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The City of Bloomington Plan Commission (PC) met on September 5th, 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

ROLL CALL

MINUTES TO BE APPROVED: August 26, 2019

REPORTS, RESOLUTIONS AND COMMUNICATIONS: Public comment forms continue to be open for each UDO meeting on the Planning and Transportation website. The next meeting is Tues. September 10th; future September meetings to be determined. The next non-UDO Plan Commission meeting is Monday, September 9th.

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 9/5/19 – Council Chambers – City Hall, 5:30 PM
 - 9/10/19 – Council Chambers – City Hall, 5:30 PM
 - Additional meetings may be added by the Plan Commission
- Order of business for ZO-30-19 9/5/2019
 - Message from the Plan Commission Chair
 - Amendments 3, 4A, 4B, 5A, 5B, and 6
 - Public Comment on Amendments (with time limitations)
 - Plan Commission Resolutions
 - Public Comment on items NOT covered by any Resolutions (with time limitations)

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

Hoffmann began the hearing by giving an overview of how the evening would proceed. The Plan Commission is in the process of amending the UDO draft. At the August 29th hearing amendment 2 was adopted and amendment 1 is omnibus and waiting to be acted upon until all typographical and grammatical errors are corrected. Tonight's hearing will begin with amendment 3, which the Plan Commission request be drafted based on prior public comment. The amendment seeks to clarify and specify how to discourage the demolition of existing houses in order to create duplex, triplex, and fourplex residential buildings. The Plan Commission will then move on to amendment 4A and 4B concerning plex housing in core neighborhoods. The current UDO draft makes plex housing in R1, R2, and R3 neighborhoods Conditional Use. Some of the public agrees with this,

some believe they should be prohibited entirely, and others believe plexes in these zones should be Permitted Use.

Hoffmann explained that usually Plan Commission meetings have a hard deadline of 9:30 p.m., but the meeting may go later if the Commission feels it's close to resolving amendments. If time allows, amendments 5A and 5B dealing with ADUs and their processes and size will be discussed. He didn't believe enough time would be left for the Plan Commission to propose more resolutions to Staff that evening, instead continuing that process at the September 10th hearing. As a final comment before the Staff report, Hoffmann said the issues being dealt with through these amendments are challenging, difficult, and controversial and asked the public to strive for civility in consideration of others' feelings and to keep the meeting moving forward. He requested that the public silently raise hands to show support instead of clapping or verbal comment.

Staff Report on Amendment 3:

Scott Robinson presented the staff report. He explained the details of demolition delay in amendment 3 that was written specifically to discourage teardowns of existing homes for the purpose of new construction. The majority of building permits received through Planning and Transportation are for remodeling and not demolition, but Staff has crafted language to clarify the protection of existing structures against new construction, especially plex construction.

Plan Commission Questions:

Discussion ensued between Staff and the Plan Commission concerning the language of amendment 3 and the clarification of each clause. The Plan Commission inquired about the involvement of the Historical Preservation Committee, timelines, and maximum square footage allowed if rebuilding after a partial demolition. A concern amongst the Plan Commission and the public is if a property owner deliberately neglects the structure in order to be granted demolition so the owner can rebuild. Robinson explained that the demolition delay timeline was created to discourage demolition for new construction.

Public Comment:

Members of the public that spoke: Wendy Bernstein, Mary Morgan, Tracy Gates, Michelle Henderson, Emily Pike, Kate Rosenbarger, Alex Weiss-Hills, Warren, Deborah Myerson, Nan Brewer, Daniel Bingham, Bronson Bast, Jan Sorby, Joe Bergin, Jean Simonian, Mark Cornett, Mark Figg, Richard Martin, Forest Gilmore, Kayte Young, Vauhxx Booker, Chris Sturbaum, Andrew Hanson, Joe Lee, David Stewart, David Keppel, Nathan Geiger, Ramsay Harik, Olivia Dorfman, Peter Dorfman, Bloomington Cooperative Living, Dave Weaver, Novella Shuck, Cory Ray, Bradi Heaberlin, Katherine Yoder, Jon Lawrence, Jill Crawford, Rima Hanania, Mary Jane Hall, Greg Alexander, Richard Morton, Matt Flaherty, Wil Stahly

Those who spoke in remonstrance of the amendment fear that not enough will be done to prevent the teardown of older homes, and the "fabric" of neighborhoods will change or be destroyed. Some members of the public also fear that lack of teardown protection invites big developers to build new, overpriced construction while also catering to students and not considering current and future non-student residents. Many believe requiring plex housing to be owner occupied would help. Some found the amendment language to be unclear about how much of a structure could be demolished and rebuilt. Others believe that fines and other consequences won't be enough to deter plex housing from being built differently from agreed upon building plans and that a gradual change is what is needed.

Those in favor of the amendment hope it encourages the addition of more plex housing in core neighborhoods and a restoration of affordable, middle housing. Many believe protecting current single family homes from teardown or plex conversion protects older, still unaffordable, and dilapidated homes. Opinions about single family home neighborhoods being exclusionary and environmentally unfriendly were reiterated and that the Conditional Use requirement makes plex house construction harder to achieve.

Plan Commission:

The Plan Commission asked Robinson about illegal building practices and fines and subdividing lots for multiple plexes. Robinson confirmed that not following the pre-approved building plans results in the owner being fined. and that a lot cannot be subdivided to create multiple plex structures.

****Sandberg moved to table Amendment 3 and discuss Amendment 4A/B before voting on Amendment 3. Kinzie seconded. Motion carried by roll call vote. 9:0—Approved.**

Staff Report on Amendments 4A & 4B:

Terri Porter, director of Planning and Transportation, presented the report initially, clarifying the City's effort to re-introduce middle housing. She explained that missing middle housing is compatible in scale to current single family zoned homes. Adding middle housing won't solve the affordable housing shortage or lack of housing completely, but a solution to missing middle housing is adding more in thoughtful locations where residents are able to walk to work or amenities.

