

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Thursday, November 14, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.	COMMON COUNCIL SPECIAL SESSION November 14, 2019
Councilmembers present: Andy Ruff, Isabel Piedmont-Smith, Dorothy Granger, Dave Rollo, Steve Volan, Jim Sims, Chris Sturbaum, Susan Sandberg Councilmembers absent: Allison Chopra	ROLL CALL [6:02pm]
Council President Dave Rollo summarized the agenda.	AGENDA SUMMATION [6:31 pm]
Dan Sherman, Council Attorney, summarized the council schedule.	COUNCIL SCHEDULE
Volan moved and it was seconded to cancel the work session scheduled for November 15, 2019. The motion was approved by a voice vote.	Vote to amend council schedule [6:07 pm]
Scott Robinson, Assistant Director of Planning and Transportation, summarized Amendment 01.  Amendment 01 Synopsis: This amendment brings forward a simplified version of PC Am-4A. It prohibits the “plexes” on properties zoned R1, R2 & R3 on the effective date of the UDO by making two changes. First, it amends Table 3-1: Allowed Use Table by removing the “C” (Conditional Use) for duplexes and triplexes in R1, R2, and R3 districts and, second, it strikes two provisions in the Use-Specific Standards for “plexes” that would allow them in those districts via reconfiguring lots.	CONTINUED CONSIDERATION OF <u>ORDINANCE 19-24</u> – TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, “UNIFIED DEVELOPMENT ORDINANCE”  Presentation, Discussion, and Public Comment on Amendment 01 to <u>Ordinance 19-24</u> [6:07pm]
Piedmont-Smith asked if Amendment 01 passed, it would preclude the pilot program. Robinson responded that Amendment 01 would prohibit plexes in any of the existing areas of the community, and that rezoning would occur the following year. Piedmont-Smith asked if there would be the opportunity to propose a pilot program after the UDO was passed. Robinson stated that the UDO could be amended at any time.	Council discussion:
Sturbaum asked staff to comment on specific language regarding properties that would be rezoned. Robinson said there was an adopted date and an effective date, and commented on the Plan Commission’s process to differentiate between the conditional use and by right areas.	
Granger asked what staff looked for when considering conditional use. Robinson responded that staff looked at use-specific, and lot-specific standards, and there was consideration of consistency with the Comprehensive Plan and feedback from the community.	
Sims asked staff to discuss the pilot program further and to comment on standards. Robinson stated that if there were additional conditions or criteria, they could be added to an amendment. Jackie Scanlan, Development Services Manager, further explained conditions and limits, and said that council could propose other requirements. Sims asked if council could set the number at 100 units throughout the city, and two to three units in core neighborhoods.	

Robinson stated that the council could set a number, but that he recommended district-specific instead.

Scanlan stated that council could implement a pilot program by separation requirement and provided an example.

Sims stated that council could set a limit, and determine the community impact in three years.

Granger asked if the more strict provision would be applied if there were two provisions in conflict.

Robinson stated that was correct, and that the more restrictive standard was the setback.

Piedmont-Smith asked Robinson to review the design standards that applied to duplexes and triplexes.

Robinson explained the design standard for plexes including compatibility with the general area, roof pitch, front porch width and depth, setback, and vehicle parking.

Piedmont-Smith asked about the maximum width.

Robinson stated that it would be 40 feet.

Scanlan stated the design standards would be the same as for a single family house. She said there were additional restrictions for new lots, after the effective date, which were not eligible for plexes. Scanlan stated that a large lot could not be subdivided.

Piedmont-Smith asked about green space.

Scanlan confirmed that there would not be less green space.

Volan asked staff to explain the maps shown during the presentation.

Robinson explained the map and the areas that were zoned and were recorded subdivisions, including future R2 and R3 areas, and areas with covenant restrictions and non-covenant restrictions for plexes.

Volan stated that the covenants were protected and enabled by state law and transcended local law.

Robinson confirmed that the city had no authority to undo the covenants.

Volan stated that the only way to make plexes apply to the entire city would be to persuade the subdivision to abandon their restriction.

Robinson stated that it would be a legal question within neighborhood associations, and that some did not enforce covenants.

Sims asked about staff's research on the covenants.

Ryan Robling, Zoning Planner, stated that most of the newer subdivisions had ten to twenty-five year limit, and were renewed every ten years, unless there was a majority of residents writing to give up the covenants.

David Keppel stated that he opposed Amendment 01 and provided reasons.

