

In the Council Chambers of the Municipal Building held on Wednesday, June 17, 1992, at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JUNE 17, 1992

Roll Call: Sherman, Miller, Fernandez, Service, Kiesling, Cole, Hopkins. Swain arrived at 7:45 P.M. Absent; White.

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

The minutes of June 3, 1992 were approved by a voice vote.

APPROVAL OF MINUTES

Fernandez moved that the agenda be reordered putting items 5 and 6 first. The motion was seconded and denied by a roll call vote of Ayes:4, Nays:3. The motion failed because it did not receive at least 5 votes.

MESSAGES FROM
COUNCILMEMBERS

Kiesling announced that the waste oil facility on W. Allen St. has been moved to the Regional Recycling Center on S. Rogers. Service requested that in view of the long agenda, persons wishing to speak limit their remarks to 3 minutes.

Mayor Allison presented a proclamation to Mary Forrest on behalf of Week of the African Child and lauded Jeff Underwood, Utilities, as Father of the Year Runner Up. She also expressed strong support for the Wal-Mart and Miller Drive proposals scheduled for discussion this evening.

MESSAGE FROM THE
MAYOR

The Redevelopment Department presented a written report to be attached to minutes.

MESSAGES FROM
COMMITTEES

Kiesling gave various Solid Waste District meeting dates pertaining to their budget hearings.

Millard Qualls invited everyone to attend the Annual Bloomington Amateur Radio Club outing in Bryan Park.

PETITIONS FROM THE
PUBLIC

It was moved and seconded that Ordinance 92-13 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 92-13 be adopted. The synopsis and committee recommendation of 5-0-2 was given.

LEGISLATION FOR
SECOND READING/VOTE
ORDINANCE 92-13

Tim Mueller said the plan is part of a plan development that was approved in 1986 and 88 and it was understood that there were many considerations regarding the site, drainage, sinkholes and the approved plan for WalMart was carefully negotiated with surrounding neighbors and the land use was scaled down from front to back, the entire site may be developed for commercial purposes but there is a limited range at the back progressing to more permissive range at the front. Area "C" is the most restrictive part of the PUD approval and there is a 5 ac wooded buffer area that cannot be disturbed and it is dedicated to the adjacent property owners. The cut and fill balance will make it difficult to moderate the grading so as to preserve tree specimens in the immediate vicinity of the Wal-Mart building. There will be a hedge along the entire perimeter of the site and more canopy trees and less hedging might be more desirable. The State Highway Commission has said no to the central drive and we have urged the state to consider the possibility of a right turn into the complex. A right turn in only with a decel lane would not produce any delays whatsoever.

Miller asked what influenced the State's decision regarding the turn in lane. Mueller said that when they bought the right of way for this particular road, access was not considered at this point. We are in fact trying to alter their road plans. It is a question of access control and the state has adopted a recent policy of paying much more attention to access control on their roads.

Kiesling asked about truck entry from the west and if we could do something to force them to come in at the east entry where there is a signal light. She thought it could be a real problem for the neighborhood.

Hopkins asked about the Environmental Commission report and Mueller said they just received a copy of the report, forwarded by the Wal Mart engineers just this afternoon. Kevin Komarsarcik gave the report. Said report is attached to original minutes. He quoted numerous paragraphs from the Master Plan and the No Net Loss tree preservation program. Legislation would be necessary to require on site/off site replacement of trees cut in preparation of development site or payment in lieu to the tree bank. The Division of Forestry did an inventory of trees on the site and 2/3 is pine and Yellow Poplar for a total of about 1500 trees. He stressed that this is the entire 5 ac site. He then discussed the environmental dollar value of trees and after a rather complicated formula based on age, life support for animal life, erosion control, etc, based on 150 trees being 50 years old, it is worth nearly 8 million dollars.

