

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

**November 14, 2022 - 5:30 pm**

*Plan Commission minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Department of the Monroe County Public Library, 303 E Kirkwood Avenue. Phone number: 812-349-3111 or via e-mail at the following address: [moneill@monroe.lib.in.us](mailto:moneill@monroe.lib.in.us).*

The City of Bloomington Plan Commission (PC) met on November 14, 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, Chris Cockerham, Trohn Enright-Randolph, Israel Herrera, Karin St. John, Ron Smith and Brad Wisler, the following members were present via Zoom, Jillian Kinzie.

**ROLL CALL**

**APPROVAL OF MINUTES: October 10, 2022**

**\*\*St. John moved to approve the October 10, 2022 minutes. Smith seconded the motion. Motion carried by roll call vote 9:0 - Approved.**

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

Jackie Scanlan, Development Services Manager, reported that Carmen Lillard, Office Manager, is retiring, wishing her the best in her adventures.

Burrell wanted to bring to the staff's attention that there has been a lot of requests brought to the BZA (Board of Zoning Appeals) for reduction of commercial space. Seems like that market trends are requiring less commercial space and we may need to consider revising the comprehensive plan to reflect those trends. Wisler has had similar conversations regarding this topic asked staff in the next round of UDO amendments if this should be an agenda item. Wisler asked Scanlan or Scott Robinson, Director of Planning & Transportation, if they could explain the reasoning for the requirement. Scanlan noted that this requirement has been in place during her time with the department, but noted the percentage was reduced during the last UDO update, are open to looking at the requirement again for a possible update. Robinson confirmed this will be looked at, every year they are looking at amendments for the UDO and this one will be looked at. Wisler asked from any other commissioners regarding this topic and Ballard just wanted to back up Burrell's comments. He also serves on the BZA and has seen the same request for the reduction in commercial space. Cockerham has seen a change in the market, seeing a need for more flexibility. As the markets are changing is a good time to look at this requirement.

Kinzie is representing the Plan Commission on Bloomington Monroe County Metropolitan Planning (MPO) organization and one of the items being discussed is requirements for electric vehicle (EV) charging stations. It is important for the Plan Commission to know what type and level of electric vehicle charging those units have because it makes a difference. Thinks it would be a really important issue for the staff to share and expand our information on it in terms of helping us keep track of both types of EV charging stations we require as part of building and parking garages, to assure that were are sufficiently equipping those area with the right levels of charging stations. Robinson wanted to add that within the private sector there has been a couple of companies who have worked with staff to try and implement EV stations that are meeting response to market conditions. Market wants to have electronic signage in front of charging stations where code does not currently allow.

**PETITIONS CONTINUED TO:** December 12, 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-24-22 Cutters Kirkwood 123 LLC  
115 E Kirkwood Ave**

Request: Major site plan approval to allow construct a 4-story building with 3 floors of residential units over a ground floor parking garage and retail space in the MC-CS zoning district. The upper floors will consist of 15 dwelling units for a total of 38 beds.  
Case Manager: Karina Pazos

**PETITION:** November 18, 2022

**ZO-40-22 Monroe County Government  
Northeast Corner of I-69 and Fullerton Pike**

Request: Map amendment (rezone) of one roughly 87.12 acre parcel from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI).  
Case Manager: Jackie Scanlan

Director Robinson wanted to give context to the request and the staff's position on the request, does not want the community to feel like the staff is being unfair to the County and their request. This is a very challenging request from the County. The petitioner has demonstrated the need of the current site for the jail and the need to address the issues. However, he wanted to make it clear that staff is using the planning documents they have to make our recommendation and should not be a reflection upon the County's desire to address community corrections and moving forward in that progressive nature. There are a number of questions that remain unanswered and he doesn't think this a position for the Plan Commission to try to decide those decisions tonight. This is a conversation that should be had with City Council. Encourages Plan Commissioners to make a decision tonight to forward to City Council.

Scanlan reported this is the second meeting for this petition, the property is located at the northwest corner of Fullerton Pike and I-69. The property is 87.12 acres and is currently zoned Mixed-Use Employment (ME) and the comprehensive plan designation is employment center. The property is currently vacant, is surround by a quarry to the east, there is an old quarry to the north as well as development of office space further north and single family homes to the west across the highway.

The request before the Commission is a map amendment (rezone) from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI). The history of this site is it is currently undeveloped but was used as a borrow site for I-69 construction. The comprehensive plan envisions employment centers that will allow Bloomington to keep pace with the changing economy, which is the main purpose of the district as part of the purpose statement for this area.

There were some concerns that we discussed during the last meeting, and two additional concerns

that have been added to the staff report.

- Environmental considerations, this site does not have a number of environmentally restricted areas based on the UDO ordinance, including close canopy areas, as well as slope and some potential karst feature. Those were identified with the previous petition that mentioned and those areas will be set aside. Making sure those areas stay safe, as well as the effects of development near those areas on the surrounding area they drain to.
- Access to this area will have vehicular access, whether or not there will be future transit access is still a question. There isn't currently Bloomington Transit access to this area, Rural Transit was mentioned as the last hearing, but there are limits to what Rural Transit can do inside the city limits. Petitioner mentioned their conversations with Bloomington Transit were positive and something could be done if a facility was built.
- There was not a site design provided for the map amendment, there is usually a general site plan so the Plan Commission and Council can have a general idea of what would be done, especially in this type of request where there is a very purpose-driven map amendment request. Two assumptions that were raised at the last hearing, which will be explored a little more.
- Site size assumptions, correspondence was received from the petitioner indicating they would need different sizes of lots, ranged from 20-40 acres, in order to develop this type of facility. This has been described as first the jail with possible supportive ancillary uses later. The County is using the size of the lot as their reason wanting the facility at this location because of size restraints within the city limits. It is hard for staff to address the size constraint issue because they don't know exactly how much space is needed. The Thompson PUD was mentioned in the last meeting, which is land still owned by the County and is within City limits.
- Location assumptions, petitioner mentioned at the October hearing the facility needs to be located within the corporate boundaries in order to satisfy the city, with the current location being in the heart of downtown right now, moving will have some impact of downtown and these issues were also raised when the Thompson PUD petition was reviewed in 2002, Planning has been involved in discussions about impact of services being moved away from the downtown area.

