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The City of Bloomington Plan Commission (PC) met on January 8, 2018 at 5:30 p.m. in the Council Chambers #115. Members present: Cate, Cibor, Hoffmannn, Kappas, Kinzie, Maritano, Piedmont-Smith, Stewart Gulyas, and Wisler.

APPROVAL OF MINUTES: 12/11/17

****Kappas moved to approve the December 2017 minutes as distributed with one name correction: Mary Krupinski. Stewart Gulyas seconded. Motion carried by unanimous voice vote--minutes approved.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Terri Porter, Director of Planning and Transportation, said Staff would like to withdraw the following petition from the agenda:

- ZO-45-17 **City of Bloomington**
Amendment to the UDO to add Business/Professional Office to the list of permitted uses in the Medical (MD) zoning district.
Case Manager: James Roach

****This petition is withdrawn by a unanimous voice vote.**

James Roach, Development Services Manager, welcomed the newest member of the committee, Beth Cate. He also reported that a date for a meeting with the UDO (Unified Development Ordinance) consultants, Clarion Associates, has been set on February 5th. Clarion will be at City Hall February 1st, 5th, 6th and 7th. During this time, they will be meeting with elected officials, the Planning Commission, and interest groups as well as holding public meetings. The intentions of their visit will be to hear the issues and the zoning codes so that they can best assist in putting together amendments to the UDO.

Jackie Scanlan, Senior Zoning Planner, reported on two meetings later in January that involve the City of Bloomington Transportation Plan. The City of Bloomington Transportation Plan is a multimodal transportation plan for the City of Bloomington. It was formerly and separately the Thoroughfare Plan and the Bike Ped Plan, but now they will be done together and be a part of the Comprehensive Plan. It is a more holistic view to transportation rather than separate views. Staff is trying to update its views to meet the goals of the City that have been laid out in the Comprehensive Plan. The City is working with a consultant Tool Design Group. They will be developing and drafting the plan based on the Comprehensive Plan chapter, new data, and community input. Scanlan explained that the consultants will be in town soon and that Staff hopes the public and Plan Commission will come to the two public meetings: Monday, January 22nd and Thursday, January 25th in Council Chambers. The Monday meeting is an input meeting; taking in concerns, comments, and opinions about transportation in town. On Thursday's meeting, the consultants will reflect back the issues brought up on Monday's meeting to ensure that they are understanding correctly and focusing on the right points from Monday's meeting. The lead Staff member will be Beth Rosenbarger, the Bicycle & Pedestrian Coordinator for the City of Bloomington. She provided the link for more information regarding the plan:
www.bloomington.in.gov/transportation/plan.

Enright-Randolph thanked the City and Staff for the hard work and collaboration with the County on these transportation issues.

2018 - ELECTION OF OFFICERS:

PRESIDENT:

****Kappas nominated Joe Hoffmann to serve as President. Stewart Gulyas seconded. Motion carried by a unanimous voice vote.**

VICE PRESIDENT:

****Maritano nominated Brad Wisler to serve as Vice President. Kappas seconded. Motion carried by a unanimous voice vote.**

PC Representative to BZA:

****Hoffmann nominated Stewart Gulyas to serve as the Plan Commission representative on the Board of Zoning Appeals (BZA). Kinzie seconded. Motion carried by a unanimous voice vote.**

PC Representative (Alternate) to BZA:

****Hoffmann nominated Andrew Cibor to serve as the Plan Commission alternate representative on the Board of Zoning Appeals (BZA). Piedmont-Smith seconded. Motion carried by a unanimous voice vote.**

Plat Committee Appointments:

****Kinzie nominated Roy Aten (P&T), Andrew Cibor (Plan Commission), and Mike Carter (City Utilities) to serve on the Plat Committee for 2018. Maritano seconded. Motion carried by a unanimous voice vote.**

Plat Committee (Alternate Members):