Hopkins asked how these numbers were calculated. Kevin discussed all the benefits of trees in general for a 50 year old hard wood tree. Hopkins thought we should be very careful in using values like this that are not site specific. Kevin thought the numbers are at best a "best guess" and are not hard figures. He then went on about tree replacement costs to the city of about a million dollars if we are going to follow the recommendations of the master plan. Regarding Karst topography and wetlands, all the sinkholes, except one will be capped and in one, storm water will be routed through it. He also raised the point of roof water run-off. He talked about Bowling Green's treatment of sinkholes and after their unsuccessful attempts to cap or use for drainage, one major one collapsed and they no longer allow building on those sites. The site is a wetland. Period. Detention point run off will go into Wapahani Lake and there is concern about the components of the run off, like gasoline, anti freeze, winter de-icer, whatever you would find on a parking lot. This will have a major impact on the lake life. Komarsarcik said that they would like to see the SAMS Club off the sink holes as also recommended by the Fish and Wildlife Association; they would like to talk to WalMart about wetland mitigation, to replace elsewhere what has been destroyed; movement of the WalMart store to preserve more trees and the gully at the southern end of the tract; finally, WalMart should replace the timber value of about \$17,000. The Environmental Commission is recommending a delay or tabling for two weeks or until Wal Mart can bring someone in who can talk about some of these problems. He said if the vote cannot be delayed, they then recommended that the proposal be denied.

Swain questioned the wetland designation on the site and asked what wildlife inhabited the site. It was determined that there was no water fowl in the area.

Service asked if some of the Environmental Commission's recommendations could be addressed at the next stage of approval. Mueller said the biggest single lever to keep WalMart out of the wooded site is Area C, however, that is valuable land and someone is going to occupy it one way or another. Many issues can be addressed at a later time. Most roofing is a rubberized material, not hot tar and roofing paper, and is probably pretty environmentally safe.

Miller asked Komarsarcik what might be done to help get recommendations together earlier. He said they meet about 1 1/2 weeks before the Plan Commission and often that is not enough time if it is a large plan such as this one. The problem is the planning process in this city. The planning agendas are huge and we need to cut down on what the Plan Dept/Commission needs to look at at any given time.

Steve Smith, representing the petitioner, said the only question is if the discount dept. store can go in the "C" area. He said that of all the many projects he has worked on and other projects of the city, county, state and university none have been subjected to these kinds of environmental restraints. The criteria for development in environmental areas has not be established or addressed. It's a tight site, and 5 acres has already been given up. The master plan says that there should be a community sized shopping center on this site, not a park. The question is can we put WalMart in the "C" area, not can we cut trees in the "C" area.

Ross Grumble, WalMarts Development Engineer, briefed the council on some new information. The roofing material is a composite material with aluminized coating with no toxic run off, the current center drive access continues to be denied by the state, they would funnel traffic from Hickory Lane with a T intersection and this is similar to a state plan for the area and a right turn in movement is still under consideration, the landscaping plan is now more detailed and developed. Care must be taken to avoid root growth into sewer systems and that is why specific vegetation is indicated.

Miller asked about the number of mature trees that will be left on site. Grumble said about 30, 50 year old trees will be remain. It is possible to move mature trees, "store" them appropriately and replant them on site.

Sherman said he would like to know who has the authority to approve the timber sale proposal made by Komasarcik and would like to have an answer at future deliberations. Grumble asked about the consideration of the 5 acres of timber area valued at about half a million and how that fits into the overall picture, plus efforts to relocate mature trees on site. Sherman said that it was his understanding that it was Mr. Brown's decision to give the 5 acres as a buffer, not WalMarts contribution. If the timber sale was something that WalMart could do, it would be appreciated.

Cole asked why more parking spaces then required are being planned in view of the interest in preserving as many trees as possible in the lots. Grumble said WalMart likes to see a ratio of 7 spaces/1000 sq.ft. of building. The City Code requires 5.25/1000 sq.ft. WalMart is concerned that at the busy time of year, cars would be parking along S.R. 45. Cole suggested a grid pattern of bricks in asphalt so that water drainage can get thru to the roots of the trees, thereby leaving the trees in place in the parking lot.

Tom Tokarski commented on the job possibilities. He said the Greenwood SAMS employs 125 people, Spencer employs just under 100 and that is 40% less than what has been promised. Jobs have become justifications for all kinds of neighborhood and environmental abuses and some of these promises need to be checked out. He suggested that WalMart be asked to sign a pledge regarding the proposed number of jobs. He was also concerned about Grandview School activities and the congestion that will occur.

