

These minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Audio-visual Department of the Monroe County Public Library at 303 E. Kirkwood Avenue. Phone number: 812-349-3111 or via the following website: catstv.net

The Plan Commission met on December 11, 2017 in the Council Chambers at 401 N. Morton St. at 5:30 p.m. The members present: Andrew Cibor, Nicholas Kappas, Isabel Piedmont-Smith, Heather Maritano, Jillian Kinzie, Joe Hoffmann, Carol Stewart Gulyas, and Brad Wisler.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Liz Carter had accepted the position of Engineering Technician with the Planning and Transportation Department. Staff will begin the search for a suitable replacement.

Roach highlighted meeting dates as well as work session dates for 2018.

Hoffmann also congratulated Carter on behalf of the Plan Commission (PC).

PETITIONS CONTINUED TO: January 8, 2018

PUD-27-17 Public Investment Corporation
2700 W. Tapp Rd.
Site plan approval and preliminary and final plat approval of a 24-lot subdivision of 54.53 acres.
Case Manager: Eric Greulich

SP-34-17 TMC Bloomington LLC
121 E. Kirkwood Ave.
Site plan approval for a 5-story, mixed-use building with 22 condominium units.
Case Manager: James Roach

SP-41-17 Chi Group USA LLC
408 E. Sixth St.
Site plan approval to allow the construction of a new mixed-use building with 4,700 sq. ft. of commercial space and 8 apartments.
Case Manager: Eric Greulich

CONSENT AGENDA:

SP-38-17 David & Diana Holdman
608 N. College Ave.
Site plan approval for an addition to an existing office building.
Case Manager: Amelia Lewis

UV-40-17 Quishman Properties
1021 S. Walnut St.
Use variance to allow ground floor residential units to the Commercial General zoning district
Case Manager: Eric Greulich

****Kinzie moved for approval of the consent agenda. Piedmont-Smith seconded the motion. The motion passed 8:0 by voice vote.**

Roach said that Mayor Hamilton was present and wished to speak at the beginning of the meeting, which would require a motion to suspend the rules.

****Kappas moved to suspend the rules in order for Mayor Hamilton to speak. Kinzie seconded the motion. The motion passed 8:0 by voice vote.**

John Hamilton, Mayor of Bloomington, appreciated the time to speak before the PC. He supported the adoption of the proposed amendments to Title 20, the Unified Development Ordinance (UDO), related to downtown development. Bloomington is in a period of transition between the 2002 Growth Policies Plan (GPP) and the soon-to-be adopted Comprehensive Master Plan (CMP). It had been 15 years since the city last updated its guidance for the built environment. The UDO will need to be updated to reflect the new CMP. While updates are on-going, the proposed amendments will enhance and support the quality of development. The amendments are not designed to deter development, but to enhance it, particularly downtown. Bloomington is the Indiana city with the highest average housing cost and so needs more housing and a greater range of affordability. Bloomington also needs more density, as long as it is thoughtfully located and well-designed and built. The city will need to evolve to meet the needs for housing. The amendments would lower the threshold for by-right development and ensure a positive impact on the community. The amendments would allow voluntary collaboration to assure positive impacts on the physical environment, sustainability, and mix of housing types and affordability. The thresholds of height and density for by-right downtown development will be lowered, but downtown will remain open for business for new investments while review and update to the UDO is completed. The city encourages potential investors in the downtown to meet with Planning and Transportation staff to discuss their plans. The city will continue to support appropriate, high-quality development downtown. He asked the PC to support the amendments and forward them quickly to the City Council. He thanked the commissioners for their service and for letting him speak early.