****Kinzie nominated Dan Backler (P&T), Brad Wisler (Plan Commission), and Phil Peden (City Utilities) to serve as alternate members on the Plat Committee for 2018. Maritano seconded. Motion carried by a unanimous voice vote.**

Hearing Officer Appointment:

****Kinzie nominated Beth Rosenbarger (P&T) to serve as the Hearing Officer and Scott Robinson (P&T) to serve as the alternate for 2018. Piedmont-Smith seconded. Motion carried by a unanimous voice vote.**

Appointment of PC Member as Ex-Officio of the Monroe Co. Plan Commission:

****Piedmont-Smith nominated Kappas. Kinzie seconded. Motion carried by a unanimous voice vote.**

Appointment of PC Member as Ex-Officio (Alternate) of the Monroe Co. Plan Commission:

****Piedmont-Smith nominated Kinzie. Wisler seconded. Motion carried by a unanimous voice vote.**

PETITIONS CONTINUED TO: February 5, 2018

PUD-27-17 **Public Investment Corporation**
2700 W. Tapp Rd.
PUD Final Plan approval and preliminary and final plat approval of a 24-lot subdivision.
Case Manager: Eric Greulich

**Per PC Rules, a vote is needed to continue.*

****Stewart Gulyas moved to continue PUD-27-17 to the February 5, 2018 hearing. Kinzie seconded. Motion carried by a unanimous voice vote.**

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. 6th 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

PETITIONS:

- RS-29-17 **City of Bloomington**
Amendment to PC Rules of Procedure to expand sign posting requirements for all Plan Commission and Plat Committee petitions except zoning text amendments and resolutions.
Case Manager: Jackie Scanlan

Jackie Scanlan presented the Staff report. The Planning and Transportation Department is proposing a change to the Plan Commission Rules of Procedure to expand sign posting requirements. The purpose of the change is to increase visibility of zoning petitions and identify physical property with zoning petition requests. The way that the rules are written now, some petitions require signage on the property; rezones and PUD plans require signs that state the presence of a zoning request on the site and list the Planning & Transportation Department as the contact. The Staff is proposing to expand the petition types to all petitions dealing with physical property, excepting zoning text amendments and resolutions. Staff has found in the last year that some adjoining property owners that use the sites may not be the owners, they might be renters, which is both residential and commercial. This results in them not finding out about petitions until either right before the hearing or sometimes after. Unless they are tracking public petitions in the newspaper, then there is no way for them to know that because they are not the owners and do not receive the notice. The Staff is not proposing to have any less notice than there is already required by code, they are proposing more. Signs would be required to be posted at the petition site 21 days before the hearing, which is also the deadline for when notice is sent to the interested parties (adjoining property owners). As the letters are given to the petitioner to send to adjoining property owners, they would also be given a sign and asked to post it.

Kappas referenced page 15, #7 in the January 8th packet and asked Scanlan when the City last changed the signs that are posted.

Roach responded that the Staff have been using the same signs for years with the City logo on them. They say "Pending Zoning Request".

Scanlan said that from her experience in the County everything requires signs. They have "Zoning Request Pending" signs for the rezones in the PUD which are used every once in a while. The department ordered 50 in 2017 and have 47 left. The current proposal is to continue to use these. These signs are reordered as they are needed.

Hoffmann reiterated that the signs were approved a long time ago.

Kappas asked if the signs will have enough information on them.

Scanlan said the signs are not case specific, they only have the City of Bloomington logo on them. They say "Pending Zoning Request" with the Planning & Transportation Department's contact information. They would have been updated when the two departments merged, but Scanlan was unsure if additional information was added to the signs.

Hoffmann said that this sign is not meant to substitute for the kind of information Staff can provide.

Scanlan affirmed this and said this is kind of a red flag to say if you're interested please give us (Planning and Transportation) a call. Staff decided to wait for public input once the signs are implemented.

Kinzie asked Scanlan how those signs would be given to the petitioner to post on the subject property.

