



# City of Bloomington Common Council

## Legislative Packet

Regular Session

05 October 2011

*For additional background material please consult the [Legislative Packet](#) issued in interest of the 27 September 2011 meeting. For budget background material consult the [Budget Packet](#) .*

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### Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

*None*

### Legislation for Second Reading:

- **Res 11-13** Supporting the Establishment of a Monroe County Youth Council  
*Contact: Susan Sandberg at 349-3409 or [sandbers@bloomington.in.gov](mailto:sandbers@bloomington.in.gov)  
Tim Mayer at 349-3409 or [mayert@bloomington.in.gov](mailto:mayert@bloomington.in.gov)*

*Please see the [27 September 2011](#) Council Legislative Packet for the associated legislation, supplemental material and summary.*

- **Ord 11-09** \* An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2012  
*Contact:  
Daniel Grundmann at 349-3404 or [grundmad@bloomington.in.gov](mailto:grundmad@bloomington.in.gov)*
- **Ord 11-11** \* To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2012  
*Contact:  
Daniel Grundmann at 349-3404 or [grundmad@bloomington.in.gov](mailto:grundmad@bloomington.in.gov)*
- **App Ord 11-06** \* An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2012  
*Contact:  
Pat Murphy at 349-3650 or [murphyp@bloomington.in.gov](mailto:murphyp@bloomington.in.gov)*

- **App Ord 11-05** \* An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington)
  - **Am 01 (Sponsored by Councilmember Rollo)** – Proposing Removal of Expenditures for the Construction of the Sare and Rogers Road Roundabout
  - **Am 02 (Sponsored by Councilmember Volan and Piedmont-Smith)** – Proposing Removal of Expenditures for All Three Roundabouts
  - **Other Capital Projects in 2012 Public Works Budget**
  - **Am 03 (Sponsored by Council Office)** – Proposing Substituting a Revised Form 4 (Front Page) at Request of the Department of Local Government Finance

*Contact:*

*Mike Trexler at 349-3412 or [trexlerm@bloomington.in.gov](mailto:trexlerm@bloomington.in.gov)*

*\* All four of these items were subject to the following motion adopted at the 9/7/11 Regular Session Motion*

*Ord 11-09, Ord 11-11, App Ord 11-05, and App Ord 11-06 shall be continued and discussed at the Committee of the Whole on Tuesday, September 27<sup>th</sup> and be ready for Second Reading on October 5<sup>th</sup>.*

*These items also received discussion at the Committees of the Whole on September 7<sup>th</sup> and 27<sup>th</sup>*

*Please see the [7 September 2011 Budget Packet](#) for the associated legislation, supplemental material and summaries.*

### **Legislation and Background Material for First Reading:**

- **Ord 11-17** To Rezone a 2.2 Acre Property from Residential Single Family (RS) to a Planned Unit Development to Allow a Cooperative Housing Development to be Constructed. - Re: 415 ½ N. Spring Street (Bloomington Cooperative Plots)
  - Certification (6 – 2); Maps of Site and Surroundings; Memo to the Council from Pat Shay, Development Review Manager; Petitioner Statement (Preliminary Plan with Site Plans and Maps); Staff Report and Plan Commission Minutes for March 7<sup>th</sup>, May 9<sup>th</sup> and August 8<sup>th</sup> Plan Commission Meetings
  - *Contact: Pat Shay at 349-3524 or [shayp@bloomington.in.gov](mailto:shayp@bloomington.in.gov)*

- **Ord 11-18** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: To Allow Emergency Responders to Operate Various Types of Motor Vehicles on the B-Line, City Parks, and Similar Areas and to Allow Emergency Responders to Operate Off-Road Vehicles on City Streets
  - Memo to the Council from Patty Mulvihill, Assistant City Attorney
  - *Contact: Patty Mulvihill at 349-3426 or mulvihill@bloomington.in.gov*

**Minutes from Regular and Special Sessions:**

- 9 March 2011 (Special Session)
- 7 September 2011 (Regular Session)
- 14 September 2011 (Special Session)
- 21 September 2011 (Regular Session)

**Memo**

**Reminder: Internal Work Session Scheduled for Friday, October 7<sup>th</sup>**

**Five Items Ready for Second Reading and Two Items Ready for Introduction at the Regular Session on Wednesday, October 5<sup>th</sup>**

There are five items ready for second reading and two items ready for first reading at the Regular Session next Wednesday. The five items ready for second reading include Res 11-13, which supports the establishment of a Monroe County Youth Council, and the four ordinances remaining from the 2012 Budget Packet. The last of those budget ordinances is App Ord 11-05, which was subject to two amendments that received negative recommendations the Committee of the Whole last Tuesday night. There is a third amendment, which replaces the first page of App Ord 11-05, on the advice of the Department of Local Government Finance (which approves the forms in that ordinance). Those pieces of legislation and the amendments can be found as indicated above.

The two items ready for first reading include Ord 11-17, which proposes the Eco Village PUD, and Ord 11-18, which amends Title 15 of the BMC allow safety personnel to use ATVs on City streets and trails. That legislation and supplemental materials are included in this packet and are summarized herein.

## **First Readings**

### **Item One – Ord 11-17 – Rezoning 2.23 Acres of Land Located 415 ½ Spring Street from Residential Single-Family (RS) to Planned Unit Development (PUD) to Allow for Cooperative Housing Project**

#### **Overview of Proposal (Bloomington Cooperative Plots – Eco Village PUD)**

In order to save time and help the Council read through it quickly, I have set forth the summary of this ordinance in outline form. Before presenting the outline, I offer the following highlights of the proposal and its review:

- The project proposes novel uses and structures with unusual impacts and an uneasy fit with the Unified Development Ordinance (UDO);
- The approach as a Planned Unit Development (PUD) provides flexibility to deal with the many novel issues;
- Staff uses 10 Single Family lots in an Residential Single Family (RS) zone as the comparable standard when gauging impacts (because the 2.23 acre site is located in an RS zone and could, in theory, be subdivided into that many lots);
- The technique of “phasing” suited the petitioner and helped decision-makers consider impacts in an incremental fashion;
- The proposal mitigates off-site storm water problems (with the help of CBU); and
- Some parking issues will need additional action by the Council.

#### **Introduction to Proposal – It:**

- Rezones property from Residential Single Family (RS) to Planned Unit Development (PUD);
- Proposes cooperative housing project focusing on sustainability and urban agriculture; and,
- Waives 5-acre minimum for a PUD

#### **Site**

- Consists of 2.23 acres of vacant land with a narrow (35 foot wide) access on the east at 415 ½ North Spring Street;
- Contains an open field in the middle with trees on the periphery and land that slopes east (with stormwater problems occurring off-site);
- Is designated as RS and Urban Residential (in Growth Policies Plan); and

- Is surrounded by:
  - A railroad and JB Salvage Yard on the north;
  - Residential along Spring Street on east (3 parcels) and W. 8<sup>th</sup> on south (5 parcels); and
  - Valhalla Memory Gardens on the west.

## Proposal

- Petitioners:
  - Engaged in a long search and many discussions with Plan Staff;
  - Sought a site suitable for a cooperative housing project with a focus on sustainability and urban agriculture;
  - Pursued a PUD at request of staff, who felt that the many conflicts between this unique and precedent-setting (what staff calls a “non-traditional”) development and the Unified Development Ordinance (UDO) were best addressed in that flexible framework;
  - Have already purchased the property; and
  - Retained an Engineer to help work through many of the issues.
- Permitted Uses
  - Community Garden
  - Cooperative Housing (as set forth in the materials)
  - Crops and Pasturage and Urban Agriculture (again as set forth in the materials);
  - Group Care Homes and Group Care Homes for developmentally disabled and mentally ill (which by State law are permitted in all zoning districts); and
  - Park
- Consists of Five Components:
  - The Village
    - With a maximum of 10 cabin/homes with no more than a 400 s.f. internal footprint, which can be larger if serving as a handicapped accessible unit (and may also have a basement, 2-stories, decks and flat roofs)
    - Each one will have a kitchen and bathroom and be connected to water and sanitary sewer
  - Community House
    - With a large communal kitchen, meeting space, bathrooms and a maximum of 15 bedrooms

*The entire project has a maximum of 30 unrelated adults (and 40 bedrooms). Please note that Plan Staff used 10 Single*

*Family lots to establish comparable density because, in theory, the property was large enough for that number of lots.*

- Orchard
  - Located on the south side of the site;
  - Will entail removal of several areas of trees and planting of a “food forest” on the perimeter of the property; and
  - Will have grazing animals.
- Ponds
  - One biofiltration pond in center of site fed by swale from north; and
  - One recreational retention pond on west
- Gardens
  - Located in open areas surrounding community house and swimming pond; and
  - May include community gardens

### **Additional Preliminary Plan and District Ordinance Issues**

**Phasing** – Along with the petitioner’s reasons,<sup>1</sup> the proposal’s novel features and potential impacts led the Plan staff and commissioner members to favor phasing the project. Those phases included:

- Phase 1: utilities, ponds, central bathhouse, up to 3 member homes, gardens, removal of invasive and planting of native species;
- Phase 2: community house<sup>2</sup>, additional member homes, soil maintenance, and establishment of orchard/food forest;
- Phase 3-4: additional member homes; and
- A separate phasing for animals (see below).

**Animals (found in Crops and pasturage in the UDO)** – The proposal:

- Allows chickens, but prohibits roosters;
- Phases-in chickens with 5 allowed in 2012, another 5 allowed in 2013, and an incremental increase of 5 upon waiver by neighbors up to a maximum of 50;
- Contains chickens in tractors (moveable coops) and requires all animals be kept at least 100’ from the rear property lines on Spring Street and 25’ from the rear property lines on W. 8<sup>th</sup>; and

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<sup>1</sup> These included the usual economic ones as well as the time it takes to vet and accept new members who must be compatible with the group.

<sup>2</sup> The Plan Commission added Condition of Approval 10, which allows the community building to be constructed in Phase 3 and more cabins to be constructed in Phase 2.

- Allows up to 3 goats in 2014 (maximum).

**Accessory and Other Uses** – The proposal allows the following uses:

- Education
  - home schools; and
  - individual classes to public allowed for permaculture, urban agriculture, and cooperative housing
- Home Occupations
  - one massage therapist;
  - with all future ones requiring conditional use approval

*Note: Short-term occupancies were initially proposed but dropped from consideration.*

### **Parking and Emergency Drive**

- Residents will primarily rely on biking and walking;
- Ownership of motor vehicles by members will be restricted;
- As many as 2 cars and 1 truck will be shared by members;
- There will be 6 parking spaces on site – 5 with pervious pavers and one with an ADA complying sidewalk to community building;
- At the request of some neighbors, the City will be proposing to make Spring Street a No Parking zone and has marked a center lane and parallel parking spaces on West 8<sup>th</sup>; and
- The drive will consist of a “grass pave” system along with stone which will meet fire specifications and extend past communal house to allow for a turnaround for fire trucks.

### **Transit**

- Current stops, which are not likely to be brought closer, are at W. 5<sup>th</sup> & Adams and W. 11<sup>th</sup> & Adams.

**Pedestrian accommodations** – There will be:

- ADA accessible sidewalk from Spring Street and from one parking space to communal building; and an
- Informal path system throughout the site.

**Utilities** – In regard to the following, the proposal:

- Water
  - Upgrades Spring Street with 6” pipe to connect with a 2” pipe to this site (and allows cisterns to collect rain water)



- sewer
  - Extends a pipe east to an existing 8” pipe on Spring Street (and will not have any composting of human waste)
- stormwater
  - Installs a large detention pond and small retention pond and biofiltration swale, which will significantly reduce the volume of run-off<sup>3</sup> and improve its quality;
  - Help improve existing problems by installing a new stormwater pipe under Spring Street to eliminate one of two choke points for water leaving site;

*Note: CBU will construct a new open drainage swale on the east side of Spring Street and acknowledges a problem with second choke point on 8<sup>th</sup> Street and will add that project to their list and be done as money and priorities fall into place.*

**Accessory Structures** – These will:

- Have a maximum:
  - total footprint 7,500 s.f. (compared to 8,400 for 10 Single Family units)<sup>4</sup>; and
  - Height of 20 ft except for barn which can have a height of 30 ft
- Not be strictly bound to placement as indicated on the conceptual layout.

**Building Materials**

- Structures may be made of “alternative” materials (e.g. cob, cordwood, rammed earth, etc) as long as they meet building codes.

**Alternative energy sources**

- Solar panels, geothermal systems, heat pumps and windmills are currently allowed in the UDO and will be available to this PUD

**Ownership of structures** – there will be:

- Common ownership of land and communal building; and
- Either individual ownership of homes as condominiums or zero-lot line homes (as indicated in future final plans).

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<sup>3</sup> The Report notes that run-off during storm events will be *reduced* as follows: 68% for a 2-year event, 60% for a 10-year event, and 39% for a 100-year event.

<sup>4</sup> After discussion at the August Plan Commission meeting (where the petitioner estimated that the largest building (barn) would be no more than 2000 s.f.), no motion was made to impose a maximum size on any one accessory structure.

## **Membership in Cooperative**

- Process includes time for prospective members to be evaluated for compatibility with group.

## **Setbacks/ Development Standards**

- Setbacks
  - Primary (non-accessory) buildings on:
    - north and west – 8’
    - east and south – 25’
  - Accessory Buildings:
    - on Spring Street – 35’
    - elsewhere – 5’ (per code)
  - Parking
    - On all sides – 15’
  - Internal
    - Not required in the event small or zero-lot line development are used.
- Maximum Impervious Surface Coverage
  - 40% (same as RS standard in UDO)
- Maximum Height of Primary Structure
  - 40’ (same as RS standard in UDO)
- Maximum Height of Accessory Structure
  - 20’ for all but barn, which may be 30’

## **Fences**

- Will have a maximum height of 8’ behind front facades of adjacent homes on Spring Street

## **Signs**

- One 12 s.f. sign 4 ft in height on Spring Street
- Another on any connection to future extension of B-Line Trail

## **Trees and Invasive Plant Species** – the proposal will:

- Remove several areas of small trees to provide sunlight and room for an orchard;
- Keep better stand of trees on south east;
- Remove invasive species and plant native species; and

- Plant fruit and nut trees for food and as noise buffers on south east  
*Note: the Environmental Commission reviewed and found the illustrative plan acceptable.*

**Environmental Testing** – The petitioners:

- Conducted a Phase 1 Environmental Assessment as well as various Phase 2 tests, which found some heavy metals and pollutants at acceptably low levels (but no PCBs).

**Final Plans** –

- Staff will review Phase 1
- Plan Commission will review future plans and construction of the community building.

**Conformance with Growth Policies Plan**

- Compact Urban Form
  - Provides increased density on a difficult site without unduly taxing public services
- Nurture Environmental Integrity
  - Offers an integrated community with a focus on sustainability
  - Significantly reduces carbon footprint over traditional housing forms and will improve water quality, grow local foods (with an orchard), share cars and meals, and seek to use alternative energy
- Leverage Public Capital
  - Use existing public facilities without creating an undue burden on City's infrastructure
- Mitigate Traffic
  - Reliance on bicycles and walking and restrictions on car ownership serves this goal
- Conserve Community Character
  - One large challenge with the proposal is to “Protect and Enhance Neighborhoods”
  - Enhances cultural diversity and innovation
- Urban Residential
  - Primary land use is single-family homes
  - Develop sites predominantly for residential users; incorporate mixed residential densities and housing types, and nonresidential services when supported by the adjacent land use pattern

- Additional Considerations
  - promote affordable housing and
  - foster urban agriculture

### **Memos from Other Commissions**

**Environmental Commission** – reviewed the following aspects of the project and found (or requested) that:

- Landscape Plan - the illustrative landscape plan beneficial to the neighborhood and ecosystem;
- Water Quality –the petitioner exceeded requirements to reduce run-off and improve its quality (and eliminated proposed composting toilets);
- Density – the reduced density resolved concerns about density and traffic;
- Farm Animals – the reduction and phasing-in of animals reasonably addressed their concerns; and
- Permits from Indiana Department of Environmental Management and Army Corps of Engineers – any such permits be obtained for work in the ravine.

**Bicycle and Pedestrian Safety Commission** – reviewed the project and concluded that:

- Access to the planned extension of the B-Line Trail should be off Hay Street;
- No sidewalks should be required because of the narrow street frontage on a dead-end street without existing sidewalks; and
- Initially the density and intensity of the project was too high.