Jim Tolin was pleased that the council finally had a position on this project and that they have spoken clearly and it is important that major issues remain in front of elected bodies. This should take precedence over appointed bodies. He urged the council to approve the proposal.

Susan Elkins commented on the importance of jobs in our community and their value as compared to trees.

John Belden, VP at Banc One, reaffirmed the bank position, the need for jobs in our community and the concern we all have for Bloomington and urged

approval.

Don Baker did not think this was a good spot for WalMart to locate that will not cause the environmental damage this tract will create.

Sarah Young also supported the WalMart plan.

Joe Hoffman, former Plan Commission member, said this is being discussed in the context of a master plan and we have to view this in the larger context. Economic growth, the environment, diverse opportunities for all sectors of town took into account that there were priorities that could not be seen as wholly compatible in each and every context. Sometimes the environmental issues are going to come into conflict with the economic issues on a site and that was understood from the beginning and on this site the master plan did that. The plan, on this site, did this; decided that there were important community wide reasons to try to get community serving development to go to this location. After much debate it was determined that growth was too one sided in this town, too much on the east side, and if we put growth on the west side we will lose some trees, and we will also save some trees on the SE side of town. The point was balanced growth that would not "mall us" all the way to Lake Monroe. He said he was happy with WalMart deciding to build on the west side, because this validated the master plan and the concept that people and business would build on the west side. If this is turned down, or delayed, we may as well burn the master plan.

Keith Dayton addressed traffic concerns on S.R.45 as a school, industrial park and subdivision all interconnect with the entrance to the center. He said he was not happy with the job related figures this builder purports to provide. He was pleased that the council has taken the time to carefully deliberate this issue.

Dave Porter said he talked with Corky Neal of Camiros Inc., and he said they never considered this for commercial development and that it was ideally suited to executive offices. The area for commercial development was supposed to be the industrial park and the maps are illustrative, not definitive. He quoted numerous procedures outlined in the plan that should be undertaken in reviewing plans and master plan compliance (p.85-86) He felt the planning department should have never approved this for commercial development as early as 1988, that the problems with Karst have not been resolved, there should be a retention pond at the bottom of the development. Fernandez resented the comments made as not including complete sentences and complete concepts from Mr. Porter's remarks as he quoted the master plan.

Jerry Galyan spoke in favor of the proposal and praised WalMart for their stores in other communities and said it would add a lot to our community. Dee Vincent also spoke in favor of the plan.

Swain said the comments made to him have been 8-1 in favor of the project. He did not agree with the traffic concerns regarding the school and thought traffic would come to a halt before it was an actual danger to children. The environmental concerns are not of significant impact to override the overwhelming value to the community this project will provide. The considerations made to our community by the developer speaks volumes as to the type of developer who is coming into our community. He said he would be supporting the proposal.

Miller said WalMart has been willing to make numerous concessions and are to be commended and she urged them to keep construction jobs as local jobs

for the Bloomington community.

Fernandez said we are talking about more than Area C, we're talking about the longterm viability of our growth policies. This proposal is right on p. 85 of the master plan. It is a good faith effort to mitigate some the problems with the site and should be supported.

Hopkins was bothered about the data offered by the Environmental Commission and thought it could "not hold water", and there is simply too much disagreement among environmentalists about the validity of such figures as presented and we do not do ourselves any service by tossing around numbers like this...it's a dangerous environmental approach. He too agreed that pp. 85-85 of the plan define the area properly and supported the proposal.

Cole agreed with the master plan's redirection of growth to the west side and she knew that would mean making sure that developments were done in the best possible manner. Big companies should figure out how to make projects site-specific and stamped out architecture create these kinds of problems/questions. She agreed that there should be a WalMart on the westside, she just wished it wasn't on this particular corner.

Sherman said Hoffman remarks echo his feelings about this proposal and if the question were different, if the question was not just Area C, he would still support WalMart on that site. All the input has been very important and helpful and sometimes it is necessary to just make the best decision as best you can. He supported the proposal.

Kiesling said the question is also one of future responsibility for contamination. We have special concerns, like Karst topography, PCBs, interconnected aquifers and good jobs for all of our citizens. All of this has to be balanced and many of these issues should be examined before they come to the council, not afterwards.

