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The City of Bloomington Plan Commission (PC) met on August 9, 2021 at 5:30 p.m. via a virtual (Zoom) meeting due to COVID-19. Members present: Flavia Burrell, Beth Cate, Andrew Cibor, Chris Cockerham, Israel Herrera, Jillian Kinzie, Susan Sandberg, Karin St. John, and Brad Wisler.

ROLL CALL

APPROVAL OF MINUTES: July 2021

****Sandberg moved to approve the July 2021 minutes. Cockerham seconded the motion. Motion carried by roll call vote 8:0. Approved (Cate arrived after the vote).**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Jackie Scanlan acknowledged that Enright-Randolph was present as a representative of the County Planning Commission. Scanlan also thanked everyone for their patience regarding the hybrid versus virtual meetings. The Governor extended the order to allow for virtual meetings at the end of the month, next month we will be able to do meetings either hybrid or all virtual depending on if the Governor extends the order or not, we are prepared for either.

CONSENT AGENDA:

DP-17-21 **IU Health Southern Indiana Physicians**
2605 E Creek's Edge Drive
Request: Secondary Plat amendment of the 3rd re-plat of parcels E/F of Canada Farm Subdivision Phase #1 to combine lots 7 & 8.
Case Manager: Eric Greulich

****Kinzie motioned to approve petition DP-17-21, St. John seconded. Motion carried by roll call vote 8:0—Approved.**

PETITIONS:

SP-21-21 **RealAmerica Redevelopment, LLC**
1730 S Walnut St
Request: Major Site Plan approval for a new 64-unit mixed-use structure.
Case Manager: Keegan Gulick

Keegan Gulick presented the staff report. The property is located at 1730 S Walnut Street. This property is currently zoned Mixed-Use Corridor (MC) and is vacant. The properties to the south, north, and east are also currently zoned MC and developed with commercial uses. The property to the west is currently zoned Parks and Open Space (PO) and developed with Switchyard Park. The site is currently developed with a vacant commercial structure and surface parking lot. The petitioner will fully demolish the existing structure. This property is not located in any historic districts or overlay districts.

The petitioner is proposing a new 5-story multifamily and commercial structure. The petitioner has designed the project to achieve the Tier 2 Affordable Housing Incentives, found in 20.04.110 (c). This

proposed development will include a 64-unit/116 bedroom mixed-use development with 107,637 square feet of gross floor area. The proposed commercial space is approximately 3,000 square feet and is located immediately adjacent to S Walnut Street. Of the dwelling units, 48 will be affordable units, 16 will be market rate units. The structure will provide 56 vehicle parking spaces in a ground level parking garage. There will also be 12 vehicle parking spaces located in a surface parking lot to serve the commercial space. The petitioner may do a lot line adjustment to their property. If this is done, the property will still be required to meet impervious surface coverage, setbacks, and minimum landscaping already established on the lot.

CONCLUSION: This petition meets all requirements of the UDO. This petition will provide 48 units of affordable housing and 16 market rate units adjacent to Switchyard Park. This petition is also in line with the goals of the Comprehensive Plan and the goals of the Urban Corridor district by providing a higher intensity multifamily residential and commercial uses. This petitioner may work with the City of Bloomington in the future to slightly reduce the size of the development parcel, but all UDO requirements will continue to be met on site.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve SP-21-21 with the following conditions:

1. This project is approved pursuant to compliance with the Tier 2 Affordable Housing Incentive criteria, as outlined in the petitioner statement and this report, and will have to meet all requirements associated with such Incentives.
2. The petitioner will provide the required number of bicycle parking spaces on the site plan prior to the issuance of a grading permit.
3. A landscape plan that meets all UDO requirements, including required street trees, must be submitted and approved prior to issuance of a grading permit.
4. The southernmost row of parking, shown over the property line, is not approved unless the petitioner comes to an agreement with the adjacent property owner. Regardless of any agreement reached with the property owner, all parking spaces must comply with UDO requirements.

PROJECT REPRESENTATIVE COMMENTS:

Jeff Ryan has no comments, available if anyone has questions.

COMMISSIONER COMMENTS:

Kinzie had a question for staff, about the first condition for approval regarding the tier two affordable approval, what does that entail. Scanlan said the project would be approved, pursuant to compliance with tier two affordable housing incentive criteria, Keegan discussed with the 7.5% of units at each of the two levels of income, as outlined in the petitioner's statement. Petitioners come to an agreement with the city through the Housing and Neighborhood Development Department and this is then a recordable commitment. The petitioners has agreed to these conditions which entitles them to additional units and height for this project. They also understand that if they were to sell this property to someone else, and we still have the same rules, they would have to abide by, the percentages listed in the code.