Environmental constraints will only leave roughly thirty acres available for development and petitioner has indicated they may need as many as forty acres which may not be enough for their supported facilities.

Scanlan read the Employment Center Background and Intent and the Mixed-Use Institutional would limit what uses can go there. Comprehensive Plan is wanting these areas to have significant employment and commercial opportunities, they want this area to be a premier entry point into Bloomington, will this rezone help meet these goals? The main issue is whether or not this request is in line with the Comprehensive Plan and for the reasons that have been reviewed here we are finding it difficult to say that it is in line with the comprehensive plan. The Department understands the practical and necessary needs for a progressive and comprehensive criminal justice system, including a new or updated jail facility and its associated wrap around services the petitioner is seeking to address. The Department is concerned that not enough information has been presented about why the map amendment is necessary in order to meet those needs. No information has been presented about collaboration with the City or downtown organizations about the impact of redevelopment or relocation of the existing facility.

If Plan Commission recommends approval and the Council decides to rezone this property it will be rezoned whether or not they have the jail there or not. So all of the things the comprehensive plan saw for this location many of those become more difficult under the district that the County is

requesting.

In conclusion, no information has been presented on how the populations served by this facility will be able to access it, and what sort of supportive activities are planned for this location. The petitioner has demonstrated the need for a new facility, but there remain significant concerns about the assumptions made for this petition and the lack of a community-wide conversation about the impact of this map amendment and its intended use. Additionally, the department has technical concerns about this map amendment request and its alignment with the Comprehensive Plan designation for this location, as well as the implications of the desired use and its lack transit access at this location.

The Department recommends that based on the findings of fact, the Plan Commission forward ZO-40-22 to the Common Council with a negative recommendation.

**PETITION REPRESENTATIVE:**

Julie Thomas with Monroe County Board of Commissioners said they do not have an option, they must build a facility. Treatment over incarceration is key to them, with judges playing a big role in that. They have to focus on keeping people out of the criminal justice system, as well as reducing recidivism. They have spent a lot of time visiting various facilities in Indiana and Kentucky, with the intent of learning from others. Wanted to point out it may be hard to envision without the completion of Fullerton Pike, but when done this site will connect to South Walnut Street and I-69.

Jeff Cockerill, County Attorney, thanked Plan Commissioners for being available to hear this case and the really good conversations that were had at the last Plan Commission meeting. It was agreed that the county needs to replace the currently facility, if they don't there will be trouble with the federal courts. Currently there are no sites within the City of Bloomington that is zoned for a jail that meets the county size requirements. He understands the Thompson site has a PUD associated with it and could be used for the new facility, but that has been requested for use by Catalent for their employment growth. It is agreed that transportation is going to be very important to this location, Bloomington Transit (BT) has indicated their willing to work with the County, if BT falls through then that burden would be on the County to make sure there is transportation. They don't want the new facility to affect neighborhoods and that is one of the reasons they looked at this site. One of the concerns for the Planning staff is the loss of employment opportunities if this is changed to MI, the property has sat vacant for the 37 years the current owners have owned the property. This facility would employ at least 128 employees with additional employees added when new services are added. Believes they will be able to fill the buildable 40 acres with the supportive services that will be added to that location. They have not heard of any other property within the city limits that would fit their requirements. In the RFQ they requested that the area should be attractive, inviting to residents, visitors and service as the gateway to the City of Bloomington. Site plans have not been developed yet because they wanted to make sure they would be able to utilize this property before spending tax dollars on site plans. Did walk site with some of the surrounding property owners.

**COMMISSION COMMENTS:**

Smith asked Cockerill to address the site size that bothered the Planning Department. Cockerill said the 25 acres is the minimum requirements needed for the facility, but as they add additional services that would fill the additional acreage. What those additional services are has not been determined at this time.

Cockerham asked for more information about the land south of Catalent, what are the reasons that site would not be suitable for the jail. Cockerill said with the recent completion of the Switchyard Park and the surrounding housing, most people wouldn't want to be neighbors with this type of facility. The other key issue is when Catalent was talking to the City about its expansion and the County had committed to not do anything with that property to give them a two year window for expansion. Feels that property would be better used for housing.

St. John asked if the support services for the new facility would be available to people who have not been in the system. Cockerill said the goal of everything they are doing is to keep people out of the system to support them once they get out of the facility. He anticipates that the vast majority of those services would be for people not in the facility itself. St. John is more concerned about the location, the services that are currently located downtown would be moved further away from the center core. Cockerill said that is part of the conversations regarding practicality of what should go out there and what shouldn't. County Commissioner Leigh Jones said there have been many discussions about different ways to approach these problems, one of the things the State is looking at is creating a regional mental health hospital. Just one of the many thing they are discussing.

Enright-Randolph said so we don't lose sight of this, why is this discussion taking place and how has this precipitated to this meeting today? Cockerill said the ultimate answer to that is they entered into an agreed order with the Indiana Civil Liberties Union because of the status of the jail and the overcrowding of the facility and they are still under that agreement.

Kinzie asked what the Plan Commission's obligation is and what they are responsible for, does it align with the Comprehensive Plan. Cockerill boiled this down to the issue of do we believe the jail should be in the City, Kinzie does not believe it is as simple as that. She would also like to think about the impact of this map amendment, if the map amendment is forwarded to City Council with a positive recommendation and the City Council agrees what happens if the jail is not built at that location. Scanlan said that Cockerill ended his presentation by saying it is up to Plan Commission if the jail belongs in the city limits, that is not the purview of the Plan Commission. The purview of the Plan Commission is whether or not any petition is in line with the documents the community supported, including the UDO, transportation plan and ultimately the comprehensive plan in a map amendment. The recommendation we make to you and the recommendation you make to the Council is based on the comprehensive plan and that is how we treat all map amendments. Regarding the second question, the map amendment will not go away whether the jail is build there or not. That could change if someone wanted to do another map amendment.