### **Public Comment and Neighborhood Input**

- Several neighbors followed the project through the Plan Commission
- Initial concerns centered on:
  - Drainage;
  - Animals;
  - Environmental testing;
  - Traffic and parking; and
  - Scale of the project
- While not all resolved, the petitioner has worked with the neighbors and helped revive the Waterman Neighborhood Association

## **Staff Conclusions and Plan Commission Recommendations**

### **Staff Conclusions:**

- This is a desirable land use on a suitable site;
- Cooperative housing project with focus on local food, affordable housing, and sustainability is very supportable;
- Proximity to downtown allows for non-motorized travel;
- The main question is potential negative impacts from the intensity of this project on neighborhoods to the south and east; and
- The project minimizes those impacts

### **Plan Commission Recommendation and Conditions of Approval**

– After hearings on March 7<sup>th</sup>, May 9<sup>th</sup> and August 8<sup>th</sup>, the Plan Commission voted 6 – 2 for a positive recommendation with the following conditions of approval (paraphrased):

- 1) Petitioner will prepare a revised Preliminary Plan/District Ordinance with revised site plans and maps in consultation with Plan Staff;
- 2) The maximum occupancy of the cabin homes is 3 unrelated adults;
- 3) The ditch in the drainage plan must be a biofiltration swale;
- 4) The maximum height of the accessory structures will be 20 feet except for the barn which will be 30 feet;
- 5) Animals (Crops and Pasturage) will be permitted as recommended in the Staff Report (*which sets forth maximums, phasing, and containment*);
- 6) Staff will review Final Plan for Phase 1;
- 7) The setback, impervious surface, and height standards shall also be as recommended in the Staff Report;
- 8) The 400 s.f. first floor area (formerly the footprint) for the cabin homes shall be calculated based upon internal dimensions (*given the potential thickness of the walls*) and may be larger if designed as an handicapped accessible unit;
- 9) The parking area must have a gravel or crushed stone surface and contain a border; and
- 10) The community building may be constructed with Phase 2 (rather than Phase 3).

## **Item Two – Ord 11-18 – Amending Title 15 (Vehicles and Traffic) in Regard to Use of Special Vehicles on the Streets, B-Line Trail and Other Places in the City**

**Ord 11-18** permits emergency responders to operate off-road vehicles, motorcycles and other motor vehicles on the B-Line, in City Parks, golf courses and similar public areas not intended for motor vehicle travel, while prohibiting other persons from such operation. The legislation also makes it clear that only emergency responders are permitted to operate off-road vehicles on City streets.

### **Operation of vehicles on the B-Line, on parks property and similar area**

The Bloomington Municipal Code currently prohibits any person from operating a motor vehicle, motorcycle or motorized bicycle on public parks, picnic ground, golf course or similar property not designated and intended for motor travel. **Ord 11-18** adds “off-road vehicles” to the list of prohibited vehicles and the B-Line trail to the list of public areas on which such motor operation is prohibited. As Assistant City Attorney Patty Mulvihill points out in her memo to the Council, to date, it has been implied that such vehicles are prohibited from operating on the B-Line trail. The ordinance makes the prohibition explicit.

Significantly, the ordinance excepts emergency responders from this general prohibition. The category of “emergency responder” includes: law enforcement, firefighters, emergency medical services personnel, emergency management personnel and public works personnel to use these motor vehicles on public land not intended for motor vehicle travel. Mulvihill writes that use of a recently-acquired off-road vehicle will help the Bloomington Police Department more quickly and efficiently patrol the B-Line. Use of such vehicles will also help BPD and other responders react as quickly as possible to emergencies. During the Council Internal Work Session on 23 September, Mulvihill cited the example of the Lake Griffy Nature Preserve as an area in which such off-road vehicle use would help emergency responders quickly navigate hilly and irregular terrain in the event of an emergency.

### **Use of Off-Road Vehicles on City Streets**

**Ord 11-18** also makes clear that only emergency responders are allowed to operate off-road vehicles on City streets, alleys and highways. The ordinance relies on the definition of “off-road” vehicle as outlined in the Indiana Code § 14-8-2-185. The term includes vehicles such as all-terrain vehicles and multi-wheel drives. The

definition does not include golf carts. Authorizing the operation of golf carts on City streets would require golf cart-specific legislation.<sup>5</sup>

Violation of either the prohibition against driving in parks or on the B-Line or the general prohibition against driving off-road vehicles on City streets is a Class C traffic violation, subject to a \$50 fine.

The use of off-road vehicles is governed by Indiana Code §14-16 and administered by the Indiana Department of Natural Resources (IDNR). According to Mulvihill, a recent IDNR rule interpretation requires off-road vehicles owned by municipalities to be plated and calls for an ordinance authorizing the operation of these vehicles on public streets (IC §14-16-1-22). INDR counsel has advised City legal of the interpretive change and the need for a local ordinance.

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<sup>5</sup> In 2009, the Indiana Legislature *prohibited* the use of golf carts on public streets except where specifically allowed by local government via ordinance (IC §§9-21-8-57, 9-21-1-3(a)(14) and 9-21-1-3.3(a)). The Indiana Code specifically defines a golf cart as “a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.” (IC §9-13-2-69.7).





5. Appropriation Ordinance 11-05 An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington)\*\*

9/7/11 Committee Consider at Committee of the Whole on 3-2-4  
Recommendations: 9/27/11 with a Do Pass  
Recommendation:

9/27/11 Committee Do Pass 7-1-1  
Recommendations:

Am 01 (Failed) 4-5-0  
Am 02 (Failed) 3-6-0

\*\* Each of these items Ord 11-09, Ord 11-11, App Ord 11-05, 5 - 4  
was subject to a motion at 1 and App Ord 11-06 shall be continued  
9/7/11 Regular Session and discussed at the Committee of the  
which is summarized as Whole on Tuesday, September 27<sup>th</sup> and  
follows: be ready for second reading (adoption)  
on October 5<sup>th</sup>. (These meetings will  
begin at 7:30 p.m. and be held in the  
Council Chambers.)

## VII. LEGISLATION FOR FIRST READING

1. Ordinance 11-17 To Rezone a 2.2 Acre Property from Residential Single Family (RS) to a Planned Unit Development to Allow a Cooperative Housing Development to be Constructed. - Re: 415 ½ N. Spring Street (Bloomington Cooperative Plots)

2. Ordinance 11-18 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: To Allow Emergency Responders to Operate Various Types of Motor Vehicles on the B-Line, City Parks, and Similar Areas and to Allow Emergency Responders to Operate Off-Road Vehicles on City Streets.

**VIII. ADDITIONAL PUBLIC COMMENT** \* (A maximum of twenty-five minutes is set aside for this section.)

## IX. ADJOURNMENT

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



**City of Bloomington  
Office of the Common Council**

To: Council Members  
From: Council Office  
Re: Calendar for the Week of 3 October – 8 October 2011

**Monday, 3 October 2011**

12:00 pm Long Range Transportation Plan Task Force, Hooker Room  
5:00 pm Redevelopment Commission, McCloskey  
5:30 pm Bicycle & Pedestrian Safety Commission Work Session, Hooker Room  
7:00 pm League of Women Voters, Council Chambers

**Tuesday, 4 October 2011**

4:00 pm Board of Park Commissioners, Council Chambers  
6:30 pm Sister Cities International, Hooker Room  
7:30 pm Telecommunications Council, Council Chambers

**Wednesday, 5 October 2011**

9:00 am Tapp Road Pre-Bid Meeting, McCloskey  
9:30 am Tree Commission, Rosehill Office, 930 W. 4<sup>th</sup> St.  
10:00 am Metropolitan Planning Organization Technical Advisory Committee, McCloskey  
2:00 pm Hearing Officer, Kelly  
5:30 pm Community and Family Resources Commission, Dunlap  
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey  
7:30 pm Common Council Regular Session, Council Chambers

**Thursday, 6 October 2011**

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey  
5:15 pm Solid Waste Management District – Citizens' Advisory Committee, SWMD Education Room  
3400 S. Walnut St.  
5:30 pm Commission on the Status of Women, McCloskey

**Friday, 7 October 2011**

12:00 pm Common Council Internal Work Session, McCloskey  
1:00 pm Metropolitan Planning Organization Policy Committee, I-69 Subcommittee, McCloskey

**Saturday, 8 October 2011**

9:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

*Posted and Distributed: Friday, 30 September 2011*

**\*\*\* Amendment Form \*\*\***

**Appropriation**

**Ordinance #:** 11-05

**Amendment #:** 01

**Submitted By:** Councilmember Rollo, District 4

**Date:** September 21, 2011

**Proposed Amendment:**

1. **App Ord 11-05** shall be amended by removing \$285,000 of expenditures intended for the construction of the Sare & Rogers Road roundabout from the Cumulative Capital Improvement Rate (CCIR) Fund (#604) as found in Form 4A (Page 16/46) and as indicated below:

Fund: Cum Cap Imp (Rate)	Original Published Budget Appropriation	Amount Approved by:		Final Budget After Reduction Ordered by Department of Local Government Finance	
		Local Council or Board	Tax Adjustment Board		
100000 Personal Services					
200000 Supplies					
300000 Other Services and Charges	\$630,000	\$630,000			
400000 Capital Outlay	\$1,478,500	\$1,193,500			
9999 Total	\$2,108,500	\$ 1,823,500			

*(Over)*

2. **App Ord 11-05** shall be amended by removing the aforementioned expenditures from the Grand Totals in Form 4A (Page18/48) as indicated below:

Grand Totals	Original Published Budget Appropriation	Amount Approved by:		Final Budget After Reduction Ordered by Department of Local Government Finance	
		Local Council or Board	Tax Adjustment Board		
100000 Personal Services	\$36,672,692	Same			
200000 Supplies	\$5,283,582	Same			
300000 Other Services and Charges	\$22,005,367	Same			
400000 Capital Outlay	\$3,706,829	\$3,421,829			
9999 Total	\$69,668,470	\$69,383,829			

### Synopsis

This amendment is sponsored by Councilmember Rollo and removes \$285,000 of expenditures from the Cumulative Capital Improvement Rate (CCIR) for 2012 (as found in Form 4A of the ordinance). According to information provided by the City staff, this expenditure was to be used for the City's portion of the costs for construction of the roundabout at Sare & Rogers Road.

Passage of this amendment indicates Council concern that the current proposal is contrary to

- the spirit of the Growth Policies Plan regarding sprawl;
- the Growth Policies Plan directive to reduce vehicle miles traveled;
- the Redefining Prosperity Report recommendation to prepare for declining production and availability of oil (*see attached article*);
- the need for pedestrian accessibility with regard to the:
  - number of traffic crossings;
  - confusion for pedestrians facing vehicles approaching at varying speeds and from varying directions;
  - speed of vehicles in the slip lanes; and
  - future ADA compliance regarding pedestrian signals.

The removal of this expenditure does not reduce revenues. It is offered at this time to encourage the Office of the Mayor to reconceive this project in light of these concerns and overall budget constraints, and propose an additional appropriation in the future when the design better addresses these concerns.

**9/27/11 Committee Action:** Do Pass: 4 (Piedmont-Smith, Rollo, Ruff and Volan) -  
5 (Mayer, Sandberg, Satterfield, Sturbaum & Wisler)

**10/5/11 Regular Session  
Action:** *Pending Pending*

September 30, 2011

**\*\*\* Amendment Form \*\*\***

**Appropriation**

**Ordinance #:** 11-05

**Amendment #:** 02

**Submitted By:** Councilmember Volan, District 6

**Date:** September 21, 2011

**Proposed Amendment:**

1. **App Ord 11-05** shall be amended by removing \$1,633,500 of expenditures intended for various phases of three roundabouts from the Cumulative Capital Improvement Rate (CCIR) Fund (#604) as found in Form 4A (Page 16/46) and as indicated below:

Fund: Cum Cap Imp (Rate)	Original Published Budget Appropriation	Amount Approved by:		Final Budget After Reduction Ordered by Department of Local Government Finance	
		Local Council or Board	Tax Adjustment Board		
100000 Personal Services					
200000 Supplies					
300000 Other Services and Charges	\$630,000	\$475,000			
400000 Capital Outlay	\$1,478,500	\$0			
9999 Total	\$2,108,500	\$475,000			

*(Over)*

2. **App Ord 11-05** shall be amended by removing the aforementioned expenditures from the Grand Totals in Form 4A (Page18/48) as indicated below:

Grand Totals	Original Published Budget Appropriation	Amount Approved by:		Final Budget After Reduction Ordered by Department of Local Government Finance	
		Local Council or Board	Tax Adjustment Board		
100000 Personal Services	\$36,672,692				
200000 Supplies	\$5,283,582				
300000 Other Services and Charges	\$22,005,367	\$21,850,367			
400000 Capital Outlay	\$3,706,829	\$2,228,329			
9999 Total	\$69,668,470	\$68,034,970			

### Synopsis

This amendment is co-sponsored by Councilmembers Volan and Piedmont-Smith and withholds \$1,633,500 of expenditures from the Cumulative Capital Improvement Rate (CCIR) for 2012 (as found in Form 4A of the ordinance). According to information provided by Administration staff, these expenditures were to be used for the City's portion of the costs for the design, acquisition of land, and/or construction of three roundabouts within the City located at Sare & Rogers, 17th & Arlington, and Tapp & Rockport Roads.

The withholding of these expenditures at this time is intended to encourage the Administration to address the need of these intersections to be improved, but to require the Administration to reconceive the proposed projects to adhere more closely to the spirit of the 2002 Growth Policies Plan (GPP), and, in particular, to focus the efforts of Planning and Public Works on the goals of the fourth Policy Essence of the GPP called "Mitigate Traffic." The new plans for these intersections should also follow the recommendations of the Peak Oil Task Force's Redefining Prosperity (RP) Report to reduce our dependence on oil in our transportation system.

With passage of this amendment, the Council is, first, stating that it believes, in particular, that all three pending roundabout designs need to be reduced in size and expense, and that any surplus funds should be directed to accelerate the improvement of other road projects, especially the redesign of the entirety of West 17th Street from Crescent to Jackson. The Council is, second, concerned with imminent ADA rules for pedestrian facilities in roundabouts.

Finally, the Council wishes to provide greater oversight over the redesign process to ensure that

the City is embracing the goals of the GPP. The Council will authorize the release of funds for these projects through future appropriations ordinances, which can be brought forward any time between now and the end of 2012.

**9/27/11 Committee Action:** Do Pass: 3 (Piedmont-Smith, Rollo and Volan) -  
6 (Mayer, Ruff, Sandberg, Satterfield, Sturbaum &  
Wisler)

**10/5/11 Regular Session**      *Pending*    *Pending*  
**Action:**



**\*\*\* Amendment Form \*\*\***

**Appropriation Ordinance #:** App Ord 11-05  
**Amendment #:** 03  
**Submitted By:** Council Office  
**Date:** September 30, 2011

**Proposed Amendment:**

1. App Ord 11-05 shall be amended by substituting the current version of Form 4 (front page) with the one attached to this amendment.

**Synopsis**

This amendment was proposed by Mike Trexler, Controller, after conversations he had with representatives of the Department of Local Government Finance (DLGF) which approves the forms comprising this ordinance. The changes list the amount of expenditures, maximum property tax levy, and maximum tax rate for 2012 rather than refer to forms, found later in the ordinance, that set forth those figures.

**9/7/11 Committee Action:** None (To Be Introduced on 10/5/11)  
**9/27/11 Committee Action:** None (Same)  
**10/5/11 Regular Session Action:** Pending

(September 30, 2011)

**APPROPRIATION ORDINANCE 11-05**  
**APPROPRIATIONS AND TAX RATES FOR THE CITY OF BLOOMINGTON FOR 2012**

Be it ordained by the BLOOMINGTON CIVIL CITY unit, Monroe County, Indiana that for the expenses of BLOOMINGTON CIVIL CITY for the year ending December 31, 2012 the sum of \$69,668,470, as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of BLOOMINGTON CIVIL CITY, a total property tax levy of \$26,589,259 and a total tax rate of 0.8235 as shown on Budget Form 4-B are included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

Name of Adopting Entity  
 Bloomington Common Council

Select Type of Fiscal Body  
 Common Council and Mayor

Date of Adoption  
 10/5/2011

<u>Name</u>	<u>(circle one)</u>			<u>Signature</u>
Susan Sandberg, President	Aye	Nay	Abstain	_____
Andy Ruff, Vice President	Aye	Nay	Abstain	_____
Tim Mayer, Parliamentarian	Aye	Nay	Abstain	_____
Isabel Piedmont-Smith	Aye	Nay	Abstain	_____
Dave Rollo	Aye	Nay	Abstain	_____
Mike Satterfield	Aye	Nay	Abstain	_____
Chris Sturbaum	Aye	Nay	Abstain	_____
Steve Volan	Aye	Nay	Abstain	_____
Brad Wisler	Aye	Nay	Abstain	_____

ATTEST:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Regina Moore	City Clerk	_____

MAYOR ACTION *(For City Use Only)*

<u>Name</u>	<u>Circle One</u>	<u>Signature</u>	<u>Date</u>
Mark Kruzan	Approve	_____	_____
	Veto		

**ORDINANCE 11-17**

**TO REZONE A 2.2 ACRE PROPERTY FROM RESIDENTIAL SINGLE FAMILY (RS)  
TO A PLANNED UNIT DEVELOPMENT TO ALLOW A COOPERATIVE HOUSING  
DEVELOPMENT TO BE CONSTRUCTED.**

**- Re: 415 ½ N. SPRING STREET  
(BLOOMINGTON COOPERATIVE PLOTS)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning," including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions," went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-02-11, and recommended that the petitioner, (Bloomington Cooperative Plots), be granted a rezoning request to rezone the property to a Planned Unit Development with certain conditions of approval. The Plan Commission thereby requests that the Common Council consider this petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the property located at 415 ½ N. Spring Street shall be rezoned from Residential Single Family (RS) to a Planned Unit Development (PUD). The property is further described as follows:

A part of Lot Number 5 in Naomi Beam Tract, being more particularly described as follows: Beginning at the Southwest corner of Lot Number 3 in said Naomi Beam Tract; thence running North 89 degrees 36 minutes West for 47.50 feet, thence North for 39.75 feet, thence North 89 degrees 36 minutes West for 294.00 feet and the West line of the Southwest quarter of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana; thence running on the said West line North for 361.00 feet and to a point on the South right-of-way of the C.I. & L.R.R., thence with the said railroad right-of-way South 61 degrees 00 minutes 28 seconds East for 390.41 feet, thence South on the West line of Lot Number 4 of the said Naomi Beam Tract for 106.00 feet, thence with the South line of the said Lot 4 South 89 degrees 36 minutes East for 100.00 feet; thence leaving the said South line and running South for 35.00 feet, thence running on the North line of Lot Number 3 of the said Naomi Beam Tract, North 89 degrees 36 minutes West for 100.00 feet, thence with the West line of the said Lot 3 South for 73.00 feet and to the point of beginning. Containing in all 2.22 acres, more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION III. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
SUSAN SANDBERG, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

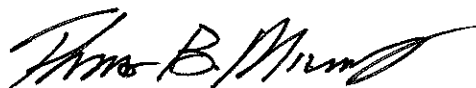
#### SYNOPSIS

This ordinance approves the rezoning of 2.2 acres located at 415 North Spring St. from Residential Single Family (RS) to a Planned Unit Development (PUD) to allow a cooperative housing development.