Kinzie wanted additional information of potential environmental remediation mentioned in the staff report. Scanlan reported since there was a railroad track, different businesses and rail yards along this area these properties require environmental review for toxins in the soil, the petitioner has done that review. Scanlan believes most of the contamination that has been identified is on the western portion

of the property which is not being disturbed. But if there were to be contaminants on the eastern portion then the petitioner would have to follow the rules of the Department of Environmental Management for the state, we will track with them especially because this is a city supported project to make sure that any requirements for remediation of that soil would be met.

Kinzie's next question was regarding the variety of bedroom/bathroom available in this development. Ryan commented they do have one, two and three bedroom units with the hope of getting a wide range of future residents. They are setting aside 20% of the affordable units for clients from Stonebelt, this will be a community integration deal, in addition to be mixed income and mixed use.

Kinzie asked about accommodations for right turn lanes into the development, she is concerned about access being safe and not creating a backup on Walnut. Scanlan reported it was talked about with other departments within the city, including engineering and public works and there wasn't an issue raised about whether or not this area of Walnut could support this type of use. Ryan noted that if they did put in a right lane turn it would cut into the sidewalk and landscaping. He also said since some of the clients were going to be from Stonebelt and there would be fewer cars coming into this parking area.

Cibor asked about the sidewalk along Walnut Street, site plan shows six foot wide sidewalk, but the sidewalk requirement is 10 feet. Are there plans to bring the sidewalks into compliance with the standards? Ryan replied yes the sidewalks will be in compliance. Cibor also noted when there are stairs, they are offset a little from sidewalk, railings have to stick out so there is no need to "pinch down" the sidewalk. Cibor's other question is related how the commercial parking lot will circulate, also some of the parking it is a little confusing, looking for explanation how space will be used and also understanding use of a shared or public easement. Ryan said parking access will be a shared access with Meineke, using the current access. The people coming in for the commercial space will come in and just before they would get to the building they can turn right and there is parking available, without going into the building. Scanlan commented the six parking spaces on the southern side are encroaching on the easement which is not on this property, will have to continue to discuss those spaces. If the property owner to the south allows for this encroachment those spaces can be allowed. Otherwise, the commission can't approve parking spaces on a petition site that is not a part of the petition request and if they can't meet code those will have to come off. So, that access directly from the easement may have issues and will need information from the other property owner. Staff will continue to work with RealAmerica regarding this issue. Cibor believes there are more than 12 parking spaces for commercial space. Scanlan said the drawing is odd but said the short little pieces are like bumper stops, looks like it stacks spaces. May have to lose those spaces on the south side because they are obviously on someone else's property, there are also parking setback requirements and so this body cannot approve things that don't meet code. Petitioner may try and work out agreement with property owner to the south, then they can have the spaces and utilize them, but if nothing can be worked out then those spaces will have to come off. This will be something that will be worked out during the permit stage, because they are not required spaces.

Wisler asked about if this should be added a condition for approval. Scanlan was hoping to wrap this up during this meeting, but yes if a condition was added those parking spaces on the southern property line are only conditionally approved if code compliant agreement can be met with the adjacent property owner. Could add the condition that the sidewalks shown actually is incorrect and has to meet transportation plan requirements if you like. Wisler said that would be wise.

PUBLIC COMMENTS:

No public comments

FINAL COMMISSIONER COMMENTS:

Kinzie is happy to see the affordable commitment here and the integrated housing idea in this really desirable space. Kinzie has a question about the connectivity to the park and how close the property line is to the building. Hoping for enough separation to distinguish what is private property and what is public space. Gulick noted that there is a seven foot setback. Ryan thinks it is very clear because the north side of the property has a fairly significant hill there and the west side is Clear Creek. Kinzie likes the natural separation between the two spaces.

Wisler asked if the view from the residents quarters was going to be looking onto the hill. Ryan noted the resident quarters start on the second floor because there is ground floor parking and that puts the residential units above the hill. Wisler asked about the terrace seating on the corner, if that is outdoor seating that looks out over the park. Ryan said this is the common area and the community room is going out to this space which looks over the park. Wisler asked if the parking garage was below grade on both sides. Ryan said the parking is at grade so the building is four over one, the ground floor at the sidewalk is the commercial space and then everything on the ground floor is at grade. It also means that the hill on the north side will hide the parking from the park, creating a separation. But also making it so when park visitors are going in and out of the park you won't see the parking in our property. Wisler asked if the west side parking level would be visible from the park. Ryan said it is not very visible because of the significant grain separation, the creek and also trees.