Jackie Scanlan, Development Services Manager, presented on plex housing. She explained that the UDO is not proposing multi-family (5+units per structure) or plex structures on multiple lots. Instead, proposed plex housing is to be Conditional Use, meaning it has to go through an appeals process and meet design requirements, occupancy limits, match the neighborhood character, and no new lots will be created for plex housing. Reintroducing middle housing is important because decades before it used to be a Permitted Use in core neighborhoods. It creates diversity, has less impact on the environment, and increases socioeconomic opportunity. The Comprehensive Plan says to increase housing throughout town and doing so in the core neighborhoods can make those neighborhoods affordable again. Plex housing already exists in some neighborhoods and appears to be a single family home on the outside; even small scale apartments exist in some single family residential neighborhoods, though the UDO is not proposing this. Despite the presence of these apartments and plex structures, the homestead exemption has stayed the same for over 11 years. For those that fear the demolition of older homes, the demolition delay in the UDO draft protects historic neighborhoods and is designed to work with the Historic Preservation Committee to protect threatened neighborhoods. Bloomington needs less development on empty green fields because housing is too far away from walkable amenities. Plex housing gives equity for people at different socioeconomic places. Bloomington also can't continue to attract employees without housing, and Bloomington already has the most expensive housing in the state. Younger generations are struggling to own homes and currently it can take as long as sixteen years to save to purchase a home on a median income in Bloomington. Increasing plex housing in neighborhoods can be done incrementally and well, but improvements to the City cannot be proposed based on neighborhoods covenants.

On a final note, Robinson said the provision concerning plex housing on corner lots is no longer being proposed and clarified that Amendment 4A prevents plex housing in R1, R2, R3, and amendment 4B changes plex housing from Conditional Use to Permitted Use.

Plan Commission Questions: None

Members of the public that spoke: Members of the public that spoke: Wendy Bernstein, Mary Morgan, Tracy Gates, Michelle Henderson, Emily Pike, Kate Rosenbarger, Alex Weiss-Hills, Warren, Deborah Myerson, Nan Brewer, Daniel Bingham, Bronson Bast, Jan Sorley, Joe Bergin, Jean Simonian, Mark Cornett, Mark Figg, Richard Martin, Forest Gilmore, Kayte Young, Vauhxx Booker, Chris Sturbaum, Andrew Hanson, Joe Lee, David Stewart, David Keppel, Nathan Geiger, Ramsay Harik, Olivia Dorfman, Peter Dorfman, Bloomington Cooperative Living, Dave Weaver, Novella Shuck, Cory Ray, Bradi Heaberlin

Public Comment for 4A & 4B:

Those that spoke in favor of making plex housing Permitted Use and having them in core neighborhoods reiterated opinions held at previous meetings including how increasing density is good for the environment and creates equity and walkable opportunity for those without a car. Increasing density in neighborhoods creates a more vibrant, diverse collection of residents and gives families of different sizes and in different places in life an affordable housing option.

Those that spoke in remonstrance of plex housing as Permitted Use in core neighborhoods reiterated previously stated opinions that new construction invites developers to buy properties sight unseen to build new, unaffordable housing. Those speaking in remonstrance also don't believe their neighborhoods exclude certain

ances or socioeconomic classes and zoning shouldn't be compromised for those wanting to live in certain neighborhoods on a lower salary. Instead, some members of the public would like to see affordable housing built at the hospital site or undeveloped land and have housing subsidies in place.

PC Discussion:

The Plan Commission stated that this would not be the last time plex housing would be discussed. The UDO draft will go before the Common Council for review once the Plan Commission completes the amendment process. The Plan Commission expressed divided views on plex housing in core neighborhoods with those against it stating that affordable housing requires subsidies, older housing stock, and not demonizing students, but instead giving them different areas to live for their different housing needs. Other items discussed were Conditional Use in the Residential Estate zone, the legal definition of a family in City code and neighborhoods covenant restriction.

The Plan Commission thanked the public for attending the hearings concerning plex housing and for expressing concerns and providing information. Wisler said he believed this vote to be a defining moment and issue for the community, and going forward housing prices can be lowered by increasing the supply. He stated that truly integrated housing happens within current neighborhoods, not building new housing elsewhere. He also believes plex housing will have a more radical impact on his neighborhood than in core neighborhoods, that making plex housing by-right encourages small, not large developers, and that purchasing a unit in a plex structure makes approval for a home loan easier. On a final note, he stated that used-based code created environmentally unfriendly sprawl and eliminated walkable amenities like grocery stores in neighborhoods. Creating form-based code for the City would be beneficial.

In addition, the Plan Commission expressed their faith in the consultant Clarion, who has written code for cities nationwide, that making plex housing Conditional Use could make development more gradual, the intergenerational and childhood neighbor value in plex housing, the pushback the Transportation Plan initially received before being approved, the carbon footprint reduction provided by plex and ADU structures, and the current unintentional racial and socioeconomic repercussions of single family residential zones.

****Wisler moved to adopt amendment 4B. Kinzie seconded. Motion failed by roll call vote 4:5.**

The Plan Commission's decision to not to adopt either 4A or 4B leaves the UDO draft in its current form to send to the Common Council. At the next hearing scheduled for September 10th, the Plan Commission will resume with amendments 3 and 5A & 5B. Commission members will also bring a list of new resolutions to present to Staff to draft into amendments.

Meeting adjourned.