Kinzie wanted to clarify that the only option for jail or detention center is MI Conditional. If Council agrees to the map amendment then it would have to go to the Board of Zoning Appeals (BZA) for conditional use approval of a jail. It is not a permitted use even in MI.

Wisler asked assuming this went through and was rezoned to MI and the county fails to move forward to construct a jail, is there any reason that we couldn't initiate action with this body to rezone back to ME. Scanlan said technically, no, but we would hope that the findings for a map amendment are related to the district, not the use. If you think it is line with the comprehensive plan then that won't change, even if the plans for what they are developing are changed. So planning staff preference would be that, no they wouldn't then come back recommend it be changed back. Mike Rouker, City Attorney, said a rezone of this site would not preclude a subsequent re-rezone. An independent party can initiate a rezone, so can the Plan Commission.

Smith toured the site with Cockerill, some members of City Council, as well as some members of the

jail staff. His view is none of them like jails, but this does give us a long-term way to become more progressive and more humane and have a better system. The Comprehensive Plan is guidance, it is not a legal requirement. Scanlan said the findings in the UDO say whether or not something is in line with the comprehensive plan and that is a legal requirement. Smith said by changing the zoning to M1 would allow this project to move forward and the County has been under a consent decree since 2008. This could be a good thing as far as service in this community.

Burrell is very sympathetic with the need for a new jail, but wants to know why they are looking at rezoning this property right now? Is it because of a purchase that is eminent or is it something else. Cockerill said they do have a purchase agreement, which ends at the end of the year, and it is contingent upon having a rezone to M1. The County and the county elected officials are trying to revamp the system so the State Constitution actually means something to this community. When you look at the comprehensive plan you can see four or five things with the vision that are directly related to this project.

Herrera asked how the move away from the downtown area move would impact the area. Cockerill does not believe that there will any impact to the downtown area for some time to come because not all services will moving with the jail. It will take time for all services to get moved, financially won't be able to accomplish that kind of move for many years. As they work through the master planning process those conversations will evolve.

Cibor said the Plan Commission is in a tough spot, they are being asked to vote on something before the public engagement has really happened. There are just so many unknowns, don't know when the jail will move and what will move. There are just a lot of unknowns. When will the dialogue with some additional information happen? Cockerill said those opportunities happen twice a month since August of last year. Last October the County started a group that had County Council and County Commissioners that met publicly to start discussions on this topic. Last summer that group was expanded to include members of the Board of Judges, the Sheriff, the Prosecutor, the Public Defender's Office, the Jail Commander and the Health Department. Cibor asked if anybody from the City, City Council, Planning staff been involved or been a part of those conversations previously. Cockerill said he does not attend all those meetings but he does know some elected City officials have been at those meetings. Cibor asked if this was rezoned and became the jail and about 128 employees would be located there how that aligns with our comprehensive plan. Scanlan said the comprehensive plan is envisioning new employment for this area, not the relocation of current employees.

Cockerham noted that this property has been available for 38 years, is there anything in planning or in the code that you think has hindered the development of this property? Scanlan said we don't know why property sits fallow, we don't know necessarily how much the property owner has been asking for the land, they may be sitting on it until the right offer comes along. We can't really say why this has not developed in the past. Robinson added that he has been with the City since 2002 and this site has always been a topic of conversation, the history of the site in holding to that community vision with the comprehensive plan desires and he doesn't think that is a reflection of the properties market value.

Wisler asked when looking at the proximity to the highway is that a major factor for a potential large scale employer particularly a manufacturer. That would be the reason for the ME classification and Cockerill has mentioned some characteristics of that property that make it attractive as a jail, one being the tree buffer. Is there anything about the location in particular, maybe specifically the proximity of the highway that makes it appropriate location for a criminal justice facility? Cockerill said

these are reasons that make this location appropriate for a jail. When talking with the Sheriff about what he felt was important he said being along the interstate corridor was extremely important to him. Cockerill believes one of the factors looked at was trying to maintain neighborhoods and not putting this facility in neighborhood. And the second factor was trying to figure out a place with good transportation access, and when Fullerton Pike is complete there would be good access. He believes everyone will see this property different once the corridor is done.

Smith asked if the objection to the change is that it doesn't meet the comprehensive plan and that is the reason for the negative recommendation. Robinson replied that yes that is the reason for the negative recommendation. The plans and documents are created to provide guidance, and they are certainly open to revising and amending them. But if we take this step to any request that comes forward and we don't give any consideration to those documents, what is the purpose of doing them. The UDO outlines the legal requirement of the findings the staff must make and we hope the Plan Commission follows, that doesn't mean that the Common Council has to follow those same recommendations. Smith asked if the detention center was a conditional use for mixed employment, would that resolve your objections. Robinson said if you are talking about changing the UDO to add this as a condition it would require a different process. That is something that the County didn't choose to elect. Scanlan said the main concern for this petition is that they are requesting a map amendment that is not in line with the comprehensive plan. But there are other concerns, including transportation access and those things would still be the same. Robinson added that if this was regarding conditional use it would be before the Board of Zoning Appeals, and they would be having the same discussions regarding transportation access, environmental issues, etc.

Burrell ask the petitioner if they have done any environmental studies and what were the findings. Cockerill reported they have done phase 1 and 2 environmental studies, jurisdictional and territorial water study and today they got a final version of our hydrogeology. They have also done a geo-technical study which has not been forwarded to the Planning staff yet. All those studies reflected what they thought at the beginning, with one or two exceptions. There are a couple of Karst areas along the I-69 corridor that are a little larger than they thought they would be. Burrell asked if the county was satisfied with all the contingencies regarding the environmental issues. Cockerill said the county is satisfied and these issues will be taken to account when they were doing their master planning and site design.