St. John asked Commission Wisler if he was taking motions, he said he was happy to take the motion with the added fourth condition. Cate seconded the motion.

Burrell asked that the fourth condition specify which property owner, it just says property owner. Scanlan said they could add "adjacent" to condition number four, so it say adjacent property owner. Wisler asked St. John if she was okay with the amendment to her motion, she was fine with the change.

****St. John motioned to approve petition SP-21-21, including the three bullet points outlined in the staff report also adding of item number 4. Cate seconded the motion. Motion carried by roll call vote 9:0—Approved.**

ZO-22-21 **Wheeler Mission Ministries**
135, 201, 215 S Westplex Ave
Request: Rezone 1.31 acres from Mixed-Use Employment (ME) to
Mixed-Use Medium Scale (MM).
Case Manager: Eric Greulich

Eric Greulich presented this staff report. The petition site encompasses three properties that total 1.31 acres and are located at 135, 201, and 215 S. Westplex Ave. The properties are zoned Mixed-Use Employment (ME). The property is currently developed with several office buildings that house a variety of uses by the petitioner including office space, community meeting space, and sleeping facilities. Surrounding land uses include other commercial offices and manufacturing buildings.

The petitioner recently acquired the building at 201 S. Westplex Avenue and would like to expand their use into that building. The building would be used to provide overnight sleeping accommodation for those experiencing homelessness, community meeting and training

spaces, as well as on-site office space for staff. The petitioner would also be proposing an addition to combine the existing buildings at 201 and 215 S. Westplex.

The Unified Development Ordinance identifies the petitioner's land use as "supportive housing", which is not a permitted or conditional use in the current Mixed-Use Employment district. The petitioner is requesting to rezone the three properties to Mixed-Use Medium Scale (MM) in order to allow for the expansion of their use on the site.

CONCLUSION: The Department believes that the rezoning of this site to Mixed-Use Medium Scale would match the Comprehensive Plan designation of the site as Urban Corridor. This site was recently rezoned from a Planned Unit Development to Mixed-Use Employment based on the approved list of uses in the PUD and the Comprehensive Plan, and ME matched the uses of the majority of properties in this area. The rezoning of these properties to Mixed-Use Medium scale would not affect adjacent businesses and would allow this use to expand and better serve the needs of the overall community in an area that is appropriate and in line with the Comprehensive Plan.

RECOMMENDATION: The Department recommends the Plan Commission approve the waiver to not require a second hearing and forward this petition to the City Council with a favorable recommendation and the following conditions:

1. A compliant site plan, including a landscape plan, shall be submitted for each location with submittal of the associated building permit application. All improvements shall be installed before final occupancy is issued for each site.
2. A plan for the correction of any deficiencies to existing sidewalk ramps and facilities along this road frontage of the petition properties will be submitted of the building permit application and will be installed before final occupancy is issued.
3. Right-of-way dedication consistent with the Transportation Plan is required within 180 days of approval by City Council.

PROJECT REPRESENTATIVE COMMENTS:

Dana Jones, Director of The Wheeler Mission Center, he is grateful for the opportunity to have this petition before the Planning Commission, appreciates working with such a compassionate community who desires the best for all, including those experiencing poverty and homelessness. Jones gave a background summary and of the services offered at The Wheeler Mission. The purchase of the third building on Westplex Ave is the fulfillment of their dream to provide adequate space so those that they serve can be treated with dignity and respect, during the crisis of homelessness and poverty. The new facility will provided much needed room to prevent overcrowding and assist in preventing the spread of COVID and other communicable diseases. The operations in their newly acquired building will reduce the population in the existing Westplex property were meal service is provided, case management and residential programs will be located.

COMMISSIONER COMMENTS:

St. John asked for clarification of the number of beds that will be added with the additional space. Jones replied correct there will be an additional four beds. St. John noted on page 61 of the planning staff packet it says there will be a total of 96 beds, asking if that is correct. Jones says no, there will be no

additional beds added the current beds at Westplex address are going to 201 Westplex address. They had 84 beds on the second floor which was 42 bunk beds, those 42 bunk beds are going to now be moved once renovations are complete to the 201 Westplex address. Which opens the floor up for programming operations for those entering long term programs. We are not seeing an expansion in beds we are seeing an expansion in space in those areas. St. John confirms when the total build out is complete between the two properties, the number of beds will stay the same, but will increase program space. Jones confirmed, that is the goal to increase program space and emergency shelter space, which is what the new facility will do. St. John asked if the emergency shelter services in the day room would be considered emergency. Jones said the day room area will be utilized by those using the emergency sheltering services. St. John confirmed that 96 beds total for all the project together, with an increase in program space. Jones acknowledges this is correct, noting they have a capacity for 130 beds, pre COVID, so they will be able to add those beds back in the facility after COVID. St. John asked for confirmation that the shelter was just for men, Jones confirmed it is just for men.

