

Plan Commission Summary Minutes – March 6, 2023 - 5:30 pm
City of Bloomington Council Chambers – Room #115

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The City of Bloomington Plan Commission (PC) met on March 6, 2023 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, Andrew Cibor, Chris Cockerham, Trohn Enright-Randolph, Ellen Coe Rodkey, Ron Smith, Karin St. John and Brad Wisler. Flavia Burrell and Jillian Kinzie attended via Zoom.

ROLL CALL

APPROVAL OF MINUTES:

February 6, 2023 minutes

****St. John moved to approve the minutes for the February 6, 2023 meeting. Smith seconded the motion. Motion carried by roll call 9:0 - Approved.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Jackie Scanlan, Development Services Manager, welcomed Ellen Coe Rodkey to the Plan Commission. Commissioner Kinzie wanted to welcome Ellen Coe Rodkey and thank Israel Herrera for serving on the Plan Commission.

PETITION TABLED:

SP-24-22 Cutters Kirkwood 123 LLC
115 E Kirkwood Ave
Request: Major site plan approval to construct a 4-story building with 3 floors of residential units over a ground floor parking garage and retail space in the MD-CS zoning district. The upper floors will consist of 15 dwelling units for a total of 38 beds.
Case Manager: Karina Pazos

PETITION CONTINUED: April 10, 2023

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

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PETITIONS:

DP-53-22 Robert Lee & Mariam Ehteshami

1225 E Maxwell Lane

Request: Primary Plat approval to allow a two-lot subdivision of 0.4 acres in the Residential Small Lot (R3) zoning district.

Case Manager: Gabriel Holbrow

Gabriel Holbrow presented the petition for primary plat approval to allow a two-lot subdivision of 0.4 acres in the Residential Small Lot (R3) zoning district. The petitioner is also requesting the delegation of secondary plat approval to staff. The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve the primary plat for DP-53-22/PLAT2022-11-0001, with the four conditions:

1. Secondary plat approval is delegated to staff.
2. Prior to secondary plat approval, the petitioner shall submit an assessment of the condition of the existing sidewalk, included compliance with Americans with Disabilities Act (ADA) and Public Rights-of-Way Accessibility Guidelines (PROWAG), for review and approval by both the Planning and Transportation Department and the Engineering Department. Reconstruction or correction of any noncompliant features identified in the approved assessment shall be required.
3. The petitioner shall install two additional street trees along Highland Avenue. The secondary plat shall include a condition indicating the minimum number of street trees required on each frontage, including providing a least four compliant street trees along Maxwell Lane and at least three compliant street trees along Highland Avenue with existing trees, newly planted trees, or a combination of both.
4. The petitioner shall record a zoning commitment with the secondary plat indicating that in the event that new sidewalks adjacent to the west along the north side of Maxwell Lane or to the north along the west side of Highland Avenue are ever constructed according to the dimensional standards in the Transportation Plan, at that time the property owners of the subdivided lots shall be required to construct new sidewalks farther from the curb to match the new alignment.

Representative:

Bob Lee, petitioner, was present and noted that he is working with the Planning and Transportation Department to work out any technical issues.

Doug Graham, with Bynum Fanyo, had nothing to add, noted that Holbrow had a good presentation and he is working with Mr. Lee on the details for sidewalks.

Commission Comments:

Smith asked if there were any concerns in the neighborhood. Mr. Lee said not that he is aware of, he has heard some talk of concerns if it were a duplex going in, but it is not. No plans at this time to develop the lot. Smith asked what uses are allowed in an R3 district. Holbrow said primarily single family homes and duplexes would be allowed as a conditional use, but would require a public hearing.

Kinzie asked for a clarification for condition two for approval. Holbrow said the sidewalk must be fixed within a year of filing the plat.

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St. John asked for clarification on the driveway cut and if the cut is going with Lot 1. Holbrow said yes, but the owner of Lot 2 could apply for a driveway for that lot at any time in the future.

Cibor asked for clarification of the delegating to staff the secondary plat. Why is the secondary plat approval delegated to staff and not the Plat Committee? Scanlan explained why the petition is being delegated to staff rather than the Plat Committee. She said that if the Plan Commission wanted this to the Plat Committee they would not object to have the Plat Committee look at this plat. Cibor wanted to make sure the petitioner was aware there may be items that need to be removed from the right-of-way. Mr. Lee acknowledged he is aware of the possibility of needing to remove items from the right-of-way. Cibor asked if condition four could be rewritten so the petitioner is financially responsible for sidewalk changes, but the City would be responsible for the work. Scanlan suggested the following wording change, ~~shall be required to construct new sidewalks farther from the curb to match the new alignment~~ shall be financially responsible for the portion of the sidewalk project adjacent to each of the properties.

Public Comments: None

Additional Commission Comments:

Burrell asked if petitioner would be responsible for sidewalk upgrades on Lots 1 and 2. Holbrow answered the question by saying condition four covers both lots.