**PUBLIC COMMENTS:**

Sydney Foreman wanted to speak against the rezone, said the findings brought up by the Planning Department brings up legitimate concerns regarding transportation surrounding the site, which is an exorbitant issue with the intended use to build a new jail on the land. Relocating the jail from downtown removes accessibility of many families of inmates, increases barriers to defendants from getting to the court, where failure to appear is already a huge reason for revocations. If the jail is located on Fullerton Pike how is that going to impact those numbers? There is the cost to fund buses or other transportation services, who would be paying for that transportation? Moving the jail away from downtown is like pushing the lives of incarcerated people out of sight and out of mind, which is just sits uncomfortable with her. She also has concern for the land use, is it appropriate for the natural environment of the land, and it is just a blatant disregard for Bloomington's environmental health. She thinks the request just disregards the comprehensive plan for place new employment opportunities on this land. Ask that the Plan Commission not support this rezone request.

Donyel Byrd, Monroe County resident and social worker for over 25 years and she is associated with

New Leaf New Life who provides services to people who are formally or currently incarcerated. She is not representing the organization. Would like for this rezone to be denied, it is not consistent with the comprehensive plan. This is not a good gateway to our community, believes that those arguing that this is meeting qualifications for employment is disingenuous. She does not believe that employing correctional officers is creating new employment opportunities. The opportunities are already available and the jail is still understaffed. She thinks there are more important things to invest in then cages. The location is incredibly problematic, even if there is transportation available for those released they are wearing the same thing they went in with, which isn't always appropriate for the current weather, imaging sitting at a bus stop with flip flops on and it is below freezing. This location is extremely far from all the supportive services that people need. She does not believe the county has done its due diligence to evaluate the cost and feasibility to renovate the current jail.

Molly Turner King as a public defender and a prosecutor a few years ago there was a local rule made where defendants do not have to come to every court hearing or pretrial conferences. As long as the defendant remains in contact with their attorney they do not have to physically appear in a courtroom. The prosecutors and public defender's office along with the court are really good at working with defendants on accommodating when they can and cannot appear for hearings. She thought this information might lend some insight into why this facility could still accommodate transportation needs of the people who need to use the facility.

Sam Dove wrote a statement which Ms. Scanlan read. Homeless need transportation on Sunday, places take long time to walk, and I think people need buses on Sunday, I don't know why there are no city buses on Sunday, there needs to be one.

**ADDITIONAL COMMISSION COMMENTS:**

Wisler wanted to clarify the options available for this vote, the staff has recommended that we forward this to the Council with a negative recommendation. Asked Mike Rouker, City Attorney, to confirm no matter what happens tonight they need to forward this on to Council, either with a positive recommendation or a negative recommendation or no recommendation. Wisler asked what would happen if they failed to pass one the three motions. Rouker said if they failed to pass one of those three motions they could further continue the petition, but the petitioner would like this to move forward tonight with a recommendation. Functionally there is no difference in terms of the legal effects of no recommendation or a negative recommendation. If the City Council were unable to get five votes within the ninety day subsequent period then the Plan Commissions decision would stand. It would either be denied if it is a no recommendation or a negative recommendation, or if the Plan Commission had given it a positive recommendation and the City Council takes no action then the rezone request would be approved. Wisler clarified that the Plan Commissions recommendation is only relevant in the event that Council fails to approve. Herrera asked if there would be any additional meetings if the Council does not vote within the 90 days. Rouker said the will be no further consideration of this rezone request by the Plan Commission.

Enright-Randolph comment is that comprehensive plans are a guiding document that are fluent, he believes that is significant, there is no guiding document for this issue that they find themselves in today, but also what's in this comprehensive plan is local government partnership. It talks about working inter-locally with the county, the town, the university, what he sees here is a lack of solution with a compound problem, and this needs to be addressed. If they move it with any recommendation here it will move to the Common Council and they will have to address it there as well. He believes the comprehensive plan needs to be looked at so we don't find ourselves in this situation again.



Kinzie said it seems pretty clear to her that based on the Plan Commission purview, our considerations for compliance with the comprehensive plan and make sure the land is being used for its most desirable use and what MI should be regarding transportation and concerns about that, that we should not support this proposed map amendment. That seems pretty straightforward to her. What hasn't been focused on is the loss of ME in a newly viable and improved interchange, which was mentioned by one of the public commenters. We should not be happy with moving employment around in the community that is not satisfy the goals. The most important is not rezoning for a very specific use or a single use in this case. In this case, as a commission responsible for land use, we should not support this map amendment and we should forward it with a negative recommendation.

Cockerham is concerned about removing this employment opportunity but then he wonders if there are other opportunities within Bloomington that might have a higher and better use. That is why he asked the question earlier about Catalent that has a real potential use there which is going to bring some great jobs, it might or it might not happen. He doesn't like that it doesn't align with the comprehensive plan, since 2018 a lot has changed, the comprehensive plan is a guiding document. When there is limited ME zoning in the city and removing it is a big deal. He is really torn because he would like to move this forward with a positive recommendation because there is a huge issued in our community. Understands Commissioner Kinzie's reasoning and supports that, just not sure what direction he will take.

Wisler agrees in large with what Commission Kinzie has said and this is obviously a very complex issue and it is really difficult as a Plan Commissioner to not let all the aspects of this issue creep into our decision making. The reality is we really do concentrate on what our authority here is. It doesn't comply with our comprehensive plan, and he can't make sense of giving up one of the few parcels in town that is suitable for large scale employment. No matter what we do tonight this will move on to the City Council and City Council has a purview that is much broader than ours, they can consider a lot of other aspects of this. One of the reasons we have a City Council member on this Commission is so that they can report back to the Council on all the discussion that was had tonight.

St. John wanted to thank the county, they have done a great job of outlining the need and how we take care of people who are facing incarceration. But this is complicated because we are just the Plan Commission and this is a heavy issue. They rely on the professionals in the Planning Department and respect when they make a comment they don't have an enough information that is not something we normally hear. Maybe the petitioner has the information but somehow the communication hasn't happened at a level that we are used to, something is not happening so that we can make a full decision.