Kinzie asked about the services provided, are the services for addiction, recovery services, job training, what is the nature of the services is provided. Jones said they do not provide addiction services at the Bloomington facility, but they do have addiction services at another facility. At this facility they do emergency shelter, they provide programming for men at this site, teaching life skills, financial management, and job readiness. Kinzie's next question was about landscaping standards, are the standards different for a more residentially oriented facility, right now it is mostly a parking lot with no landscaping whatsoever, just wondering is there a different expectation for this more residential kind of housing area. Greulich said they were given requirements for commercial buildings and parking areas because that is what this is. They are required to have three shrubs for every parking space and one tree for every four parking spaces. So we will just work with them to get in as much as we can around the existing parking spaces, they have a lot of landscaping there now, trees and shrubs. We are still working through this to determine what species they are and how many and work to bring it into compliance, to the best that we can.

PUBLIC COMMENTS:

Bob Bland, adjoining property owner with The Wheeler Mission, the last time I was here for the petition when the mission wanted to expand and have 120 beds, we were told by The Wheeler Mission that they would increase security and lighting and clean things up, but there has not been anything done. Talking about remodeling and using what was a jazzercise building, the lady who owned the jazzercise building was here petitioning against it because the needles and the guys were scaring her clientele, eventually she closed down because of what was happening. The Wheeler Mission is not the best neighbor to have, I am not against what their goal is but they're not policing what's going on around there and every morning they will let these people out all the same time and right across the street is a MCCSC school. When the last petitioner came here they say they wanted to get the homeless guys out of downtown because they were known sex offenders and drug addicts. But a state law says that you can't have sex offenders across the street from a school. There are too many people all let out at the same time, they throw needles on the ground, graffiti the buildings, throw rocks at windows, there is feces on the ground, they sleep under the awnings and when you call the police or resources officers they say there is nothing they can do because once they are released they will be right back. The police are not going to help me or any of the property owners in the surrounding area. These people are degrading the property values around the area and making it hard for people to stay in business. Please consider all of this information when making your decision for approval.

Mary Sutherland is located at 1602 W 3rd Street, she has a business there since the early 90's. We use to have Backstreet Missions behind us and we had a great working relationship with them but since

The Wheeler Mission has moved in we have had a lot of issues and we have had several meetings with Dana Jones, the city and other owners from the area. There are some things that have happened to them. We have incurred a great deal of cost to put in floodlights so the police can visibly see what the parking lot looks like, installed cameras and removed bushes. The residents of The Wheeler Mission come over and opened our electrical box and pulled out the wires, they have done the same to our telephone line, our water meter where they use to hide their booze, because it is in the ground. They have defecated, it is no fun to open the door and you have feces sitting there that you have to clean up. Their alcohol bottles are there, and drugs are all there. I have seen them do drug deals in the parking lot. They have come into our office and harass staff and the staff did not feel safe. Our property values have depreciated because you have cleaned up the city and put the problem at our back door. They have sprayed graffiti on our space, have tried to pry open our windows to get inside and it is just not working, as I know the problem is solved for the city but it is not solved for us and it is a constant battle. Mr. Jones has promised me he'd have somebody come over like twice a day to clean up the yard but we have to call them on continuous basis, this is not being a good neighbor. The rest of her time was given to her son Steve Sutherland. I have to police the property myself because The Wheeler Mission has failed to so, on numerous occasions I've kicked people out that I've caught doing drugs and urinating. I have witnessed them getting into our workers trucks rummaging through them. I would just like to comment on a word or phrase that Dana Jones had mentioned, which was dignity and respect, I just ask where is he showing the dignity, respect to the business owners around him. Where is the dignity and respect that his tenants are showing to business owners? People are just trying to do their jobs and as the previous gentleman mentioned "all for the mission", but you just can't do it at the detriment of the taxpaying citizens and people just trying to do their jobs.

