

Plan Commission minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Department of the Monroe County Public Library at 303 E. Kirkwood Avenue. Phone number: 812-349-3111 or via e-mail at the following address: moneill@monroe.lib.in.us.

The City of Bloomington Plan Commission (PC) met on September 10th, 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

REPORTS, RESOLUTIONS AND COMMUNICATIONS: Staff posted amendment 10 online, but realized the language was incorrect, corrected it, and reposted. Upcoming Plan Commission meetings concerning the UDO were mentioned.

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 9/10/19 – Council Chambers – City Hall, 5:30 PM
 - 9/16/19 – Council Chambers – City Hall, 5:30 PM
 - 9/17/19 – CBU Board Room - Utilities Service Center, 5:30 PM
 - 9/23/19 – 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
 - Plan Commission Resolutions
 - Amendments 3, 5A, 5B, 6, 7, 9, 10, 11, 12, and 16
 - Public Comment on Amendments (with time limitations)
 - Public Comment on items NOT covered by any Resolutions (with time limitations)

Hoffmann began the hearing by summarizing the amendments considered at the September 5th hearing: Amendment 3 clarifying the discouragement of demolition for plex housing that was tabled after the Plan Commission heard public comment; and amendments 4A and 4B concerning changing plex housing to Conditional Use or prohibiting them entirely in the R1, R2, and R3 zones. Amendment 4B was put into motion, failed, and plex housing remains Conditional Use and all requests for plex housing in the R1, R2, and R3 zones will have to go before the Board of Zoning Appeals.

Hoffmann opened up the meeting for the Plan Commission to propose more resolutions to Staff. A brief discussion about the current definition of family and plex and ADU occupancy limits occurred before new resolutions were proposed.

The following resolutions were proposed to Staff:

Resolution 17: Wisler moved to revise the definition of family to be more inclusive. Kappas seconded. Motion carried by voice vote 9:0—Approved.

Resolution 18: Kappas moved to remove the limitation of two unrelated adults for duplex, triplex, and fourplex units. Wisler seconded. Motion carried by voice vote 9:0—Approved.

Resolution 19: Kinzie moved to revise the amplified sound and noise requirements. St. John seconded. Motion carried by voice vote 9:0—Approved.

Kinzie asked about possible variances to driveway setbacks, allowing developers more leeway. Robinson explained the reasoning for specific setbacks, citing accessibility issues and an effort to have garages not be at

front of houses in the future. Hoffmann asked if this could be addressed through a variance request. Discussion ensued.

Resolution 20: Cate moved to reduce the minimum lot size requirements for R2-R4 zones. Wisler seconded. Motion carried by voice vote 9:0—Approved.

Cate asked for clarification of prohibited/discouraged vegetation. Robinson pointed to amendment 8 currently addressing this. This amendment is still in the process of being drafted by Staff.

Wisler expressed that he wants a cooperative housing designation defined. Discussion ensued about current designations in the UDO draft and that the draft goes farther than in the past. Staff stated they may not be able to legally provide a more specific definition.

Resolution 21: Wisler moved to propose a definition for Cooperative Housing to distinguish this housing type from student housing. Kappas seconded. Motion carried by voice vote 9:0—Approved.

Resolution 22: Wisler moved to reconsider the definition of “owner occupied” under ADU requirements. Kinzie seconded. Motion carried by voice vote 9:0—Approved.

Resolution 23: Kappas moved to reduce the vehicle stacking standards for commercial drive-through lanes. Kinzie seconded. Motion carried by voice vote 9:0—Approved.

Enright-Randolph asked if this was the last meeting to pose resolutions. Hoffmann said no. Enright-Randolph said his resolution concerns surveying, is technical, and is part of a larger effort by Monroe County and prefers to wait to present it to the Common Council or at a later Plan Commission UDO hearing.

Drafted Amendment Discussion:

****Wisler moved to discuss amendments 5A and 5B.**

Robinson clarified that amendment 5A returns ADUs to Conditional Use. Currently the UDO draft proposes they be Permitted Use. Amendment 5B keeps ADUs as Permitted Use, but expands their allowed square footage and number of bedrooms.

Discussion ensued between Staff and the Plan Commission concerning frequency of requested ADUs through the Planning and Transportation Department, ADUs as possible rentals, and whether Conditional Use is a hindrance to ADU development.