Smith said it is doubly hard for him, he is looking at things from two perspectives, the Plan Commission and City Council. He would vote to support the change from ME to MI.

Ballard wanted to recognize the work the county has done. Ballard agrees with what Cockerham said about the shifting of the economy and that something could be done at that location to add jobs. He also agrees with what St. John said about the Planning Department needing more information.

Kinzie motions to forward to the Council with a negative recommendation, Ballard seconded the motion.

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**\*\* St. John motioned to send petition ZO-40-22 with a negative recommendation to City Council. Ballard seconded the motion. Motion carried by roll call vote 6:3.**

**ZO-45-22      Saint Real Estate, LLC**  
300, 302 and 314 W 1<sup>st</sup> Street  
Request: Zoning map amendment (rezone) of three parcels from Mixed-Use Neighborhood Scale (MN) to Mixed-Use Medium Scale (MM) and request for a waiver for the second hearing.  
Case Manager: Karina Pazos

**St. John and Cockerham have recused themselves from this case due to conflict of interest.**

Karina Pazos presented this petition for 3 parcels located at 300, 302, and 314 W 1<sup>st</sup> St. this site is zoned Mixed-Use Neighborhood Scale. Its surrounding uses include office, medical clinic, personal service and retail sales. The two eastern parcels are currently developed with one office building that contains St. John Associates and the third parcel, to the west, is currently vacant. The properties to the north and west are part of the Hopewell redevelopment project. And the alley to the west was vacated so the new western property line is now to the center of the alley. The petitioner is requesting a Zoning Map Amendment of the three parcels from Mixed-Use Neighborhood Scale (MN) to Mixed-Use Medium Scale (MM), and a request for a waiver from the second hearing.

The Unified Development Ordinance identifies the petitioner’s land use as “office”, which is a permitted use in the current MN district. The difference between MN and MM is that the proposed zoning district does not allow for Dwelling, cottage development uses whereas the current zoning does allow it as a conditional use, but the proposed district does allow for 12 nonresidential uses that would require conditional use approval under the current zoning and 26 nonresidential permitted or conditional uses that would not be allowed at all under the current zoning. As part of a zoning map amendment, the petitioner is required to dedicate right-of-way as indicated by the Transportation Plan. In this case a 6-foot right-of-way dedication is required along S Morton St. There are a couple differences between the dimensional standards of both zoning districts, MN has a maximum area of any individual commercial tenant whereas MM does not and it allows for 4 stories of maximum height.

The Comprehensive Plan designates this site as “Mixed Urban Residential”. The Mixed Urban Residential district is identified as having complete access to utilities, fire, police, streets, sidewalks and other facilities that provide mobility at a ‘20-minute neighborhood’ level of service. A main objective for this area is making necessary upgrades and capital investments. This district generally has a mix of uses and a mix of densities ranging from single-family residences to larger 2-4 story apartment buildings. This petition helps further the goals of the Comprehensive plan by expanding the variety of residential and non-residential uses that can be allowed, as well as, dedicating right-of-way along Morton St to ensure public improvements will be made if future redevelopment of the site is desired. Specifically, these are 3 goals from the Comprehensive Plan that this petition can help support by having more uses to choose from with the potential redevelopment of the site.

So the proposed finding for the General Compliance Criteria is that the proposed rezoning is in compliance and will meet all applicable standards in the UDO if ROW dedication consistent with the Transportation Plan is submitted within 180 days of approval by Common Council. The proposed finding for additional criteria applicable to zoning map amendments is that the proposal is consistent with the comprehensive plan and intergovernmental agreements. The proposed right-of-way dedication along Morton St will be consistent with the Hopewell development right-of-way dedication. The proposed rezoning is not expected to have any adverse impacts. The City will be making street

and sidewalk facility upgrades along W 1<sup>st</sup> St, the proposal provides adequate public services and facilities with the proposed right-of-way dedication, and there is no redevelopment or phasing plan proposed at this time.

The proposed finding for specific approval criteria is that the Comprehensive Plan designates this site as Mixed Urban Residential and identifies this area as appropriate for low or high-density uses, noting that these areas are well served by existing infrastructure. A diversity of land uses in this district is also encouraged. The site has currently been developed with a building owned by the petitioner that provides an office use. The dedication of right-of-way along Morton Street as well as near-future improvements to 1st Street further increases/upgrades the multi-modal transportation options for users at this location. Approval of this request would allow for expanded use offerings for members of the community.

The Comprehensive Plan states that a wide range of land uses is appropriate within this district. The rezoning of this site to MM would also match adjacent land to the north that is zoned the same. There are no known sensitive environmental features on this site. The proposed rezoning is not expected to have any negative impacts on adjacent property values. The rezoning of this site will help further many goals of the Comprehensive Plan and facilitate additional resources available to the community. And the Comprehensive Plan states that this district is appropriate for a variety of uses and the high level of access to this site makes it even more ideal for different possible redevelopment options. The Department believes that the rezoning of this site to MM would match the Comprehensive Plan designation of the site as Mixed Urban Residential. This site's current use is permitted in both the current MN and the desired MM zoning districts, and a rezone would expand on the possible uses that could go in here and match the uses of the majority of properties in this area. The rezoning of these properties to MM would not affect adjacent businesses, would bring the property in line with the zoning of the surrounding properties, and would allow this use to expand and better serve the needs of the overall community in an area that is appropriate and in line with the Comprehensive Plan.

The Department recommends the Plan Commission approve the waiver to not require a second hearing and forward this petition to the Common Council with a favorable recommendation and the following conditions:

1. Right-of-way dedication consistent with the Transportation Plan is required within 180 days of approval by Common Council.