Frank Kerker, real estate broker representing Kim Ellis owner of the Baugh Fine Print building, he wanted to speak a little bit about the impact on real estate values that he has seen firsthand, regarding The Wheeler and the activity going on there. He wanted to mention the work The Wheeler Mission does is important and he personally financially helps support two organizations, Oxford House which provides housing for people in recovery from drug and alcohol addiction, so he is not insensitive to the need for this kind of work. But what he wanted to share was now it has impacted the real estate values immediately around The Wheeler Mission. He had a buyer who had worked with another commercial property owner to buy the Fine Print building, at the visit to the property for a tour there were people laying on the sidewalk in front of the property and a number of people wondering around on the street near this property, he decided he didn't want to buy the property. The other experience he had was renting a property in the retail space at 1602 W 3rd Street, which is in front of the The Wheeler Mission, and as part of the process he interviewed the people at the dental office and the insurance company, both of them shared with me and my prospective client the issues they had with The Wheeler Mission and the people from The Wheeler Mission. Essentially, what they said was their day starts with cleaning outside, if there is someone sleeping outside, calling The Wheeler Mission to have someone come help remove them. It is ongoing and it is all the time, so it is a real impact on the businesses. He suspects that rents are already depressed because of the activity that's there so it's got to hurt. He knows for a fact that it hurts property values and the potential to rent those properties.

Kim Ellis is the owner of Baugh Fine Print, she agrees what others have said. Her day starts when she turns on to Westplex when The Wheeler Mission guests are leaving for the day, they do not use the crosswalks they cross the street wherever, they are standing in the driveway and in the turn lane, or what people refer to as "suicide lane". It is dark in the wintertime and we can't see them, someone is going to get hit by a car if they are standing in the turn lane in the dark. As she proceeds up the road sometimes people will stand in the road and put up their middle figure and tell me to drive around them. She has to wait until they decide to move out of the road so she can drive through. Once she gets to her building she finds feces by her mailbox, several drink bottles full of urine strewn all over, clothing bags of trash. They have to clean all this up, but is afraid to touch anything. Because The Wheeler

Mission does not allow any drugs or drug paraphernalia on their property they hide it on our property. Once a customer came into our shop and she was crying because she thought there was a dead person on the sidewalk. They tried to tell her the lady was not dead, she sleeps there every afternoon, her husband had to walk out and wake the women to prove to the customer that she wasn't dead. They now have to lock their electrical box and water tap. She wouldn't mind giving them access to water but she is afraid they will leave the tap on and she would have a \$1,000 water bill, or flood the building. They have installed cameras that notify them 24 hours a day when there is movement, which means they are up at night monitoring their property. They were afraid to mow the yard because the needles left, had to get shoes with thick soles. If anything is left out and unsecured it is gone. She can't go there in the dark unless someone goes with her, she is afraid to go to her own business. She is not insensitive to homelessness, she has worked in the Housing Authority, Hope Housing, housing homeless people and she understands the need but she feels like they have been overrun within the last five to six months.

FINAL COMMISSIONER COMMENTS:

Cate would like for Mr. Jones to respond to the concerns that were heard from a number of nearby property owners and she would specifically like to hear what The Wheeler Mission is doing or has done to address these concerns. Jones said that it is impossible for Wheeler to police the entire block, they are only a staff of 10 people in Bloomington. He recognizes some of the struggles that some of the local owners are discussing, they help as much as they possibly can. The campus on the Westplex campus isn't finished just getting started, this is the first leg of the journey and what this will finally look like, they are unsure. But they have had discussions of fencing the property. Addressing these things is healthy, to have a public forum to discuss those issues that they are struggling with because this isn't just a Wheeler problem, it is a community problem. He really believes that they need community support to continue to do the things that they're doing whether it's the property owners, get responses from the police department, or just being able to have conversations with the city about how they will manage homelessness on this side of town. Jones would like to see an open forum with property owners, Wheeler, the city and the county to discuss a strategic plan for the campus site and what it will look like.

Cate has a follow-up question for the staff, are there physical things that echo some of the things property owners were discussing, i.e. fencing, lighting, cameras, which The Wheeler Mission could do to posture this as it comes before the Commission on a rezone. There are some conditions attached to this step recommendation, asked Greulich to clarify if any of these types of physical modifications that might help relieve some of the potential burden on the surrounding properties that could be attached to this rezoning request. Cates wanted Mr. Jones to echo this is a community issue so the cost attached to these items, fencing, lighting, cameras, whatever it may be, that additional fundraising or support would need to happen to make that a reality for The Wheeler Mission. Struggling with what we can do in the posture of this, as it has come before us, there have been some significant concerns raised by the neighbors. Greulich noted that this is not the last hearing on this, it will be going to the City Council. We can certainly time advantage of the time between now and the City Council meeting to work and see what kind of things we can do to alleviate a lot of these concerns that have been raised by adjacent property owners, certainly fencing could be something that can be instituted. With additional lighting we want to be respectful of the impacts to adjacent property owners. Greulich wanted to point out this is to look at rezoning to a certain zoning district, it is not for this use, specifically but a wide range of uses. Certainly with this request, coming from a specific petitioner property owner, we're going to be focused on that one particular aspect, but it's not just them, there are a lot of things that could certainly move in there. But we can certainly take advantage of this time to try to come up with additional items, as mentioned before, fencing, lighting to help alleviate some of the concerns that have been raised. Scanlan added that this type of petition is a two hearing petition for the Planning Commission so The

Wheeler Mission has requested a waiver of the second hearing and you don't have to grant that. So, if there are things that you know that we could work on with them in the course of the next month or however long, this body could see the petition again.

