

**Plan Commission Summary Minutes – SPECIAL SESSION November 21, 2022 - 5:30 pm
City of Bloomington Council Chambers – Room #115**

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.

The City of Bloomington Plan Commission (PC) met on November 21, 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, Jillian Kinzie, Israel Herrera, Ron Smith and Brad Wisler. Karin St. John and Chris Cockerham have both recused themselves from the case and were not in Chambers. Trohn Enright-Randolph did not attend.

ROLL CALL

APPROVAL OF MINUTES: None

REPORTS, RESOLUTIONS AND COMMUNICATIONS: None

PETITION: November 21, 2022

ZO-52-22 City of Bloomington

Properties bounded by S. Walker Street, W. 2nd Street, S. Morton Street, and W. 1st Street; however excluding 649 and 651 S. Walker Street and also excluding properties on the north side of W. 1st Street from 1018 W. 1st Street to 822 W. 1st Street; also including the eastern half of 608 W. Wylie Street; and including properties on the north side of W. 2nd Street between Building and Trades Park and S. Morton Street, from 522 W. 2nd Street to 300-308 W. 2nd Street; also including 510 S. Morton Street; also including 525 S. Walker Street and 1010 W. 2nd Street

Request: Zoning map amendment to locate a new overlay and request for a waiver of the second hearing.

Case Manager: Jackie Scanlan

Ryan Robling, Planning Services Manager, presented the case. This case is the map amendment to the overlay text amendment that was voted on last week. The Common Council initiated a proposal to amend the Official Zoning Map to locate an overlay also established in Resolution 22-17. The resolution identified the overlay's district boundaries should apply to zoning districts MM, MN, MI and RM with lots within or adjacent to the area starting from 2nd Street, to Walker Street, to 1st Street, to Jackson Street (unimproved), to Wylie Street, to Rogers Street, to 1st Street and to Morton Street. Zoning map amendments have the following criteria the Plan Commission has to review the recommendations,

- The comprehensive plan must be considered
- Current conditions and character of structures and uses in each zoning district
- The most desirable use for which the land in each zoning district is adapted
- The conservation of sensitive environmental features
- The conservation of property values throughout the jurisdiction, and
- Responsible development and growth

There are positive findings for each items, it meets the comprehensive plan, there are not

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environmental sensitive features and this is the expectation as written from the comprehensive plan.

Planning and Transportation Department recommends that the Plan Commission approve the requested waiver of a second hearing and forward ZO-52-22 to the Common Council with a positive recommendation.

COMMISSIONER COMMENTS:

Burrell how was it arrived at for this specific map boundary. Robling said the specific boundaries were arrived at in two ways, one was the Hopewell master plan, which was a larger plan but has been scaled back slightly, mostly areas the city is in control of and then Common Council through Resolution 22-17. It is Common Council's recommendation based on the master plan.

Kinzie asked if staff could explain about what happens for properties that are currently in this overlay but don't conform. What is the process for any exceptions or variances should those property owners want to do something different. Robling said the rules of the overlay are exactly the same as the rest of the zoning districts, so variances are still on the table, minor modifications which this board can grant and there is the limited compliance and full compliance portions of the UDO still apply.

Cibor wanted to confirm that the map and boundaries were proposed by City Council and their resolution to us. Robling confirmed that is correct. Scott Robinson, Director of Planning and Transportation, said if we could rewind to last year when we brought forward some UDO amendments, there were specific ones that were targeted with this area, Council did agree with and rejected those because they wanted to create an overlay district. So they passed Resolution 22-17 and during that process, in working with staff both the text amendments and boundary map was created. We started with a much smaller area and Council wanted a much larger area, because they felt like it was important for a larger concept of Hopewell. Cibor said it looks like the overlay district area does not include any R4 designated areas, was a discussion topic that came with Council. Robling confirmed that the final boundaries do not include the R4 portion which is under City ownership.

Wisler wants to make sure he understood the map boundaries, the map presented is the result of collaboration between staff and members of the City Council, but not formally adopted by the Council yet. Robling confirmed this is correct. It was sent to Plan Commission with the resolution for your review and recommendation, and then it will go back to City Council. Wisler said the resolution has passed but it is not binding, the assumption would be the Council hasn't changed their minds since they passed the resolution.

Burrell wants to make sure she understands the process, what was presented to us will essentially go back to the Council and the final say. Robling say yes, this sounds very confusing but they have authored this resolution which then became a zoning map amendment for your review, which will then go back to them for their final review.

Smith asked about the smaller map. Robling said when this was seen before it was on the MM portion of the map, not the entire boundary, Council discussed it with staff and saw the need for a larger overlay, so that is what we agreed on. Smith asked if boundaries are just larger or are there other things to be considered. Robling said that was difficult to answer, it is a larger area than originally proposed but it also comes with the overlay district in its entirety, which you voted on last time. It will have more rules than what were originally proposed, which was just the impervious surface increase for the MM district. Now this includes additional districts and those additional rules.

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So it is larger in size and scope.