Scanlan said you have a filing appointment with a current planner and the sign would be given to the petitioner at that time. The sign would have the same deadline information as the *Notice to Adjacent Property Owner* (NAPOS) letter that is mailed to affected property owners.

Piedmont-Smith asked for clarification on what petitions the signs would be used for. Piedmont-Smith used TMC's petition for an upcoming meeting as an example, asking if they would post their sign on Kirkwood.

Roach explained that TMC filed their petition when the Planning Commission's rules were different. It is uncertain whether they will be required to put a sign up, but Roach thought they would be happy to do so.

Piedmont-Smith made it clear that no matter where the project is, located downtown or not, that she wanted to see a sign posted on the petition site.

Scanlan affirmed this.

Roach said that the department has signs that can be stood up in a yard that petitioners can be given if the plot is a lawn. They can also tape them inside a window, stapled to a tree, and put up in a lot of different ways to be visible in the right-of-way.

Piedmont-Smith asked if anything that came before Plan Commission would have to have a sign.

Scanlan reiterated that everything would be required to have a sign except for the zoning text amendments and resolutions.

****Kinzie moved to approve RS-29-17 as outlined in the Staff report. Kappas seconded. Motion carried by voice vote 9:0--Approved.**

- ZO-46-17 **City of Bloomington**
Amendment to the UDO concerning fence standards for corner lots and through lots.
Case Manager: Amelia Lewis

Amelia Lewis presented the Staff report. The department proposes to amend the fence and wall standards in the UDO. This regulation has been in place since 2006 and currently the UDO counts any street-facing property line as a front yard. Lots with two or more street frontages have two yards. Property owners with corner lots are prohibited from building fences exceeding 4 feet in height along any of the street facing frontages. This was established in 2006 to primarily prevent tall fences from being placed adjacent to sidewalks and negatively impacting the pedestrian experience, blocking views to front doors, and enhancing the public realm along street facing frontages. This is a common variance request as well as a common enforcement issue the department faces. This amendment would make a distinction between the primary front yard and the secondary front yard of a property. The secondary front yard is what a person would consider their side yard, but because it is on the street, it is also a front yard. The first lot is an interior lot. It only has one street facing frontage. All regulations for the interior lot will be staying the same with this amendment. The second is a corner lot. These are located on a corner with two different rights-of-ways. There are two front yards and two side yards. The third is a through lot, with the right-of-way along two parallel edges, with the frontages on these sides being front yards. Those not along the right-of-ways are side yards. This amendment would edit one existing definition and add one new definition. It would add a secondary front building wall, which would be the non-addressed side of the building elevation which fronts a public street where access to a structure is available, but it is not the primary entrance to the structure. This amendment would also change the regulations of the maximum heights. On corner lots, the case where the structure has two front building walls, one frontage would be considered a secondary front building wall. On the secondary back yard, behind the build-to line or the front building setback line, the fence and wall will not exceed 8 feet in height. This is a way to treat that additional front yard as a side yard or rear yard by still allowing a property owner to build a fence up to the building setback line or the build-to line on their property. For through lots, these fences on the lot frontage on the front yard front building wall would be treated like rear property lines. For an interior lot, fences exceeding 4 feet in height cannot be located anywhere alongside a right-of-way (ROW). For properties on corner lots, what this amendment would make front yard front yards are often considered side yards by residents and therefore, residents often like to put up some type of fence. Current regulations limit the types of fences these residents can put up in their front yard front yards. With the proposed regulations, all regulations for the primary front yard would stay the same – no fences over 4 feet in height. For the front yard front yards, the resident could build a fence dependent on the building setback line. For through lots, the new guiding rule for fences would be the rear property line. After considering all options, Staff considered this to be the best option. If you can build a house at a location, why would you not be able to build a fence? This is why it was determined that the build-to line or building setback line would be an appropriate measurement for fence purposes.