Sandberg appreciates the difficulty that Jones must have in providing services for this particular population. Sandberg was struck by Jones' presentation in that your new programming is going to include things like life skills, and job preparedness. Life skills also includes being good neighbors, she thinks there needs to be a community discussion and not in just this part of the city, because one of the public commenters said that the problems have just been moved over to this area, and she wants to assure them that she hears the same concerns from business owners near the downtown where there are other sheltering organizations, so she absolutely believes there needs to be a more community wide discussion about the whole issue of homelessness, being a good neighbor while you are take advantages of the many services we have in this community, there are also some responsibilities that go with that, so she welcomes the opportunity to sit down with Mr. Jones before the community wide discussion, that will involve the City Council at a next hearing for this with respect to how can we instill in all of the individuals that we work with, be our business community, our neighbors and the individuals who are dealing with addition problems and being unhoused. How can we instill in people this idea that we all need to be good neighbors and our activities and our behaviors do impact the people around us. It is going to be harder for an organization like The Wheeler Mission, who is absolutely essential in this community for providing those emergency sheltering services. If the community turns against these organizations, because of the problems they have to face and the cost they have to incur, because we are not having this discussion about what it takes to live cooperatively and respectfully in this community, all of us, regardless of our situation. Before us tonight is the issue of moving this to the City Council and she believes it will be a more robust discussion then we can have here at the Planning Commission level. She would certainly would be open, if it is the will of this body to hear this again, but she thinks the problem here is more intractable than anything the Plan Commission is able to address and it might be better to have the conversation at the City Council level, where we can involve more stakeholders and more problem solvers. For this issue that is plaguing not only the City of Bloomington but many communities across the country with respect to the pandemic that we are all suffering through and the increase in the number that are dealing with homelessness in our community. Thanks for a very good discussion, it's been very helpful to me as we possibly more this forward to the City Council for consideration.

St. John acknowledges what The Wheeler Mission does is really great work, she is also completely understanding and recognizes the very real day to day problems that business owners are suffering so it's a real problem. She would like to ask Mr. Greulich about the proposed findings regarding the conversation of property values that is presented in our packet and wondering how you came to that conclusion. Greulich says as the petition pointed out this is not an expansion of beds on site, but an expansion of services they are offering. So in that regard it's not an intensity of units at this facility it is just an expansion of services utilizing existing building. This request is a request to rezone these properties to a specific zoning district, so does these three properties create any impact on adjacent properties, as mentioned the properties immediately to the east of this has the same zoning district. The petitioners could literally move right next door and be allowed, they could also move to the west. So the rezoning of this to the mixed use medium scale by itself does not have impacts on adjacent property.

Kinzie has asked Mr. Jones to respond to the public comments, or a way to manage what was heard from the three public commenters regarding the use of space in the woods and the adjoining property to store or stash alcohol, drugs or other things that would not otherwise be allowed or permitted in the facility, is there a philosophy or strategy for managing that in programming. Jones acknowledged that this needs more discussion with property owners. He also acknowledges that some people will camp

in the area and even create small fires, and The Wheeler Mission will remind them they are not allowed to camp or have fires, which is against code. They will get the fire department involved and of course that does bring some action from the city. There is an issue with camping throughout the city. Jones would like to keep the discussion going regarding this with the neighbors. They will not be changing their policy on allowing alcohol and drugs into their facility, because they do want a safe place for those who are staying at their facility. They can help with those who are staying at their facility, but they cannot do anything about those that are camping, that is out of their control.

Sandberg has another question, maybe it isn't the guests of The Wheeler Mission who are causing the problems for the surrounding businesses and should the owners of those properties be responsible for monitoring their properties. It may not be The Wheeler Mission's responsibly to monitor others properties if they are not guests of The Wheeler Mission. Who owns this problem and who are the stakeholders that can come to the table to help us solve these problems and it sounds like The Wheeler Mission is getting blamed for things that maybe their guests are not doing. But if they, are what the plan to make sure the contraband, drugs and alcohol, is not spilling out into the community at large. Jones wanted to note that the people they deal with already have substance use issues and some suffer from mental illness and they are already in the community. And whether it's our neighbors or the ones down the street or the ones further down the street, they are in our community, this is a part of our community. And how we treat those in our community is important. He understands the plight the business owners have, but there's also the plight of those suffering homelessness, those who are suffering mental illness and those who are enslaved to drug abuse and can't see that they can be free of, how is that approached as a community. Because COVID there have been a lot of bridges between referral services and treatments that has been broken during the last 18 months, he is hoping with the lifting of COVID restitutions they will be able to rebuild the bridges and get the help for those who need help.

