

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 16, 2019 at 5:30 p.m. in the City of Bloomington Council Chambers. Members present: Cate, Wisler, Kopper, Sandberg, Burrell, Hoffmann, Kinzie, St. John

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS: None at this time.

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 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
 - **Consent Agenda Amendments:**
 - Amendments:10 corrected, 11, 14, 15, and 16
 - Amendments 3 (tabled), 4A , 9, 12, 13, 19, 20, 21, and 23
 - Public Comment on Amendments (with time limitations)
 - Public Comment on items NOT covered by any Resolutions (with time limitations)

Status of amendments previously discussed: 2 adopted, 4B failed, 5A adopted, 5B adopted as amended, 6 adopted, and 7 adopted as amended. Amendments 1, 8, 17, 18, and 22 are being drafted.

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 meeting by mentioning future UDO meetings and locations, and noting that a brief recess may be necessary to excuse Sandberg for a special Common Council meeting being held that evening. Several amendments considered non-controversial were placed on the Consent Agenda at the Staff’s recommendation and after the Plan Commission had reviewed them. Those amendments were 10, 11, 14, 15, and 16. Any Plan Commission member can move to approve or ask that items be removed from the Consent Agenda.

Plan Commission Questions: None

Public Comment on Consent Agenda: None

Plan Commission Discussion: None

****Kappas motioned to approve the Consent Agenda. Sandberg seconded. Motion carried by roll call vote 9:0—Approved.**

Scott Robinson moved the hearing forward, listing the amendments available for discussion and vote that evening. The amendments were 3 (previously tabled), 4A, 9, 12, 13, 19, 20, 21, and 23. Robinson presented amendment 12, drafted with the purpose of providing specific information and characteristics on the new Mixed-Use Student Housing (MS) district.

Plan Commission Questions:

Kappas requested clarification on what is considered “easy-walking distance.” Robinson said ¼ mile is generally considered the distance. Hoffmann added that after the UDO draft text is adopted a map will accompany the UDO to better clarify. The current language is in anticipation of the map to come. Wisler asked about the language preventing the MS district from being near the Mixed-Use Downtown (MD) district. Robinson says the language was intended to address community concerns about the downtown area being overdeveloped with future student-oriented housing and does not apply to current structures in the downtown area.

Public Comment on Amendment 12: None

Plan Commission Discussion:

The intent of the amendment’s language to deter student-oriented developments was further discussed for clarification before the Plan Commission voted.

****Hoffmann motioned to vote on amendment 12 concerning the language of the Mixed-Use Student Housing district. Sandberg seconded. Motion carried by roll call vote 8:1—Approved.**

Amendment 9:

Jackie Scanlan clarified that demolition delay is only used for houses not in historic districts. The intent is for Staff to be the proxy for the Historic Preservation Committee (HPC) so the petitioner doesn’t have to wait for the next hearing date. Staff is not recommending approval of the amendment because the amendment actually allows Staff greater ability to stop alterations and treat all houses as if they have an historic designation.

Plan Commission Questions:

Cate asked Scanlan why Staff are not recommending approval of the amendment. Scanlan explains it gives Planning and Transportation Staff the ability to determine if the building permit would have an effect on a larger district that doesn’t actually exist. It also changes the rubric that Staff are supposed to use as proxy to the HPC and gives Staff more ability than the HPC itself. Scanlan also clarified that a property can be contributing to the historical character of the neighborhood, even if it’s not historically designated.

Public Comment Amendment 9:

Members of the public who spoke: Olivia Dorfman, Elizabeth Cox-Ash, Steve Wyatt,

The public expressed their belief that not enough measures are currently in place to prevent historic structure demolition and fear for the historic neighborhoods that are the fingerprint of the community. They believe amendment 9 gives the community more input on historic structure demolition and protects neighborhoods without an historic designation.

Plan Commission Discussion:

Scanlan clarified the amendment expands the role of the Planning and Transportation Staff member. Staff use the same processes and criteria as the HPC but Staff act as proxy to help the process along since a large

amount of midcentury housing recently qualified as historic. Kopper states he is uncomfortable with this amendment allowing Staff to use different criteria than the HPC.

****Hoffmann motioned to vote on amendment 9 concerning the clarification on the Demolition Delay of historically contributing structures for partial demolition permits. Kappas seconded. Motion failed by roll call vote 8:1.**

Amendment 20:

Robinson stated that this amendment proposes smaller minimums for lot size in the R2, R3, and R4 zones in an effort to increase the housing supply, and was proposed as a result of the plex housing discussion.. It also brings more lots into compliance that aren't currently compliant. Staff support the amendment.

Plan Commission Questions:

Cate asked if lot minimums are able to be reduced even lower in the future. Robinson responded that lot size can be reexamined in the future, but reducing lot size much more becomes difficult to place utilities.