\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 11-~~16~~<sup>17</sup> is a true and complete copy of Plan Commission Case Number PUD-02-11 which was given a recommendation of approval by a vote of 6 Ayes, 2 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 8, 2011.

Date: August 15, 2011

  
 \_\_\_\_\_  
 Thomas B. Micuda, Secretary  
 Plan Commission

Received by the Common Council Office this 15 day of AUGUST, 2011.

  
 \_\_\_\_\_  
 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

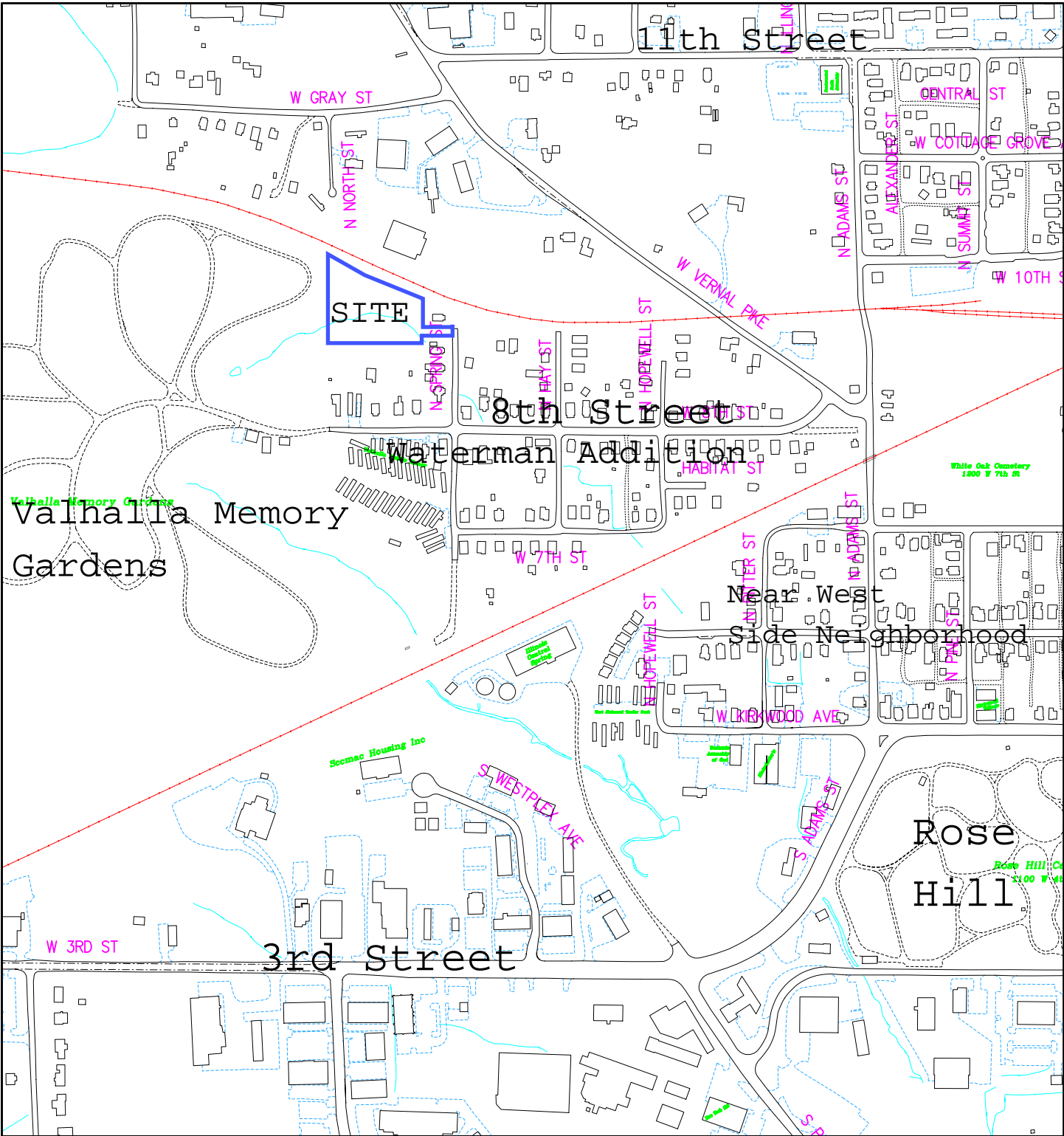
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

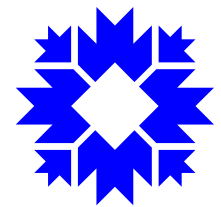
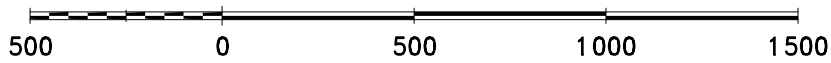
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



PUD-02-11 Bloomington Cooperative Plots  
 415 1/2 N. Spring Street  
 Location/Zoning/Land Use Map

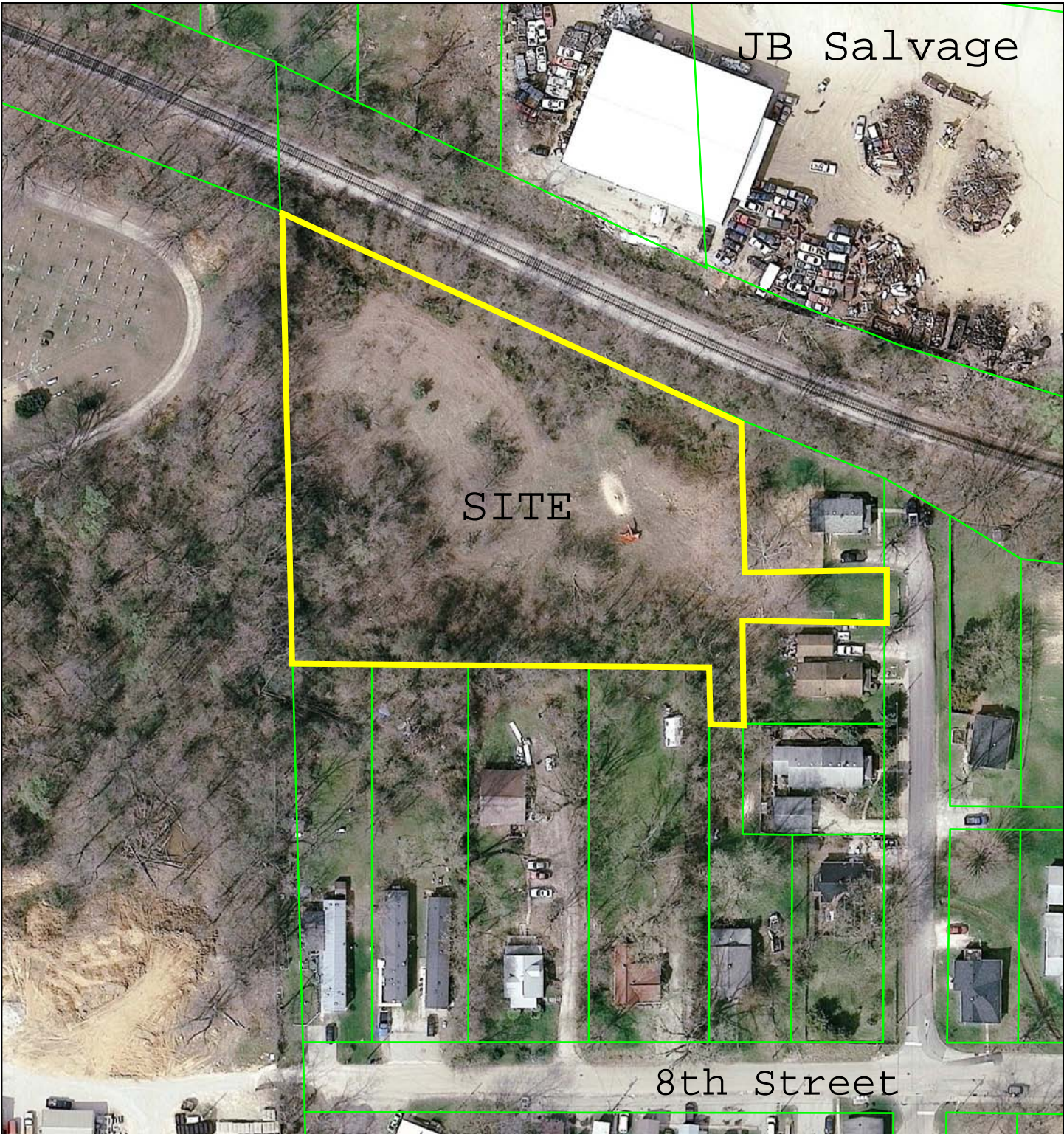
City of Bloomington  
 Planning

By: shayp  
 11 Jan 11



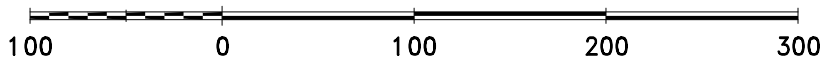
Scale: 1" = 500'

For reference only; map information NOT warranted.

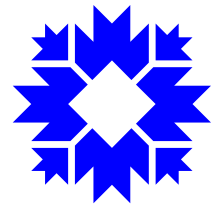


PUD-02-11 Bloomington Cooperative Plots  
Aerial Photo

By: shayp  
11 Jan 11



City of Bloomington  
Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

## Interdepartmental Memo

**To: Members of the Common Council**  
**From: Patrick Shay, Development Review Manager**  
**Subject: Case # PUD-02-11**  
**Date: September 13, 2011**

Attached are the staff reports, PUD District Ordinance, Preliminary Plan, maps and exhibits that pertain to Plan Commission Case # PUD-02-11. The Plan Commission heard this petition at its August 8, 2011, meeting and voted 6-2 to send this petition to the Common Council with a favorable recommendation.

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**REQUEST:** The petitioners are requesting Preliminary Plan and District Ordinance approval to rezone a 2.23 acre property from Residential Single-family (RS) to Planned Unit Development (PUD) to allow the construction of a cooperative housing project. Also requested is a waiver of the 5-acre minimum PUD requirement.

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### **SITE INFORMATION:**

<b>Lot Area:</b>	2.23 acres
<b>Current Zoning:</b>	Residential Single-family
<b>Proposed Zoning:</b>	Planned Unit Development
<b>GPP Designation:</b>	Urban Residential
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Cooperative Housing
<b>Surrounding Uses:</b>	North – Salvage Yard South – Single Family East – Single Family West – Cemetery

---

**PROPERTY DESCRIPTION:** The 2.23-acre property, zoned Residential Single-family (RS), is located west of the dead end of N. Spring Street within the Waterman's Addition. It is bordered on the north by a rail line and salvage yard (JB Salvage), on the west by Valhalla Memory Gardens cemetery and to the south and east by existing single-family homes. Although the property only has a small 35-foot frontage on Spring St, it opens to a larger open field area with existing trees on the perimeter.

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**REPORT:** The petitioners have been searching for a property within Bloomington to develop a cooperative housing arrangement. The petitioners are seeking a property within walking/biking distance of downtown with a rural nature that would allow for urban agricultural uses as well as multiple housing units. Their goal is to create a cooperative housing model.

Cooperative housing, as proposed by the petitioners, does not fit within any of the permitted land use categories listed under the Unified Development Ordinance (UDO). Due to the unique nature of the use, staff encouraged the petitioners to identify a



useable property and request a Planned Unit Development (PUD) to create a zoning approval that would adequately address the use and peripheral development standards associated with this type of housing arrangement. The petitioners identified and purchased the subject property and have developed a preliminary plan for the property. They are now requesting that the property be rezoned to PUD.

The petitioners' proposal includes several nontraditional development options that create conflicts with the regulations of the UDO. The petitioners' proposed PUD Preliminary Plan and District Ordinance attempt to address these conflicts. Furthermore, the petitioners have worked with staff and the Plan Commission to refine the proposed Preliminary Plan and District Ordinance to address issues raised through the review process.

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**PERMITTED USES:** The petitioners have proposed the following permitted uses for this PUD:

1. Community Garden
2. Cooperative Housing as further described in this memo and the attached District Ordinance
3. Crops and Pasturage as further described in this memo and the attached District Ordinance
4. Group Care Homes and Group Care Homes for developmentally disabled and mentally ill
5. Park
6. Urban Agriculture

Additionally, one home occupation for a massage therapist is proposed to be permitted within the PUD. Any additional home occupations requested in the future would require conditional use approvals from the Board of Zoning Appeals.

The petitioners have also requested that educational opportunities such as home schooling and on-site classes/demonstrations associated with the agriculture, permaculture, cooperative housing and the like be permitted as accessory uses.

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## **PRELIMINARY PLAN ELEMENTS**

*The Village:* The petitioners are proposing a maximum of 10 "cabin homes" in the northwest corner of the property. The petitioners are proposing a maximum internal footprint of 400 square feet and maximum height of 2 stories for each home. They are proposing that flat roofs be permitted to allow for rooftop decks. Each of these cabin homes will have its own kitchen and bathroom and will be connected to City water and sanitary sewer systems. The proposal also includes a provision that any future handicap-accessible units be permitted to exceed the 400-square-foot footprint limitation. The Plan Commission had no concerns with this request and believed the number of homes to be appropriate.

Maximum # of cabins – 10

Maximum Internal Footprint – 400 square feet

*Community House:* The petitioners are proposing a community building with a maximum of 15 bedrooms. This structure would also be required to connect to City water and sanitary sewer.

*Overall Bedroom Count/Occupancy:* The petitioners are proposing to limit the combined bedrooms and occupancy of the overall development (the village and the community house) to 40 bedrooms and 30 unrelated adults. Additionally, each individual home within the village is proposed to be limited to no more than 3 unrelated adults.

Maximum # of bedrooms – 40

Maximum Occupancy – 30 unrelated adults (no more than 3 within any individual cabin home)

*Density Comparison:* This type of development does not equate to conventional density evaluation. However, for comparison, a more conventional single-family subdivision could have approximately 10 lots. If these homes were 3BR, there would be a total of approximately 30 bedrooms and a maximum total occupancy of 30 unrelated adults.

*The Orchard:* The petitioners are proposing to plant a diverse orchard within the southern area of the property. This may require the removal of some of the smaller existing trees in this area. The orchard area has also been proposed to allow grazing of the desired animals on the property. The petitioners also intend to plant a food forest at the perimeter of the property.

*The Ponds:* The petitioners' current stormwater plan now includes one large biofiltration pond in the central portion of the site that would be fed by a biofiltration swale that brings water from an existing outlet structure to the north. There will also be a retention pond intended mostly for recreation on the western portion of the site.

*The Gardens:* The petitioners intend to garden in open areas surrounding the community house and the swimming pond. This urban agriculture use may also include community gardens.

*Animals:* The petitioners have requested that crops and pasturage be allowed within this PUD. The Plan Commission recognized that animal ownership is an essential and central part of the development concept being proposed by the petitioners. Therefore they recommend a phased approach to animal ownership within the PUD. They recommend that a baseline ownership of 10 chickens and 3 goats be permitted. Thereafter, additional chickens could be permitted in increments of 5 chickens. Additional chickens could only be allowed if adjacent property owner permission is granted in accordance with the City's Animal Control Ordinance. If such approvals are

granted during the development of the PUD, the cap on the number of chickens would be 50.

The Plan Commission recommends the following restrictions on animal ownership for this PUD:

- All animal containment areas must maintain a 100 foot setback from the rear property lines of the homes located along Spring St. and 25 feet from the rear property lines of the homes located along 8<sup>th</sup> St.
- Chickens shall be maintained in chicken tractors.
- A maximum of 50 chickens are permitted with phasing as described above.
- No roosters shall be permitted.
- A maximum of three goats is permitted.

The petitioners have proposed to install a vegetative buffer along the east side of the property if the bordering neighborhood requests it. The petitioners have also committed to phase the animals as follows:

- 2012: 5 chickens.
- 2013: 5 additional chickens.
- 2014: 3 goats.
- Any additional chickens would need neighbor approval.