Cate asked if communication between The Wheeler Mission and surrounding property owners is happening effectively, or enough. How can that be addressed or how can that be improved upon, and she isn't talking about the broader community conversation. It sounds like there is an issue of maintaining good constant channels of communication with the surrounding neighbors in order to know where the problems are arising, whether they are in fact people from The Wheeler Mission or somewhere else. Jones noted in 2019 they started having community meetings with local business owners but during COVID those meetings have been sidelined, would like to get back to having those meetings.

Kinzie is a bit perplexed as to what we can do, she sees the zoning request and has read through the proposed findings the staff put together and by all accounts this seems like a reasonable request which meets the conditions that are outlined in the comprehensive plan, including access to transit and etc., but she is wondering, from staff, what it is we could possibly do to address some of these concerns that are appropriate in a rezone request. The only things she is hearing so far are perhaps boundary fencing and lighting, can there be more specifics on solutions. She does think this is a more complex issue than the Plan Commission can address appropriately, so from a Plan Commission view, what is it that we could possibly request of the petitioner, either as a condition or if we want to hear this request a second time to see if there are improvements that can be made. Greulich noted we have the ability to look at what impact this might have on the adjacent properties and how we can mitigate those and how you can mitigate those concerns. We have talked about fencing, lighting, landscaping for buffering, but not sure additional landscaping is going to solve some of the concerns that have been addressed. This is certainly something we would want to work in combination with the petitioner on, for fencing or lighting. Because most of the buildings on this site are set further back they will only be allowed a four foot fence, that will certainly help delineate property lines and keep traffic from moving from site to site. This is something that can be pursued if the Planning Commission would like to continue to have conversations

and hear this again at the September Plan Commission meeting.

Wisler asked about the property to the north and east of The Wheeler Mission and it looks from the GIS that those properties belong to the City of Bloomington Public Works. Greulich confirmed that it was the railroad spur line that was dedicated to the City, so it is public right-of-way, the land to the north is owned by the Utilities Department and it has its own MM (mixed use medium scale), so there is certainly city owned property and public right-a-way that is along the north property line. Wisler asked how that property is maintained if people stashing drugs or camping in that public right-a-way. Whose responsibility is that to police those properties? Greulich says it would be the Police Department's job and responsibility to police the right-a-way. Wisler asked Mr. Jones if it were something the adjacent property owners desired, would it be possible for The Wheeler Mission to coordinate either your staff or some volunteers to do periodic, whether it is weekly or daily, canvassing of the properties just to do a clean-up and make sure the bottles and needles have been removed. Or is that beyond your capacity? Mr. Jones replied that they do that now, he has a person that goes around daily that picks up trash from the parking lots. They only do cleanup at businesses that are right up against them, they do not have the manpower to clean up the whole block. From the discussion so far it sounds like The Wheeler Mission are not good neighbors, but they are working diligently at trying to support, not only our guest, but our business neighbors, which is very hard to do.

Kinzie motioned for approval of the waiver, not to require a second hearing, and forward this to City Council with a favorable recommendation with the three conditions. However, she really wants the staff to work with the petitioner to address some of the comments that we have heard and determine what else could be added or amended to this before it reaches City Council's desk. The zoning request in and of itself is reasonable and meets the conditions in the comprehensive plan, so I don't see a reason to deny it. Kinzie does see that this will be a larger concern at the City Council level, and really wants to see some of the issues addressed.

Sandberg seconded the motion.

Herrera asked for a clarification on Kinzie's motion, which she motioned to waive the second hearing. Wisler confirmed this is correct.

Greulich is not sure when this would be on the Council's agenda, but Council has 90 days to act from the time the Plan Commission approves the petition, it just depends on their upcoming schedule and agenda. Budget hearings are coming up and Greulich doesn't know if this will be able to be heard before then, or if it will have to wait until have the budget hearings.

Wisler believes it will be a fair amount of time before Council hears this petition, so continue to work towards some additional solutions.

Sandberg wanted to clarify, the City Council does have quite a bit on their plate right now but they are already discussing having special sessions, with budget hearings coming up and annexation on their plate currently. But they also must conduct regular business, such as this, within the time frame given, this will be given to the City Council staff and the City Council President, for traffic controlling, as to where best to place on the agenda, but they will get it on the agenda.