PETITIONS:

SP-39-17 Omega Properties
223 N. Morton/301 W. Seventh St.
Site plan for one 4-story mixed use building.
Case Manager: Jackie Scanlan

STAFF PRESENTATION:

Jackie Scanlan, Senior Zoning Planner, presented the staff report. The project is on the southwest corner of Seventh and Morton Streets. It is zoned Commercial Downtown (CD) in the downtown core overlay. The site is currently developed with an office building and surface parking lot. She showed current views of the site. She showed the proposed site plan with surrounding buildings. The petitioner proposed to build a 4-story mixed use building with no on-site parking, which is a deviation from UDO standards. The petitioner would also need to include 2 Class One bicycle spaces, which would have to be in a lockable location. The building would have multiple pedestrian entrances into separate residential units, two on the first floor and eight above on floors 2 – 4. The first floor would contain just over 3,000 square feet of commercial space, which is three quarters of the ground floor square footage. The outdoor patio space would

activate and enhance the pedestrian experience along Morton Street. She showed renderings which highlighted modulation. She discussed the brick, limestone, and steel building materials used on the exterior. The project met the step down requirement of buildings adjacent to historic structures for the antique mall. It did not meet the requirement for the adjacency to the building to the south, although the building was separated by an alley. The building's modules are designed to read and function as separate buildings. Multiple exterior entrances help the residential areas feel more as townhouses. The developers owned multiple other developments in Bloomington of similar scale and had incorporated the row house design before. The building is supposed to mimic the style of downtown buildings. Visually, the petition is the same as the petition that had been approved by the PC in 2016. The internal make-up of the building had changed. The residential bed per units count had changed. The commercial space on the first floor had increased from 50% to 75%. The two beds that had remained on the first floor had been designated as workforce housing as well as two additional off-site units. The petitioner had also donated \$25,000 to the Affordable Housing Fund. A photovoltaic installation would power all common spaces. Staff believed that although the petition had deviations, the design followed the downtown vision infill strategy plan guidance related to scale and density. The project met many city goals including diversification of housing, green and innovative design, and design modulation and outdoor space to improve the pedestrian realm. The building respects the historic character of the overlay in which it resides. Staff recommended approval with 6 conditions, one of which had inadvertently been omitted from the report:

1. The petitioner will secure 5 parking spaces off-site to make available to tenants. The agreement must be a recorded zoning commitment and must be in place prior to issue a Certificate of Occupancy.
2. The islands within the right-of-way will align with the on-street parking spaces.
3. Petitioner will work with staff to include lighting on the building in place of street lights.
4. The petitioner must secure encroachment agreements for the covered bicycle parking, the grease interceptor, canopy, and any other items propose to encroach into the right-of-way prior to the release of a Certificate of Zoning Compliance.
5. The petitioner shall record the submitted commitment related to workforce housing as a Zoning Commitment at the Monroe County Recorder's Office prior to the issuance of a building permit.
6. The two Class I bicycle parking spaces need to be added to the site plan.

Mark Cornett, architect for the petitioner, said that the project is small. He showed an image comparing the scale of the footprint of the site to other downtown projects. The site was about two thirds of the size of a typical downtown lot. The owners had wanted to increase the retail square footage from the original approved project of 2,300 to 3,450, which is the opposite of what most downtown developers are trying to do. The red canopies on the rendering denote outdoor space. Having vital outdoor seating was important for the petitioner. The north portion of the building is set back to allow spacious outdoor seating. The outdoor seating will wrap around the building to the north. The canopies shown would be metal structures instead of canvas to highlight the outdoor space. The storefronts will be clad in a historic pattern. The courthouse square was being emulated by the proposed building on the sidewalk and in the building facade. He showed a graphic that highlighted the footprint and makeup of the buildings that make up Omega Properties as compared to the petition. He explained that all the buildings shown had small footprints, and Omega has built developments that respect the historic format. He showed an overhead rendering of the proposed project to show the size of the footprint and compared it to nearby properties. He said that the individualized doorways to the residential units lent to becoming condominiums in the future. He felt the project could be repurposed as the market

around it changed, as many buildings around the square have been. The project will have a canopy for covered bike parking. He showed how the proposed building was broken up similarly to buildings around the courthouse square. The petitioner was contributing 2 1-bedroom on-site units and 2 1-bedroom off-site units to workforce housing as well as a contribution to the Affordable Housing Fund. The project had been reworked to add two bedrooms to the building as well as expand the first floor retail space.

Wisler asked what the backside of the building would look like since it would be taller than all surrounding buildings.

