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The City of Bloomington Plan Commission (PC) met on August 26, 2019 at 5:30 p.m. in the City of Bloomington Council Chambers. Members present: Cate, Kappas, Wisler, Kopper, Sandberg, Burrell, Hoffmann, Kinzie, St. John, Enright-Randolph

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 8/26/19 – Council Chambers – City Hall, 5:30 PM
 - 8/29/19 – Council Chambers – City Hall, 5:30 PM
 - 9/5/19 – Council Chambers – City Hall, 6:00 PM
 - Additional meetings may be added by the Plan Commission
- Order of business for ZO-30-19
 - Message from the Plan Commission Chair
 - Staff Report
 - Plan Commission Comments
 - Public Comment Period (with time limitations)
 - Plan Commission Resolutions (postponed until August 29th hearing)

PETITIONS:

ZO-30-19

City of Bloomington

Adoption Draft Unified Development Ordinance

The City of Bloomington Plan Commission (“PC”) will consider the adoption of a proposed zoning ordinance (“Proposal”) and repealing the previous Unified Development Ordinance (“UDO”). The Proposal applies to all areas within the corporate boundaries. The Proposal is for replacement of the UDO with a new version based on guidance from the 2018 Comprehensive Plan. Penalty and forfeiture provisions in the current UDO remain the same in the Proposal. Written objections to the proposal that are filed with the secretary of the PC before the hearing will be considered and oral comments concerning the proposal will be heard. The hearing may be continued from time to time as may be found necessary.

Case Manager: Scott Robinson

Commissioner Joe Hoffmann began the hearing by talking about the UDO draft process and the months’ long process to reach the August 26th hearing. This public hearing is the first of at least three, possibly more, that will eventually forward the UDO to the Common Council. The Council will finalize the document into law after previous Plan Commission public hearings were held concerning different sections. These hearings will determine the final text of the document, with zoning map finalization following shortly after. Given the enormity of the UDO draft and required review, Hoffmann stated a motion would be needed to end the evening’s meeting firmly at 9:30 pm.

Hoffmann proceeded to outline the form for the evening’s hearing, emphasizing that no votes on amendments would take place at the first hearing. Commission members would hear the staff report, could ask questions about it, and then hear public comments, and finally discuss possible changes to the UDO. The Commission

members will then ask the planning and legal Staff to draft the language for possible amendments before commission members vote on them at a later hearing. Hoffmann also noted that three hearings are scheduled, but the Plan Commission is not limited to approving the UDO within these hearings and can schedule as many hearings as it takes to agree on the final UDO draft. Hoffmann then spoke about the need for the UDO and how it complements the Comprehensive Plan and the Transportation Plan and how all three documents outline goals and laws for land development within the City. Hoffmann reemphasized that no voting would take place in the evening's meeting and the process of suggesting changes to Staff and Staff drafting amendments based on those suggested changes prevents unintended consequences in a legally binding document. With every amendment drafted by Staff, the public will again be invited to comment.

****Sandberg moved to conclude the first UDO draft meeting at 9:30 pm. St. John seconded. Motion carried by voice vote 9:0—Approved.**

Hoffmann introduced Terri Porter, director of the City's Planning and Transportation department. Porter thanked the Plan Commission for their part in moving the UDO to its current phase and thanked the public present for filling the council chambers to provide comments about the UDO draft. She noted the draft is a large, 400-page document and the City is very close to being in agreement over the draft with the exception of a few contentious parts of the document. Hoffmann stated that the commissioners had been given the electronically submitted public comments for review prior to the hearing.

Hoffman turned the meeting over to Jim Spung, associate with Clarion, the land-use consulting firm that has been working with the City to draft the UDO update. Spung began by outlining several reasons for updating the UDO and they are to help implement the Comprehensive Plan, promote affordable housing, reduce student housing pressures on neighborhoods and downtown, promote more sustainable development, improve user-friendliness, and allow for a more predictable and efficient development process. Spung also pointed out the UDO and Comprehensive Plan Index available on the Planning and Transportation website that links goals and policies from the Comprehensive Plan to the UDO, better explaining the update. Spung stated that the process has taken over 18 months so far from finding out initial planning needs in Bloomington, to putting together several drafts and receiving public comment, and finally reaching the final draft. It will be several more months before the UDO becomes law because Staff will need to update forms and office procedures. The UDO is and will remain a living, breathing document, always available to amend if needed. Spung highlighted key changes in the UDO including downtown height limits, changing the names of zoning districts, but not their boundaries, and addressing student housing. Spung spent several minutes explaining the UDO draft's effort to address affordable housing by reintroducing "missing middle housing" in the form of duplexes, triplexes, and fourplexes in neighborhoods and their proposal process. Spung concluded his report by discussing common questions received prior to the hearing from homeowners in city limits who had received a postcard about the UDO update.

Plan Commission Questions: None. Cate expressed that she wished to hear public comments before asking the questions.

Public Comment:

Members from the public who spoke: Chris Sturbaum, Daniel Bingham, Elizabeth Cox-Ash, David Keppel, Mary Morgan, Claire Williamson, Alex Weiss Hills, Andrew Guenther, Max Sandefer, John Fiedler, Renata Kasak, Nan Brewer, Jon Lawrence, Dave Warren, Vauhxx Booker, Deborah Myerson, Mark Lauchli, Matt Flaherty, Dave Stewart, Teal Bingham, Bill Baus, Nathan Geiger, Bess Lee, Veda Stanfield, Michelle Henderson, Pam Weaver, Dave Weaver, Kate Rosenbarger, Emily Pike, Jan Sorley, Greg Alexander, Jill Crawford, Betty Rose Nagle, John Kennedy, Richard Martin, Kim Carballo.