Service hoped that the recommendation of the Environmental Commission will be taken seriously as this project moves along and she thought the tree cutting proceeds fund was a good idea.

The ordinance received a roll call vote of Ayes:8, Nays:0.

There was a 20 minute break and the meeting resumed at 10:10 P.M.

It was moved and seconded that Resolution 92-10 be introduced and read by title only. Clerk Williams read the resolution by title. RESOLUTION 92-10

It was moved and seconded that Resolution 92-10 be adopted.

The synopsis and committee recommendation of 3-1-3 was given.

Tim Mueller said this is a plan, not a rezoning, and make land use recommendations that have to be implemented through new regulations. The text supplements the map and there are 4 main areas of focus. Businesses should retain some form of industrial zoning, so the recommendation was changed to retain that designation, but clearly not any of our existing zones. There needs to be a new, more sensitive ordinance for the in-town, existing industrial areas. New zones could be created, or overlays could also address additional constraints that regulate landscapes, historic, floodplain zoning, slopes or any number of issues that could be addressed. The master plan become increasingly refined from the beginning to the end of the document and this will allow for specific interpretations for land uses.

Service asked to see Area E and it's relation to city property boundary

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(Utilities, Transit Garage).

Mueller located the area on a map.

Swain asked if Area 3 had been planned to be Multi-Family.

Mueller responded that the idea was "floated" during a discussion but was not an actual recommended use by the staff.

Four amendments will be considered separately as suggested by Fernandez. All amendments as proposed by Fernandez are attached in their entirety to the final resolution.

Kevin Spicer, property owner, spoke in favor of zoning which permitted rental units.

Vicki Nelson, 608 E. Moody, spoke in favor of a compromise which would allow duplexes along with SF homes.

Bill Land, from Planning, said that when the survey was done, duplexes in some of these controversial areas were discussed and there was more overwhelming interest in SF rather than the duplex format in that area. Service said we are looking for better wording for flexibility within the area. The amendment would read: Along Miller Drive, SF or duplex in-fill development should occur, with the appropriate justification paragraph changes.

Vicky Nelson, a Moody Dr. resident, disagreed with the wording and said it did not allow a large enough lot size to accommodate additional parking. Zella Hyde said a 60x132 lot is not a large enough lot and wondered how many sqft are need to build a SF home. Tim Mueller said 7200 sqft. and for a duplex, each unit would not require 7200 sqft.

The amendment to the written #1 amendment received a roll call vote of Ayes:7, Nays:1 (Hopkins).

The amendment, as amended, received a roll call vote of Ayes:7, Nays:1 (Hopkins).

Amendment 2

Fernandez moved, for Area J, an effort should be made to replace the junkyard, the plan should promote the cleanup and reuse of this site, private sector finance clean up and reuse of the site and the Miller Drive site should be properly defined. The motion was seconded.

Mueller said the yard is about 1/3 ac. Fernandez said the intent of the amendment is an incentive. Hopkins thought the language should be more specific. Hopkins though we should say the area of the junkyard should be rezoned. Period.

Cole said she felt uncomfortable determine the fate of the junkyard and a person's business when he was not involved or part of the discussions

Fernandez said the intent is not to close it down or make it move, but in general you don't have junkyards in neighborhoods, it is not viewed as a compatible neighborhood use in the long term plan policy/concept.

Swain wondered if we would not be better off leaving it at a moderate density rather than SF which we have now.

Ken Craig said the area is basically SF and urged the council to let it stay this way.

Michael Cullers talked about the junkyard and said it has been brought up many times when planning questions come up in this area.

Tim Henke said the junkyard has been a major concern for a long time and there has been no effort on the part of the owner to try and comply with

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neighborhood concern. There is a lot of garbage, junk, as well as stolen cars, it is on the CIRCLA list and it really isn't your friendly neighborhood business.

The amendment, as amended, received a roll call vote of Ayes:6 Nays: 2 (Hopkins, Swain).

The amended amendment received a roll call vote of Ayes:6, Nays:2 (Hopkins, Swain).