Cornett said that the back would be a painted cement-composite wood-look siding that would be the same colors as the front of the building. He said the building would be taller than the adjacent antique mall building, but the top floor would only be noticed if viewed from the Near West Side Neighborhood. He explained why the material chosen for the back wall was different from other materials nearby.

Wisler asked if the variation in color would match.

Cornett said it would.

Piedmont-Smith asked how much total parking would be added to the site.

Cornett said that the existing site has a curb cut on Morton St. that would be closed with the petition. There would be two more parking spaces than are included in the existing site. He pointed out where the bike parking would be.

Piedmont-Smith ask if the bump outs near the parking would be angled.

Scanlan said that if the parking is angled, the islands would also have to be angled.

Piedmont-Smith asked where the off-site workforce housing would be located.

Cornett said that the off-site workforce housing would be at 340 S. Walnut St. which is across from the Chocolate Moose.

Piedmont-Smith asked how much the contribution to the Affordable Housing Fund would be.

Scanlan said it was \$25,000.

Piedmont-Smith asked if first floor commercial space was required for the project.

Scanlan said that a 50% portion of commercial space was required.

Cornett said that the original building met the target, but the petitioner decided to voluntarily increase that.

Piedmont-Smith said that she saw some green initiatives but asked if any of the original brick would be salvaged.

Cornett said that they were not planning to salvage the brick. He said that cleaning brick makes the brick cost more than purchasing new brick.

Piedmont-Smith asked if the brick could be recycled.

Cornett said that it could be recycled by being turned into brick chips, which are often used for paths. The petitioner had not committed to that.

Maritano asked if the property across from the Chocolate Moose could be shown.

Roach said that the petitioner owns two buildings on the same block, one of which was shown.

Cornett said that the workforce housing would be in 340 S. Walnut St. and indicated it on the map.

Kinzie asked if the building was in-line with the historic area.

Cornett said that the building was in line with the antique mall. He felt they brought together what was asked for in the planning documents and what historic preservation requests.

Kinzie asked if the parking would be straight-in or angled.

Cornett said the parking would be angled.

Hoffmann asked if the petition was requesting 6 waivers.

Scanlan said there were 6 waivers.

Elliot Lewis, developer, said that in regard to the adjacent property component, the second property was not being evaluated. He said there had been times, previously, when an alley separated a building from a historic property, but the PC had asked the petitioner to conform to the building on the other side of the alley. He did not feel that all petitioners were receiving equal treatment in regards to the adjacency to historic buildings. He asked if first floor units were allowed. He said that it is nice for developers to make contributions to the Affordable Housing Fund, but that the contribution amount being requested from different developers is all over the map. He said he thought that more parking was required. He said the height had not been mentioned in the course of the staff report, and he did not know if a height waiver was being requested. He hoped that the PC passed the project, but that they set new standards and accept differences and that developers know where the decisions are coming from.

Cornett said that the Historic Preservation Commission (HPC) had unanimously supported the project. The petitioner was proud that the HPC felt the project would fit into the community and add to the fabric of the downtown.

****Piedmont-Smith moved to approve SP-39-17 with the 6 stated conditions. Kinzie seconded the motion.**

Piedmont-Smith said that it was great to see the petition on the same night as the proposed UDO amendments because the petition exemplified the kind of project, and the kind of negotiations, that can bring quality building into the downtown. She said that she has heard from visitors and residents that the downtown square is special. She said that the positive aspects of the downtown were replicated in the petition. There were clearly deviations from the UDO, but in exchange the

community was getting a high-quality project that fits the downtown, sustainable development features, 4 units of workforce housing, and 75% commercial space on the ground floor.

Cibor said he would be voting for the petition. He encouraged the petitioner to continue to work with staff and the Board of Public Works in regards to finalizing the design of work in the right of way.

Kinzie appreciated the attention to architectural detail and felt that the project was in line with what the community wanted to see built. She also liked the workforce housing and solar arrays.

Hoffmann said he agreed with the comments about the design especially because of the project's proximity to the courthouse square. A major question for the PC going forward will be how far from the courthouse square would historic design features expected.

****Roll call vote was called. The motion passed 8:0.**

ZO-42-17

City of Bloomington

UDO amendments to the Commercial Downtown (CD) overlays (SCO, STPU, UVO, DCO, DEO) concerning maximum heights, maximum densities, modulation, and review considerations.