Patrick Murray stated that he supported Amendment 01 and he was opposed to Amendment 02.

Ed Bernstein spoke about the overwhelming response from the public to not have multiplexes that would destroy core neighborhoods and change the city forever.

Jane Goodman spoke about Bloomington's return for investors and stated that she did not believe that the absentee landlord was concerned with the interests of neighbors.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

Barre Klapper spoke about the design criteria of plexes, and unintended consequences.

Tim Mueller spoke about conditional use and affordable housing.

Wendy Bernstein pled that the council be constructive rather than destructive, and stated that she feared putting plexes in core neighborhoods.

Ramsey Harik stated that he opposed the upzoning plan, and that the Rollo-Sturbaum amendment was the only credible protection of Bloomington's core neighborhoods.

Mary Morgan, Director of Advocacy for the Bloomington Chamber, stated that the chamber strongly opposed Amendment 01, and that permitting plexes in all neighborhoods would be an incremental change to address the community's housing crisis.

Dave Warren spoke about Bloomington as a desirable place to live, and about sprawl, exclusionary single family zoning, and affordability for all.

Emily Nehaus spoke about affordability of housing in Bloomington, and that the city should be interested in equity and in making it affordable for all people to live there.

Beau Vallems stated that she lived in a core neighborhood, and spoke in favor of plexes, but that she strongly opposed the chopping up of stable, mixed, already dense, already rented old neighborhoods.

Nate Ferreira, Habitat for Humanity of Monroe County, stated that Habitat was opposed to a ban on plexes, and they would like to see more opportunities for struggling families, and that plexes created an opportunity.

Jon Fiedler commented on capital and that plexes were not useful for affordable housing.

John Krushke spoke on the disruption a plex would cause in a neighborhood and provided examples.

Joe Bergin, Director of City Relations, IU Student Government, asked the council to not vote against plexes.

Jim Rosenbarger commented on plexes and that he did not see where the UDO had separate conditions for plexes in new or existing buildings and assumed that the 40 foot limit applied to both.

Sandy Clothier stated that she understood the need for rentals, but that core neighborhoods needed to be preserved.

Jan Sorby asked council members to vote for Amendment 01 and provided information about housing sales, and that homes in Matlock Heights, Blue Ridge, Hoosier Acres, or Park Ridge that were not susceptible to the 40 foot limit.

Greg Alexander spoke about cities building exclusively for cars by turning their downtown thoroughfares into highways, and bulldozing half of the downtown and turning it into parking lots, and using zoning to rigidly separate the neighborhoods.

Presentation, Discussion, and  
Public Comment on Amendment  
01 to Ordinance 19-24 (*cont'd*)

Public comment:

Peter Finn stated that he strongly supported Amendment 01 and had heard heart-wrenching stories from both sides, from people who were concerned about their neighborhoods and about affordable housing.

Presentation, Discussion, and  
Public Comment on Amendment  
01 to Ordinance 19-24 (*cont'd*)

Public comment:

Alex Goodlad spoke about housing density and affordability, and mass transportation.

Edmund Cord explained that some duplexes and triplexes were ugly and that there was not consideration of aesthetics, and that he was in favor of the passage of Amendment 01.

Michelle Henderson asked councilmembers to support Amendment 01 and provided examples of why.

Peter Dorfman stated that upzoning in core neighborhoods would make current residents give up something they valued, renters included, and urged the council to support Amendment 01.

Rob Henderson stated that he supported Amendment 01 and spoke about plexes and affordable housing.

Olivia Dorfman spoke about other cities and stated that she supported the amendment.

Bronson Bast discussed special presidential commissions that looked at what drove up high housing cost in the U.S., and that one consistent conclusion was single family zoning and exclusionary zoning. Bast urged the council to support plexes.

Karen Duffy spoke about the Near West Side neighborhood and its association and history. She stated the Near West Side Neighborhood Association supported Amendment 01 and opposed the introduction of additional duplex, triplex, and other multi-unit housing forms in the already dense and diverse neighborhoods.

Christine Matthew expressed concern about houses in Elm Heights not being protected as historic properties, and that based on the proximity to IU, developers would target that neighborhood.

Sarah Kopper spoke against Amendment 01, and discussed status quo bias, density, and hoped that the council were thinking of the folks who were not at the meeting.

Lori Haevenner strongly urged councilmembers to support the Rollo/Sturbaum amendment, and stated that upzoning was simply an experiment with core neighborhoods.