Fernandez moved that the amendment dealing with Area L (stone site) be amended and that the MG/ML area should be rezoned to restrict permitted uses and a new zoning designation should encourage investment opportunities for high density residential and/or neighborhood serving commercial.

Sherman asked Hopkins about the owner's intentions and what took place on a Plan Commission level. Hopkins said the owner said he had every intention of keeping the business in the present form and the neighbors seemed to accept that assurance. There were Plan Commission questions and the amendment makes sense and the neighbors did not agree with the need to add this kind of protection in here. Fernandez said we are not rezoning this tomorrow to kick someone out of their livelihood, we are trying to think long term and future owners and do we want to maintain an open MG list; this a very long list of allowed uses. After the asphalt thing we were angry that we were stuck in a position where we could not do anything and we will be leaving this problem to future councils if we don't do something.

Hopkins said that our amendments this evening will go back to the Plan Commission and the owner should be well aware of what is happening here.

Mueller said the amendment is consistent with what the commission has already done and the new zoning code has stated that new industrial zones within industrial tracts in the community in close proximity to residential uses should protect the existing uses while preventing future change that might be less compatible.

Howard Tabereaux, owner of Midland Stone, who was present during the entire discussion, came forward commenting that the comments and questions of the council have been totally inaudible and he was willing to respond if someone could tell him what has been said. He said his company does not object to prohibiting the sale of property(their property) to anyone whose business would be ecologically harmful or environmentally objectionable to the Miller Drive area in the future. He had no problems with the amendment and said this statement came out of a letter he had written to the Planning Dept in May.

The Area L amendment received a roll call vote of Ayes: 7, Nays:1 (Swain)

Swain thought the last 2 amendments were a mistake, notably the Midland Stone Area L, we have usurped their decision making authority and their input into this process and that will come back to haunt us and the amendment adds nothing, was not given a proper airing and only reworks what was already stated: Area J(junkyard) makes it just a little too clear that what is being specified and singled out here is the junkyard instead of an area for zoning.

Fernandez said we have heard from the owner, he has no problem with this and this is an attempt to strengthen the resolution, and as to the junkyard, it is impossible not to be specific, there's only one junkyard in the neighborhood.

Ken Craig did not feel that this was really a plan, there is no information

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provided, the properties have not been catalogued and the Enterprise Zone is not even considered. He hoped this wasn't just a 6 month development plan. He also hoped there would not be a proliferation of PUDs

Toni Taylor was concerned about Area I. She said there are 7 out of 10 SF dwellings and she urged the council not to make it MF, but to keep it SF.

Vicky Nelson talked about compact urban form, neighborhood enhancement areas and low income housing needs, and said she would prefer to see SF zoning remain in the area. The density of duplexes should be the same as SF. Duplexes are not a problem, higher density is.

Mary Ann Landfare (sp), a Pinestone resident opposed more MF housing in the area and the neighbors strongly stated they wanted to retain the SF character of the area and she resented all the many hours of planning and committee meetings to put this together only to come to this meeting and have it changed by last minute amendments that could change the context of the plan. She praised Tim Henke for his quality high density development and was not opposed to MF in general, but thought there has just been enough in this particular area and why not more of the same in other parts of town like Sherwood Oaks or Spicewood.

George Halligan, an area property owner, talked about Area 1 and the provisions required of him to develop his tract. It has been cleaned up and improved as requested. Everything else in the area is exactly the same. He has planted trees on the tract as well as the former Tarzian property acquired later in this process. We wanted to remove a damaged house and offered that it be a joint use road as the whole property is developed and a traffic light would eliminate traffic problems along Hillside.

Luanne Kaner said the plan is not thorough enough and she noted various sites in the area that have not been covered. The concern is density and the retention of SF is important to the people who live there. MF does not necessarily serve the low income housing need the council is trying to achieve.

Michael Cullers thought it was a pretty good plan but wondered about PUD and Zero Property lines.

Ray Johnson opposed the plan, he said he owns property and wants to stay MF. He bought it for an investment and if he can only sell it for SF, it reduces the value.

If you are all still with us, it's now midnight, said Service.

Charlie Kellar asked why we can't just go with the original Master Plan rather than this area plan and this is a mistake.

The resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 92-15 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded the Ordinance 92-15 be adopted. The synopsis and committee recommendation of 1-3-4 was given. ORDINANCE 92-1

The Clerk insisted on a correct address for the property for the petition to 806 E. Hillside. It was moved and seconded accordingly and received a roll call vote of Ayes:7, Nays:0 (Miller was out of chambers).

Tim Mueller discussed the site and the handicapped accessible units Terry Elkins wants to construct. He approved of Mr. Halligan's common driveway suggestion as an interesting one. This was talked about initially with the larger site plan and as the property became scaled down and we were working with just this piece, it eluded us. It may be possible when this goes to development plan to get the two property owners together and flip the plan back the way it was again and have a single shared entrance directly opposite Woodlawn. Traffic is not impacted with these small type developments that much. If we stick with this Elkins plan it might be possible to talk about the front portion of this to provide easement and share access to the next property if it should develop. The plan could be flipped back and the driveway could be a shared driveway with Halligan.

Terry Elkins applauded the council for their diligence regarding the neighborhood plan and this specific petition. 200 surveys were distributed in the area informing area residents about the plan. Planning and Redevelopment have been very supportive of this plan and numerous agencies support the need for this housing need and driveway changes have been addressed to correct the current dogleg. He said he and Mr. Halligan started this project together with a much larger piece and there is still a good possibility that they might be able to put the project back together and really improve traffic and increase green space.

David Carter, a member of numerous organizations, ICLU and the Council on Handicapped Concerns and others, discussed accessibility for the disabled in housing and the need for this kind of housing. He hoped that Elkins would be encouraged to continue with this project.

Toni Taylor was concerned about additional traffic in the area and thought this was a bad spot to have this kind of concentrated housing.

Bill Edwards, representing the Council of Handicapped Concerns, said that very few people in this development would be driving and will be using the city bus service. There is a need for this housing and it may be a way of getting a stop light at this corner, if that's what it takes.

Michael Cullers said he does not oppose this development, that this is basically a land use issue and there are simply too many units for this tract.

Kiesling wanted to be sure that BT was there.

The ordinance received a roll call vote of Ayes: 7, Nays:0, Abstain: 1 (Cole)

It was moved and seconded that Ordinance 92-16 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 92-16

It was moved and seconded that Ordinance 92-16 be adopted. The synopsis and committee recommendation of 1-3-4 was given.

Mueller described the tract, noted that the Plan Commission denied this petition because of the Miller Drive Neighborhood Plan recommendation for SF in this area and the council has sent back a recommendation to the Plan Commission for their reconsideration that would authorize the duplex land use here.

Fernandez said we should get this off the agenda, as right now this ordinance includes 3 petitions, one that does not conform, one which is currently being developed inconsistently with what is being proposed and the is Spicer's project. Two thirds of what we are talking about is irrelevant.

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Mueller said that if the Plan Commission adopts the amended neighborhood plan, this could be presented to the BZA for a use variance for Spicer.

Sherman was hesitant to move it to the BZA and asked Spicer if it would be a problem. Spicer said he didn't want to get into winter building.

Fernandez thought it would be shame after so long to punt it to the BZA. It could be tabled but we still have to vote on it with all the parts, of which two are very problematic.

Mueller said it will come back as a separate petition, and it can be tabled or denied, it doesn't make much difference.

It was moved and seconded that the ordinance be tabled. The ordinance received a roll call vote of Ayes:7, Nays:1 (Fernandez)

It was moved and seconded that Ordinance 92-17 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 92-17

It was moved and seconded that Ordinance 92-17 be adopted. The synopsis and committee recommendation of 4-0-3 was given.

Mueller described the site and the petitioner's request and he pointed out that the zoning is already intensive BA and BL in this area. This is not a threat to the existing area.

Hopkins was not pleased with the 4-5 bedrooms for these units on this tract.

Dan Rubeck, representing Jeff Jones, said many compromises have been made to accommodate the neighbors and talked about driveway and owner occupied sales. The condos would be owner occupied only. As far as sidewalks, they would extend to Morningside to the intersection on the other side of the street.