Case Manager: James Roach

STAFF PRESENTATION:

Terri Porter, Director of Planning and Transportation Department, presented the staff report. She said that the PC had received a memo from her in the previous week regarding an interim change to the UDO. In the memo, staff recommended lowering the threshold of height and density, setting a minimum façade modulation width, and streamlining the review considerations statement for the PC. She said that Bloomington has a shortage of housing that needs to be addressed. Rental occupancy is estimated at 97%, which is essentially full occupancy. Staff did not intend to stop development or shut down construction. The proposed amendments were an interim, temporary change. Approval of the Comprehensive Master Plan (CMP), and the accompanying update of the UDO, had been taking longer than earlier anticipated. Staff wanted to protect the downtown while updates were being made. She said that projects that come forward need to be in line with both the soon-to-be-adopted CMP as well as the 2002 Growth Policies Plan (GPP) and the 2005 Downtown Vision and Infill Strategy Plan. She said that the largest change is that some projects that could have been built by-right would have to come through the Planning & Transportation Department and the PC for further discussion. The amendments clarify the community's expectations of buildings in the downtown. She believed that the proposal allows for continued development while assuring that developments are in keeping with the character of the downtown and meet the goals and standards of the community.

James Roach, Development Services Manager, said that there would be four major changes:

- Changes to the maximum height – every overlay would have a maximum height reduction of 10 feet.
- Changes to the maximum residential density - reduction would affect all overlays except the Shower Technology Park Overlay (STPO), which is set at 15 units/acre.

- Changes to Modulation Standards – would add a minimum façade module width of 25 feet to better break up long masses of buildings. There is currently a maximum width, but the amendment would add a minimum. The proposal would also change the way modulation is calculated and the minimum depth of a module.
- Changes to the way review considerations are worded – would give a more concise statement for the PC to follow.

Piedmont-Smith asked if a project would have to have all three features listed in the new review considerations language to be considered for an exception to the UDO rules.

Porter said that, ideally, a project would address all three areas: preservation of character, being a very green project, and diversification of housing/provision for affordable housing.

Piedmont-Smith asked if, under these rules, the PC would have been able to approve the Omega project that was presented earlier in the evening. She said the project did not have unique design; it had historic design.

Porter said they could have. The Omega project was not incompatible.

Hoffmann said that the language of the review consideration said that the PC was “encouraged to consider” which he took as a positive statement that the PC would like projects that achieve the listed goals. However, the statement did not suggest that the PC not approve a project that does not meet the review considerations statement.

Piedmont-Smith asked Roach if that is how he interpreted the language.

Roach said yes.

Maritano asked when the CMP might be finished. She also asked when a new UDO might be expected.

Porter said that she was hopeful that the council would vote to adopt the CMP in the next month. She said the UDO should take 12 – 14 months.

Maritano asked if the interim amendment would be in effect for a maximum of 16 months.

Porter was hoping the interim amendments would only be in place for a year or a little longer.

Maritano asked about the process by which the new numbers came about.

Roach said there was not much science in the numbers. Staff looked at a 10 foot, across the board, height reduction as well as density numbers that made sense in proportion to other zoning districts.

Kinzie asked about the double negative in the review consideration statement. She asked if there was an intentional use of the double negative.

Hoffmann said it would easier to say “compatible” than to say “not incompatible”.

Porter said there had been a number of versions of the statement. There had been discussion surrounding the definition of the word "compatible". She said that staff is trying to be clear with the inclusion of the wording "not incompatible".

Roach encouraged the PC to consider a block undergoing redevelopments. He said that if a block is being rebuilt from one-story buildings that are no longer useful, the new buildings should not be compatible with the old, but rather compatible with the future goals for the block.

Kinzie asked for more comment on the research brief that had been included and how it might have influenced decisions by staff.