Public Comment for Amendment 20: None

Plan Commission Discussion: None

****Cate motioned to vote on amendment 20 reducing lot size minimums. Kappas seconded. Motion carried by roll call vote 9:0—Approved.**

Amendment 19:

Robinson stated that this amendment to revise the amplified sound and noise requirements is difficult for Staff to enforce, given the nature of mechanical equipment such as air conditioners and when they should or shouldn't run. Staff doesn't recommend adoption of this amendment.

Plan Commission Questions:

Kinzie asked if further language to specify mechanical equipment is even needed or if the current amplified sound equipment language covers this. Robinson responded that the amendment's originally proposed language seeks to address commercial properties that would often have amplified sound equipment. Michael Rouker, City attorney, stated that the City already has noise ordinances in place for residential areas under Title 14 and it would be repetitive to address noise control under both Title 14 and Title 20.

Public Comment on amendment 19: None

Plan Commission Discussion: Wisler commented further on the problematic language of the proposed amendment, citing this as another reason to vote no on the amendment.

****Kinzie motioned to vote on amendment 19 concerning amplified sound and noise requirements. St. John seconded. Motion failed by roll call vote 9:0.**

Amendment 13:

Robinson explained this amendment was proposed to provide flexibility for more than one driveway for plex housing in neighborhoods because the current language doesn't allot for driveways for plex housing. Robinson stated that cars parked on the street can be beneficial, acting as natural street calming and a buffer for sidewalks. Staff doesn't support changing driveway access for plex housing because the code already deals with access management well, but Staff would support counting on-street parking towards the required off-street parking. Driveway allowance also depends on lot size, and Robinson reminded the Plan Commission they had just voted to lower lot size minimums.

Plan Commission Questions:

Discussion ensued between Staff and the Plan Commission over lot size and if another driveway access point would be possible, depending on lot size. Hoffmann suggested that, if permitted in the UDO, splitting one driveway into two for plex tenants to share might make plex housing more attractive. Robinson said it might be possible depending on the driveway width. Jim Spung, Clarion consultant, and Scanlan said a split driveway would depend on lot size, but many urban lots wouldn't be large enough.

Public Comment on amendment 13:

Members of the public that spoke: Peter Dorfman, Olivia Dorfman

The principle objection Peter Dorfman had over plex housing in neighborhoods is losing already scarce on-street parking to plex housing residents and feels on-street parking should be accounted for in a plex house lot. Olivia Dorfman has witnessed the typical number of cars parked on their street belonging to triplex residents is six plus two in the driveway and believes opening up alleys for parking would help alleviate on-street parking.

Plan Commission Discussion:

Some members of the Plan Commission believe parking shouldn't be grouped into lot size. This eliminates on-street parking that is difficult enough to find. Members also stated that on-street parking shouldn't be reserved for residents in single family homes and residents can instead opt to put in a driveway on their lot. Discussion ensued concerning current neighborhood parking permits and original need for these permits. Robinson explained that currently the City doesn't cap the number of permits sold and is examining supply and demand.

****Kappas motioned to vote on amendment 13 concerning allotting driveway cuts for plex housing. St. John seconded. Motion failed by roll call vote 8:0. During amendment 13 discussion, Wisler left the hearing before the vote.**

Amendment 21:

Hoffmann asked legal staff to advise on the language of the amendment. Rouker had been unable to review the amendment. The Plan Commission decided to postpone discussion and vote on amendment 13 until the next UDO hearing the following evening. Kinzie withdrew her motion.

Amendment 23:

This amendment was proposed to limit the length of commercial drive-through lanes, and by doing so, discouraging environmentally unfriendly vehicle idling.

Plan Commission Questions:

Discussion ensued between the Plan Commission and Staff concerning types of commercial institutions and the lane length and number of bays permitted. Concern was expressed that increasing bays but shortening lanes doesn't discourage using the drive-through option and that the City shouldn't force businesses to create more impervious surface to increase bays. Robinson clarified that the UDO draft only increased the number of bays for banks and that the draft ultimately limits the number of bays and length of drive-through lanes.

Public Comment for Amendment 23: None

Plan Commission Comments:

Kappas thanked Staff for crafting the amendment and believes it to be a small, but good step for the environment.

****Sandberg motioned to vote on amendment 23 concerning drive-through length and number of bays. Kinzie seconded. Motion carried by roll call vote 8:0—Approved.**

Additional Public Comment:

Members of the public that spoke: Tom Schafer

Schafer believes the UDO is focused on integrating plex housing in core neighborhoods with covenants that prevent plex housing. Those neighborhoods are also small and crowded. His own neighborhood, Park Ridge East, has wide roads and ample room for plex housing. He doesn't feel that the plex housing topic is city-wide, but instead is forcing a small, already crowded geographic area to handle population growth. Hoffmann responded that those in favor of increasing density in the core hold that sentiment due to the walkability of the area.

Meeting adjourned.