****St John motioned to approve DP-53-22 with four conditions, with the amended condition to number 4. Ballard seconded the motion. Motion was approved by roll call 9:0 – Approved**

ZO-04-23 UDO Technical Text Amendments Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive. Also requested is a waiver of the 2nd hearing.

Jackie Scanlan, Development Services Manager, presented ZO-04-23 UDO Technical Text Amendments. Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive.

Public Comments: None

Commission Comments: None

****St John motioned to forward ZO-04-23 to City Council with a positive recommendation. Smith seconded the motion. Motion carried by roll call vote 9:0.**

ZO-05-23 UDO Chapter 3, Use Regulations, Chapter 5, Subdivision Standards Amendments; Chapter 7, Definitions, Amendments – Technical corrections for text amendments that add, remove or edit text to clarify existing standards or propose new standards. Also requested is a waiver of the 2nd hearing.

Jackie Scanlan presented ZO-05-23 with revisions to UDO Chapter 3, Use Regulation, Chapter 5, Subdivision Standards and Chapter 7, Definitions. Scanlan went through the definitions being changed in Chapter 7 and the reason for the changes. She felt that the most important item for discussion was the change of non-residential ground floor standards, changing to 50% or 5,000

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square feet of the ground floor area being required to be non-residential.

Commission Comments:

Enright-Randolph commented on the terminology being used as 1% change to include the 100 year flood plan. He thinks that adding the 100 year is a misconception of how frequent flooding may occur. Scanlan said the definitions come from the State and they are mandatory and they do have to use them.

Kinzie asked Scanlan to comment on the non-residential change. Scanlan said they tried to stay in line with the Comprehensive Plan which does want to have non-residential on these street facing buildings and being cognizant that the market is changing.

Burrell says that 5,000 square feet is a lot and it feels like there really isn't much change. She asked Commissioner Cockerham if he could comment on this square footage. Cockerham said 5,000 square feet does feel like a big space and there is a space that has been on the market for quite a while, just no demand for that size of space at this time. Cockerham asked where the 5,000 came from. Scott Robinson, Director of Planning and Transportation, said that number was hard to come up with, Comprehensive Plan says a 100%, it has been reduced to 50% but continue to hear that is too much. What is the right size? It depends on which lot you are talking about and if the 5,000 square feet is appropriate. Cockerham asked if there could be a formula similar to what we do with signage. Robinson said it is hard to come up with a value that strikes the balance just right. Burrell is not talking about taking away the commercial space from the building, but would like the space to be more flexible.

Public Comments:

Dave Harstad, commercial real estate broker in Bloomington and a property owner downtown, he cares about having an activate street front in the downtown zone, but believes 5,000 square feet is a lot of square footage. Believes that choosing a depth of the street frontage might be a better way to go, having an active street front with a shallower depth might be a solution.

Additional Commission Comments:

Smith asked about modifying the UDO related to the affordable housing issues. Is this when the UDO is generally modified in relation to what was discussed over the past year or so, Scanlan said yes. Scanlan said they would discuss more during the next petition, ZO-06-23.

Enright-Randolph wanted to finish his comment from earlier, applauds the Administration with being proactive in putting the best available date for the floor plain, even it is stricken from State laws, local ordinances will still trump.

St. John wanted to clarify the non-residential ground floor standard. She believes the street frontage should be 100% non-residential and a portion behind that frontage being something other than non-residential, is that an option. Scanlan said there could definitely be clarifying language to say whatever portion you are wanting to require, the entirety of the frontage has to be included in that portion.

Wisler has proposed to replace: A minimum of 50 percent of the total ground floor area or 5,000 square feet, whichever is less, of a building located along each street frontage identified by a black

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line in Figure 47 shall be occupied by nonresidential primary uses, with: The ground floor area extending a minimum of 15 feet from the building facade on each street frontage identified by a black line in Figure 47 shall be occupied by nonresidential primary uses... Scanlan said it is hard to say the entirety of the rectangle up against the road has to be commercial, that isn't necessarily possible for all of all existing spaces.

There was additional discussion between Commissioners on how to address the percentage requirement.

Wisler recommends an amendment to remove zoning ordinance 20.03.010(e)(1), for additional discussion, and vote on the remaining changes.

****Wisler moved to amend ZO-05-23 to remove the portion of the proposal related to Figure 48. St John seconded the motion. Motion was approved by roll call 9:0 – Approved**

**** St John motioned to waive second hearing for ZO-05-23 with amendment and forward to City Council with a positive recommendation. Cockerham seconded the motion. Motion carried by roll call vote 9:0.**

****Wisler motioned to waive 2nd hearing on ZO-04-23. St John seconded the motion. Motion was approved by roll call 9:0 – Approved**

ZO-06-23 UDO Chapter 4, Development Standards & Incentives, Amendments – Technical corrections for text amendments that add, remove or edit text to clarify existing standards or propose new standards. Also requested is a waiver of the 2nd hearing.