Porter said that the research information was to give examples of how other university communities have dealt with the same issues with which Bloomington is faced. The other communities had put moratoriums in place on student housing developments or multifamily housing over 4 units. One community had introduced a new zoning code for "Private Dormitory". City staff thought that the measures taken by the communities in the brief were too strict for Bloomington. The community wants more housing, but wants to make sure it is in keeping with what the community wants. She said that buildings are around for a long time, but staff is asking for a one year period in which petitioners are asked to meet with city staff to ensure that projects will fit with the intentions of the new CMP and UDO.

Kinzie asked if the interim ordinance would be in effect until the new UDO is approved.

Porter needed to refer to the city legal department to answer the question.

Hoffmann said that the adoption of the new UDO would supersede the old amendments. He asked staff to outline the process going forward. He asked if the amendments would go to the City Council whether or not the PC voted favorably for the amendments.

Porter said it was the PC's call.

Hoffmann said that other petitioners could go to City Council with a negative PC recommendation.

Porter was not interested in taking the amendments to City Council with a negative recommendation.

Hoffmann wanted to make sure of what the rules are.

Anahit Behjou, Legal Department, said that if the petition were denied, the city could still take the petition before the City Council.

Hoffmann said there could be a choice to not go to City Council, but the petition could go on to City Council with an unfavorable recommendation from the PC, as with any petition of that nature.

Behjou said that was correct.

Hoffmann said that there were two items submitted from the public in writing and wanted to give them a chance to be heard. One written submission stated that it was improper, in light of state law, for the UDO amendment to reference affordability of housing as a consideration.

Behjou said that it would be improper if the city required a developer to give something to affordable housing. If a developer gives, it would be voluntarily.

Hoffmann said that because the behavior is encouraged but not required, it is not in conflict with the state law.

Behjou said that the city is not requiring that a developer contribute to affordable housing.

Hoffmann said that the other written submission suggested that the amendments have an explicitly stated sunset period. The PC could reapprove the amendments after the sunset period expired, if needed.

Porter said that when the UDO is completed, it would replace the amendments.

Hoffmann said that the idea of a sunset provision would be that if something disastrous happened, the amendments could lapse.

Porter preferred to not have a sunset period. She said that if an extreme case happened, the amendments could be reconsidered.

Hoffmann said that a sunset period would require the PC and the City Council to vote to re-up the amendments before they lapsed after a stated time. If the vote did not occur, the amendments would disappear.

Jeff Goldin, president of the Bloomington Board of Realtors, expressed concerns on behalf of the Board of Realtors. He said that the board is made up of realtors, developers, and property managers who have a financial stake in the outcome of the proposal. The members of the board are also community members. The first concern was with the process the city had taken. He said that a notice was placed in the Herald Times on December 1 for a hearing 10 days later. He said the proposal was not posted on the city's website. The press release that went out after the notice in the paper did not state where the proposal could be viewed. During a Bloomington Chamber of Commerce meeting, previously, Porter said that staff had not had input from anyone outside the city on the amendments. If approved by the PC, the City Council would hear the amendments in two days. He felt that the process was neither inclusionary nor transparent. He felt that if the amendments were meant to be temporary, they should have an expiration date. He felt that the language of the review consideration guidance was vague. He asked how much a developer would have to spend on pre-construction activities for the Planning Department to determine whether their project meets a high degree of best practice. He did not think developers could weigh the start-up costs of a project if they did not know what the development standard is. He said that the amendment was attempting to circumvent a state prohibition on required affordable housing. He said the amendment could have unintended consequences such as impacting property values or development costs, driving development out of the city, and end development in the city, which would drive up housing costs. The Board requested that the PC deny, or at least table, the proposal.

Ann Bono, interim President and CEO of the Greater Bloomington Chamber of Commerce, said that the Chamber represents almost 900 members in Bloomington and Monroe County. She had come to voice the Chamber's opposition to the amendments. She would not address the content of the amendment because there was a larger issue. She said that the lack of transparency through the process was at issue. The Chamber had reached out to staff when they heard rumors of the amendments, but never received a response. The Chamber found out about the changes

through a legal notice in the Herald Times. She described the appearance of the legal notices page of the newspaper. She felt that more time and community outreach was needed to change the UDO. The Chamber believed that transparency is important to good governance and that the amendments were bad public policy. The city had not reached out to external entities before putting the proposal forward. The Chamber believed that the timeline to put through the amendment was aggressive and disrespectful. She said that the amendments would not be temporary unless they were reversed in the update of the UDO. In a meeting between city officials and the Chamber, there had been a theory that developers were trying to rush projects through under the current UDO before it gets updated next year. She asked if evidence of the theory exists, that it be shared. She said that the planning process takes time. She compared the tactics of the administration to that of the federal government and said that a progressive community would not engage in them. The Chamber asked the PC to vote against the amendment and work through the current process to update the CMP, then the UDO.