Herrera asked if the staff and petitioner were aware of what is happening around the property, based on the comments from the citizens. Greulich had not heard from any specific adjacent property owners, clarification I did hear from Frank Kercher, he reached out about a week and a half ago, just to share some general thoughts, but I had not had any conversations with the adjacent property owners prior to tonight. Jones said they have had communication with the local business owners for quite some time,

on and off, through the years, and so they do hear their complaints and have tried to respond to those as quickly as possible. Herrera asked how The Wheeler Mission has responded to the neighbors' concerns. As we have discussed before, we are doing a daily clean up.

Cate was torn about having a second hearing so the staff could do more work on some of the issues, but listening to this conversation she agrees with Commissioner Sandberg and others who have said this it is a complex set of issues and she doesn't really know that the Plan Commission will be able to assess the likelihood that some of the things we might come up with, fencing and lighting, in this setting is going to do the job so having that more comprehensive conversation at the Council level seems like the way to go. Especially because it sounds like there is some time, as Commissioner Wisler pointed out, between now and when the City Council hears this petition to try and find some solutions. There certainly seems like there is some difference of opinion about how much work has gone on by The Wheeler Mission to address some of these concerns, she hears what you are saying Mr. Jones about the efforts and there is probably only so much you can do, but some of the things that has been talked about tonight are worth it, not just exploring but really trying to come up with a set of solutions that will work and make for good neighbors all around. So moving it along makes sense to Cate.

Cockerham has requested putting a decision to the Council but with no recommendation, meaning move this forward without a positive recommendation. He is torn because these issues do need to be addressed, but not by this body. It needs to be addressed by the entire community in a larger conversation. He is torn about moving it forward with a positive recommendation.

Kinzie wanted to respond and convey her thinking process, she appreciates Commissioner Cockerham's perspective here and Cate's before that, I have some concerns also, but she thinks it is a broader, more complex issue than the Plan Commission can handle. Our decision is based on the proposed findings and what is identified in the comprehensive plan and whether this is out of compliance. She believes it would be pretty much impossible for them to deny this petition. She understands where Commissioner Cockerham is coming from, in terms of forwarding to Council with no recommendation, she feels like that is not really the best use of our purpose, our purpose is to review the property, based on the UDO and comprehensive plan, and she says it is in compliance. She appreciates what they are trying communicate to the Council, as this is a more complex issue, she doesn't know if that the message that will really get through.

St. John said she does not have an answer, she agrees that City Council, Commissioner Sandberg and her colleagues, are really the ones that can take up the larger issue. The Planning Commission is looking at the findings and the UDO and it does agree, so I do think we have to support moving this forward. Having said that, we just have to have a larger community conversation about what's going on, and it sounds like Mr. Jones supports that also. There is nothing that can be done on that property that is going to help the businesses outside of the area, it is happening all over downtown, so there does need to be a larger conversation, and it has to be outside the Planning Commission.

Sandberg said rest assured that when this gets to the City Council, she will be very vocal about this conversation and how respectful they are of our own purview here as members of the Planning Commission. What we are allowed to do by our code and so that discussion will be brought forward as well, since she is a member of this body as well. At the City Council meeting held just before summer recess, there was a representative from the Chamber of Commerce there and they were basically begging, on behalf of the downtown businesses, for the city to take action, to whatever extent that they can with respect to this growing problem throughout our community. She agrees with Commissioner Kinzie that fencing is not the answer, this is not something that you can put a border around and it's going to stop all the bad behaviors that we have been talking about tonight. She is not sure any of them have a silver bullet to know what will work. She notes there is ARPA money at their disposal to assist

them with all the bills that have cropped up during the pandemic. That includes social service organizations, includes a number of really impacted operations in our city that we can perhaps designate some funding. There already have been buckets designed to our plan for dealing with problems such as this and she is hopeful that when we have a broader conversation with the community about this we can up with some solutions, that won't put all the onus on Dana Jones and The Wheeler Mission. Again, he is doing remarkable work with a very difficult population and he needs our support, as well as we owe the respect and the support for the local businesses, which are most definitely impacted by these bad behaviors. Something must be done she will be the first to admit.

Wisler said as a procedural note if you feel strongly that we should forward this with no recommendation, if this first motion fails, then we can certainly entertain another motion to forward with no recommendation.

****Kinzie motioned to forward the petition ZO-22-21 to the City Council with a positive recommendation, including the three bullet points outlined in the staff report. Sandberg seconded the motion. Motion carried by roll call vote 8:1—Approved.**

Meeting adjourned at 7:42 p.m.