Public Comment: Amendments 5A & 5B

Members of the public that spoke: Phil Stafford, Pat Foster, Wendy Bernstein, Chris Sturbaum, Christopher Stearly, Mary Morgan, Peter Dorfman, Emily Pike, Jon Lawrence, Emily Pike, Jan Sorby, Christopher Harrell, Paul Ash, John Kennedy, Kate Rosenbarger

Opinions were mixed amongst members of the public with some believing ADUs unnecessary because housing is still available and encroaching ADUs only invite more students into neighborhoods. Others support ADUs, but wish them to remain Conditional Use and go through a public process, giving neighborhood residents input. It's believed this would regulate size and occupancy better. Some wish to see ADUs be owner occupied to prevent developers from buying and tearing down homes and creating more unaffordable housing.

Other members of the public believe ADUs should be by-right, and thus an easier process for residents to build affordable, dense, and diverse housing. Creating affordable housing in core neighborhoods creates equity and better socioeconomic opportunities for residents in these neighborhoods.

Plan Commission Discussion:

The Plan Commission weighed the affordability of ADUs, if the amendments will facilitate or deter a streamlined approval process, and the benefits of increasing square footage and bedrooms for families.

****Wisler moved to adopt amendment 5B expanding the maximum square footage and allowed bedrooms in an ADU. St. John seconded. Motion carried by roll call vote 5:4—Approved.**

****Hoffmann moved to amend 5B by proposing an ADU maximum square footage of 840 square feet. Sandberg seconded. Motion carried by roll call vote 8:1—Approved.**

Plan Commission Discussion for Amendment 5A:

The Plan Commission further debated the merits of keeping ADUs as Permitted Use in the current UDO draft or changing them to Conditional Use. Some members believe Permitted Use streamlines the process of constructing and attaining more affordable housing, whereas Conditional Use is an extra step of uncertainty for a petitioner that could end up being denied after already investing time and money to begin the process. Others believe that Conditional Use creates a more failsafe process that prevents building violations and slows the process enough to create gradual discussion in neighborhoods with covenants. The Plan Commission just approved increased square footage and bedrooms and changing ADUs to Conditional Use prevents too many changes at once. The UDO is a living document that can be changed but involves a lengthy process to reverse or change rules and proposed changes need to be made cautiously.

****Sandberg motioned to adopt amendment 5A changing ADUs back to Conditional Use. Kinzie seconded. Motion carried by roll call vote 5:4—Approved.**

Plan Commission Discussion for Amendment 6:

Staff and the Plan Commission discussed that this amendment wouldn't change the case concerning goats residing in city limits that is currently being reviewed by the Board of Zoning Appeals.

Public Comment:

Members of the public that spoke: Peter Dorfman, Jan Sorby

Both members of the public that spoke welcome goats into residential neighborhoods, pending a well-written City ordinance. Chickens in neighborhoods have done well, and goats could succeed if the condition of the fence containing the goats is made a subject of regulation, and noted that goats are happiest with at least one companion goat.

Plan Commission Comments:

The Plan Commission stated an ordinance is needed defining the number of allowed animals and that Staff shouldn't draft an amendment for the particular Board of Zoning Appeals case currently being reviewed.

****Kappas motioned to vote on amendment 6 concerning small livestock within City limits. Wisler seconded. Motion carried by roll call vote 9:0—Approved.**

Plan Commission Discussion on Amendment 7:

Robinson stated that Staff does not support this amendment by the Plan Commission, but respects the intent. Staff feel the payment-in-lieu process should be an administrative responsibility, not a legislative one. Discussion ensued between Plan Commission and Staff on what defines administrative and legislative procedures, and what current procedures and rates are concerning payment-in-lieu. Some members of the Plan

Commission feel the payment-in-lieu option is seen by many as “pay to play,” meaning developers won’t have projects denied as long as they pay enough money into the Affordable Housing Fund. The reasoning behind the amendment is an effort to create procedure transparency and strengthen the language for greater public and developer understanding.

Public Comment:

Members of the public that spoke: Mary Morgan

Morgan represented the Greater Bloomington Chamber of Commerce’s favor of the amendment because it will create transparency on the payment-in-lieu process. If the process is administrative, the formula for calculating the required payment amount is unclear and creates skepticism amongst the public and developers.

Plan Commission Comments:

The Plan Commission still felt the language of the amendment was too vague. Even with the inclusion of “City” the amendment doesn’t make clear how often the process is reviewed and by what standards. Robinson explained that Staff currently pull information from the Housing Authority at different times of the year to set rates. Both the Common Council and the current administration want to make affordable housing available, and the Plan Commission discussed that the amendment may not be ready to adopt in its current form.

****Sandberg motioned for amendment 7 with a friendly amendment to refer to “City” rather than “Common Council” for approval. Kinzie seconded. Motion carried by roll call vote 9:0—Approved.**

Meeting adjourned.