Mike Carmin, attorney, said that the reference to housing diversity was confusing to him. He preferred definitive standards. He said the term "workforce housing" was being talked about, but it was not clear what the term meant. In the past, the city had not defined the income brackets for workforce housing, and the PC did not always have the same idea in mind for workforce housing as some city departments. He said that if the city wanted to change the rules, they should try to draw a building that would meet the regulations and standards. He was not sure that the amendment would allow a third story in many areas because of grade changes which are typical in Bloomington. He read the definition of how height is measured. He explained how grade changes affect height measurements. He felt that the amendments would force developers to either build one-story buildings or go before the PC for approval. He hoped that not every project would have to go to the PC. He said that the height maximum being proposed was not practical. He asked why only developers were being asked to pay for the affordable housing that was needed if the affordable housing problem was a community-wide problem. He thought the whole community should help pay for the needed affordable housing.

Elliott Lewis, developer, said that the problem in Michigan, where Michigan State University is located, is that there is not statutory authority for the local government to adopt a moratorium in the first place, according to some. He said that the impact of the change in height and density would be that no one would be able to build a third floor. He said that no one has looked at the proposal from a developer's standpoint. He said that a 25 foot height limit would force one-story buildings in the UVO, Restaurant Row, and DEO. He said that losing stories of buildings would run contra to the green initiatives of the PC because fewer stories means little density. He felt that the wording of the amendment in regards to affordable housing was an attempt to skirt state law, which prohibits municipalities from forcing developers to build affordable housing. He said that over the next year or 16 months, there would be very few projects, and he felt that would put small companies out of business. He said they all know what is going on; his project was voted down 5-4 because it did not have workforce housing.

Susan Sandberg, at-large member of the Bloomington City Council, said she was present as an individual but could speak to the process through which the amendments would go. The City Council was scheduled to hear the amendment proposal in a work session on Wednesday evening. Work sessions take place to have a first discussion about an issue. Depending on input, a vote could be taken the following week or further out. She emphasized the temporary aspect of the proposal. She said that the City Council had been immersed by the CMP for months, so to the council, the amendments were not coming up suddenly. The council members had been hearing from their constituents for years about economic development, affordable housing, growth in the downtown, and revising the UDO. From the perspective of the council member, the amendment

was not a knee-jerk reaction. She said that it is clear that there is a shortage of housing in Bloomington. She said that while a debate could go on about affordability, more housing is needed in the downtown and elsewhere. She said that thinking had to be expanded about where housing is going to be placed, because it cannot all be placed in the downtown. When the CMP is done, it will be a foundation for the UDO, which will reflect current city values and needs. She said she was looking forward to addressing the amendment on Wednesday and having a civil debate about it. She mentioned that there was a clear need for a housing study. She said that anyone with concerns should come to the work session on Wednesday and voice their concerns.

Dave Harstadt, commercial real estate broker, said that the proposal was easily the biggest ordinance change over the past decade. He said that the process was the most closed and shortest he had seen for a zoning change. He said that the community needed to have a robust debate about the future of Bloomington. He said that the ordinance did not make any sense. He said that if there is a housing deficient, he did not understand why height and density would be limited. IU has been growing very quickly, and that is a demographic change. The developers and brokers are responding to market forces. He said that he thought that a part of the zoning code was to keep students out of the core neighborhoods. He said that instead of down-zoning the downtown, staff should consider up-zoning the area around the stadium. State law forbids cities from making affordable housing or affordable housing payments a requirement for land use applications. He said that the city was not really asking for a voluntary contribution. He said that the request for a voluntary contribution was being coerced. He said that affordable housing is a community issue and the whole community should work on it.