Jack Parke, President of the College Democrats at Indiana University, urged the council to vote against Amendment 01. Parke explained that climate change was an existential threat and urged council to vote against the ban of plexes in core neighborhoods.

Mark Cornett encouraged councilmembers to support Amendment 01 and to protect historic core neighborhoods that had diversity, that had duplexes, apartment buildings, density, were not exclusive, and did not have covenants and restrictions. Cornett stated that he hoped that the 40 foot width was a mistake, because it excluded suburbia.

Alessia Modjarrad, College Democrats Director of Outreach, stated that it was imperative that council vote against the amendment, that they support the UDO as proposed, and hopefully support by-right standards. Modjarrad provided reasons supporting her stance.

Presentation, Discussion, and  
Public Comment on Amendment  
01 to Ordinance 19-24 (*cont'd*)

Public comment:

Daniel Bingham commented on racist policies and read excerpts from two books. Bingham stated that single family zoning was explicitly created to segregate neighborhoods.

Jess McPherson urged council to not support Amendment 01 because she was specifically concerned about how it would affect Bloomington and its output regarding climate change.

Solomon Bogdanoff expressed concern for the racist ideologies that prevented African American citizens from being able to invest in their own homes, and that the money was given to landlords who had no concern about their wellbeing or ending systemic racism.

Pam Weaver, Bloomington Commission on Sustainability, stated that the commission strongly urged the council to vote against Amendment 01.

Richard Lewis expressed his support for Amendment 01 and that plexes would not increase local home ownership, as city staff had acknowledged due to state law.

Linda Stewart urged the council to preserve the zoning of the core neighborhoods and stated that she was not against plexes, but was against opening up core neighborhoods to developers coming in to change the integrity of the core neighborhoods.

Jenny Southern stated that it had been a long hard fight to keep the core neighborhoods nice, and urged the council to not take a step backwards.

Pete Kinne stated that he owned four single family homes in three core neighborhoods and that it would make economic sense to tear down three to build a duplex. Kinne clarified that he liked the way the neighborhoods were, and commented on selling the properties eventually.

Wendy Bricht commented on the upzoning that occurred in the 1970s when much of the neighborhoods was lost and encouraged the council to pass the Amendment 01.

Erin Cooperman urged the council to support Amendment 01 and spoke about her neighborhood.

Joe Lee said that plexes on ten blocks could amount to three hundred and sixty new bedrooms and one hundred and eighty new automobiles in the neighborhoods. Lee spoke about sidewalks and narrow streets.

Jon Torok spoke about living in Elm Heights, sidewalks, and the density of plexes. Torok clarified that there were people like him and his family that wanted to live downtown and not in the suburbs that would be forced out.

Betty Rose Nagle urged the council to vote in favor of Amendment 01 and concluded that no one had talked about mass transit and the transportation plan.

Cynthia Bretheim urged councilmembers to vote yes on Amendment 01 and stated that subdivisions were specifically intended to limit racial and financial equality, and that the core neighborhoods naturally developed.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (*cont'd*)

Public comment:

Matt Flaherty spoke about the housing data, subsidized housing, cliff effects, and stated that housing was expensive and artificially scarce making it difficult to find affordable homes. Flaherty spoke about the average age of residents of plexes and urged council to vote no on Amendment 01.

Alan Balkema spoke about densification, parking lots, the hospital site, and empty buildings. Balkema urged council to vote for Amendment 01.

Marc Haggerty commented on his neighborhood and about outside interests, boards and commissions, IU, and intellectual cultures that caused gentrification.

Jean Simonian discussed the housing crash of 2008, private equities' acquisition of millions of foreclosed homes, the government bailout of the financial industry, the subsequent dismantling of controls on the financial industry, and the Hollingsworth amendment to the tax bill that extended a tax advantage to real estate investors.

Kate Rosenbarger urged council members to vote no on Amendment 01 and to instead continue to look for a compromise. Rosenbarger discussed that in 2014, there were seven hundred and thirty seven duplexes, and in 2019, there were seven hundred and four, so that thirty three duplexes were lost over five years.

Dave Weaver urged council to vote against Amendment 01. Weaver stated it was the same small group of people, but that most were not at the working session constructing documents, or on local listservs with suggestions, or at any of the volunteer opportunities in the city. Weaver commented on the Commission on Sustainability's report.