**PETITION REPRESENTATIVE:**

Chris Cockerham with FC Tucker Commercial is representing Saint Real Estate, he thanked the Planning staff for the work they have done on this petition. He points out this is all about the timing of opportunities in the area and the redevelopment of the hospital land, it is a once in a lifetime opportunity to really do something great in Bloomington. This site connects to Morton Street, and when you look at the surrounding sites it only makes sense for this site to be zoned the same. So by changing the zoning we feel that it's just going to help the overall development of the Hopewell site. And as stated by the Planning staff this matches the comprehensive plan and a majority of the properties in the area. This brings in line with the zoning of the other properties in the area. This should not negatively impact the adjacent property owners.

**COMMISSION COMMENTS:**

Cibor asked about the condition that is included with the recommendation of a dedication of right-of-way and if the petitioner has any concerns regarding that condition. Cockerham did not think that was an issue it is part of the process, and they support the code.

Kinzie asked if the staff could speak about the value of this right-of-way and what it means to the community. Scanlan said it allows for future roadway land use plans, our future right-of-way plans for vehicles and pedestrians. In this particular case it will allow for alignment with the right-of-way dedication that is happening at the larger phase one east site, a dedication that this property was not involved in the subdivision that you all have seen. This will align the right-of-way with the right-of-ways that came through on the surrounding properties. Kinzie summarized what Scanlan said and added it will allow of the alignment of pedestrian and bid friendly passageways, allowing for more comprehensive right-of-ways and transportation. Scanlan says it allows consistency of design in the future. Kinzie asked about the improvements that were going to be done on First Street and what this rezone would allow. Pazos said the sidewalks along First Street will be upgraded, to meet ADA requirements, and the street repaved. Kinzie asked for confirmation about bike and pedestrian access and continuity. Scanlan asked if Cibor could answer that question. Cibor first spoke about the First Street project, from College to a point west of Fairview, in the coming year, a big part of that project is sidewalk infrastructure. The sidewalk that currently does not exist along this corridor will be installed in many places and existing sidewalks will be replaced, and a lot of the utility underground infrastructure is going to be replaced, so it is going to be a full reconstruction of the road. A major change at the Fairview intersection that currently has a significant hill and limits visibility. Most of the dedication of right-of-way is along the Morton Street frontage, so that enables future projects, either through redevelopment or a future City project.

Wisler asked staff if they recall when MN maps were drawn, and is there any particular reason why this was MN and not MM. Scanlan said when looking at the map you can see that Centerstone will remain MN and to the south. When looking toward Phase I of this project there was some discussion about existing uses at the site and if those could be maintained with a lower mixed use classification of MN. She doesn't remember if that was just a continuity issued if they were already lower, there were just not increased. They tried not to change very many people's districts unless there was a compelling reason. The districts in this area were drawn to match the master plan.

**PUBLIC COMMENTS:** None

**ADDITIONAL COMMISSION COMMENTS:**

Burrell made a motion to waive the required second hearing and forward this petition to the Common Council with a favorable recommendation with the one condition in the staff report.

**\*\*Burrell motioned to waive the second hearing for ZO-45-22 and forward to Common Council with a positive recommendation with the one condition as indicated in the staff report. Smith seconded the motion. Motion carried by roll call vote 7:0 – Approved**

**ZO-51-22**      **City of Bloomington**  
Text Amendment  
Request: Text amendment to add an overlay to the Unified Development Ordinance (UDO) and a waiver of the second hearing.  
Case Manager: Jackie Scanlan

**St. John and Cockerham have recused themselves from this case due to conflict of interest.**

Ryan Robling, Planning Services Manager, will be presenting this case. This is a zoning text amendment that was brought to the Plan Commission from Resolution 22-17 by the Bloomington Common Council and it asked the Plan Commission to propose an amendment to the Unified Development Ordinance (UDO) to establish an overlay district related to the development of the Hopewell neighborhood. An overlay is a district that is a zoning district placed on top of an existing zoning district or over part of the district or multiple districts. The boundaries of the overlay are often selected in order to protect environmental features, preserve historic building, or promote economic and residential development within an area. The regulation within the overlay may be more or less restrictive than the underlying base zoning districts and those overlay district standards will always supersede the regulation of the base zoning district for all specific regulations identified within the overlay district ordinance. The City currently has an overlay in the downtown character overlay and there are six character districts, the Courthouse Square, Downtown Core, University Village, Downtown Edges, Downtown Gateway and Showers Technology. The Downtown Character Overlay (DCO) has regulations regarding building setbacks, appropriate surface coverages, architecture and allowed uses like the existing DCO. The Transform Redevelopment Overlay (TRO) has eight guidelines from 17-22:

- Subdivision standards should require alleys in this area
- Require drive access off alleys rather than streets
- Increase impervious surface maximums
  - The allowed increase to the impervious surface maximum will be 25% above the underlying base zoning district within residential zone properties that will be 15%. The increase is in addition to the standards of the underlying base zoning district.
- Reduce side and rear setbacks
  - The non-residential setbacks will be zero feet
  - Residential will be ten feet
- Reduce minimum lot size
  - In the mixed use and non-residential zoning districts there will be no minimum lot size
  - In the residential zoning districts it will now be 1,500 square feet
  - Minimum lot width will be 35 feet
  - For single family, duplex, triplex or fourplex uses they will utilize the R4 zoning district, this is similar to the Residential High Density (RH) and Residential Medium Density (RM)
- Eliminate minimum parking requirements
- Require pedestrian-scale development standards for first-floor residential uses.
  - Multi-family dwellings are required to be setback 20 feet behind each building façade facing identified streets, and the B-Line Trail. Will prevent dwelling units from being located directly adjacent to the well-traveled streets in the overlay.
  - Multi-family dwelling units which have front building wall facing a street are required to be raised 2 to 5 feet above sidewalk level, increasing privacy from the street
  - Front setbacks are required to be landscaped or provide outdoor commercial uses, will promote walkability. Primary building are required to include a courtyard equal to 5% of the buildings total footprint.
  - 20% of the total wall/façade area of the ground floor residential facades contain glass or framed facades, this will reduce the amount of blank and uninterrupted walls while still providing offering privacy from dwelling units on the ground floor.
  - Maximum building floor plate is 5,000 square feet without achieving affordable housing