Burrell asked why there are some individual households include in the boundaries. Robling said that some areas will be incorporated in order to allow for future density growth based on their underlying zoning district. The current use was not necessarily reviewed, it was the potential uses of the base zoning district that were considered.

PUBLIC COMMENTS:

Dave Askins, with B Squared Bulletin, asked about logging into this meeting online. Wondered how this meeting is accessible to anyone outside this room?

Chris Huntington, current property owner in overlay area, in his mind there four things dealt with between this petition and the previous text amendment, while they are all mostly interrelated they are still discreet subjects and the catalyst of this is the Hopewell redevelopment. It was expanded to generate the TRO overlay, which has not been approved by Council yet, now the Plan Commission is being asked to approve something that is going to be subject to this TRO and the TRO is not official. The next item on his list was the zoning. There is not much else that can be done outside of the Hopewell boundaries because most of the area is zoned medical, which is rather limiting and since Hopewell is no longer a hospital it makes sense to not restrict those areas to be limited to medical uses. His last issue is the application of the TRO to the non-Hopewell portions of the property. That is a problem because we don't know officially what the TRO says and he questions whether it will achieve its goals.

ADDITIONAL COMMISSIONER COMMENTS:

Kinzie wanted to address the issue of accessing a link. Was there a Zoom link for this meeting? Robling said there is a Zoom link and the notice has been posted as required. Mike Rouker, City Attorney, clarified the notice is posted in the notice booklet in atrium of City Hall. Wisler noted the Zoom link was included in the packet. Askins was not pleased there was no link to Zoom and it had to be manually typed, the meeting didn't appear on the digital calendar. He wasn't aware this meeting was even happening until he saw the Chambers was set up for the Plan Commission meeting. Wisler said they would look into this and make sure our bases have been covered, obviously there is a link and it was posted. Kinzie pointed out that a notice was given at the end of the previous meeting. Rouker said at the end of the last meeting an announcement was made that this petition would be considered tonight. The Plan Commission is entitled to continue public hears provided the people who are attending the original meeting know when it is going to be continued to, and President Wisler did just that.

Kinzie also asked about clarifying the relationship between the TRO approval and text amendments and maps. Robling said the overlays rules and regulations were adopted first because they apply generally. And then we came right afterward with an actual district boundary and that gets adopted second, if Common Council or Plan Commission didn't see it fit they wouldn't move it forward but the plan is that it will move forward. They will read the regulations, find it suitable, and then it will be just like any other zoning district in the zoning ordinance. It will then be adopted just like any other zoning map amendment. Just because they are on the same day shouldn't affect anything, it is similar to when the UDO and the zoning map were adopted at the same time. Kinzie wanted to discuss the issue Chris Huntington raised about the west side of the area and those problematic alleyway accesses, how will that be addressed. Robling said this was talked about during the last meeting, but

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the alley rule was adopted straight from the resolution, it was pretty straightforward language. Resolution 22-17 asked for all properties to access alleys and all access to be derived from alleys. Those are two separate requests in the eight that you saw, so we didn't address those too much. Robling certainly understands that some areas could be problematic and may need a finer detail when that comes up, either through the variance process or as an amendment to the overlay as written currently. Kinzie asked if there was any thought into not including those areas in this map. Robling said they consider everything, it was Council who wrote the specific eight items and then the final map, so staff didn't consider it as much as maybe we would have if it were coming from staff directly.

Cibor was looking at the text that was reviewed last week and his read of it says that a driveway accessing an alley isn't required, only needs to access an alley if there is a platted alley. So if there isn't a platted alley they are legally allowed to access the street, Robling confirmed that was correct.

Wisler asked if the maps could be amended at the Plan Commission and pass that along to Council. Robling and Rouker confirmed that is correct. Wisler said the Council has made it clear what their desire is and even though the Plan Commission (PC) can make changes it is only in an advisory capacity to the Council. Rouker confirmed that is correct.

Kinzie asked a procedural question about the second hearing, would it go to Council first and then back to PC for the second hearing. Rouker said it would be heard by PC first then to go the Council. Robling said if the second hearing was not waived then this would up again on our next agenda. Wisler said if the second hearing is not waived it would be on the next agenda for the next regular meeting.

Robinson noted that whatever is passed here, the Council has ninety days to take action on a resolution. There are three options they can do, they could do nothing and it comes a rule and is adopted by default, they could reject it or they can amend it. If either is rejected or amended it would come back to the PC to ratify that decision, and then it goes back to Council. Kinzie understands all of the nuances and the process of recommendation and its relationship to the text amendments we forwarded at the last meeting, but she does have concerns about boundaries, and expects the City Council to review them more thoroughly and get further public comment on them. Her inclination is to move it forward to advance the process. She motions to forward ZO-50-22 of the zoning map amendment for the new overland and waive the request for a second hearing with a positive recommendation to City Council

**** Kinzie motioned to waive second hearing for ZO-52-22 and forward to City Council with a positive recommendation. Ballard seconded the motion. Motion carried by roll call vote 7:0.**

Meeting adjourned at 7:05 p.m.