Novella Shuck asked the council to vote against Amendment 01 banning plexes, and that conditional plexes or even smaller scale projects should be considered in the near future. Shuck stated that the current housing policies were not working.

Lana Eisenberg spoke about feeling under attack because she was old, and owned a house for thirty five years. Eisenberg strongly advised that the council adopt Sturbaum's amendment.

Volan asked staff about the 40 foot height, and if it was possible to build two long units on one lot as a duplex.

Council discussion:

Scanlan confirmed that it was possible as long as it met the setback requirements and the lot width, with one building.

Piedmont-Smith asked staff to comment on conditional use.

Scanlan explained that the Bloomington Zoning Appeals Board (BZA) could deny a conditional use request if it did not meet the requirements, including if it had a negative effect on surrounding properties. She clarified that the Legal Department had confirmed it was possible, and that the notion that conditional use was basically by-right was false. Scanlan said that if someone called the Planning Department with an idea that did not meet code, and the person did not think they could meet the high threshold to receive a variance or conditional use, they would be told up front.

Piedmont-Smith asked what the reasoning was behind the 40 foot width requirement.

Robinson explained there had been modules and feedback, and that they looked at developing use specific standards. Robinson clarified that the 40 foot width was an approximation, as one standard, that was developed throughout the process and was proposed.

Piedmont-Smith asked if it could be revised so that in some zoning districts it could be wider.

Robinson stated that there could be a variance in response to the concerns heard from the core neighborhoods. Robinson explained that they had not heard from many residents in other neighborhoods.

Rollo asked if staff was aware that by having a 40 foot maximum frontage, the impact would be disproportionately on pre-WWII homes, and that most of the plexes would be allowed only in the core neighborhoods.

Robinson responded that the standards were mostly directed towards the conversion of existing structures. He said that there was discussion on prohibiting demolition, and protections were put in regarding dividing lots. Robinson clarified that the 40 foot width standard was for existing structures and that there was vacant land that would easily meet that standard, so it was not specifically targeting or excluding those homes.

Rollo asked about plexes in existing neighborhoods.

Scanlan explained that Robinson was referring to vacant lots all over town, even in places where they were platted.

Rollo said that plexes would be allowed throughout all the neighborhoods, but that it would only really manifest in the core neighborhoods because there were so few in other neighborhoods, post-WWII, that had a 40 foot frontage or less.

Robinson disagreed and clarified that there were vacant lots in other areas outside of the core.

Scanlan further clarified that not all of the lots around town were built out and there were opportunities all over town to build new.

Rollo reiterated that he was referring to existing suburban neighborhoods, like Ridgemedede or Somax, that were built out post-WWII, and that almost every home was over 40 foot wide. Rollo said it seemed that this was targeting core neighborhoods.

Scanlan stated that it was an unintended consequence that could change.

Sturbaum commented on climate change, fuel conservation, presidential elections, and his personal history in Bloomington. He said that densifying everything would not solve problems and would cause harm. Sturbaum explained that there was enough space to build new duplexes, triplexes, and quads, and row houses of higher density without harming the neighborhoods. Sturbaum questioned why anyone would propose demolishing existing, stable, and dense neighborhoods to build new buildings. He stated that if there was no alternative and no space to build or to redevelop, he would understand. Sturbaum commented on loss of tree coverage, upzoning, home ownership, property value, and housing affordability. He commented that there was fifty years of build out before we had to get in to the precious neighborhoods.

Ruff stated that after a lot of listening, he felt as if he had only heard from a small majority of the political spectrum. He commented on his history of sitting on the council for nearly 20 years. Ruff stated that everyone valued and prioritized justice, equity, fairness, and

Presentation, Discussion, and  
Public Comment on Amendment  
01 to Ordinance 19-24 (*cont'd*)

Council discussion:

opportunity, environmental protection, and climate action, but that there were unintended consequences. Ruff explained that he had seen how policies played out, and was skeptical.

Presentation, Discussion, and  
Public Comment on Amendment  
01 to Ordinance 19-24 (cont'd)

Sandberg stated that when council was making tough decisions, there was not many people in attendance. Sandberg commented on people's experience, the history of the city, and the loosening of regulations and council's responsibility to regulate. She said that she took her job as a regulatory body as seriously as her budgetary responsibilities and her need to reflect what was in the best interest of everybody and not just the vocal, active, and wonderful people. Sandberg commented that there were many people watching the meeting from home, and many people that council interacted with in various ways. Sandberg spoke about the Habitat for Humanity breakfast, homeownership, affordable living committee, Plan Commission projects to consider if they contributed to the housing stock, added diversity, or helped students and low income people. Sandberg stated that she would be voting yes on Amendment 01.