Andrew Cibor asked if the building line is based off where the setback line is and the setback line is based off ROW, but potentially also ROW to be preserved to be determined through the Thoroughfare Plan.

James Roach, Development Services Manager, said that it varies by district. In some districts, the setback is very much tied to the Thoroughfare Plan. A certain number of feet from the middle of the road is the future ROW and the setback is from that. In some areas it's much more about context. For example, the Residential Core (RC) zoning district is much more about context. The build-to line is based on where the other houses are in the area. For the most part it is based on future ROW.

Cibor asked what the process is for someone to build a fence and how City Staff is involved.

Amelia Lewis responded that if an individual wants to build a fence that adheres to all height and placement standards, there is no permit required. If it is over 6 feet in height, they need to apply for a permit at the Monroe County building Department.

Cibor asked what is the best way to educate people about fence issues including if there are sections of the UDO that are often cross-referenced pertaining to fences, such as line of sight, vision line triangles, or sight obstructions.

Roach responded that vision line triangles from the UDO apply to fences, even though it is not specifically in the fence section of the UDO. As for communicating to the public about putting up fences, people often do not look at regulations. Education and outreach is needed on this and it's something the Staff can look into.

Joe Hoffmann asked why there is different language for the through lot. Why not just use what the build-to line is instead of the rear property line?

Roach responded that many fences in suburban areas were built to the rear property line before the regulation was put into place in 2006. These fences were built out to the exterior roads of a neighborhood on through lots.

Hoffmann pointed out that the same thing happens in neighborhoods internally. For through lots in this situation, using the rear property line does not make sense as it would for a through lot in a subdivision.

Roach acknowledged the issue Hoffmann described and said Staff would look into it. He suggested a few solutions, including addressing the issue according to road classification or to set a flat setback for through lots.

Hoffmann suggested making a few changes to the amendment and to come back to it next month.

Piedmont-Smith wanted to get an understanding of why this amendment is being brought forward.

Roach said the issue is that people with corner lots want to take full advantage of their entire back yard area. He acknowledged the amendment wouldn't solve every situation though.

Piedmont-Smith asked if some of those variances had to do with people trying to keep deer out of their yards.

Roach said there have been some.

Piedmont-Smith why 10 foot fences aren't part of this proposal given that the Deer Task Force

recommended this height to keep deer out and further recommended that the City allow fences this height.

Roach responded that we were trying to keep it as simple as possible. The code doesn't differentiate between types of fences such as lattice, etc. The purpose of shorter fences was to keep sidewalks neighborhood friendly.

****Piedmont-Smith moved to continue this petition to the February 5th hearing. Kinzie seconded.**

Piedmont-Smith said good points were made about the build-to line vs. using the rear property line and she looks forward to further clarification before the final vote.

Andrew Cibor reiterated that education and communication regarding fence regulations is an important issue. One concern is that arterials are already not pedestrian friendly and allowing tall fences backing up to them causes more concern.

Kappas cautioned everyone that we don't want to lose the overall character of fences.

Beth Cate asked if residential safety is a consideration when considering fence height or location.

Hoffmann stated anything that is truly considered a to be rear yard can be fenced up to 8 feet. The problem here is that corner lots are treated in a different way. He liked this proposal because it's a compromise.

Enright-Randolph thanked the Planning staff for bringing this amendment forward.

Kinzie said she liked the provisions and plans to support the amendment.

ROLL CALL: Motion carried by voice vote 9:0 to continue ZO-46-17 to the February hearing.