*Residence Phasing:* In addition to the phasing plan for animals, the petitioners have proposed phasing for the remaining development components. The phasing is broken down as follows:

- Phase 1: Utilities, ponds, central bathhouse, up to 3 member homes, garden preparation and construction, invasive vegetation removal and native plantings.
- Phase 2: Community house, additional member homes, soil maintenance, and establishment of orchard/food forest.
- Phases 3-4: Additional member home construction.

The Plan Commission recommends allowing the petitioners to modify the proposed phasing to have the community building constructed in Phase 3, with additional cabin homes built in Phase 2. This was added as a proposed condition of approval.

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## **ADDITIONAL PRELIMINARY PLAN AND DISTRICT ORDINANCE ITEMS**

*Parking/Emergency Drive:* Due to the environmental nature of the project, the proposed community will rely heavily on bicycle and pedestrian traffic. The petitioners' parking proposal would restrict on-site ownership of cars and provide a car-sharing situation with 2 cars and one truck to be used and owned in common by the membership. To accommodate additional visiting vehicles, the petitioners have proposed to install 6 parking spaces; 5 standard parking spaces and 1 ADA compliant space with a sidewalk connecting to the community building. The Plan Commission recommends allowing

these parking spaces to be either crushed stone with a permanent border or pervious pavers.

There was also significant discussion with the neighborhood regarding on-street parking along Spring St. This street is approximately 20 feet in width and people currently parallel park along the street. With the potential of additional residents associated with this project, this demand for spaces may only be intensified. Furthermore, any on-street parking could reduce the street width needed to accommodate a fire truck. The Plan Commission recommends that the neighborhood request the street to be designated by the City as no parking.

The access/fire drive will be a combination of a grasspave system and stone to meet Fire Department standards. It will also extend past the parking area to the northwest to provide fire access to the future cabin homes and the community building. An adequate fire truck turnaround has also been provided at the request of the Fire Department.

*Utilities:* The petitioners have met with the Utilities Department to determine the necessary public utility improvements to serve this property and the proposed use.

- Water – The petitioners will be upgrading existing water service within Spring St. to a 6” line, and connecting that line with a new 2” line. Although individual cabin homes and the community building will be connected to the City water system, they may also include cisterns to collect and utilize rainwater.
- Sanitary Sewer – The site naturally flows to the east. The sanitary sewer will follow the natural contour of the site and connect to an existing 8” line located in Spring St.
- Stormwater – Stormwater requirements are being met by the addition of a large detention pond, a small retention pond, and a biofiltration swale that channels water runoff from the salvage yard to the north.

Several concerns have been discussed with this petition regarding stormwater and existing flooding issues. These issues are mainly caused by two “choke points”. The first is a culvert that runs under Spring St. Water from this site flows southeast and backs up on the west side of Spring St. due to the undersized culvert. This regularly creates a ponding situation in yards along the west side of Spring St. The second issue is an inadequate culvert that runs under W. 8<sup>th</sup> St. There is an existing open drainage swale that connects Spring St. to 8<sup>th</sup> St. that ponds due to the inadequate 8<sup>th</sup> St. culvert.

The petitioners’ plan would install a new stormwater pipe under Spring St. that would slow the rate of discharge from the petitioners’ site and bypass the existing Spring St. culvert. This will reduce the possibility of flooding that currently occurs within the front yards of the homes on the west side of Spring St. The City Utilities Department has also committed to constructing a new open drainage

swale that would connect the new stormwater pipe to the existing open swale on the east side of Spring St.

Although City funding is not currently available to improve the undersized 8<sup>th</sup> St. culvert, the City Utilities Department is now aware of the problem and will place the project on their projects list to complete in the future as money and priority allows.

The Utilities Department has determined that the petitioners' stormwater plan can meet the stormwater requirements, with final details being approved at final plan stage. The petitioners' stormwater calculations show that the combined post-development discharge rate of both the Spring Street culvert and the new pipe across Spring St. would be reduced 68%, 60% and 39% in comparison to the predevelopment rates for the 2-, 10-, and 100-year storm events, respectively. These improvements are achieved through a combination of the new piping and the large detention pond on the site that will provide additional storage capacity for stormwater on the petitioners' site.

*Accessory Structures:* The petitioners have proposed specific accessory structure standards for the PUD. They have requested that they be allowed a maximum of 7500 square feet of accessory structure footprint. The preliminary plan shows a conceptual layout of how 7500 square feet of accessory structures could fit on the property. For comparison, 10 single family homes could have a combined total of 8400 square feet of accessory structures.

The Plan Commission also recommends that the maximum accessory structure height of 20 feet remain for all structures with the exception of the barn. The Plan Commission recommends that an RE zoning district accessory structure height of 30 feet be allowed for a future barn structure.

*Ownership Structure:* Although the petitioners have requested flexibility in the ownership structure, they anticipate a common ownership of land with individual village homes being owned as condominium style or zero-lot line homes. The community house would be owned in common by the membership. The Plan Commission was comfortable with granting flexibility and recommends that the exact ownership be developed with future final plans.

*Alternative Energy Sources:* The petitioners have proposed alternative energy sources such as solar panels, geothermal systems, heat pumps, and windmills. The UDO does not prohibit these types of systems for the site.

*Setbacks/Development Standards:* The petitioners have proposed reduced setbacks. The Plan Commission recommends the following standards for this PUD:

- Primary building setbacks
  - North and West – 8 feet regardless of stories

- East and South – 25 feet
- Accessory building setbacks
  - 35 feet from Spring St. , 5 feet for all other setbacks (no change in code)
- Parking setbacks
  - 15 feet – all sides
- Maximum impervious surface coverage - 40% (no change to RS standard of the UDO)
- Maximum Height, Primary Structure – 40 feet (no change to RS standard of the UDO)
- Maximum Height, Accessory – 20 feet (Barn may be 30 feet)
- Internal setbacks shall not be required if small lot or zero-lot line development/ownership models are used

*Fence height* – The petitioners request that fence height be a maximum of 8 feet behind front facades of adjacent homes on Spring St.

*Building Materials:* The petitioners have proposed several alternative building techniques that may not meet the UDO’s architectural guidelines. These building types include those such as cob, cordwood, Deltec Homes, earthship (recycled material), geodesic dome, post and beam, rammed earth, sandbag, straw infill, slip straw, and strawbale. The petitioners would have to meet all building codes in association with these types of construction.

*Pedestrian Accommodations:* An ADA accessible sidewalk connecting Spring St. to the ADA parking for the community house has been included. No sidewalk along the N. Spring Street frontage has been proposed due to the narrow lot width. The petitioners also anticipate a more informal path system throughout the development.

*Transit:* Altering existing bus routes to include service to the Waterman addition was examined with this request. Currently, the closest transit stops are at the corner of W. 11<sup>th</sup> Street and N. Adams Street as well as the corner of W. Kirkwood Avenue and N. Adams Street. After speaking with Bloomington Transit representatives, re-routing this service for the project is not feasible at this time. There are several physical barriers such as a low overpass on Adams St. and inadequate rail geometry with the railroad tracks that cross both Adams St. and Vernal Pike that makes service difficult.

*Signs:* The petitioners have proposed a single 12 square foot sign of 4 feet in height at Spring St. and the potential for an additional sign of the same size if the B-line is extended in the future adjacent to this property.

*Tree Preservation:* The petitioners are proposing to remove several areas of small trees to allow for additional sunlight and establishment of the orchard. They do intend on leaving the better stand of trees located on the southeastern portion of the property.

The petitioners will be planting several fruit and nut trees for food, noise buffers, and new canopy. The petitioners have met on-site with representatives of the Environmental

Commission to discuss their preservation and planting plans. The EC has raised no concerns with their proposal.

*Invasive Species Removal:* The petitioners are proposing to systematically remove the invasive species on the site to be replaced with native plants.

*Membership:* The petitioners outlined an extensive membership screening process for the cooperative. This process has been designed to allow for ample time so prospective members can be evaluated for compatibility with the group.

*Environmental Testing:* The petitioners contracted several Phase II environmental tests with the purchase of their property, including PCB and heavy metal testing. All tests resulted in acceptable levels. They also conducted additional Phase I testing on the site. There were some small levels found with potential pollutants, but none with levels of concern.

*Final Plans:* The Plan Commission found that Phase I including the infrastructure, vegetation changes, 3 cabin homes, and a central bathhouse were proposed with an adequate level of detail to recommend final plan approval be delegated to staff. However, they found that future final plan approval and construction of the community building should be reviewed by the Plan Commission.

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**GROWTH POLICIES PLAN:** The Plan Commission found that as an infill development centered on diversity and sustainability, the petitioners' project takes a significant step toward achieving a majority of the Guiding Principles of the Growth Policies Plan. More specifically the proposed use of the property will help to achieve the following principles:

*Compact Urban Form:* The proposal is seeking an approval that would allow for an increased density of occupants on the property. As an infill development on a difficult site, this project will help to achieve more compact usage of the urbanized area without further taxing public services.

*Nurture Environmental Integrity:* The focus of this Eco-Village project is to create an integrated community with a focus on sustainability. It is the petitioners' stated goal to create as close to a closed loop system as possible. With this project, they propose to increase water quality, grow local foods, create an orchard, car share, meal share, seek alternative energy sources, and utilize reduced footprints all in an attempt to reduce their carbon footprint.

*Leverage Public Capital:* Again, as an infill project, this project serves to meet the goal of better utilizing existing public facilities without creating new undue burdens on the City's infrastructure.

*Mitigate Traffic:* The petitioners' desire to limit car ownership and seek to utilize bicycle and pedestrian transportation as the main mode of travel facilitates this guiding principle.

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The *Conserve Community Character* principle is not as easy to evaluate for compliance. The project certainly enhances the Bloomington culture of diversity and innovation. This is an inherent part of Bloomington's identity. At the same time, careful consideration must be paid in reviewing the details of the proposal to ensure that the policy of *Protect and Enhance Neighborhoods* (Policy 1) is not compromised due to the intensity of the project. This principle can create some inconsistency with the goal of Compact Urban Form. Compact Urban Form is a desirable goal, but should not be achieved at the expense of existing neighborhoods stability.

*Urban Residential:* The subject property lies within the Urban Residential designation of the GPP. The GPP states that single family homes are the primary land use activity for this area and gives the following guidance for land use decisions for this area:

- Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use pattern

Furthermore, the proposed project will also create a unique opportunity for pursuit some of the City's other sustainable development goals such as affordable housing and fostering urban agriculture/local food production.

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**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Environmental Commission recommended approval of the petitioners' proposal as proposed. The City's Commission on Sustainability also expressed support for the petitioners' proposal.

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**NEIGHBORHOOD INPUT:** Several neighbors have been actively involved during the review process for this petition. Many initial concerns centered around drainage, animals, environmental testing and the scale of the development. Although not all issues have been resolved to everyone's complete satisfaction, the petitioners have significantly revised their proposal to attempt to address these concerns. In addition, the petitioners have also worked closely with the neighbors to revive the Waterman Neighborhood Association.

There were also concerns raised regarding the vehicular speeds along 8<sup>th</sup> Street. To address these issues, the City looked at several potential solutions and installed center line and parallel parking pavement markings along 8<sup>th</sup> St. These new improvements visually narrow the travel lanes and reduce the average speeds on the street.

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**CONCLUSIONS:** The Plan Commission found that the overall concept of this PUD is a desirable proposal that is compatible with the goals and policies of the GPP. Furthermore, they found the proposed site to be an excellent location for the proposed use. The site is close enough to the center of the city to allow for alternative modes of transportation while minimizing any potentially negative impacts to adjacent properties.



It is bordered on two sides by a salvage yard and a cemetery as well as existing vegetation along its property lines.

The Plan Commission also found that a cooperative housing project with diverse interests and a strong focus on local food, affordable housing, and sustainability is very supportable. The main question in evaluating compliance with the GPP is whether the intensity of the proposal as currently submitted has a potentially negative impact to the surrounding neighborhood. With the revisions to the original proposal, the Plan Commission found that the proposed use is appropriate for this property.

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**RECOMMENDATION:** The Plan Commission voted 6-2 to forward this petition to the Common Council with a favorable recommendation and with the following conditions:

1. The petitioner will work with staff to prepare a revised Preliminary Plan/District Ordinance for submittal to the Common Council including revised site plans and maps.
2. Individual “cabin homes” are limited to a maximum occupancy of 3 unrelated adults.
3. The “ditch” shown on the drainage plan must be designed and constructed as a biofiltration swale.
4. Accessory structures shall be a maximum height of 20 feet except that a single barn structure shall have a maximum height of 30 feet.
5. Animals (crops and pasturage) shall be permitted as recommended by staff in this report.
6. Final Plan approval of Phase I shall be delegated to staff.
7. Setback, impervious surface, and height standards for the PUD shall be as recommended in this staff report.
8. Cabin homes are restricted to 400 square feet of internal space. Enlargement of this square footage is permitted for any handicapped-accessible unit.
9. The proposed parking area may be surfaced with gravel or crushed stone and contained by a permanent border
10. The phasing plan may be revised to have the community building constructed in Phase 3 with additional cabin homes built in Phase 2.

# **Bloomington Cooperative Plots Ecovillage PUD**

Permaculture Urban Demonstration

Bloomington Cooperative Plots Ecovillage  
415 ½ Spring Street  
Bloomington, IN 47404

Email: [BtownCooperativePlots@gmail.com](mailto:BtownCooperativePlots@gmail.com)

Website: [BtownCooperativePlots.dwiel.net](http://BtownCooperativePlots.dwiel.net)

Dear City of Bloomington:

Currently we refer to ourselves as Dandelions, you know that edible, medicinal, slew of cultural knowledge wrapped up in serrated leaves and a yellow bonnet everyone tries to eradicate. We are humans, individuals, families, creators, DIYers, artists, healers who find greater amounts of time, joy, insight, etc... from being in close proximity to those we love. We will build each other's homes, eat around a big table, educate our children, teach the world, pull weeds, sing songs and engage in countless other activities together. Community is our primary need and the heart of who we are.

The world is in a narrow window where we have the resources to be anything. What we often choose to be is alone. We move about in private cars, live in private houses nested in private neighborhoods. Everything is divided and owned with ever growing distance between the others. This form of life is profitable, not for those who are alone but for those with interest in selling. No sharing means more things to sell. It also means more work, which inversely means less time coupled with fatigue. We work constantly to remain divided while living in a world so rich we can be anything. Those involved in this project have chosen to be a community.

Community and technology are just on the cusp of shifting the means of production back into the hands of the many. We are forerunners in this shift to a stable, decentralized economy and we are exploring solutions of togetherness.

We are seeking permission to design and build an ecovillage. We hope to be a zoning district precedent for cities everywhere. We have 2.23 acres northwest of Bloomington and will be creating a bicycle-centric community of small homes and a coop house. To ensure the greatest chance of success we will combine concepts of Permaculture, organic agriculture, ecological restoration, membership, cooperative living, alternative energies, alternative transportation, natural construction, inter-personal connection, and non-violent communication.

Thus far in the PUD process we have been shown the greatest level of respect and have been assisted in every way possible. For that we would like to thank Tom Micuda, Patrick Shay, and everyone else who has helped to make this project possible. We look forward to going before city council.

Bloomington Cooperative Plots

## **Contents of this Proposal:**

Phasing

Planning Staff and Commission Recommendations

Land Use Provisions

Development Standards

Maps

Watershed Design

**Phasing**

## ***Building***

Phase 1, 2011:

- Member Home Building (Up to 3 homes)

Phase 2, 2012:

- Additional Member Home Building

Phase 3, 2013:

- Community House (Can be built in 2013 or later)

## ***Infrastructure***

Phase 1, 2012:

- Items in infrastructure phase 1 will be completed concurrently with building phase 1 and prior to occupancy of member homes.
- Emergency Access Drive (A service drive will service the home construction during the first half of 2012)
- Run Utilities - Sewer, Water and potentially Electricity and/or Gas
- Implementation of Storm Water Plan

## ***Animals Phasing***

2012 : 5 chickens

2013 : 5 chickens

2014 : 3 goats

2015 : Seek neighbor approval of hen flock expansion to 50 chickens

## **Planning Staff and Commission Recommendations**

1. We will work with staff to prepare a revised Preliminary Plan/District Ordinance for submittal to the Common Council including revised site plans and maps.
2. Individual “cabin homes” are limited to a maximum occupancy of 3 unrelated adults.
3. The “ditch” shown on the drainage plan must be designed and constructed as a biofiltration swale.
4. Accessory structures shall be a maximum height of 20 feet except that a single barn structure shall have a maximum height of 30 feet.
5. Animals (crops and pasturage) shall be permitted as recommended by staff in this report.
6. Final Plan approval of Phase I shall be delegated to staff.
7. Setback, impervious surface, and height standards for the PUD shall be as recommended in this staff report.
8. Cabin homes are restricted to 400 sq. feet of internal space. Enlargement of this sq. footage is permitted for any handicapped-accessible unit.
9. The proposed parking area may be surfaced with gravel or crushed stone and contain a border.
10. The phasing plan may be revised to have the community building constructed in Phase 3 with additional cabin homes built in Phase 2.