Mary Krupinski, architect, said that she was proud to be a resident of Bloomington, but that the amendments did not represent a proud moment. She said that the city has always had open processes as opposed to quick decisions when large, impactful issues arise. She said that while the community waits for the future of the UDO or CMP there will be uncertainty as to what can be built. She said that suburban sprawl could be an unintended consequence of the amendments. She said that getting a project through the PC can be difficult as evidenced by the project she had brought to the PC, which had taken 8 months to get through. She said that the PC needed to understand the economics of what is needed for a project to succeed. It can be difficult, and not very profitable, for someone to get their first project off the ground. She asked the PC to consider the effort that goes into bringing one project forth before voting on a proposal that would shape developments in Bloomington for 12 to 18 months.

****Piedmont-Smith moved to approve ZO-42-17. Stewart Gulyas seconded the motion.**

Wisler said that he understood the challenge and agreed that something needed to be done. A lot of projects had come through that did not serve the community's best interest, and he understood the administration's motive to do something. He felt the proposal was the wrong solution. He said that much of the amendment was a reaction to Urban Station II. Many had felt that the Urban Station II project was not as good as it could have been, but it came through by right. To come through by right, the project had lowered the height on the first floor commercial space. He knew something needed to change, but his solution would have been to allow a taller building if the height was increased on the first-floor retail space. He said that the timing on the amendment was less temporary than some would believe. From his experience on City Council, he knew a UDO update will take a lot of time. He felt it would be a minimum of two years before a new UDO would become law. He also felt that the proposal would hurt affordability because it would slow development, which will have the effect of the community losing ground in making up the supply of housing. The supply of housing is not growing as fast as the demand, which drives price up. He also felt that affordability would be hurt by the amendments because the overhead for the

developers would increase under the proposal; the increased overhead costs would be passed along to the tenants. He said if it is too hard to build within city limits, people will build just outside of city limits, which would have many unintended consequences. He had a problem with the language surrounding "compatibility" and felt that the term is subjective. He felt that the proposal was confusing. He felt the code should state what the community wants, not what the community does not want. He thought that the proposal was a dangerous construct for government because it ensures that the law is asking for petitioners to make a deal. He felt that the amendment would create an environment that breeds corruption because the process asks for a deal to be struck not in a public meeting, but before the petition becomes public. He said that the proposal puts too much power into the hands of people who are not elected. He thought the correct answer was to update the code, which would be a long task. He liked the proposed modulation change. He felt the whole proposal was a dangerous shortcut. He would be voting no on the proposal.

Kappas said he agreed with Wisler. He said that everyone wants what is best for the city. He felt it was unfair for staff to have the burden of rewriting the code, and would rather see it rewritten with the help of consultants and the public. He took issue with people complaining that amendments to the UDO were too quick and a surprise. He said that the CMP was debated for months and none of the members of the public present during the current meeting except for maybe two came to a meeting regarding the CMP. When debating the CMP height, density, and modulation were discussed so the public had many opportunities to discuss the issues over the past year and a half. He took offense to people claiming they were not given an opportunity to discuss the issues. He wanted to have a broader discussion. He felt that the changes to the modulation standards were good. He encouraged City Council to talk with stakeholders before making a decision. He said that he liked the idea of having a sunset period for the amendment.

Piedmont-Smith said that since she started campaigning in 2015 for City Council that people constantly told her that the buildings downtown were too student-centric and far too large. She said she knew that the CMP was far overdue. She said that the CMP is being taken very seriously by the City Council, and that was why it was taking so long. She was frustrated sitting in PC meetings and not being able to reflect what her constituents have expressed to her. She identified Urban Station II and the Fifth Third Bank project as projects that are not what people want to see. She said it should not be a great shock to the business community that these issues were coming up because the administration and the PC had been making comments in-line with the proposal for some time. She said that she understood people were upset about the pace of the amendment. She said that consideration by the City Council of the amendment could be extended if the public interest was high enough. She said she would be voting yes because the amendments give the PC the tools it needs to reflect what the public wants.