- ZO-47-17 **City of Bloomington**
Amendment to the UDO concerning sidewalk construction requirements and sidewalk variance standards and procedures.
Case Manager: Jackie Scanlan

Jackie Scanlan presented the Staff report. This proposal deals with when sidewalk construction is required through the UDO (Unified Development Ordinance). Some examples are: new subdivisions requiring sidewalk, commercial and industrial development, multi-family units, and Home Occupations. In some single-family contexts, it can be burdensome to construct a sidewalk. The other issue that this proposal is addressing is changing criteria for sidewalk variance requests. Staff is proposing to add an "Applicability" section to Alternative Transportation in Chapter 5. The intent of the regulation is to help build out the pedestrian network in an incremental way: more development, more sidewalks. The reality of this is a smattering of random 50 foot stretches of sidewalk throughout Bloomington. The Department presented these amendments to the Bicycle and Pedestrian Safety Commission at its December meeting and though they did not have enough present for a quorum, those in attendance were supportive. In this Applicability section to Alternative Transportation, Staff proposes to strike language from the Home Occupation section that currently requires bicycle and pedestrian facilities for a home occupation approval. This Applicability section would create an exception for single family Residences built on existing legal lots of record on non-classifieds (also called neighborhood) streets and additions to existing residential structures. The second proposal is to

strike language from Home Occupation section making it so applicants would be not be required to put in a sidewalk or bicycle racks. Examples of residents this would apply to would be anyone using a regulated portion of their home to run a business that does not have a commercial use effecting the neighborhood around them, such as a piano teacher who has lessons at their home. The third proposal is to strike specific findings for determinate Sidewalk Variances and utilize existing development standards findings. Staff also proposes to add a guidance section. This would be added under the Development Standards section of the code and it would be Determinate Sidewalk Variance Considerations so that future BZAs (Board of Zoning Appeals) can see what has been historically looked at for Sidewalk Variances. The fourth proposal is to add a Recorded Commitment requirement for determinate sidewalk variances. Lastly, Staff proposes to add a definition for determinate sidewalk variances in the UDO. The proposed definition is as follows for a determinate sidewalk variance, "A temporary variance from sidewalk construction requirements that may be rescinded by the City at any time if there is a change to the characteristics or context that justified the variance related to the property or surroundings". This is a code change so it does have to be approved by the City Council. Staff recommends the Plan Commission forward a positive recommendation to the City Council.

Brad Wisler asked if a solution to the issue regarding single-families and whether or not they build a sidewalk on their lot may be resolved by offering them a choice to build the sidewalk or donate the right-of-way to the City for future construction.

Scanlan responded that Staff would need to talk to the City Legal Department about this potential solution. If Staff believes there should be a sidewalk there, it may be best to require the homeowner to put it in now instead of asking for a tradeoff.

Wisler emphasized the benefit of having a uniform sidewalk that was built at the same time compared to the burden of what the City currently faces with many disconnected stretches of sidewalk.

Scanlan acknowledged this and pointed out that the new Transportation Plan may shape the new codes dealing with pedestrians and sidewalks.

James Roach, Development Services Manager, said in certain situations sidewalks can be burdensome for homeowners in single-family neighborhoods.

Andrew Cibor asked the Planning Staff if they are familiar with other cities where this has been done and if they have followed up and asked the homeowner to finance a sidewalk years after the variance was given.

Roach said he didn't know of other cities with determinate sidewalk variances. The City hasn't done many determinate sidewalk variances and of those variances, has never asked anyone to build a sidewalk.

****Stewart Gulyas moved forward ZO-47-17 to the City Council with a positive recommendation from the Plan Commission. Piedmont-Smith seconded.**

Piedmont-Smith believes this is will be a positive improvement. She also acknowledged that the City sidewalk funds are limited and should be focused on busy streets that are without sufficient sidewalks as well as repairing dilapidated existing sidewalks.

Cibor believes this UDO amendment is a reasonable improvement but the bigger picture is to eventually update the UDO. He suggested the administration explore the idea of imposing a fee in lieu

of a sidewalk not being built, but in the meantime thinks this a good step forward as well.

Enright-Randolph thinks this a great first step.

ROLL CALL: Motion carried by voice vote 9:0 to forward ZO-47-17 to the City Council with a positive recommendation.

Meeting adjourned.