Council discussion:

Granger spoke about Indiana University, the environment, and issues like nuclear proliferation, environmental concerns, sustainability, women's rights, and women's health rights. She explained that she was concerned about the environment, diversity of housing stock, out of town private equity developers, issues of diversity versus segregation, and housing that was affordable for everybody. Granger stated that Amendment 01 opened up areas other than the core neighborhoods for development.

Sims thanked council and the public for listening and being patient. He said that by-right plexes were right for core neighborhoods, and he did not support Amendment 01. He explained that he supported a pilot program approach to plexes and not the prohibition of them. He further explained that it would allow for impact review. Sims said that one tool was to increase the housing stock, which would help create housing that was more affordable. Sims clarified that he meant housing for people who couldn't afford homes, as well as for those who could. Sims understood the need to be careful with an increase in density in certain areas but also with controlling sprawl. Sims stated that he respected all of the positions he had heard, both in support and opposition, and that he hoped people could agree to disagree and work towards a solution.

Volan stated that members of the public in the room recognized the privilege it was to be present and to have a say in each amendment. He asked the public to question how representative of the city the people in the room were. He stated that two-thirds of housing were rentals and that two-thirds of the people in the room were not renters. Volan continued that when it came to city council elections, that single family zoning was on the ballot and had lost, meaning it was not representative of the city. He explained that there was the privilege of an emphatically racist policy of single family zoning and red lining. Volan stated that the house that was declared historic at 700 N. Walnut Street had a clause in its deed prohibiting it from being sold to African Americans. He further explained that laws change and that it was incumbent of every community member to be marginally aware of the conversations that happened in council chambers. Volan stated that he could not support Amendment 01 and would withdraw Amendment 02 because while the city might be ready, the city's current politics were not. Volan continued that the 40 foot width problem was something that could be fixed with a technical amendment in December and encouraged the public to



work with council and the Planning Department to make sure that the loophole did not remain.

Piedmont-Smith spoke about misleading statements and outright false statements made about single family zoning, rezoning, including that duplexes, triplexes, quads, and larger apartments were proposed to be added in single family neighborhoods, which were not true. She also spoke about CONA being a 501(c)3 nonprofit and thus not supposed to do more than 20% lobbying efforts. She stated that CONA’s response was insufficient. Piedmont-Smith stated that she thought that Amendment 01 was not the best policy and that a pilot project for plexes was a good approach, but was not on the table. Piedmont-Smith stated that even though she did not agree that plexes were bad, that she would vote for Amendment 01 because an overwhelming number of her constituents reached out to her in favor of the amendment.

Rollo stated that he was not against plexes but had voted against Amendment 03 because limiting the number of bedrooms would limit density. He explained that he was opposed to plexes in established neighborhoods and commented on the arguments for plexes such as the housing crisis, climate change, and affordability. Rollo stated that as the code was written, core neighborhoods would bear the burden of plexes, which had been targeted in the past by speculative development, and had struggled to establish greater owner-occupancy over the years. He said that the conversion of those homes would reduce the affordable single family housing stock, which would increase sprawl and create a larger carbon footprint, exactly the opposite of climate interests. He stated that Bloomington was a target for rent maximization and not affordability. Rollo stated that the neighborhoods were already diverse and had a mix of rentals and owner occupied homes. Rollo concluded that the majority of District IV opposed plexes and that he was elected to represent their interests and that this amendment was in their interest.

The motion to adopt Amendment 01 to Ordinance 19-24 received a roll call vote of Ayes: 6, Nays: 2 (Sims, Volan), Abstain: 0 (Chopra, absent).

Rollo moved and it was seconded to take a short recess. The motion was approved via voice vote.

Volan withdrew Amendment 02 to Ordinance 19-24.

Amendment 02 Synopsis: Permits “plexes” by right where currently allowed via conditional use approval.

Presentation, Discussion, and Public Comment on Amendment 01 to Ordinance 19-24 (*cont’d*)

Council discussion:

Vote to Adopt Amendment 01 to Ordinance 19-24 [9:04 pm]

Vote to Recess [9:04 pm]

Withdrawal of Amendment 02 to Ordinance 19-24 [9:10 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 06 to the Ordinance 19-24. Piedmont-Smith summarized Amendment 06.