## **Land Use Provisions**

### *Commercial Spaces in Houses*

One of the founders wishes to have an in home massage therapy business. Her business would be by appointment only. Future businesses will require a conditional use approval from the city planning department.

### *Community Garden*

In the future we may wish to allow members of the neighborhood or greater Bloomington community to garden on our land.

### *Cooperative Housing*

In addition to the small homes there will be a cooperative house of up to 15 bedrooms. This house will have a large kitchen and meeting space. The house will be a commercial structure. As with the smaller homes this structure will go through the standard building permit process.

### *Crops and Pasture Zoning*

Some of the uses of the property would otherwise fall under Bloomington's current Crops and Pastures zoning.

### Animals

The planning department staff recommends the following restrictions on animal ownership for this PUD. We, the petitioners, agree with the recommendations.

All animal containment areas must maintain a 100 foot setback from the rear property lines of the homes located along Spring St. and 25 feet from the rear property lines of the homes located along 8th St.

- Chickens shall be maintained in chicken tractors
- A maximum of 50 chickens are permitted with phasing as described above
- No roosters shall be permitted
- A maximum of three goats are permitted

We have proposed to install a vegetative buffer along the east side of the property if the bordering neighborhood requests it. We have also committed to phase the animals, as described in phasing above.

### *Driveway Motion Lights*

Motion sensitive lights will be installed at the end of the ecovillage drive.

### *Educational*

We wish to host educational opportunities on site or in the community building

### *Group Care*

We retain the right to use space for the care of individuals as defined by the City of Bloomington.

### *Interpretations of Use After Rezoning by the PUD Process*

After approval for the rezoning by the PUD process we request that future interpretations be examined and ultimately approved or denied by the staff of the City of Bloomington Planning Department.

### *Parking Restriction Along North Spring Street*

With our proposal to add many residents to North Spring Street we would like to request that the street be designated a no parking zone.

### *Parking On Site*

To further avoid spilling over onto Spring Street, we are going to set up eight parking spots. Six spots will be gravel parking spots that are 9 feet wide by 18 feet deep. Three of the spots will be for our car share cars and community truck and three spots will be for guest parking. The remaining two spots will be ADA compliant and will connect to the community building by a sidewalk.

### *Park*

Our land may be designated as a park in the future.

### *Ponds*

There will be two ponds on the property. To the West there will be a large swimming pond. To the East there will be a dry pond detailed in the storm water plan.

### *Population*

Our population will be a maximum of 40, comprised of 30 unrelated adults and 10 children.

### *Structure Footprints and Bedrooms*

The village will have a maximum of ten houses with maximum 400 internal square feet per floor (houses can be 2 stories with a basement thus a total of 1200 square feet is possible) and a larger community house with a maximum of 15 bedrooms. The property will have a maximum of 40 bedrooms total.

### *Signage*

We would like to place signs with our ecovillage's name on Spring Street and at our private entrance to any future extension of the B-Line. These signs will be no more than 12 square feet and no higher than 4 foot in height.

### *Sub-Standard PUD*

The property is only 2.23 acres and thus smaller than the PUD requirement of 5 acres. We request the right to finish the PUD process despite being a sub-standard size.

### *Trees (see Trees in Maps Section)*

The trees on the property will be broken into 3 sections, orchard, food forest, and wild space. In the maps section of this document you will find a map detailing the layout of the different tree sections.



*Urban Agriculture*

We retain the right to practice facets of urban agriculture as defined by the city of Bloomington.

## **Developmental Standards**

### *Accessory Structures (see Structures in Maps Section)*

We are proposing specific accessory structure standards for the PUD. We are requesting a maximum of 7500 square feet of accessory structure footprint. The structures map shows a conceptual layout of how 7500 square feet of accessory structures could fit on the property.

Auxiliary structures will be limited in height to 20 feet, with an exception for the barn to be 30 feet.

### *Building Materials*

We will be exploring alternative building materials and techniques. All methods will be taken to the building department for approval. One of the more noteworthy building techniques will be the use of flat roofs to maintain accessible space. Some other methods we may explore include but are not limited to strawbale, cordwood, earthblock, rammed earth, sandbag, timber frame, rice hull infill, etc...

### *Cabin Homes*

Maximum # of cabins - 10

Maximum Footprint - 400 internal square feet per floor

Maximum Stories - 2

Maximum Height - 40 feet

Maximum Occupancy per Home - 3 unrelated adults

### *Car Ownership Restrictions*

The community will own a maximum of 2 cars and 1 truck for the use of community members.

Although we cannot legally restrict individuals from owning a car, we will prohibit members from keeping a private car on site or on neighboring public streets.

### *Community House*

Maximum Number of Bedrooms - 15

Structure must have city water and sanitary sewer

### *Community Population*

The population of the village and community home will be limited to 30 unrelated adults and 40 bedrooms.

**Density Comparison:** This type of development does not equate to conventional density evaluation. However, for comparison, a more conventional single family subdivision could have approximately 10 lots. If all of these homes were 3BR, there would be a total of 30 bedrooms and a maximum total occupancy of 30 unrelated adults.

### *Energy Generation*

We plan to eventually generate most or all of the electricity we use on the site. In order to do this we will utilize alternative energy systems including, but not limited to: solar hot water, solar concentrators, solar photovoltaic, wind power, etc.

### *Emergency Access Drive*

The drive will be a combination of a grasspave system and stone to meet Fire Department standards. It will also extend past the parking area to the northwest to provide fire access to the future cabin homes and the community building. An adequate fire truck turnaround has also been provided at the request of the Fire Department.

### *Encroach on 25 Foot Set Backs and Other Typical Restrictions*

The north side of the property is the best candidate for passive solar home construction. It would greatly benefit our building plans to be able to build all the way to or very close to the property boundary lines on the northern and western property lines. The northern property lines border the CSX railroad tracks and JB Salvage beyond the tracks. The western property line borders the Valhalla Memory Gardens cemetery. This request would enable us to encroach on the 25 foot inset that is typical of home construction. We make a strong case for the encroachment given our impact on the neighbors will be negligible or non-existent.

#### Primary building setbacks

North and West – 8 feet regardless of stories

East and South – 25 feet

#### Accessory building setbacks

35 feet from Spring St. , 5 feet for all other setbacks (no change to code)

#### Parking setbacks

15 feet – all sides

Maximum impervious surface coverage - 40% (no change)

Maximum Height, Primary Structure – 40 feet (no change)

Maximum Height, Accessory – 20 feet (Barn may be 30 feet)

Internal setbacks shall not be required if small lot or zero-lot line development/ownership models are used

### *Fence Height*

Maximum of 8 feet behind front facades of adjacent homes on Spring Street.

### *Invasive Species Removal*

We are proposing to systematically remove the invasive species on the site to be replaced with native plants.

### *Ownership Structure*

We are currently exploring our options for ownership structures. Protecting the individual property of community members is a rather involved and evolving process, as there is not as much precedence for communal ownership of land as there is for private ownership of land. As laws relating to ecovillages becomes better understood and case law is established, we learn more about how they can be structured. To add context, Earthaven, a well established, 15-year-old ecovillage, is still modifying their legal structure. For this reason, we want to be careful about what we restrict ourselves to in this section. That said, the land will most likely be owned by a homeowners association and potentially a land trust later on. The land under homes in the village would then either be owned by the homeowner, or leased internally to the homeowner. The community house will likely be cooperatively owned by those who live in it.

The land will be cooperatively managed democratically by all members of the community.

Home owners will be free to design and change their houses so long as they pass all of the local legal requirements and internal BCP bylaws. Examples of rules on top of typical local legal law include a maximum of 400 square feet living space and restrictions against blocking other homes' solar access.

In order to more concretely commit to a cooperative organizational and ownership structure we plan to adhere to the Rochdale Cooperative Principals. One of these principals is democratic member control which according to the ICA's Statement on the Co-operative Identity means that "Co-operatives are democratic organizations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership." The Rochdale Cooperative Principals are a standardized set of principals used around the world by cooperatives. By adhering to these Principals we can guarantee that we will be a cooperative, without inadvertently limiting ourselves from using the most protective and applicable legal structure.

#### *Parking*

Due to the environmental nature of the project, our community will rely heavily on bicycle and pedestrian traffic. Our parking proposal restricts on-site ownership of cars and provide a car-sharing situation with 2 cars and 1 truck to be used and owned in common by the membership. To accommodate additional vehicles, we are proposing a total of 8 parking spaces; 3 for our car share, 3 for guests, and 2 ADA compliant spaces with a sidewalk connecting to the community building.

#### *Tree Preservation (see Trees in Maps section)*

We propose removing several areas of small trees to allow for additional sunlight and establishment of the orchard. We do intend on leaving the better stand of trees located on the southeastern portion of the property.

We will be planting several fruit and nut trees for food, noise buffers, and new canopy. We have met on-site with representatives of the Environmental Commission to discuss their preservation and planting plans. The EC has raised no concerns with our proposal.

## **Additional Information**

### *Membership*

We have outlined our membership process within the PUD Preliminary Plan and District Ordinance documents. The process is designed to allow for ample time for prospective members to be evaluated for compatibility with the group.

### *Environmental Testing*

We contracted several Phase II environmental tests with the purchase of their property, including PCB and heavy metal testing. All tests resulted in acceptable levels. At the previous Plan Commission meetings, there were several comments that additional testing should be considered. Due to these concerns, we ordered a more complete Phase I environmental assessment to be performed. The results of all the testing were positive. There were small hits on three pollutants.

Lead: There was a detection high enough to effect ground water but lower than direct contact concern.

Arsenic: This was high but not higher than the typical background for this region.

Benzoid Pyrate: This was slightly over home levels; however, the environmental firm doing the work said that it was very common throughout Bloomington and not a great concern for this project.

## **Maps**

Please note these maps are conceptual and not to scale. For a scale map please refer to the watershed design.

## **Structures**

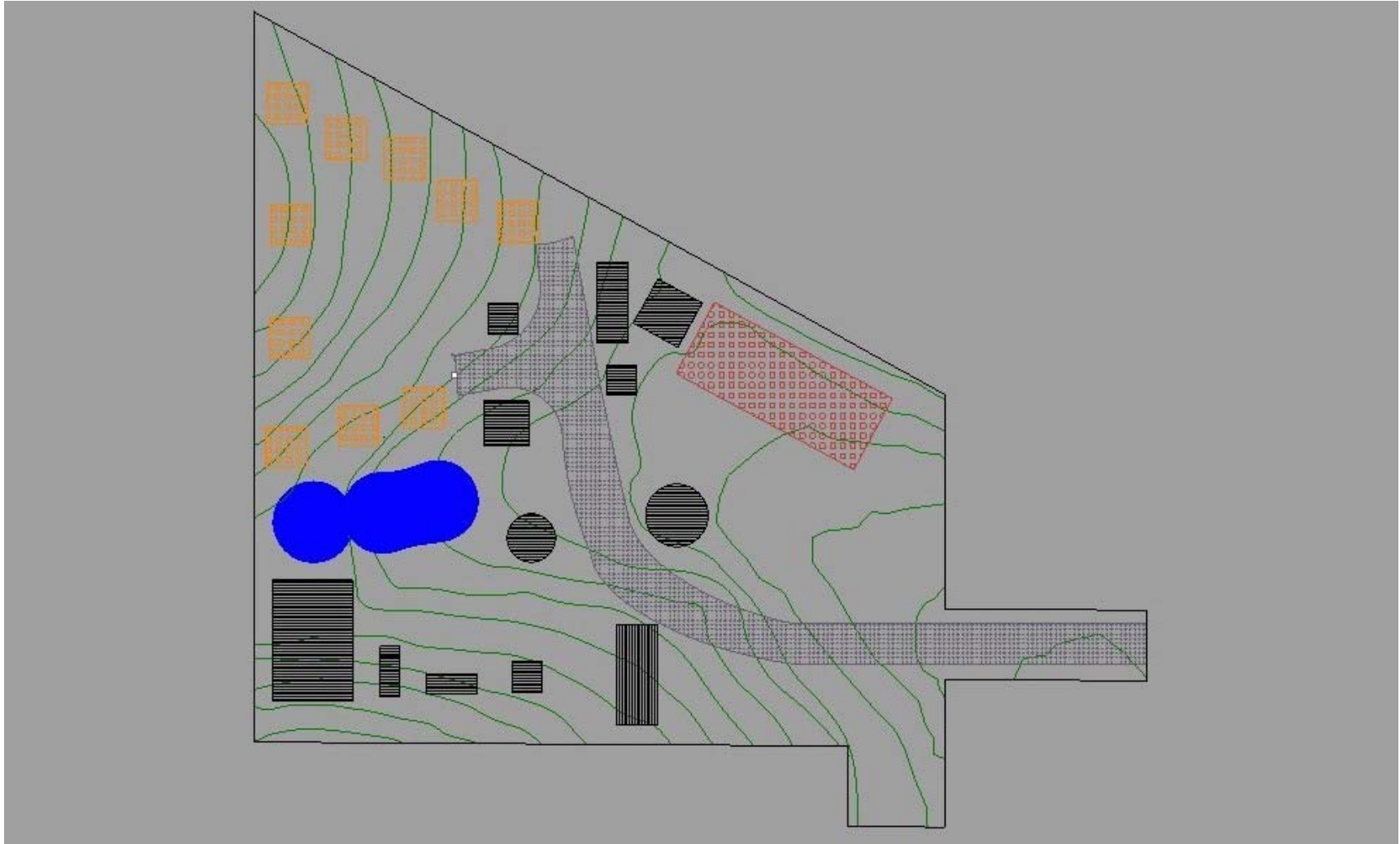
This map shows the small homes (in orange), cooperative house (in red), and axillary structures (in black). This map is conceptual and the final location of the buildings will change; however, it provides a good sense of how all of the structures proposed in this PUD fit.

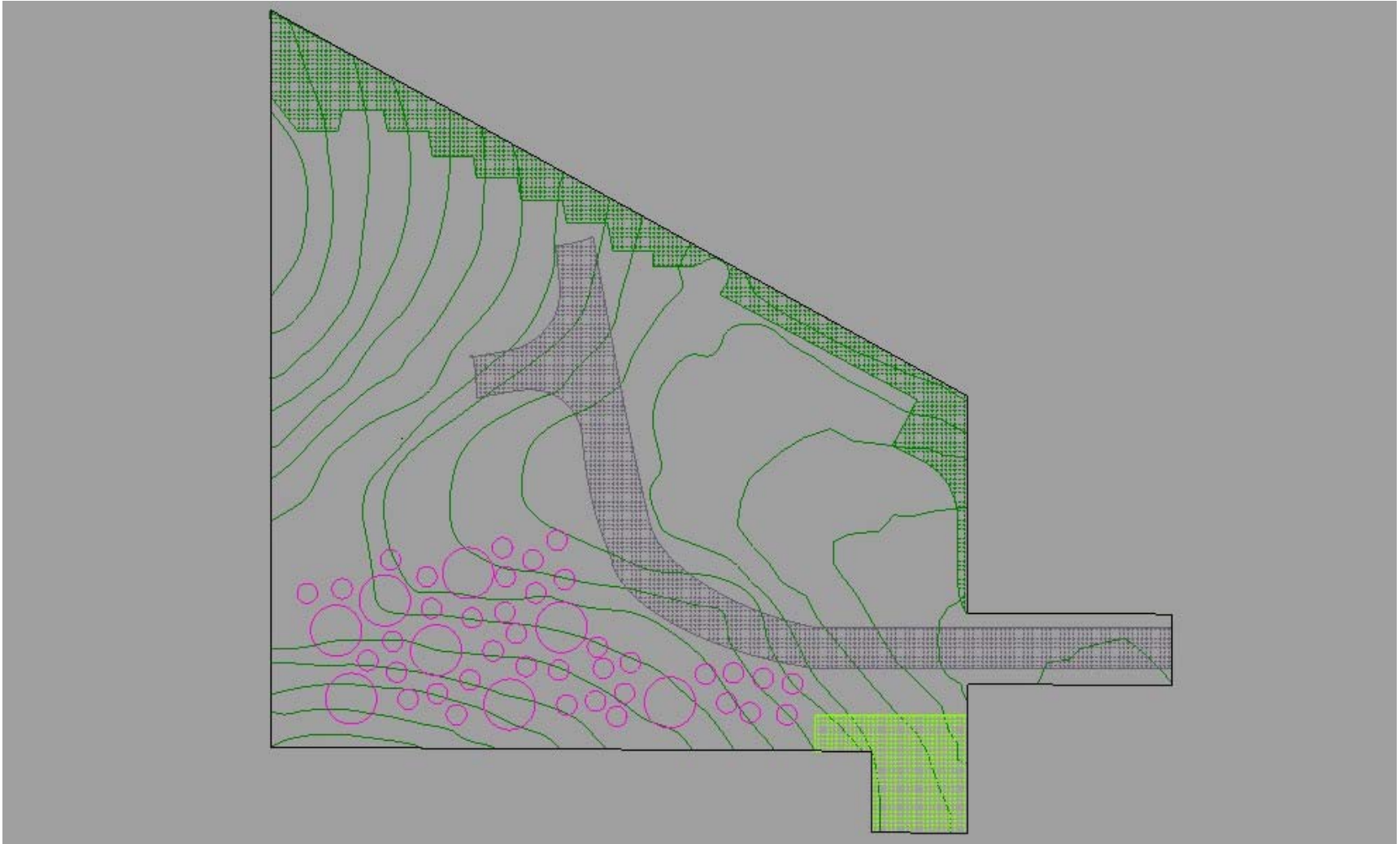
## **Tree Map**

This map shows the 3 tree areas, food forest, orchard, and wild space. To the north, in dark green, are tall native nut bearing and evergreen pine-nut trees that comprise a food forest. To the southwest and southcentral, in pink circles, is the orchard. To the southeast, in light green, are the existing trees that will be maintained as a wild space.