Maritano said that the issue was incredibly complex and that she valued all the input from the evening. She said that if the amendment were interim, it would be essential to have a deadline. She said that all of the expressions of public opinion made it clear that a pause button needed to be pushed to look at how the downtown is being developed. She understood that there would be unintended effects as well as economic effects. She understood that people wanted a certain quality of building in the community and that those people have not been paid attention to. She said that a good building that does not meet code could certainly be approved by the PC. She would like the process to decide what is built in the community to slow down and be more accountable, intentional, and look more creatively at building and location and place. She said that the longer the PC has to approve practices that the community does not like, the more the issue grows. She agreed that the process was fast, but she wanted a pause button. She wanted a time limit so that the amendments would expire. She said that the time limit would be an amendment to the proposal and that she could not vote for the proposal in its current state.

****Maritano proposed an amendment to ZO-42-17 such that the amendments to the UDO would terminate in 12 months subject to being renewed or revoted upon at that time.**

Hoffmann asked staff if the PC was legally capable of making such an amendment.

Behjou said she would have to research whether or not a sunset provision was legal.

Hoffmann said that the PC can vote on the amendment and Behjou could research its legality and report back to the City Council for their discussion of the proposal.

****Piedmont-Smith seconded the amendment.**

Cibor said that he thought he missed the portion of the meeting in which a sunset provision was discussed.

Hoffmann had asked staff how they felt about a sunset provision, and staff had said they did not want one.

Kappas said that he thought the sunset amendment was a good stopgap.

Piedmont-Smith said that she liked the sunset amendment even though she supported the proposal as a whole. She thought that discussing the proposal again in a year was a good idea in case unintended consequences had occurred. She also thought it would be more than a year before the new UDO became law.

Roach requested that the PC would be specific in regards to when the one year sunset period would begin.

Hoffmann had assumed that the one year sunset period would begin from the effective date of the proposal.

****Maritano agreed to the clarification that the one year period would be as of the effective date of the proposal. Piedmont-Smith also agreed. Roll call vote was called. The amendment passed 8:0.**

Cibor echoed everyone's comments, both for and against the proposal. He said that, as he looks at the proposal, he noticed that the PC is the recommending body. City Council will make the final decision. He said it was easy to find portions of the proposal that someone does not like, but he was also concerned about the way things were currently going with the current code. He would be voting for the amended proposal and encouraged healthy debate within the City Council sessions. He asked the public to provide City Council and staff with specific ideas.

Kinzie said that she has followed the discussion chapter by chapter through the CMP and constituents have been concerned about height, massing, and modulation for a long time. She said that the community had to do something to take a step in the right direction. She felt that the PC had been operating under the principles listed in the proposal, but without explicitly doing so. She saw the proposal as a step to raise development standards while still supporting development. She saw the proposal as a bridge, hopefully a short one, to the new UDO.

Hoffmann said that he had been in the exact situation 30 years ago. When a new CMP and UDO were needed, 30 years ago, the PC had adopted a resolution to say that commercial building on the east side would be strongly discouraged until a new CMP was passed. Many people had felt the resolution would be the end of the world, but development continued and Bloomington ended up with a better built environment because of the resolution. During his first 10 – 15 years on the PC, Hoffmann had been viewed as anti-development, but now most people believe him to be too pro-development. He believed that part of a solution to the problems of housing would be to build more to meet and exceed the demand coming from IU. IU's growth had produced a natural market response. He said that the downtown is lively and vibrant, which benefits the city. Bringing student housing into the downtown has protected the core neighborhoods from being over-occupied with students. He said that those making comments about up-zoning the stadium should look at the CMP because there is specific guidance that student housing move towards the stadium in the plan. He looked forward to up-zoning land in the area near the stadium so that the development community could serve to grow the housing stock. He said that the proposal would be a temporary move, and he was glad that it had been amended to be a one year temporary move. He said that the proposal was not a moratorium, and he did not even think it was really a pause button. He said that items that come through with high heights and densities would not be approved by right. He felt that development on the near north side of downtown should and would continue. He said that the proposal would give the PC back some discretion during the one year that the new UDO was worked upon. He said he would be voting for the proposal.

****Roll call vote was called. The motion passed as amended 7:1 with Wisler dissenting.**

Meeting adjourned.