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 [9:11 pm]

Amendment 06 Synopsis: ADUs are called for in multiple paragraphs in the Comprehensive Plan. The City has now allowed ADUs as a conditional use for over 2 years, and there have been no negative impacts of such approved uses as far as I know. I think this is largely due to the owner occupancy requirement. The conditional use process is an unnecessary burden for homeowners who want to add an ADU to their property and are able to do so within the rules of the city. Therefore I seek to remove the conditional use limitation for ADUs in all residential districts. [Sic]

Eric Greulich, Senior Zoning Planner, spoke about Amendment 06 and ADUs. Greulich stated that staff was supportive of making them by right or accessory use.

Sturbaum asked about discussions between Planning staff and the public pertaining to ADUs and additions.

Council discussion:

Greulich stated that staff gave the petitioner the governing rules, regulations, and standards regarding size and setbacks. He said that the individual sometimes didn't return for approval.

Sturbaum asked if individuals would not seek approval if they were told that it wouldn't fit the standard.

Greulich confirmed that was accurate and explained more about lot size requirements for ADUs.

Sturbaum asked what the fee was for conditional use.

Greulich stated that it was \$250.

Sturbaum commented on his experience with the process.

Ruff asked what the most important function was of the conditional use process for ADUs since the pilot project was done.

Greulich explained that while there were many checks and balances, the conditional use process gave awareness to the surrounding property owners about potentially negative impacts.

Ruff asked if residents that were immediately adjacent would be able participate in a hearing resulting in improvements.

Greulich stated that there had been a few changes as a result of comments from adjacent neighbors, like landscaping. He said that for the most part, the petitions had been approved as presented.

Granger asked if staff anticipated that people interested in ADUs would still ask for support or to ensure their plan was appropriate.

Greulich stated that was anticipated and that staff would provide the rules and regulations.

Sims asked what the new minimum lot size was.

Greulich explained that the RE zone was estate zoning with 2.5 acre lots, the RS zone was 8400 square feet, and the RC zone was 7200 square feet. Greulich stated that there would be four zones; R1, R2, R3, and R4, and that the minimum lot would go down to 5400 square feet.

Sims asked if the length of time for the pilot program was a sufficient enough to observe impacts.

Greulich responded that specific component was not approved, though there had been some approvals, but it had been very scarce.

Sims asked that of the ADUs that had been approved and built, if there were any parking issues within the neighborhoods.

Greulich stated that there were not any that he had heard of.

Piedmont-Smith asked staff to remind everyone of the noticing requirements if someone wanted to put in an ADU.

Greulich responded that a sign was posted on the properties within a radius of three hundred feet and two properties deep, and a legal ad was placed in the Herald Times.

Presentation, Discussion, and  
Public Comment on Amendment  
06 to Ordinance 19-24 (*cont'd*)

Council discussion:

Rollo asked if anyone found the conditional use process onerous or discouraging.

Greulich confirmed that there were petitioners who were discouraged, not just for the ADUs but for other conditional uses.

Robinson added that the UDO put forward objective, and not subjective, standards. He explained staff's evaluation of criteria, challenges, and on recommendations of projects. Robinson reiterated that staff had to make judgement calls.

Rollo asked about the public hearing pertaining to the conditional use process where neighbors could have input.

Greulich stated that staff directed petitioners to active neighborhood associations and/or listservs. He explained that there was almost no one at the hearings.

Rollo asked if it was a positive experience where information was exchanged.

Greulich responded that it was.

Volan stated that Amendment 07 removed the owner-occupancy requirement, and asked for staff's input on that.

Greulich stated that it discouraged an individual's investment opportunity of buying a property and adding another unit on the property.

Sturbaum asked if staff was aware of illegally built ADUs, and if the process of conditional use was a good way to talk to the owner about the legal requirement. Sturbaum commented on an annual renewal of the occupancy permit.

Greulich stated that HAND notified the Planning Department of illegal duplexes, ADUs, or converted basements.

Sturbaum mentioned that neighbors might not know if something was illegal if it was built by right.

Greulich stated that staff had not encountered anything that had gone through the ADU process, but was built illegally. He added that there was not an annual permit for ADUs.

Sturbaum asked how someone proved the occupancy.

Greulich stated that HAND would do an inspection if it was a rental property.

Sturbaum asked if there was an annual check on who was living in the ADU and who was living in the property.

Piedmont-Smith stated that there was an annual check and read a quote about affidavits.