Fernandez said that safety concerns have been addressed as a result of Parks and Recreation, Lee Huss and the petitioner for walks and trees.

Miller asked about the petitioners earlier comment about renting the units until the landscaping matured. The the units would be sold if the market was solid, Rubeck said. It's an interim safety measure for the developer. Miller wondered if the petitioner has done market surveys and if so was it done for rental or purchase.

Jeff Jones, the petitioner, said when they are sold the deed will state it must be owner occupied and the only rental might be through Jones, in order to cover the debt service.

Bob Stebbings said this is a better plan than the previous proposal, but the controls are minimal. He did like the PUD overlay and getting rid of the BA designation. After leafleting the neighbors about this proposal, he get no calls at all and this settles a lot of concerns because this is the last developable land in Park Ridge East.

Bill Ryan asked that in the future, the notification process should be improved. Much has been accomplished, in the way of compromise, thanks to Stebbing's effort. He also thanked Fernandez for his role in gaining the commitments from Parks and Jeff Jones.

Jeff Stake was very upset and angry about the proposal, Euclidian zoning, spillover effects and incompatible uses. This proposal is worse than the

current zoning and there is no special benefit. The planner got it wrong, he said. He cited all the problems with the area.

Fernandez wondered how this was worse than the existing zoning. Stake became very upset and said they didn't have enough information. Fernandez tried to explain that BA could allow a convenience store.

Irana Terry was also very angry over the proposal and said this is a bandaid approach and wanted sidewalks to BigFoot and wanted connections to the park and to Morningside Drive.

Robert Anastasi thanked Tim Mueller and John Fernandez for working this through and thought it was a pretty reasonable plan in the end.

He hoped these will be owner occupied condos.

Terry Elkins said the Park Ridge Neighborhood Association has done a good job and his past experience with them was good. This was a good process compared to the Miller Drive Plan process. Mr. Jones' reputation is a good one from people he knows.

Natalie Ryan, a neighbor, spoke about the complexities of this plan. The apartments, and that is what they are, was not greeted with glee. Park Ridge East does not need more student rentals and traffic problems.

Bill Morrow discussed the history of the tract and thought this was the best use for this property.

There was a petition in opposition to this development presented to the council at an earlier time.

Irana Terry asked for speed bumps on Morningside especially in front of the playground. She apologized for her outburst.

Hopkins said he originally voted against on the Plan Commission, but the developer has modified the plan to make it work, the sidewalk is a plus and it isn't the kind of safety problem that has been presented this evening (morning).

Kiesling reaffirmed the need for sidewalks.

Cole said she would not support the plan. There are just too many unanswered points.

Sherman thought a new zone should be developed for professional use and then neighbors would not have to worry about a pizzaplace going in.

The ordinance received a roll call vote of Ayes:7, Nays:1 (Cole)

It was moved and seconded that Ordinance 92-18 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 92-18

It was moved and seconded that Ordinance 92-18 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

Mueller gave a brief description of the site and the proposal and the petitioner was available for questions.

Cole asked about two existing homes on the site. The current homeowner will remain in one of the houses and other other sold.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that the following ordinances be introduced and read by title only for first reading before the Bloomington Common Council by the Clerk. Clerk Williams read the ordinances by title.

Ordinance 92-19 An Ordinance to Vacate Two Public Parcels Regarding Two

Platted Alleys at 700 W. Howe Street (First Church of the Nazarene)
Ordinance 92-22 To Amend the Bloomington Zoning Maps to Designate
PMP, and Outline Plan Approval - re: 3650 Leonard Springs Rd (Richard
Lumdsden, petitioner).
Ordinance 92-23 To Amend the Outline Plan - Re; 5001 N. St. Rd. 37 (TIS,
Inc., Petitioner)

LEGISLATION FOR
FIRST READING
ORDINANCE 92-19
ORDINANCE 92-22
ORDINANCE 92-23

Jeff Stake apologized to Fernandez for his earlier comments.

PETITIONS

The meeting was adjourned at 2:00 A.M.

ADJOURNMENT
(yeah)

APPROVE;

ATTEST;



Pam Service, President
Bloomington Common Council



Patricia Williams, CLERK
City of Bloomington