack of connection and nothing is actually on the ground, there is not functional benefit from gaining this additional right-of-way for a street that is not on the ground. Cibor had another question about Englewood Drive, there appears there is a right-of-way that runs through this property, asked for explanation of that right-of-way. Greulich said this is a utility easement that runs to the center of the site that was platted a long time ago in order to get to a live station that was back there, so it is not a public right-of-way. Cibor asked to confirm that this primary plat application has not proposed changes from the previously approved plat petition, in regards to right-of-way widths or public improvements. Greulich said this is correct, this plat follows the same primary plat that was approved previously and also the final plan for the PUD. The final plan laid out the network of streets and pedestrian improvements and right-of-way, on street parking, cross sections, alleys, all was laid out in the final plan and this is following along with that approval.

Kinzie asked why the secondary plat was not filed within the 12 months of the primary plat approval. Greulich said the petitioner had filed for a PUD amendment and a district ordinance amendment in order to allow for some signage on this property that would involve change the right-of-way widths, creating these long skinny lots so that delayed their secondary plat approval because they were trying to change that in order to change their plan.

PUBLIC COMMENTS:

Austin Tracy, Development Manager of Trinitas, just wanted to say the delay was trying to get the PUD amendment for the signage

****Kinzie motioned to approve petition DP-20-22, including the one condition outlined in the staff report. Cibor seconded the motion. Motion carried by roll call vote 7:0—Approved**

Meeting adjourned at 7:45 p.m.