Robinson stated that was a new change in the current proposal.

Sturbaum stated that the conditional process was a good way to communicate the rules to the owner.

Robinson explained that conditional use had nothing to do with communication of rules, and that the criteria needed to be met regardless. He said that if the criteria was met, then subjective reasons should not matter. He commented on being a hearing officer and referred to one case that dealt with very personal health issues. Robinson said that he should not be making a judgement call on that.

Greulich added that some ADUs had been built but that it had not been one year yet. He also confirmed that individuals were required to submit an affidavit every year.

Sandberg asked if there was a process in place to check on the residency requirement.

Greulich stated that the Planning Department enforcement staff would handle that.

Sandberg commented on not misusing property, and asked about formal tracking for accountability.

Greulich stated that there would be an annual date set up for enforcement staff to reach out and get the affidavits.

Sandberg asked if the process would trigger someone from the city to send an email or a letter, or to make some contact.

Robinson stated that the affidavit was used to notify staff of changes, and it would be part of the enforcement. He explained that the city operated on complaints, so if there was an illegal ADU, staff would address it.

Sandberg commented on the need to clarify the tracking process.

Robinson stated that he did not see the affidavit process being a burden on staff, and that he didn't think the conditional use process alleviated that concern one way or another.

Dave Warren stated that he supported allowing ADUs by right, and commented on the housing crisis.

Tim Mueller commented on conditional use, neighborhood participation, violations of the requirements, and owner-occupancy.

David Keppel stated that he was in favor of the Amendment 06, economic factors, privacy, and that it was wise to allow by-right, with conditions.

Marc Cornett urged council to leave the conditional use in place and not make it by right, and discussed lot sizes.

Pete Kinne commented on his experience with the ADU process, and stated that there was a clean, clear, and logical way to ease into housing density.

Matt Flaherty discussed plexes, the housing stock, that conditional use not being a barrier, and that if good rules were made, then people could follow them. He expressed his concern for privacy at a public or neighborhood meeting.

Christine Linnemeier stated that she was pro-ADU but still thought that conditional use was needed.

Solomon Bogdanoff stated that ADUs helped build community but expressed concern for those who had made an investment in their homes. He explained that there were landlords who did not care about upholding the code and could lie.

Jan Sorby stated that she thought that conditional use affidavits were good, and spoke about ADUs in her neighborhood. She urged council to keep conditional use.

Jenny Southern stated that she supported conditional use, and that she wanted the ADUs to be owner-occupied and conditional. She hoped that the four illegal ones in her neighborhood would come to be legal.

Pam Weaver, Bloomington Commission on Sustainability, stated that BCOS was in favor of ADUs by-right with no conditional use. Speaking personally for herself, Weaver commented on

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

neighborhood association meetings, mistreatment of residents, and autonomy of one’s property.	Presentation, Discussion, and Public Comment on Amendment 06 to <u>Ordinance 19-24</u> ( <i>cont’d</i> )
Sandi Clothier expressed her support of conditional use and commented on neighborhoods and discussion amongst neighbors.	Public comment:
Sturbaum moved and it was seconded to continue the meeting until 10:30pm. The motion received a roll call vote of Ayes: 6, Nay: 1 (Ruff), Abstain: 1 (Sandberg)(Chopra, absent).	Vote to extend discussion [10:05 pm]
Volan moved and it was seconded that all comments be limited to one minute for council members and the public. The motion was approved via voice vote.	Vote to limit comments [10:06 pm]
Richard Lewis stated that he was pro-ADU, owner occupied, and was in favor of retaining the conditional use.	Public comment:
Steve Layman stated that he was in favor of conditional use for ADUs, and that he would like to see a report on the pilot program.	
Tom Shafer stated that he was in favor of retaining the conditional use, and highlighted problems with covenants and other restrictions.	
[Unidentified Speaker] stated that she thought ADUs were wonderful, and that she would build one if she could afford to do so.	
Daniel Bingham commented on the need for clarification on the conditional use process and requirements. He also spoke about the housing stock, sprawl and commuting, and by right housing.	
Wendy Bricht stated that ADUs should remain conditional, that there should be as much dialogue as possible, and expressed concern for parents of students buying houses and renting out an ADU to other students.	
Mary Morgan stated that more housing was needed. She also stated that she was concerned about the treatment of planning staff, that they had expertise and were competent and knowledgeable, and deserved people’s respect.	
Rollo asked for clarification on whether one had to reveal personal details when applying for an ADU. Greulich responded that no information was required for requesting approvals, but that people had volunteered that information at meetings. Robinson commented on the perception of what the criteria was for conditional use, and the unforeseen expectation that one had to explain the purpose. Rollo asked if staff told individuals that they did not need to explain the purpose. Robinson responded that it was just included in the person’s statement. Sturbaum asked about ADUs in neighborhoods with covenants and conditional use processes. Greulich stated that staff did not advise people or enforce private covenants.	Council discussion:

Ruff asked if there was evidence that the burden of going through a conditional use process rose to a level of change in the number of proposals, and if it would discourage people.