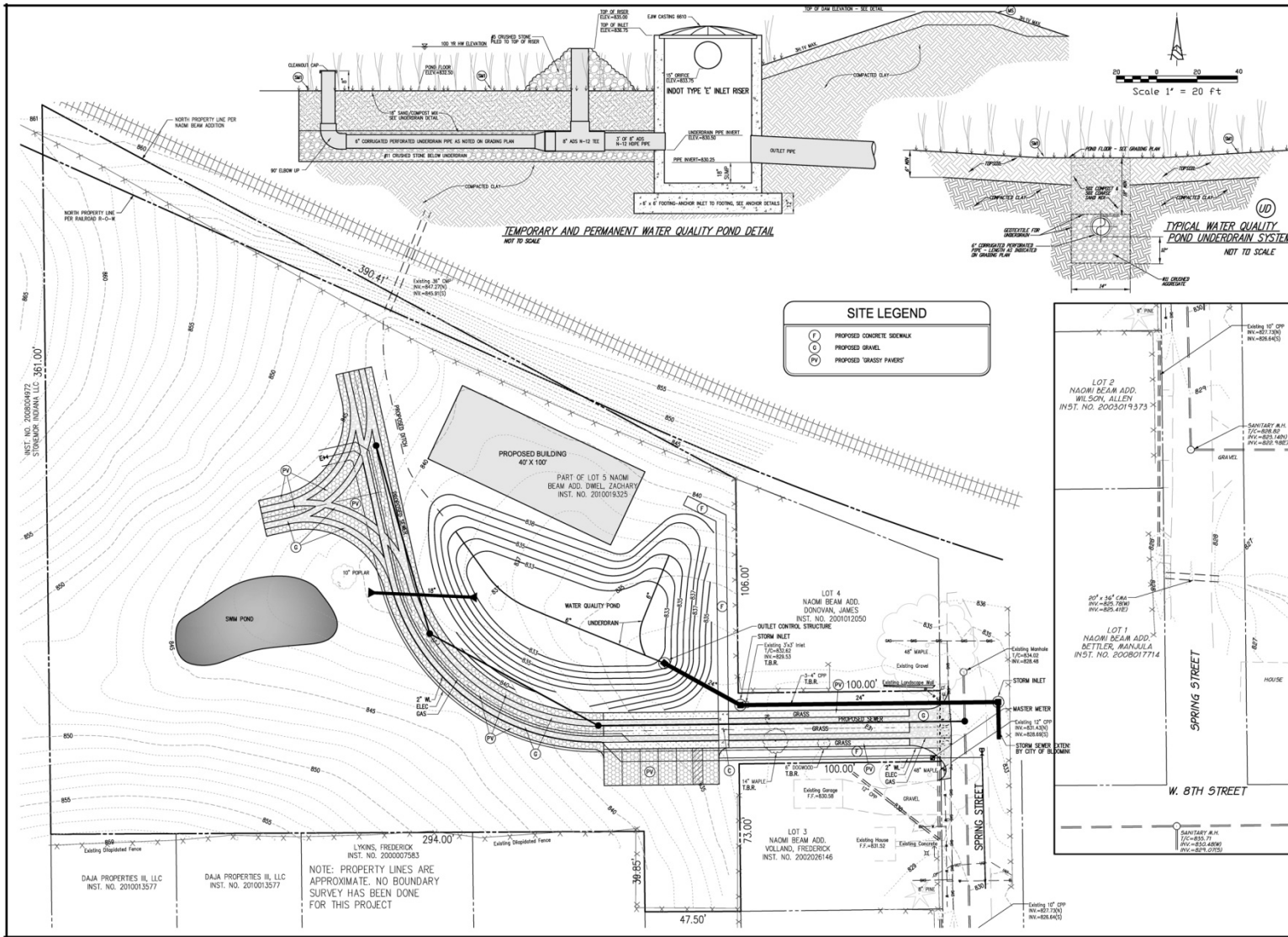
## **Watershed Design**

The watershed map was prepared by Bynum Fanyo.



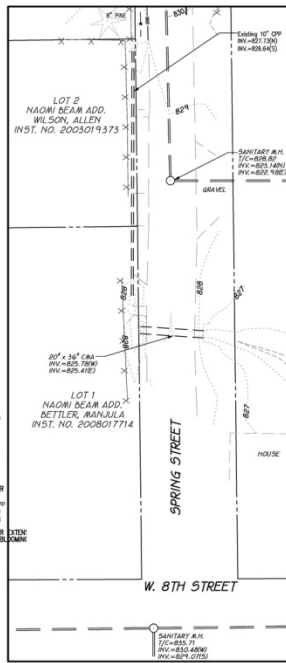






**SITE LEGEND**

- (C) PROPOSED CONCRETE SIDEWALK
- (D) PROPOSED GRAVEL
- (PW) PROPOSED 'GRASSY PAVERS'



revisions:

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**B&B**  
BOYALM FAYO & ASSOCIATES, INC.  
1000 North Washington Street  
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certified by:

designed by: JBT  
drawn by: JR  
checked by:  
sheet no:  
project no: 46102P

Proposed:  
**ECO VILLAGE**  
Bloomington, Indiana

11/16 PRELIMINARY DRAINAGE PLAN

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**PETITIONER:**        **Bloomington Cooperative Plots Eco-Village  
Daniel Weddle  
1710 W. 8<sup>th</sup> Street, Bloomington**

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**REQUEST:** The petitioners are requesting Preliminary Plan and District Ordinance approval to rezone a 2.23 acre property from Residential Single Family (RS) to Planned Unit Development (PUD) to allow the construction of a cooperative housing project. Also requested is a waiver of the 5 acre minimum PUD requirement.

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**SITE INFORMATION:**

<b>Lot Area:</b>	2.23 acres
<b>Current Zoning:</b>	Residential Single Family
<b>Proposed Zoning:</b>	Planned Unit Development
<b>GPP Designation:</b>	Urban Residential
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Cooperative Housing
<b>Surrounding Uses:</b>	North – Salvage Yard South – Single Family East – Single Family West – Cemetery

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**REPORT:** The petitioners have been searching for a property within Bloomington to develop a cooperative housing arrangement. The petitioners sought a property within walking/biking distance of downtown with a rural nature that would allow for urban agricultural uses as well as multiple housing units. Their goal is to create a cooperative housing model with equity opportunities for those who join in the cooperative.

The petitioners met with staff multiple times regarding several properties. In these discussions, staff indicated that the proposed cooperative housing use did not fit within any of the permitted land use categories listed under the Unified Development Ordinance (UDO). Due to the unique nature of the request, staff encouraged the petitioners to identify a useable property and request a Planned Unit Development (PUD) to create a zoning approval that would adequately address the use and peripheral development standards associated with this type of housing arrangement.

The petitioners have purchased a 2.23 acre parcel within the Waterman Neighborhood. The property, zoned Residential Single Family (RS), is located west of the dead end of N. Spring Street. It is bordered on the north by a rail line and salvage yard (JB Salvage), on the west by Valhalla Memory Gardens cemetery and to the south and east by existing single family homes. Although

the property only has a small 35-foot frontage on Spring St, it opens to a larger open field area with existing trees on the perimeter.

Now that a property has been identified, the petitioners have developed a plan for the property and have requested that the property be rezoned to PUD to allow for a variety of uses and structures designed to achieve a more sustainable housing model.

The proposal includes several non-traditional development options that create several conflicts with the regulations of the UDO. The petitioners' proposed PUD Preliminary Plan and District Ordinance attempt to address these conflicts. In this report, staff has outlined the main points of the proposed Preliminary Plan and District Ordinance as well as potential land use impact issues that should be considered by the Plan Commission.

The property is proposed to be split into five major areas (see attached site plans); the village (sleeping cabins), the community house, the orchard, the ponds and the gardens.

*The Village:* The village is proposed to be located in the northwest corner of the property. The petitioners have proposed to construct a low wall to better delineate the village homes from the remainder of the site. This area is more open and provides the best opportunity for passive solar design to be utilized. These homes, described as sleeping cabins, are proposed to be constructed with a variety of building materials. The petitioners are also proposing these homes to potentially be constructed with or without kitchen and bath facilities and with or without public and private utilities. The specific numerical standards are as follows:

- Maximum # of cabins – 25
- Maximum # of bedrooms – 70
- Maximum Occupancy – 35 unrelated adults
- Maximum Footprint – 400 square feet
- Maximum Height – 40 feet

*Community House:* The community house would most likely be placed at the northeast corner of the property adjacent to the railroad track. The community house would be the central hub with a large commercial kitchen used for shared meals, common bath facilities, individual bedrooms, common activity space, and educational/meeting space. This building would have an approximate footprint of 110' x 20' with multiple stories.

- Maximum Bedrooms – 30
- Maximum Occupancy – 40 unrelated adults

*The Orchard:* the petitioners are proposing to plant a diverse orchard within the southern area of the property. This may require the removal of some of the smaller existing trees in this area. The orchard area has also been proposed to allow grazing of the desired animals on the property.

*The Gardens:* The central portion of the site would be reserved for urban agriculture with a large diversity of plantings. The eastern portion of the site north of the proposed entry drive has been identified for use as a community garden.

*The Ponds:* The petitioners' proposal also includes the addition of one retention and two detention ponds in the center of the site. These ponds would utilize the existing flow of a swale through the property. The ponds would serve many functions including recreation, water quality improvement, irrigation, and water to serve some showers.

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### **ADDITIONAL PRELIMINARY PLAN AND DISTRICT ORDINANCE ISSUES:**

*Density:* This type of development does not equate to conventional density evaluation. However, for comparison, a more conventional single family subdivision could have approximately 10 lots. If all of these homes were 3BR, there would be a total of 30 bedrooms and a maximum total occupancy of 30 unrelated adults. The petitioners' proposal would allow for up to 100 bedrooms and 75 unrelated adults. Staff has received concerns regarding the proposed intensity from the Environmental Commission, the Bloomington Bicycle and Pedestrian Safety Commission and two neighbors. One alternative to approving the full number of structures and bedrooms, would be to reduce the number of initially allowed structures/bedrooms and require a larger expansion to be requested in the future when the impacts of the development could more effectively be determined. **Plan Commission guidance is requested for this issue.**

*Phasing:* The petitioners' proposed Preliminary Plan and District Ordinance outline the general timeline for this development.

- Phase 1: 2-3 sleeping cabins constructed with at least one having kitchen and bath facilities to be used by the other sleeping cabins.
- Phase 2: Carport structure and 3-5 additional sleeping cabins
- Phase 3: Community Building and 3-5 additional sleeping cabins
- Phase 4: 3-5 additional sleeping cabins

*Parking/Emergency Drive:* The petitioners are required to place a 20-foot fire access lane within the site to accommodate a fire truck. The petitioners have worked with the Bloomington Fire Department to create a compliant drive that will allow for adequate fire protection for the new residences.

In order to reduce the amount of impervious surface on the site, the petitioners have proposed to utilize a pervious paver system that would allow for herbs and plants to be grown on the emergency drive. These plants could be driven over in the case of an emergency. The drive also provides access to a proposed carport structure near the Spring Street entrance. Although supportive of this concept, staff has the following questions to be addressed prior to a second hearing:

1. Will the herbs create a barrier to meeting ADA standards between Spring St. and the community building? Normally, this would not be a development issue, but the petitioners propose to have some general public usage of the property.
2. The proposal calls for 5 cars and 1 truck in a “car share”. There is only a 450 square foot carport and no parking spaces. A conventionally built carport of this size typically only allows for 2 vehicles to park. A revised plan should address how this issue will be handled.
3. The petition states that an area for overflow parking would be set aside. Staff recommends that this area be shown on any future plans.
4. What surface is the overflow parking anticipated to be, as parking on typical grass is not permitted?

The petitioners are proposing to prohibit individual auto ownership. The car share will be the only car ownership for occupants on the site. Staff concurs with this approach. However, the petitioners are also proposing additional accessory uses and educational uses that would typically generate extra vehicle trips. In response, the petitioners have proposed to shuttle visitors from off-site locations for larger classes and events. However, no provision has been made for more routine overflow parking which could occur. This issue is amplified because Spring Street is a dead-end street with no dedicated on-street parking.

*Utilities:* The petitioners have met with the Utilities Department to determine the necessary public utility improvements to serve this property and the proposed use.

- Water – The petitioners will be upgrading existing water service within Spring St. to a 6” line, and connecting to that line with a new 2” line. If the petitioners utilize collected rain water or pond water with this project, the two water systems shall not be permitted to be connected to avoid any potential cross contamination.
- Sanitary Sewer – The site naturally flows to the east. The sanitary sewer will follow the natural contour of the site and connect to an existing 8” line located in Spring St.
- Stormwater – The petitioners have proposed a series of retention and detention ponds on the site to serve several functions. These ponds will not only create recreational opportunities, they will be utilized for irrigation and other water needs. They will also serve a stormwater function improving runoff rate and water quality. The petitioners are working with the Utilities Department to ensure the feasibility of this stormwater design.

*Composting Toilets/Humanure:* – Although the petitioners have indicated that composting toilets would not be utilized with early phases of the development, they have included a request to allow composting toilets and use of humanure for fertilization at a point where there are enough people to adequately support the desired composting system. With the availability of sanitary sewer at this location and unknowns associated with composting toilets, staff would like input from the

Plan commission regarding this issue. **Plan Commission guidance is requested for this issue.**

*Ownership Structure:* The petitioners intend to allow for individual ownership of the village homes. They plan to incorporate a home owners association. The most likely scenario would be that these homes will either be sold as condos with land leases or as zero-lot-line homes. This should be determined prior to the second hearing.

*Sleeping Cabins:* The Monroe County Building Department is determining how the building code would address several issues with these structures including the potential lack of kitchen and bath facilities. For these structures, the petitioners are proposing a wide range of non-traditional building materials such as rammed earth, slip straw, straw bail, post and beam, sandbag, cob, and cordwood. They have also indicated that the roofs, most likely flat or green roofs, would be used to collect rainwater in tanks to be used for drinking water. Staff would like guidance on whether any architectural restrictions are desired for this project. **Plan Commission guidance is requested for this issue.**

*Accessory Uses:* The petitioners have proposed that several accessory uses such as home occupations and a holistic health center also be allowed with this request. Staff finds that these uses should be further detailed to determine their appropriateness. Although some trips would occur by non-vehicular means, these uses would likely encourage additional traffic into and through the adjacent neighborhood as well as create additional parking stress. **Plan Commission guidance is requested as to whether these home businesses should be pre-approved or come for review at a later time.**

As previously stated, the petitioners are proposing a maximum occupancy of 35 unrelated adults for all the structures combined. Furthermore, they have proposed that individual structures not be limited to the normal City restriction of 3 unrelated adults per dwelling. Staff recommends that a maximum of 3 unrelated adults be required for each individual structure. **Plan Commission guidance is requested for this issue.**

*Alternative Energy Sources:* The petitioners have proposed alternative energy sources such as solar panels, geothermal systems, heat pumps, and windmills. The UDO does not prohibit these types of systems and they could be utilized on this site.

*Animals:* The petitioners have proposed that a maximum of 50 chickens (hens) and fowl be allowed on the site. The number comes from the estimation that 10 single family homes could be created on this parcel. If all 10 homes had an allowable accessory chicken flock of 5 hens, a total of 50 could be theoretically permitted. They have proposed, as is the case with the accessory chicken flock regulations contained in the City's Animal Control Ordinance (Title 7), that adjacent owner permission would have to be granted to place the hens/fowl. However, the request of 50 fowl still greatly exceeds the limits in the ordinance. Staff will work with City Legal to determine how this conflict with Title 7 should be

addressed prior to the second hearing. The petitioners have also proposed to have 2-3 goats (or 100lbs maximum). As with chickens, the petitioners are proposing to require neighborhood permission. **Plan Commission guidance is requested for this issue since goats are not allowed to be raised within an RS zoning district.**

*Auxiliary Buildings:* In addition to the community building and the sleeping cabins, the petitioners have submitted a list of allowable accessory structures. Although staff has no concerns with the majority of these structures, there is concern with the potential aggregation if a large number of these structures were placed. The submitted site plan leaves very little area for additional structures, especially larger structures such as a barn (not restricted by the proposed PUD), a 500 square foot music building and a 1000 square foot greenhouse. Staff requests that the petitioners locate potential areas for these structures in the Preliminary Plan. The petitioners have proposed several other smaller accessory structures such as a food stand, tool shed, workshops, bike shed, carport, gazebo, etc... Staff recommends creating a maximum number and square footage of accessory structures that can be constructed at this site. **Plan Commission guidance is requested for this issue.**

*Seasonal Worker/Student Camping:* The petitioners have included the option of having seasonal workers and on-site camping. The campers would utilize approximately six, 64 square foot wooden tent platforms or space inside the community building. Staff has concerns with allowing short-term occupancy within tent structures. There have already been concerns raised with the number of occupants proposed for this property. **Plan Commission guidance is requested for this issue, with staff recommending the deletion of this allowance.**

*Cottage Industries/Eco-Tourism:* The petitioners have proposed several “cottage industry” allowances (animal processing, metal and woodworking, biodiesel and pyrolysis). Although these are small in scale, staff has concerns with introducing and allowing multiple small non-residential uses on this property. The petitioners have also proposed other potential uses including bed and breakfast, youth hostel and other enterprises. “Other enterprises” is too broad of a term of use and should be refined prior to a second hearing. Staff finds that these non-residential uses may be more appropriate with a later phase of development. **Plan Commission guidance is requested for this issue.**

*Education:* The petitioners have included several education components in their proposal. These include workshops (gardening, permaculture, domestic skills), “Free Skool”, home schooling, and summer camps. Although staff has similar concerns with the summer camps as the seasonal workers, staff supports the other education components of the petitioners’ request.