incentives

- Additional Proposed Regulations:
  - Modifying to the Allowed Use Table within the overlay
    - Excluded Uses
    - Permitted Uses
  - New use-specific standards for multi-family and restaurant uses
  - The building materials list has been modified to allow additional primary building materials
  - Required street lighting
  - New requirements for pedestrian entrances
  - New regulations on exterior facades to prevent blank walls
  - A modification to the landscaping standards to encourage interior plantings
  - Maximum parking reduced by 50%
  - Incentives
    - If the affordable housing or sustainable development incentive have been earned the maximum floor plate shall be 20,000 square feet
    - If both development incentives have been earned the maximum floor plate shall be 20,000 square feet
  - Maximum building height is the same as the base underlying zoning district.
- Departures - intended to allow for based adjustment to the requirement of the UDO. A department is required to receive approval from the Director of Planning and Transportation prior to being reviewed by the Planning Commission. The Director must find that the site and building design offer a unique and beneficial design, then all site plans which will require departure will be reviewed under major site plan approval through the Plan Commission. Each site plan must be reviewed by the Plan Commission and found to meet all the proposed criteria.
  - Form based adjustment or deviations
    - Dimensional, numeric, or building and site design standards
  - Must meet the goals of a specific standard while providing for exceptional architectural design

The Planning and Transportation Department recommends the Plan Commission approve the requested waiver of the second hearing and forward ZO-51-22 to the Common Council with a positive recommendation.

**COMMISSION COMMENTS:**

Enright-Randolph was curious what the impacts of having this overlay over an existing TIF, it is not contiguous with it. Kind of starts splicing it up and there on the Adams Crossing TIF. Scanlan said they are not related they are both tools that can be used for redevelopment. But whether or not a zoning district overlay is in line exactly with boundaries of the TIF. Enright-Randolph believes they are related, looking at a TIF where some of the redevelopment funds that can go to support some improvements that have different standards. So are you looking the TIF when creating the overlay? To answer his question Scanlan said no that this overlay area is dictated by the hospital redevelopment site area and is what the base of the physical area, which was started when looking at the boundaries for where the overlay would go unrelated to where the TIF is. The overlay is just another zoning district, and like all zoning districts they don't align with TIF boundaries.

Cibor asked about the changes requiring any multi-family dwelling unit that has a front building wall facing a street to be raised 2 to 5 feet above the sidewalk level, he does not understand what is going

on there would like a clarification. Robling said it is to raise windows and some entrances above sidewalk level to provide greater privacy. Cibor has concerns about ADA entrances and wheelchairs getting into those raised entrances. Robling said the primary entrances are required to be at sidewalk grade, this would only be the unit set or adjacent to the sidewalk. Cibor has safety concerns about 0 building setbacks and potential to not see a pedestrian walking across an alley entrance. Robling said that vision clearance triangles still applies.

Kinzie asked what would qualify for the request for departure on architectural design. Robling said they did attempt at defining departure but wanted to leave it open to your interpretation, the final say is the Plan Commission's approval. Staff is looking specifically at things that wouldn't be aligned with code or meet standards. Kinzie asked about the TRO and idea that it could be then adopted for other parcels or other areas, and what that process would be. Robling said it would be exactly like every other zoning district. Any petitioner could request to redevelop or to be within the downtown character overlay, even if they are not in the downtown, the same rules would apply for the TRO. They can request a zoning map amendment to this overlay and then the Plan Commission would weigh in and Common Council would have final say. Kinzie wanted to confirm that the text in the packet is new text and not modified text. Robling said it was a new section in the UDO numbered 20.02.02, it will be a section right after the downtown character overlay. Kinzie asked a procedural question, what is the basis for waiving the 2<sup>nd</sup> hearing on this petition. Robinson said the request was originated from Common Council through their resolution and not by a staff driven amendment. But since there has been plenty of deliberations with our elected officials about the intent behind this we felt that it warranted the request for only one hearing.

Wisler wanted to talk about the pedestrian scale residential requirements or standards and is there talks about the building setback being further back in courtyards and courtyards being visible from the sidewalk. Does this create a case where there could be different setbacks between commercial building and residential and is that intentional? Robling said that setbacks are a build to range, like to ebb and flow as the developer would like to. The idea is that courtyards and other bump outs would be intentional in creating a more walkable active space rather than being right up against a brick wall. Wisler asked if this is to encourage residential designs that have a bit of front porch or front yard. Robling confirmed that was the idea.

**PUBLIC COMMENTS:**

Chris Huntington, property owner included in the next petition. Has asked the Plan Commission not to approve the waiver of the second hearing. In his opinion, clearly the overlay was developed with the Hopewell project in mind, it has obviously been modified to be applied elsewhere, from his standpoint, and some other property owners, and it should not be applied to properties that really aren't necessarily directly connected with Hopewell, which have been swept into. He doesn't believe the ramifications have been considered for those properties, and how these rules can apply to those properties or the hardships they will cause. Specifically what he is talking about is the alley access rule to extend or creating brand new plots or planning a new development. He challenges every member in attendance to drive down the alley between Howe Street and 2<sup>nd</sup> Street and consider the existing properties. There is a steep incline on that alley and requiring that driveway access off the alley would be dangerous, include setbacks and a bunch of other problems and it could create a definite hardship for a lot these properties. He believes there some property owners that have been swept up with this alley requirement and this could be addressed by removing them from the overlay.