Jackie Scanlan presented ZO-06-23 with revisions to UDO Chapter 4, Development Standards & Incentives amendments. The item with the most significance is the addition of maximum vehicle parking allowance, based on the characteristics of the use. A couple of the uses had their parking allowance increased. There are 54 total amendments identified, including replacing the flood plain section in its entirety to sync with the State.

Commission comments:

Cockerham asked about new parking ratios and where those numbers came from. Scanlan said some are standard, some are based on what works and what doesn't work and comparisons to other types of uses.

Cibor asked about minimum plantings for bump outs with parking area, why trees in these bump outs don't count towards overall interior tree plantings on site. Scanlan said it is under two separate headings and parking lots have their own landscaping requirement.

Cockerham had another question regarding parking at the convention centers and are they considered separate from hotel use. Scanlan confirmed this was correct.

Smith asked about the lack of affordable housing, has the City looked at ways to change the affordable housing criteria, he referenced page 309 of the UDO, to help increase the incentives. Scanlan noted that some changes were made last year. Robinson noted they are still evaluating the changes from last year and noted there is limited development land within the City. There is nothing

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in this current proposal but are very aware of affordable housing needs.

Public Comments:

Dave Harstad, commercial real estate broker in Bloomington and a property owner downtown, had a question about landscape compliance, if a change of use triggers new requirements for compliance. And second, he would like for the maximum parking lot requirement to be withdrawn, doesn't feel there is enough community involvement in these types of issues.

Additional Commission Comments:

Enright-Randolph asked a procedural question about the recommendation for what is being discussed. It would be moving forward with a positive or negative recommendation to the Common Council.

St John wanted to address Harstad's question about bringing landscape to code with change of use. Scanlan said not for change of use but if a new structure was built then the landscape would have to meet new code. St John asked for clarification of "Government Service Facility" under parking requirements. Her last question was regarding limited parking with a detached garage. Scanlan said single family detached and attached units don't have any limit. Robinson clarified the elected officials expect maximums in the code.

Kinzie asked staff what strategy was used to determine the limits. Scanlan said they looked at other facilities that were similar and used that as a guide, and trying to see if the regulation the Planning & Transportation is proposing made sense. Kinzie also asked if there were other policies that are being advanced with the changes. Scanlan said there numerous policies and goals in the comprehensive plan related to parking, they also is prioritizing the use of the space for green space or habitable space and not focusing on just dictated parking.

St John how was it determined that 2 spaces per golf hole. Ryan Robling, Planning Services Manager, says it matching the existing use for a county club to golf course.

Cockerham asked if there are any issues with the way the policy was written previously. Scanlan said there were problems because some of the code is reliant on these numbers and having maximums helps toward other numbers.

Wisler commented on location of trees relative to utilities, there is a distinction between large trees and small trees, is there is a corresponding change in the limit that says if you are in proximity to utilities you can have small trees instead of large. Are these going to be handled as exceptions? Scanlan said small trees could be used if close to utilities but that does not eliminate the need for large trees.

Burrell said the more parking restrictions that are applied the more difficult it is to attract healthy businesses to the area. She is concerned about seeing more appeals with the Board of Zoning Appeals. Wisler agrees with this assessment, doesn't see the state of the UDO as prioritizing parking. Scanlan is concerned about taking out the limits that Council will just put it back in.

Rodkey asked when did some of these exemptions come up. Scanlan said some came up in the last few years as needing to be added mostly in context of limited compliance situations. Rodkey noted there are some limits that have been raised, i.e. restaurants.

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St John as recommended that the parking portion of this be removed from the vote so it could go to a second hearing.

****Cockerham moved to amend ZO-06-23 to remove the portion of the proposal related to Table 04-10. St John seconded the motion. Motion was approved by roll call 8:0 – Approved**

**** St John motioned to waive second hearing for ZO-06-23 with amendment and forward to City Council with a positive recommendation. Ballard seconded the motion. Motion carried by roll call vote 8:0.**

ZO-07-23 UDO Chapter 6, Administration & Procedures Amendments – Technical corrections for text amendments that add, remove or edit text to clarify existing standards or propose new standards. Also requested is a waiver of the 2nd hearing.

Scanlan presented ZO-07-23 with revisions to UDO Chapter 6, Administration & Procedures Amendments. There are some extensions for filing appeals, many clarifications and updating old language.

Commissioners Comments:

Cibor asked about the last item regarding pedestrian facilities, do we really want to make sure it is just curb ramps, not alleys or driveways features that could create issues for sidewalks. Scanlan asked engineering staff if there was a better term than curb ramps and curb ramps is what she got from that discussion.

Public Comments: None

Additional Commissioners Comments: None

**** St John motioned to waive second hearing for ZO-07-23 and forward to City Council with a positive recommendation. Ballard seconded the motion. Motion carried by roll call vote 8:0.**

Meeting adjourned at 9:01 p.m.