Greulich stated that he did not know because sometimes people would not return after getting information from staff, and staff did not always know why.

Sturbaum stated that he had supported ADUs ten years ago with conditional use, though they failed. He recalled when the mayor declared they were going to be by right, and that the council voted to make them conditional. He commented further that the same issue should not be changed or brought back the following year.

Piedmont-Smith commented on the privilege of being able to go to a city council meeting and stay for four hours. She asked attendees to consider, for example, a single parent who had just scraped together money for an ADU which would help pay the mortgage. Piedmont-Smith commented on processes, council meetings, and the experience of engaging with neighbors. She discussed being vilified, being called stupid, a liar, and being compared to Donald Trump. Piedmont-Smith concluded that people needed a fundamental change in thinking about housing, if there was any hope in saving the planet from climate change and climate destruction. Piedmont-Smith stated that more housing was needed closer to the city center.

Ruff stated that there needed to be some substantive evidence that conditional use was dissuading the realization of ADUs, in order to vote against the requirement. Ruff stated that he believed it was a burden for people, and discussed divisiveness between neighbors.

Sandberg stated that most of the ADUs would meet the criteria, and would not be a burden. She explained that addressing issues at the beginning was ideal, rather than asking for forgiveness later. Sandberg stated that she saw the value in conditional use and it was not a burden. Sandberg concluded that conditional use was a way to keep things under control in a regulatory manner.

Granger stated that she would support Amendment 06. She stated that it was an opportunity to move forward with additional housing, with the noticing process for neighbors. Granger explained that people could still connect and dialogue with their neighbors, and that, as Piedmont-Smith pointed out, people were not terribly civil these days for many reasons, but that council could not direct people to be civil to each other.

Volan commented on the difficulty of being a councilor. He explained that two years ago, ADUs were not popular, and commented on people's appreciation of conditional use being a good tool to get neighborhood input. He said that could have been done with plexes. Volan clarified that Amendment 01 only removed conditional input. He commented further on processes and council meetings including time limits.

Sims stated that he supported Piedmont-Smith's amendment, and asked people to keep in mind that council could not legislate one's morals, wisdom, or agreement. He said that council could not legislate things like the relationship with one's neighbor. Sims explained that he lived on the far west side, and that if he wanted to put an ADU on his property and if he met the criteria, that it was not the neighborhood association's business.

Presentation, Discussion, and  
Public Comment on Amendment  
06 to Ordinance 19-24 (cont'd)

Council discussion:

Rollo stated that there were good arguments on both sides and that council was taking a step towards increasing density by allowing ADUs. He explained that he wanted to take an incremental approach, and that conditional use was not a major impediment. Rollo commented that the key had been owner occupancy. He stated that he would be voting against the amendment to maintain conditional use.

Presentation, Discussion, and Public Comment on Amendment 06 to Ordinance 19-24 (*cont'd*)

Council discussion:

The motion to adopt Amendment 06 to Ordinance 19-24 received a roll call vote of Ayes: 5, Nays: 3 (Rollo, Sturbaum, Sandberg), Abstain: 0 (Chopra, absent).

Vote to Adopt Amendment 06 to Ordinance 19-24 [10:26 pm]

Volan moved and it was seconded to recess until November 19, 2019 at 6:00 pm. The motion was approved by a voice vote.

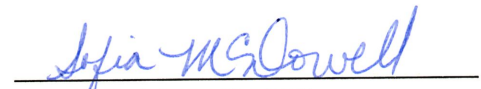
Vote to Recess [10:26 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 7 day of June, 2022.

APPROVE:

ATTEST:

  
Susan Sandberg, PRESIDENT  
Bloomington Common Council

  
Nicole Bolden, CLERK  
City of Bloomington  
Sofia McDowell  
Chief Deputy Clerk