*Setbacks/Development Standards:* The petitioners have proposed reduced setbacks, but have not specified what setbacks are being proposed. Staff will work with the petitioners prior to the second hearing to develop specific setbacks and other development standards (impervious surface coverage, signage, etc...)

*Pedestrian Accommodations:* The petitioners are proposing to replace the small sidewalk required along Spring Street with a 10-foot limestone chip path from Spring Street around the perimeter of the site to the railroad track. Since the railroad right-of-way could be converted or augmented with a future trail use, staff supports this request.

*Fences:* The petitioners have requested permission to construct a 10-foot fence around their gardens to help combat vegetation loss due to deer. The City does not allow fences above 8 feet. Within front yards, the height allowance is reduced to 4 feet in height. **Plan Commission guidance is requested for this issue, although staff supports taller fencing due to the proposed agricultural use.**

*Invasive Species Removal:* The petitioners are proposing to systematically remove the invasive species on the site to be replaced with native plants.

*Membership:* The petitioners have outlined their membership process within the PUD Preliminary Plan and District Ordinance documents. The process has been designed to allow for ample time for prospective members to be evaluated for compatibility with the group.

*Environmental Testing:* Due to the adjacent property use of a salvage yard and the natural slope of the property that directs stormwater runoff from the salvage yard across this site, there were initial concerns regarding soil and water quality and their potential for contaminants. The petitioners commissioned an environmental firm to conduct a Phase 2 environmental assessment and testing. The results of the testing indicated normal contaminant levels that would not restrict planting and residential occupancy of this property.

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**GROWTH POLICIES PLAN ANALYSIS:** As an infill development centered on diversity and sustainability, the petitioners' project takes a significant step toward achieving a majority of the Guiding Principles of the Growth Policies Plan. More specifically the proposed use of the property will help to achieve the following principles:

*Compact Urban Form:* The proposal is seeking an approval that would allow for an increased density of occupants on the property. As an infill development on a difficult site, this project will help to achieve more compact usage of the urbanized area without further taxing public services.

*Nurture Environmental Integrity:* The focus of this Eco-Village project is to create an integrated community with a focus on sustainability. It is the petitioners' stated goal to create as close to a closed loop system as possible. With this project, they propose to increase water quality, grow local foods, create an orchard, car share, meal share, seek alternative energy sources, and utilize reduced footprints all in an attempt to reduce their carbon footprint.



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*Leverage Public Capital:* Again, as an infill project, this project serves to meet the goal of better utilizing existing public facilities without creating new undue burdens on the City's infrastructure.

*Mitigate Traffic:* The petitioners' desire to limit car ownership and seek to utilize bicycle and pedestrian transportation as the main mode of travel facilitates this guiding principle.

The *Conserve Community Character* principle is not as easy to evaluate for compliance. The project certainly enhances the Bloomington culture of diversity and innovation. This is an inherent part of Bloomington's identity. At the same time, careful consideration must be paid in reviewing the details of the proposal to ensure that the policy of *Protect and Enhance Neighborhoods* (Policy 1) is not compromised due to the intensity of the project. This principle can create some inconsistency with the goal of Compact Urban Form. Compact Urban Form is a desirable goal, but should not be achieved at the expense of existing neighborhoods stability.

*Urban Residential:* The subject property lies within the Urban Residential designation of the GPP. The GPP states that single family homes are the primary land use activity for this area and gives the following guidance for land use decisions for this area:

- Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use pattern

Furthermore, the proposed project will also create a unique opportunity for other City goals such as affordable housing and fostering urban agriculture/local food production.

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**ENVIRONMENTAL COMMISSION MEMO:** The EC has discussed this petition and believes the sustainable nature of the design and living philosophy of this proposal is commendable and beneficial. The EC does however have some concerns with the proposal and made the following recommendations:

1. The petitioner should develop a plan for vegetated buffers around the perimeter of the site, and a plan for protecting existing trees.
2. The petitioner should develop a more detailed plan for surface-water quality.
3. The petitioner should reduce residential density significantly.
4. The petitioner should submit to the planning department letters from both the US Army Corps of Engineers and the Indiana Department of Environmental Management stating they do not need permits to complete the planned work in the ravine.

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**BLOOMINGTON BICYCLE AND PEDESTRIAN SAFETY COMMISSION**

**MEMO:** The BBPSC reviewed this proposal and offered the following comments. No specific recommendations were made at this time.

1. The site's proximity to the planned extension of the B-Line Trail was noted. An internal connection to the corridor should be considered if a multiuse trail is developed. Due to steep slopes at the end of N. Spring St, public access to the trail would be more easily achieved on N. Hay St, which is two blocks east.
2. Due to the property's unusually narrow street connection (front property line is approximately 25 feet wide), the lack of any existing sidewalks along N. Spring St., and it's location at the end of a dead-end street, public sidewalks do not seem critical in this case.
3. The Commission was very skeptical about the density and intensity of the proposal. They like reduced parking, but the number of spaces was unrealistic. One result could be an incredibly high number of bicyclists and pedestrians originating from this site.

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**NEIGHBORHOOD INPUT:** Staff has received a few phone calls regarding the proposal. Two of these calls expressed some concerns for the project. One of the neighbors located along Spring St. composed a letter regarding the project. A copy of the letter has been included in your packet.

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**INITIAL CONCLUSIONS:** Staff finds the overall concept to be a desirable land use that can be compatible with the goals and policies of the GPP. Furthermore, staff finds the proposed site to be a compatible site for the proposed use. It is close enough to the center of the city to allow for alternative modes of transportation while minimizing any potentially negative impacts to adjacent properties, as it is bordered on two sides by a salvage yard and a cemetery as well as existing vegetation along its property lines.

The main question that must be discussed and determined when evaluating compliance with the GPP is whether the intensity of the proposal as currently submitted has a potentially negative impact to the surrounding neighborhood. Staff finds that a cooperative housing project with diverse interests and a strong focus on local food, affordable housing, and sustainability is very supportable. However, without a true local comparable project, the impact of such a development is difficult to determine. Staff would also note that impacts associated with transportation, parking, and service delivery may be aggravated because Spring Street is a substandard local street without connectivity.

The Plan Commission should consider the possibility of approving a reduced initial development footprint with this rezoning request, while still allowing for future development to be intensified once impacts can be better judged based on real activity that will be occurring on this property.

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**RECOMMENDATION:** Staff recommends forwarding this petition to the required second hearing.

# MEMORANDUM

**Date:** February 25, 2011  
**To:** Bloomington Plan Commission  
**From:** Bloomington Environmental Commission  
**Through:** Linda Thompson, Senior Environmental Planner  
**Subject:** PUD-02-11, Bloomington Cooperative Plots Eco-Village and Community House

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This memorandum contains the Environmental Commission's (EC) recommendations regarding a change of zoning from residential to Planned Unit Development (PUD). The petition contains many variances from the rules of the Unified Development Ordinance to plan an atypical, high-density communal village. The EC believes the sustainable nature of the design and living philosophy is commendable and beneficial for future paradigm shifts in how we live. The EC does have some concerns to underscore for further discussion.

## 1.) LANDSCAPE PLAN:

The EC realizes that a request for a zoning designation change is not typically the time to require a landscape plan. However, a closer look at how the landscape and buffers will be laid out seems necessary in this case. There is concern that the built-out village may not be compatible with the look and feel of an urban neighborhood. The EC recommends the petitioner develop a more detailed plan for buffers around the perimeter of the site and preservation of existing trees.

## 2.) WATER QUALITY:

With the future density of residents using composting toilets, swimming & bathing in the center pond, keeping flocks of animals, and maintaining compost bins for gardening, the EC is concerned about the quality of surface water runoff. The site is almost entirely sloping toward Spring Street and the EC believes there needs to be better explanation of water quality practices planned.

## 3.) SITE DENSITY DESIGN:

The EC believes that 75 unrelated adults plus children planned for this site is beyond its carrying capacity. The site is large enough for residential density this high with traditional building design, or large enough for fewer people to be self-sustaining in addition to commercial ventures, but not both. It seems unlikely that close to one hundred people could live on 2.2 acres and raise livestock, garden, manage commercial businesses, and practice permaculture successfully. The EC recommends the density of people be lowered significantly at this time, and in the future if it is proven that the site could maintain more people, the petitioner can request an amendment allowing more residents.

## 4.) VERIFICATION OF STATE & FEDERAL PERMITS:

The EC recommends that the petitioner contact the Indiana Department of Environmental Management and the US Army Corps of Engineers to ensure a permit to build a dam across the ravine is not needed.

These agencies should either provide a letter stating a permit is not required from them, or require a permit from the petitioner.

**EC Recommendations:**

1. The petitioner should develop a plan for vegetated buffers around the perimeter of the site, and a plan for protecting existing trees.
2. The petitioner should develop a more detailed plan for surface-water quality.
3. The petitioner should reduce residential density significantly.
4. The petitioner should submit to the planning department letters from both the US Army Corps of Engineers and the IN department of Environmental Management stating they do not need permits to complete the planned work in the ravine.

# MEMORANDUM

**TO:** MEMBERS OF THE PLAN COMMISSION

**FROM:** VINCE CARISTO/BICYCLE AND PEDESTRIAN COORDINATOR  
*Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission*

**RE:** BLOOMINGTON COOPERATIVE PUD – NORTH SPRING STREET

**DATE:** March 2, 2011

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The Bloomington Bicycle and Pedestrian Safety Commission (BBPSC) reviewed the conceptual plan for the Bloomington Cooperative Planned Unit Development proposal at its regular meeting on February 21, 2011. The following comments summarize their discussion:

- The site's proximity to the planned extension of the B-Line Trail was noted. An internal connection to the corridor should be considered if a multiuse trail is developed. Due to steep slopes at the end of N. Spring St, public access to the trail would be more easily achieved on N. Hay St, which is two blocks east.
- Due to the property's unusually narrow street connection (front property line is approximately 25 feet wide), the lack of any existing sidewalks along N. Spring St., and its location at the end of a dead-end street, public sidewalks do not seem critical in this case.
- The Commission was very skeptical about the density and intensity of the proposal. They like reduced parking, but the number of spaces was unrealistic. One result could be an incredibly high number of bicyclists and pedestrians originating from this site.

## RECOMMENDATIONS

There are no specific recommendations at this time.

*List of Comments Regarding*

**Proposed Bloomington Cooperative Plots Eco-village and Community House, 415 ½ N. Spring Street**

PUD Proposal Due to Be Considered by Plan Commission, March 7 and April 4

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*By Denise Self Hueston, neighbor*

As an adjacent neighbor to the proposed Eco-village at 415 ½ N. Spring Street, I was notified by the City of this project and when I contacted Patrick Shay at the planning department he sent me and I read the Cooperative Plots Eco-village PUD proposal filed with the City. Before reading this document, I was initially concerned that this project might be impeded by pollution problems (the land is situated in an industrial area), and that despite some idealistic innovations, Eco-village members may not have addressed such serious issues. However, I found that the project members have put together a very persuasive and impressive effort, including the PUD document, but also including testing of the soil and water. These tests seem to show the land and water drainage on the site to be suitable for human habitation and organic gardening, good news for them but also for others of us who garden in the neighborhood.

However, despite my positive reading of their PUD proposal, and despite the good news about the soil and water tests, I have some other definite concerns about current neighborhood infrastructure problems, and I think these problems are likely to be greatly amplified if the Eco-village project proceeds. Although I will not be able to attend the March 7 meeting, I am voicing my concerns with this document. Generally, one overall idea struck me as I was reading the PUD material. I think that, because this project is a precedent-setting, new form of planned unit development, it might be appropriate for neighbors to be consulted and for the City to make zoning decisions in phases instead of approving the project in its entirety all at once.

Finally, I have some very specific density concerns and questions about this project. I hope that these concerns might be resolvable through the zoning approval process and through simple communication with the Eco-village members. I have walked the land with Danny Weddle (one of the project's members), and found him to be informative and congenial. My hope is that the Eco-village membership, as it grows, will continue to maintain a conversation with and amiable relations with surrounding neighbors in the Waterman district, but that City planners will also provide means for redress should neighborhood conflicts occur.

**Current North Spring Street Neighborhood Infrastructure Problems:**

*(These problems may be amplified by the Eco-village, but they exist, regardless of whether the project gets approval.)*

1. There are serious storm sewer issues on North Spring Street that need to be addressed whether or not the Eco-village gets approved. The 400 block of North Spring Street has a current street-facing housing occupancy of five houses (occupied by about 13 people, around 8 cars, and numerous mostly fenced-in dogs). Despite the train tracks and JB Salvage Yard, it is a relatively quiet neighborhood (on a good day). This deadend street is tiny; if you stand at the intersection of West 8<sup>th</sup> and you look north toward Spring Street's deadend at the CSX railroad tracks and JB Salvage Yard, you see that Spring Street has a downslope, a fishbowl effect. The train tracks are situated on a hill, West 8<sup>th</sup> Street is on a hill, to the far west, Valhalla Cemetery is on a hill, and so the lowest part of the street is along the proposed entrance to the Eco-village, as well as the adjacent yard at 413 N. Spring Street. We have lived at 411 N. Spring Street, also at the bottom of the hill, since 2003, so we know that when it rains, the existing storm sewer along North Spring Street overflows. In my opinion, the current storm sewer infrastructure is inadequate. Culverts are either nonexistent or broken in places, and storm water runs through open ditches where there are no culverts. I would very much like for the City to examine and improve existing storm sewer infrastructure along Spring Street.

Especially when it rains a lot in a short period of time or even if it rains a modest but steady amount over the course of a whole day or two, there is fast running water that comes down from the hillside(s) of the train track hill and the Eco-village property and rainwater floods the property at 413 N. Spring Street so that it becomes a virtual lake (it also floods our yard at 411 N. Spring Street and Spring Street itself). This water is fast moving and directional, coming from uphill, heading at an angle toward West 8<sup>th</sup> Street through a large open ditch on the opposite side of the street from our house. I see from their proposal that the Eco-villagers want to build a pond and various other water retaining structures. I think they need to really study the waterflow and be sure that their plan will impede and not worsen the flow of water onto Spring Street. I also think they need to realize that the current storm sewer structure isn't adequate for hard rains. I don't have a clue what will happen to their gardens, driveway, erosion of hillsides, or flooding of other structures should water management not be a priority. I also have no clue what will happen to flooding of neighbors' yards once building of Eco-village structures begins to occur should water management not be dealt with. I am quite concerned about the waterflow through the Eco-village property, and would hope that some study of the existing watershed and appropriate storm water management for the project would be a part of the zoning process.

2. There are also current parking problems along tiny North Spring Street. The rental neighbors' house at the top of the hill faces West 8<sup>th</sup>, and they have gravel parking available behind their house. However, instead of using West 8<sup>th</sup> Street parking, they choose to park in the middle of Spring Street. Since February 1 and ongoing, through today (March 1), they have had an inoperable car parked at the top of the North Spring Street hill. They also tend to park as many as five cars along North Spring Street, particularly when there is some sort of sporting event happening on TV. This is problematic because it makes North Spring Street basically a one way street. And, city trucks don't always clear snow when the street is blocked by parked cars. Most important, as my brother (who is a fireman, Woody Hueston), as my brother has expressed to me in the past, most important is the problem of egress for ambulance and fire vehicles. When cars are parked on North Spring Street, this is a definite safety problem. I checked with the City last fall about this concern, and tried to get "no parking" signs put up along the street, but this request was turned down. I think the street was designated no parking when it was part of the County and the path of least resistance is to leave it as such. However, I would like a revisitation of parking on North Spring Street. Any parking on this small deadend street creates access problems for neighbors but also for emergency vehicles.

Despite their intention to be a bicycle-centric community, should the Eco-village project be approved, I think this parking problem along Spring Street would get substantially worse, both for existing neighbors and for emergency vehicle access. I think the whole street should be a no parking zone so that Eco-village event attendees and members are not tempted to use Spring as a parking lot and so that neighborhood fire and ambulance safety needs are not compromised.

