

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 17th, 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: Some typos were discovered after the packet was sent out. Staff will correct the typos if amendment 1 passes this evening.

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 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
 - Amendments 1, 8, 3 (tabled), 4A, 17, 18, 21, and 22
 - 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, 5A, 6, 10, 11, 12, 14, 15, 16, 20, and 23 were adopted; 5A and 7 adopted as amended; and 4B, 9, and 13 failed.

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 explained that seven amendments are currently drafted and ready for the Plan Commission’s vote. Four amendments have previously been discussed and three are newly drafted. Amendment 1 is considered omnibus, pending typographical corrections, amendment 3 clarifying demolition delay has been tabled, amendment 4A concerns prohibiting plex housing in the R1, R2, and R3 zones, and amendment 21 proposes a definition for Cooperative Housing and was postponed at the previous evening’s meeting to clarify amendment language for legal purposes. The three newly drafted amendments are amendment 17 expanding the definition of family to include dependents not considered immediate family, amendment 18 expanding the permitted number of adults in plex housing from two to three, and amendment 22 reconsidering ownership rights concerning ADUs. Amendment 8 intends to address several Environmental Commission concerns and has not been completely drafted so that amendment will go directly before the Common Council. Staff continue to draft

other amendments, but at this point those amendments will go straight to the Common Council for review. Hoffmann noted that not all Plan Commission members were in attendance and amendments would require five votes to be adopted that evening.

Amendment 1:

Hoffmann noted it is acceptable to proceed with adopting this omnibus amendment with deference to Staff continuing to look for additional typos and technical corrections. The Plan Commission has requested that all those corrections are brought before them for review before the UDO draft goes before the Common Council.

Plan Commission Questions: None

Public Comment on Amendment 1: None

Plan Commission Comments:

Wisler requested for Staff to carefully review all conjunctions to prevent misinterpretation of code. The complete list of changes will go before the Common Council.

****Wisler moved to adopt amendment 1 addressing the correction of typographical errors in the Unified Development Ordinance (UDO). Cate seconded. Motion carried by roll call vote 8:0—Approved.**

Typos can still continue to be corrected should amendment pass. Corrected draft will be presented to Common Council.

Staff Report on Amendment 17:

This amendment was drafted to revise the definition of family in the UDO to be more inclusive, and include dependents residing in the residence under the care of a foster parent.

Plan Commission Questions: None

Public Comment on Amendment 17: None

Plan Commission Comments: None

****Wisler moved to adopt amendment 17, expanding the definition of dependents in the UDO. Sandberg seconded. Motion carried by roll call vote 8:0.**

Amendment 22:

The definition of property owners can be broad and the Plan Commission attempted to clarify language concerning who is considered an owner in an owner-occupied ADU. Jackie Scanlan, Development Services, Manager, explained that this section was purposely written to limit the definition of ownership and ensure owner occupancy, and without the amendment, current code already limits the definition of an owner. The City Legal department advised the Plan Commission and Staff to defer to the current definition of an owner found in chapter 7 and feels the amendment is not necessary. Discussion ensued concerning striking the homestead deduction language to make the owner definition more specific, as well as owner occupancy particulars, given high student occupancy in Bloomington.

Plan Commission Questions:

Plan Commission asked Staff to clarify their position on the amendment. Scott Robinson, assistant director, responded that Staff oppose the amendment because the previously written language concerning ADU owner occupancy is sufficient and so Staff recommend denial. Hoffmann noted that an annual affidavit is already required to show owner occupancy.

Public Comment on Amendment 22: None

Plan Commission Comment:

Wisler's preference was not to change current owner definition and Hoffmann expressed he was happy to withdraw the motion so the more efficient owner definition Staff recommends could be implemented.