The topic that most of the public voiced concern over was affordable housing and the proposed rezoning for duplexes, triplexes, and fourplexes in neighborhoods currently zoned as single family residences. Opinions were divided throughout the hearing, with many in favor or opposed to rezoning for "plex" housing for several reasons. Those opposed believe rezoning single family home neighborhoods invites developers to buy lots, many sight unseen, tear down existing homes, and build new construction, costing future tenants and homeowners more and nullifying affordability. It was expressed that Accessory Dwelling Units (ADU) and

convertible houses are an affordable option, but need to remain a Conditional Use, and go through the public process to approve. Many believe that current small single family homes are valuable starter homes for young professionals and families, and increasing density will only drive up the cost of living. Others believe that an increase in plex housing will decrease the resale value of single family homes in the same neighborhood, a decades-long investment, and believe that affordable housing is a thirty-year-old problem, nothing new. One person expressed that the Comprehensive Plan has six paragraphs speaking against plex housing. People living in single family residence zoned neighborhoods spoke of being accused for not caring about affordable housing and the environment and argued against those accusations. They believe density in established neighborhoods built 100 years ago on small lots and narrow streets will be overcrowded with vehicles, and suggested building on the IU Health hospital site after it's vacated. A request was made to remove the multi-family designation from the UDO. Due to three major water main breaks this summer, a member of the public wished to see the City's infrastructure updated, and density issues should be put off for another 10 years.

Those in favor of "plex" housing stated that increasing density housing is a sustainable living option that will aid the environment in years to come and many single family home neighborhoods already contain plex housing that is difficult to distinguish from single family homes. Single family homes on ¼ acres lots increase automobile usage and decreases land needed for agriculture, while greater density housing incentivizes bicycle and pedestrian traffic. Members of the public also argued that single family home neighborhoods are a part of exclusionary zoning and prevent low-income families' ability to own a home or rent affordably. Density housing decreases segregation because families of color move into dense, more affordable areas. Undergraduate and graduate students spoke about the appeal of dense housing and ADUs, allowing students to remain in Bloomington, a town appealing for its diversity, and begin their careers, citing that "starter" single family homes are still unaffordable. Many small single family residences are old and require some renovation, and a bank won't lend to a young person for a "distressed house." Plex housing is a more affordable homeownership option that allows the owner to live in the structure and also earn rental income. Some members of the public spoke about how established professionals still seek to live just outside city limits for its affordability. It was expressed that salaries have not kept up with housing prices, in addition to experiencing the 2008 recession, and suffering with the student loan crisis, and some want other affordable housing options to raise families besides plex housing and ADUs. Several members of the public that spoke believe that middle housing has disappeared in Bloomington and if the current dense housing didn't exist, the competition for housing between residents and students would be even greater. It's believed by some that Bloomington is far behind the estimated need for housing by 2050, especially given predicted major migrations from climate change. It was expressed that the UDO should reflect the Housing and Urban Development and Housing and Neighborhood Development's (HAND) broad definition of family. Age and income diversity are important and five unrelated adults should be permitted in a home.

Many that spoke in favor of dense housing as an affordable option expressed that ADUs and plex housing should be by right to make the city more equitable, and ADUs should be permitted to be larger and more than one bedroom. ADUs can also offer someone with developmental or physical disabilities or the elderly an opportunity to live independently. On the other side, some people wished to see ADUs remain Conditional Use to control their growth and placement.

Other concerns residents expressed in single family residence zoned neighborhoods were preventing Greek houses in those neighborhoods, addressing parking shortage due to students, clarifying the new student housing designation in the UDO, greater notice of violation resolution, and ensuring landlords are held accountable for occupancy maximums. Clarification was requested concerning what constitutes medium-sized livestock. Currently Nigerian dwarf goats are under this classification with swine and other substantially larger animals and it was requested these goats be classified with smaller animals like chickens.

Several members of the public spoke in overall favor of the UDO, stating it's not making drastic changes, but rather allowing for predictability, and is a vital piece in promoting environmental sustainability, though more amendments should be accepted from the Environmental Commission. It was also expressed that greater clarification is needed for administrative procedures when accepting the "payment in lieu" affordable housing contribution option given to developers. A comment was made that classifying all student housing as having 4+ bedrooms is incorrect because much student-oriented housing contains fewer bedrooms per unit. Also, extra

stories are not an incentive to build if the property has too few parking spaces, and developers should have more incentives to build quality developments.

Plan Commission Discussion:

Due to being near the time deadline for the evening's hearing after public comment concluded, Hoffmann proposed suggesting two minor "housekeeping" amendments he felt were noncontroversial for staff to draft and return for Plan Commission consideration on the August 29th hearing.

****Hoffmann motioned for the Plan Commission to ask Staff to prepare for the Plan Commission's consideration an omnibus amendment to fix typographical and/or technical errors in the Unified Development Ordinance (UDO). Kinzie seconded. Motion carried by roll call vote 9:0—Approved.**

Hoffmann pointed out that Staff changed plex housing approval to Conditional Use in the UDO, creating an unintended consequence of reading as if plex housing is Conditional Use city-wide, even where plex housing is already permitted.

****Hoffmann motioned for the Plan Commission to ask Staff to prepare for the Plan Commission's consideration an amendment that would clarify the change to Conditional Use reflected in the current draft is meant to be specific to the core neighborhoods and not city-wide, even on large, undeveloped tracts. Cate seconded. Motion carried by roll call vote 9:0—Approved.**

Hoffmann said that the August 29th hearing will begin by Plan Commissioners discussing the August 26th hearing and deciding whether further amendment draft requests to the Staff will be necessary.

Kinzie asked if any additional provisions were available for online comments. Assistant director Scott Robinson confirmed he would make a new form available based on the evening's discussion.

Meeting adjourned.