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The City of Bloomington Plan Commission (PC) met on September 23rd, 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, Endright-Randolph

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS: Staff recommend the Plan Commission forward the UDO draft to the Common Council with a positive recommendation. Clarion, the consulting firm for the UDO draft, recommended the UDO take effect three to six months after Common Council approval. After Common Council approval, conversion maps will need to be finalized and property owners notified.

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

Hoffman began the meeting by explaining that the Plan Commission would review the final amended UDO draft and vote to send it to the Common Council. The Common Council can make amendments just as the Plan Commission did and spend a great length of time reviewing and amending the draft, scheduling as many Common Council hearings as necessary. The zoning map is not a part of this draft and the current map will remain in place with only the zoning designations changing. After tonight’s hearing the Common Council must be notified within 10 days if the Plan Commission has voted to forward the UDO draft to the Common Council. The Common Council office was already aware the UDO draft could be forwarded at the evening’s hearing.

Hoffmann asked for clarification on the legal language required to make the motion. Michael Rouker, City attorney, responded that the language should be that the Plan Commission “recommends adoption.”

Sandberg asked for point of order to briefly thank Hoffmann for his many years of service for the City and his time serving on the Plan Commission and presented him with a gift on behalf of the Plan Commission members.

Plan Commission Questions: None

Public Comment concerning the motion to forward the UDO draft to the Common Council:

Members of the public that spoke: Richard Martin, Edmund Cord

Martin said it was his third time as a Bloomington resident witnessing the UDO going before the Plan Commission, indicating the nature of such a vote and the duration of the action which goes forward from these

hearings. He expects that more frequent review of the UDO should probably take place but does not given the length of the document and the process involved. He inquired if he was correct in believing that if the Common Council should amend the UDO draft further, does the draft then come back to the Plan Commission for affirmation and that is the purpose of having a date of adoption and date of effect. He concluded by congratulating the Plan Commission for their hard work. Hoffmann confirmed that the draft does come back to the Plan Commission to ratify or disagree with, though at that point the Plan Commission cannot change the UDO draft further.

Cord noted he is a thirty-year resident of Bloomington and was speaking on behalf of his neighbors who share an extremely high concern of single family residences being converted to plex housing in core neighborhoods. Hoffmann responded that he is quite certain the topic will come up again with the Common Council.

Plan Commission Comments:

Plan Commission members thanked Staff and Clarion for preparing the UDO and drafting amendment language, thanked the public for their presence and comments at the hearings, and encouraged the public to continue to bring concerns and comments to the Common Council hearings. Endright-Randolph wished the City and County had worked closer together on the draft, especially concerning the 2-mile fringe. The UDO covers a lot of ground and there is a lot to consider in the document, even though plex housing dominated many of the hearings. Wisler expressed he wasn't happy with the result of all the amendments, especially concerning student housing, but he's pleased Bloomington is moving away from a use-based code to a more form-based code. The UDO is not as readable as the Comprehensive Plan but it is a valuable rulebook for envisioning Bloomington's future and those involved in its creation can be proud of its legacy. Hoffmann concluded by saying that the UDO should be reviewed far more often, perhaps every two years, and the worst possible result is that everyone is happy with the finished product, preventing motivation for future change.

****Pursuant to Indiana code 36-7-4-605, Hoffman moved to recommend adoption of the proposed Unified Development Ordinance (UDO), as amended, to the City of Bloomington Common Council. Kappas seconded. Motion carried by roll call vote 9:0—Approved.**

Wisler drafted a non-binding resolution meant to underscore issues the Plan Commission was unable to address in a timely manner without greatly holding up the UDO draft process from proceeding to the Common Council.

Whereas the Plan Commission, with the help of the Planning Staff, made numerous amendments to the UDO Adoption Draft to address almost all of the Plan Commission's concerns about the draft; and

Whereas there nevertheless remained three particular concerns that could not be addressed by the Plan Commission in a timely manner, due to the complex nature of the amendments that would be required to address those particular concerns; and

Whereas the Plan Commission did not want to delay the UDO adoption process long enough to try to address those particular concerns through Plan Commission amendments; therefore

Be it resolved that the Plan Commission strongly urges the Bloomington City Council, with the help of the Planning Staff, to do the following:

- (1) To further amend the UDO Adoption Draft by enacting as many of the recommendations for UDO amendments made by the Bloomington Environmental Commission as may prove reasonably practicable; and
- (2) Especially given the fact that the UDO Adoption Draft eliminates use variances, to further amend the UDO Adoption Draft to create an adequate alternative path for the support and approval of cooperative housing, including of the specific kind currently provided by Bloomington Cooperative Living; and

- (3) To ensure the timely creation by the City of a transparent and understandable method for calculating the “in-lieu” payments that can support affordable housing incentives.

Plan Commission Comments:

Kappas said he would like the livestock amendment included in Wisler’s resolution. Hoffmann says it’s not included in Wisler’s resolution because the amendment will be handled like the chicken statute.

****Wisler motioned to approve and forward the non-binding resolution to the Common Council. St. John seconded. Motion carried by roll call vote 9:0—Approved.**

Meeting adjourned.