Phillip Stafford, former Chair of the Commission on Ageing, he does not represent the Commission any longer but wanted to draw Plan Commission's attention to the comprehensive plan relative to this

question. The Hopewell project is not only the old hospital site but also the Switchyard site were specific alley referenced as focus areas in the comprehensive plan and focus area in which the concept of livability of lifetime community could be incorporated into the planning and he assumes the zoning in the comprehensive plan read specifically that in a lifetime community of the purpose of a lifetime community is to leverage opportunities for city and private planning and investment to achieve a lifetime community defined as a place that promotes social, physical, mental and emotional wellbeing for person of all abilities across the entire lifespan. The lifetime community concept is part of the international efforts to make cities more livable by emphasizing quality of life for people of all ages, abilities, and socioeconomic background. The Hopewell neighborhood, and perhaps others, that might be entertained under this concept of the overlay can be created in Bloomington. There was a short process associated with the Hopewell neighborhood and in the Master Plan, it says the plan should leverage development and investment opportunities to achieve a lifetime community defined as a place that promotes social, physical, mental and emotional wellbeing for persons of all abilities across the entire lifetime. Hence he was appreciate of the Commissioner's question about accessibility of multi-family developments, residences from the sidewalk and satisfied to hear the answer to that question. He was curious about the preclusion of retails in the neighborhood, he thinks retail has the potential for fulfilling the idea or the concept of a lifetime community. He is not sure how retails is defined in this context, but retail might be an important element in a lifetime community. There are some amenities in that neighborhood and that would fulfill some of the goals, such as Kroger's and the pharmacy at Kroger's, but he worries a little about totally precluding retail. But he is pleased with the changes that been incorporated into the overlay standards because he feels they do provide support to develop a livable and walkable community for all ages. He wanted to note the testimony that the Commission on Aging provided in 2018, a fifteen page document, that talks about creating a livable community, a lifetime community in that neighborhood. That obvious goes beyond certain aspects of zoning as defined, but talks about programming and the possibility of leveraging funding in that neighborhood that can help create a lifetime community in that neighborhood. So it not just a question about zoning, but also TIF funding or business improvement district funding, or whatever other kinds of fund that could come into that neighborhood to help develop a lifetime community. He hopes you don't lose touch with the concept of lifetime community and the potential that holds for this neighborhood.

**ADDITIONAL COMMISSION COMMENTS:**

Wisler asked about the exclusion of retail, why restaurant is a permitted use and why others are excluded. Robling replied are for retail or common commercial, like mortuary and more extreme uses. The rest of the uses allowed in each base underlying zoning district are fully allowed, the reason restaurant is different is because it was limited in the RM zoning district to 2,500 square feet and we wanted to double that to five thousand square feet. We had to write a new use specific standard and permit them. Wisler said it specifically states that retail sales is excluded. Robling clarified that was retail for big box stores is excluded.

Wisler asked if staff would like to comment on the other issues that were brought up, particularly the question of alley access, grade and pavers. Robling said they had their hands tied regarding that because Council had that requirement so we just adopted it. That was what their vision for the overlay was, we agreed with it. Drive cuts, especially along roads like 2<sup>nd</sup> Street would be great, so there potentially maybe obstacles which a variance would be required. But that would be up to the Board of Zoning Appeals (BZA).

Smith asked if there are any concerns about flooding because of the 85% impervious surface allowed.



Robling said no, the master plans will specifically be designed to mitigate flooding potential that is why the impervious increase was seen as acceptable.

Kinzie wanted to say that she generally likes what this very idyllic sounding transform redevelopment overlay proposes. She appreciates the incentivizing of both affordability and sustainability and likes the freeing up for exceptional architectural design that it allows. She likes the specification of permeable pavers and all the things that make this more accessible. Her only hesitation is about some of the aspects that commenter Chris Huntington raised about other property owners' input and thinking through what alley access would mean to some of these properties. She knows this is intended as an overlay and even within that there can be exceptions, or would there not be variances allowed within the overlay. That would be important to know. She wondered about not waiving the second hearing and continue through to the next meeting. Scanlan address the issue of alley access and said that was one of the eight criteria that came from Council so they won't take that out. She doesn't suggest that gets taken out because that what they dictated to the Planning staff and she feels Council would add it back in if removed. The items from the resolution Planning was directed to prepare those so that is what Planning had to do in this situation. Robinson said it is the discretion as a Commission to continue this to another hearing, but with said, Phase I East, which is the property currently demolished, engineering is in there since the site has been cleared, and engineering is working on coordinating utility development. That property is under City ownership and the remainder of the hospital site will soon be under City ownership. The City is working with developers to redevelop the site so the sooner we start figuring out what standards we are talking about the better. If there is a standard in these specifications that we don't quite get right, we start hearing from the development community, we will bring them back in the spring. The risk we have by having another meeting is this is a challenging time of year with the holidays coming up, when Council can get it on their legislative calendar, and we might actually end up timing this amendment very close to our UDO amendments in the spring. He would request the Commission move forward with this tonight, if there are concerns staff can certainly entertain an amendment as we go before the Common Council. Kinzie wanted to know what happens if a current property owner who is in the overlay, as Chris Huntington mentioned, the property changes, what allowances do they have. Should we make some changes to the specific text around alleys? If passed tonight, what recourse does a property owner have? Robling said that the property owner could request a variance from the BZA, and not every development would trigger this requirement. There are some that would not trigger full compliance on the site which would include these alley requirements. Wisler wanted to clarify, as long as it is staying a single family home with no change of use or massive change to the site plan they would not be forced into compliance with the new standards. Robling confirmed that is correct.

**\*\*Smith motioned to waive second hearing for ZO-51-22 and forward to Common Council with a positive recommendation. Kinzie seconded the motion. Motion carried by roll call vote 7:0.**

Due to the rules a vote was taken to continue the meeting past 9:30 p.m., a unanimous vote is required to continue.

**\*\*Cibor motioned to suspend the rules to start a new petition after 9:00 p.m. and continue the meeting after 9:30 p.m., Kinzie seconded the motion. Motion did not carry by roll call vote 6:1.**

Commission Wisler called for a special session on Monday, November 21, 2022 at 5:30 p.m. in the Council Chambers. Confirmed that a quorum will be in attendance.

Meeting adjourned at 9:30 p.m.