****Hoffmann withdrew his motion to adopt amendment 22 clarifying ADU owner occupancy language in the UDO draft. Wisler motioned to adopt amendment 22 as amended, which reverts back to the originally drafted language concerning ADU owner occupancy. Kinzie seconded. Motion carried by roll call vote 8:0—Approved.**

Amendment 21:

Robinson explained that Staff does not recommend this amendment to define co-op housing because adding extra definitions presents unintended consequences for housing in the future. Staff believes the multi-family designation also defines co-op housing. The co-op designation would stand alone and not apply to any other type of housing. Staff also aims to differentiate co-op housing from Greek housing, but that can be presented before the Common Council when the UDO draft reaches that point.

Plan Commission Questions:

Discussion ensued between Staff, the Plan Commission, and City Legal staff over the necessity of having a co-op designation, and that co-op is not a use, but a form of ownership. Legal advises Staff not to regulate ownership. The Plan Commission discussed amending the co-op designation to fit into the multi-family designation, but Legal staff says no amendment is needed for co-op housing where multi-family housing is already permitted. The Plan Commission doesn't want to see co-op housing lumped into a definition of something it's not, or unjustifiably restricted and members discussed the difference from group homes and those restrictions and how use variances are currently decided for co-op housing.

Public Comment on Amendment 21:

Member of the public that spoke: Zackary Dunivin, membership director of Bloomington Cooperative Living

Dunivin explained he was not speaking on behalf of amendment 21 because the current co-op he resides in doesn't fit the proposed definition, and co-op housing could be better defined. He explained the benefit of the community wealth model: Residents pay rent which goes into the property's mortgage and in 15-20 years that money can subsidize other properties. He clarified residents are not member-owners. He would like to continue to be a part of an affordable housing conversation because he feels no one is conducting one.

Plan Commission Comments:

Hoffmann expressed that the Plan Commission agrees with Dunivin and noted that the UDO draft is taking away the use variance requirement that designates co-op housing, so a definition is definitely needed in the future. The Plan Commission hopes the Common Council will examine a co-op designation when they review the UDO draft.

****Sandberg withdrew her motion to adopt amendment 21 defining co-op housing in the UDO.**

Amendment 18:

This amendment removes the limitation of two unrelated adults in duplex housing, and allows three unrelated adults. Staff is supportive of the amendment because it allows for flexibility of residents, especially given that plex housing is Conditional Use now.

Plan Commission Questions:

The Plan Commission discussed occupancy limits in plex housing and clarified that occupancy in a duplex is limited to four total unrelated adults and passing this amendment allows 6 total unrelated adult. Family members don't count toward occupancy limits, though two related adults and an unrelated adult count as three because all three are not related. Dependent children do not count against the adult total. Plan Commission members clarified that the co-op housing designation topic would go to the Common Council after tonight due to the complicated language and a need to define this type of housing in Bloomington.

Public Comment on Amendment 18: None

Plan Commission Comments: None

****Wisler motioned to adopt amendment 18, increasing occupancy limits in duplex housing from two unrelated adults to three unrelated adults. St. John seconded. Motion carried by roll call vote 7:1— Approved.**

The Plan Commission declined to bring forward and discuss any new or tabled amendments, instead agreeing to discuss forwarding the UDO draft to the Common Council at the next scheduled UDO hearing on September 23rd.

Public Comment:

Member of the public that spoke: Steven Layman

Layman asked why attendance had largely decreased in the last two hearings, referencing a large public attendance at prior hearings. Hoffmann answered that public attendance varied depending on the nature of the amendments and those hearings discussing contentious amendments had a large public turnout. Layman thanked Staff and the Plan Commission for their work on the UDO draft. He stated he still objects to the plex housing strategy, believing it unfair to push plex housing on people who have established single family residences in core neighborhoods. He also believes it extremely unlikely that integrated plex housing will create affordable housing. He described duplexes that have replaced dilapidated single family homes and have become dilapidated themselves.

Hoffmann concluded the meeting by reminding those present that the next and last scheduled UDO hearing is Monday, September 23rd.

Meeting adjourned.