Finally, I think it would be great if a City bus route (or shuttle bus) could be made available to the West 8<sup>th</sup> Street Waterman neighborhood. We are an odd little 'hood, stuck between railroad tracks and graveyards, an almost forgotten corner of the City (the North Spring Street section of Waterman was only annexed from the County in 2004). Comprised largely of a lower middle class socio demographic, members of this neighborhood would be well-served by access to a bus route. At the moment, getting to city buses is difficult. Neighbors have to walk to West 11<sup>th</sup> Street or West Third Street, and for those with disabilities or the elderly, that is problematic. I think a great way to facilitate the Eco-village members' commitment to a nonautomobile community would be to provide City bus access to the Waterman neighborhood, even if via one bus routed down West 8<sup>th</sup> Street, with timing being limited to once an hour or less.

### **Specific and General North Spring Street Eco-village Suggestions and Concerns:**

1. Besides asking for City and Eco-villagers' attention to waterflow and transportation/parking issues along North Spring Street, my general, overarching suggestion about this project is that there should be some sort of milemarker review built into approval of this PUD proposal. I do not think that that is a normal thing, but setting policy and precedent for this and other Eco-villages seems to be something that this current process is about. Because I think the construction of the village will be a learning event for the Eco-villagers as well as for existing neighbors and the City, I believe that some sort of contingent review, with public and City input, should be attached as part of the approval of the Eco-village plan. As part of such a milemarking review process, I think adjacent and immediate neighbors of the Eco-village should have input and that some sort of mechanism for neighborhood redress, for real mediation of possible neighborhood conflicts, should be made available.

#### *Sample reasons why ongoing review of the project might be advisable:*

- For example: If 40 chickens cause havoc in the neighborhood due to sound of these critters or sound of neighborhood dogs and raccoons and other critters, some filing of a report with the city should be possible; some change from allowance for farm animals should be possible;
- For example: If every one of the members of the Eco-village have a cat and a dog, will that mean we will have 35-70 additional cats and dogs in our neighborhood? Can number of domestic critters allowed be moderated in the PUD?; Could mediation of problems with domestic critters be possible with a contingency process?
- For example: If instead of the five cars permitted by the PUD plan, which is already a huge increase in street traffic on Spring Street, but if instead of even the five "allowed" cars listed in the PUD proposal, what if more members decided they needed autos? I think there should be some city review of the village's zoning if the village does not adhere to its bike-centric commitment. Additional vehicles could well block safety egress on the village's land or tiny little Spring Street. There should be some redress possible for these sorts of problems--neighbors should be able to call the city to get cars parked on Spring Street towed or ticketed or both, and the Eco-villagers should be held responsible to hold to their bicycle-centric stated intention.
- For example: If the city discovers that sleeping cabins are not being built safely, one hopes they will be able to require Eco-villagers to comply so that buildings are built with members' safety as the top priority.

2. Noise and other density issues are some of my very specific major concerns with this project. I am concerned about movement (as in street activity and types of vehicles used), along with sounds and smells generated from 30-70 new people neighbors and the sounds and smells generated from 40-50 chickens and 2-3 goats. Noise from construction, noise from community activities, noise from the predators, including neighborhood dogs that want to get at the farm animals or that respond to the increased human activities, such increases in population density and noise levels will surely increase overall complexity of living in the Spring Street area. What recourse will existing neighbors have to address possible problems with farm animals or with events that are loud or overparked? The relative calm from the Eco-village section of this neighborhood is about to be broken in a big way, and some redressive means for complaint about noise, smells, and overpopulation near our backyards seems reasonable given that we live within City boundaries. After chatting with Eco-villager Danny Weddle, I am somewhat reassured, he does seem open to input from neighbors about such things as the farm animal placement, but I would like to be sure that some mechanism is in place for neighbors and the City to have input should people and animal population density problems arise.

I would also hope that some modification of phasing in of farm animals might be possible--perhaps the Eco-village folks could start with 5 to 8 chickens (instead of 40-50) and no goats for Phase 1, so they could see whether raising chickens where there are dogs and other critters already residing is plausible before bringing in such a large number of new animals into the current ecosystem. If members of the Eco-village have dogs and cats, I would also hope they would have to follow City ordinances for number, noise, and tethering of such animals.

Finally, although the Eco-village proposal shows an attempt at keeping its eastern neighbors' view of the garden and land, I actually think that putting up 6' nicely constructed wooden fences around the property, beyond its driveway especially on the Eastern side (along with gates), might help keep some of the Eco-village's critters in and might help keep noise from the Eco-village from travelling quite so far into the neighborhood. On that eastern side (next to the properties already facing North Spring Street), the low ground level lends itself not only to waterflow but also it lends itself acoustically to sound amplification (it's like a fishbowl or amphitheatre with the driveway area that leads to Spring Street being the lowest point of their property).

The above issues are my primary logistical and neighborhood concerns related to present problems in the North Spring Street area, and problems that I think may be increased by the proposed Eco-village.. None of these seem insurmountable, but I think they are valid concerns since this is a rather large undertaking. Mostly, I would hope the phasing/incremental process the Eco-villagers have set up can be monitored by City zoning and planning, and I really hope that neighbors can have input about how things are going. Or redress in case there are parking, noise, watershed, and other density problems.

Deneise Self Hueston, adjacent neighbor to proposed Eco-village  
(wife of Allen Wilson, owner of property at 411 N. Spring Street)  
[deneiseself@yahoo.com](mailto:deneiseself@yahoo.com)

March 2, 2011



## Plan Commission Minutes: March 7, 2011 (Excerpts)

*PC minutes are transcribed in a summarized manner. Audiotapes are available in the Planning Department for reference. Videotapes are also available for viewing in the Audio-visual (CATS) Department (phone #349-3111 or E-mail address: moneill@monroe.lib.in.us) of the Monroe County Public Library, 303 E. Kirkwood Ave.*

The City of Bloomington Plan Commission (PC) met on Monday, March 7, 2011 at 5:30 p.m. in the Council Chambers. Members present: Jack Baker, Scott Burgins, Susan Fernandes, Joe Hoffmann, Milan Pece, Isabel Piedmont-Smith, Adrian Reid, Tom Seeber, Chris Smith and Pat Williams.

### **PUD-02-11 Bloomington Cooperative Plots Eco-Village**

#### **415 ½ N. Spring St.**

Rezone to Plan Unit Development (PUD) from Residential Single-family (RS) to allow development of a cooperative housing project.

Patrick Shay presented the staff report. Access (35 feet) to the property is gained from the east. The property is currently zoned Residential Single-family. The petitioner has met with staff several times. They have tried to convey what their site would be used for. They are trying to create a shared-housing situation. The homes will be owned. They may have centralized facilities with possibly a shared kitchen and other shared facilities. They will have a shared garden for their consumption and for sale. They would like to create an opportunity to present classes about gardening and creating a sustainable way of life. The petitioners have done a lot of research on these kinds of communities and asked staff where this could be placed. We don't have zoning for an Eco-Village or community housing. The petitioners like this site because it is close to town so that they can get around on bicycles or catch buses. They have purchased the Spring St. property. Staff suggested rezoning the property to PUD to allow more flexibility, deal with multiple design standards and multiple uses. To do this the Plan Commission (PC) will have to the minimum 5 acre requirement for PUDs since this site is 2.23 acres. He reviewed the proposed plan which includes 25 small houses with a maximum footprint of 400 sq.ft. with a maximum 75 bedrooms and a maximum occupancy of 30 residents. Those numbers may change. They intend to construct a large community building with multiple stories, a commercial style kitchen, dining facilities and living space. On the southern part of the site several small trees will be removed and an orchard planted. On the eastern part, there will be a garden area for the Eco-Village residents and members of the community. They plan 3 ponds which will provide stormwater collection, improved stormwater quality, recreation, etc. The Bloomington Fire Department has worked with them to create a compliant access plan. They are trying to be as "Green" as possible. He explained measures they are taking to be "off the grid as possible." Possible additional buildings in the future might include a barn, greenhouse, food stand, chicken tractor, carport or music building. Accessory uses might include home occupations, a holistic health center, food stands, temporary housing for seasonal workers, animal processing, metal or woodworking (sales would be off-site), a bed and breakfast or hostel. Staff has concerns about the temporary housing, animal processing, and think that a bed and breakfast or youth hostel might raise the population too much. They anticipate 50 chickens, 2-3 goats and rabbits. Usually larger flocks of chicken and goats would only be allowed in the RE district which have more land. They would like to use a stone path around the property and are requesting a waiver of the sidewalk on Spring Street.

There are some issues that staff will need guidance on at the next hearing. The Bike and Ped Commission and the Environmental Commission (EC) feel that the current plan is too dense. Staff would like to hear from the PC their feelings about 25 houses. Is that too many? Staff feels that the site could not accommodate all of the proposed out buildings. The petitioner seems to be aware of that and that compromises would have to be made. Since we have not seen a comparable project staff thinks that perhaps the petitioner should start with a reduced number of homes (8-10) that would allow them to get going while also providing an opportunity to study the impacts. If feasible, then more houses could be added. Parking is a challenge. There are not many on-street parking spaces.

There are some public health issues such as houses without water or electricity. The Health Department is concerned with human waste being used as fertilizer on edible plants. There are some gray water issues that are being worked out. Staff would like to limit the number of home businesses. Staff is talking to the Monroe County Building Department and the State about these structures since these not our typical structures. Any businesses that would generate a lot of traffic should possibly be restricted. It seems the small individual houses should be limited to 3 unrelated adults. Shay asked for PC guidance on the subject of animals kept on the site. Staff has concerns with the tent platforms for the seasonal workers. Staff says that the fencing can be higher than 4 feet but not higher than 8 feet. Considering 10-foot fences should be decided on as a community rather than in a particular case. Shay commented on GPP issues and noted that this is a very creative plan. We need to make sure it doesn't negatively impact the surrounding neighborhood. The only letter received in the Planning Department was from a neighbor who supported the concept but was worried about details. This is the kind of plan that we have wanted to see. This one may have a little too much on the site but with some tweaks and compromise it could work out. Staff recommends forwarding this to a 2<sup>nd</sup> hearing.

The petitioner, Daniel Joseph Weddle, said that his biggest concern so far has been population. They have reduced the population by 1/3 and are willing to talk about further reductions. They have reduced the number of structures to 15 and the number of unrelated adults to 30. They have cut the cooperative house in half. It can now house 20 unrelated adults and 15 bedrooms. They are willing to further reduce the occupants further, if necessary. Housing for seasonal workers has been removed from their proposal. They liked the EC's suggestion concerning the ponds. The petitioner will be talking to the Army Corps of Engineers and IDEM to determine if permits are required to build a dam for the larger middle pond. Runoff is a big concern. The culverts are broken or non-existent down the street. One neighbor was concerned that she would be disturbed by the chicken flock. The chickens will be moved in the orchard area. They don't want to build a perimeter fence since it would block their view. They will include pets in their by-laws. Other cooperative have strict limitations on domestic pets. There will be a car-share buy-in option. The community will collectively own the truck. They would like a full-sized carport. For overflow parking for events on-site they will add 2 ADA parking spots and discuss additional parking. They considered laying out a phasing plan but were dissuaded by staff. They will discuss with neighbors and staff a reasonable development schedule. He wanted to hear more from staff concerning accountability.

Travis Vencel asked if everyone living there would own their houses or would there be any renters.

Weddle said there would be some renters. Their membership policy requires potential members live on site for a year prior to the construction of a home to ensure that the members will be dedicated. Eventually there will be more owners than renters-although they will retain some rental space for renters or seasonal occupants.

Vencel asked if they had spoken to HAND about they will enforce their occupancy and property maintenance code on this property.

Shay said staff has been talking to HAND on those issues. The rented areas will be inspected by HAND for property maintenance compliance. Planning will be setting the occupancy.

Vencel said at the next meeting, we should look at those numbers from the petitioner's standpoint. The International Property Maintenance Code (which was adopted by City Council) will deal with both the commercial coop housing as well as the requirements for occupancy on

the other dwellings. He didn't think that they could get to more than 3 unrelated adults. There are size requirements, cooking requirements to consider, too.

Shay said that staff and the petitioners are in agreement that 3 unrelated adults would be the maximum in the sleeping cabins.

Vencel asked if the density will be regulated per structure or by overall density.

Shay said that his interpretation is that it is the overall occupancy that they are proposing but any one structure can't go over 3 unrelated adults.

Vencel asked if any approved use could actually turn out to be the only use.

Shay said that some of the uses are set up as accessory uses. The primary use would be the cooperative housing.

Vencel asked if there are 40 houses built, could each house have a 1-bedroom bed and breakfast.

Shay said the petitioner should speak about their intent.

Weddle said that brings up the question about many of the other auxiliary uses. Other auxiliary uses could be done in each home. He suggested limiting the number of any particular use on the entire site.

Chris Smith asked if the petitioner planned to get a consultant to help with the stormwater problem. When would that normally take place?

Micuda said that the petitioner would get a conceptual approval through Utilities that would say that you could feasibly do the things that you want to do with sewer, water and stormwater. Then you would get design approval at final plan stage. That would require some limited engineering assistance to flesh out essentially the filtering plans for water quality.

Smith said that on Spring St. the stormwater infrastructure is non-existent. That is something the petitioner is going to have to work through at some point.

Weddle said that Smith's comment falls in line with the EC's recommendations.

Pat Williams asked for more information about the construction of the various units and the large house.

Weddle said that they have been working with the Building Department on this. They said they would help them figure out the best ways to construct the kinds of buildings they want. The first two planned for this year would be a rammed earth variant and slip-straw. The structures will be individually designed. They would go through the Building Department for permits. They would probably be owned as a condo or on a 0-lot line. The cooperative building will be designed by 2 local architects. That would probably take place in 3-4 years.

Williams asked how they would handle things like heating.

Weddle said the buildings will be built in the areas with the most solar gain on the property. The buildings will be arranged from shortest to tallest so that no structure impedes the solar gain of the one beyond it. They will use high R-Value construction methods.

Adrian Reid had been concerned about the presence of utilities on the site. Will there be a subdivision and a plat?

Shay said that there would not inherently be a plat. If they did the 0 lot lines, that would go through the platting process. If they develop condos or have some other common ownership, it would not. Even without a plat, easements would be recorded.

Reid asked if having easements on their property would be a problem.

Weddle said they were just learning about easements.

Reid noted that the petitioners have referred to re-establishing some wetlands. Would we put restrictions on them?

Shay said we wouldn't necessarily place easements but staff has talked to our environmental planner who said that it seemed the marshy areas would be more like rain gardens. With the final plan, we will look at the design of that and make sure that it will function well. It will probably be part of the stormwater review as well.

Reid said that he was concerned with having too many restrictions on such a small piece of land.

Joe Hoffmann asked if this has been done elsewhere. It seems that the concept of an Eco-Village is more commonly found in a more rural setting. Ithaca, NY has a famous one that has over 100 acres of land away from the town. Also, he has found instances of redeveloping old neighborhoods. He asked staff if they had found any examples of this kind of development in an existing built out area.

Shay said staff has been educating themselves but has not found one in a comparable location. He said he would continue researching.

Hoffmann suggested contacting organizations that feature communal living.

Scott Burgins said that a couple of years ago in Bartholomew County, Jeff Bergman was looking into something like this.

Smith asked staff to research the carrying capacity of land is and that should enter into our density discussion.

Weddle said they weren't going to be subsistence farmers but the goal of the project is in-town close living so we will still be purchasing food off-site.

Jack Baker said he had searched to find like projects. He found one called "Earth Haven" in Asheville, NC. Their goals were 320 acres, 150 people, 56 homesteads. He asked how sustainable they could be. How much food do you think you could produce?

Weddle said he did not know. He said they know they will be consuming more than is produced there. They will not be sustainable based on the metric food. But they can be more sustainable based on the metric transportation and very efficient houses.

Baker asked staff if the Building Department knows about safety and structural stability of structures made of rammed earth and straw.

Shay said he thinks they are. They have done straw bale houses and other alternative methods. Structurally they know how to answer the questions very well. The biggest challenge is how to define them due to potential lack of kitchens and bathrooms. They are working toward that.

Baker said he visited the area and couldn't find the 35-ft entrance. Is the property infringed enough that it looks so much smaller than it is?

Shay pointed out where it is and how it has been encroached on in the past.

Baker asked for details about solar heating at night. Do you have auxiliary plans?

Weddle said that if it has been a sunny day and you have curtains and high R-Value insulation, the heat will usually last the night. Supplemental heating sources will be necessary in the winter when we have several weeks of cloudy days. He thinks that electric heat would be preferable to lots of wood-burning stoves. They will have active and passive solar heating.

Milan Pece noted that several years ago the Board of Zoning Appeals (BZA) had a case on W. 11<sup>th</sup> St. for a Growers' Coop. The ownership seems similar to this except for the buildings. What would happen if this plan fails?

Shay said it was called the Bloomington Urban Greenhouse project. He has not heard of any construction on that site.

Pece said he was concerned with the impact on neighbors when someone walks away from a project.

Weddle said there are 3 cooperatives in the city besides themselves. Bloomington Cooperative Living is a housing cooperative of 24 individuals. Over the next year they are growing to 36 members. Their first offer would be to them for the cost of the land.

Pece asked if this project went to another group of owners, would the liabilities of the PUD transfer.

Shay said yes.

Pece said there seems to be no parking in that area at all. What would happen to people with vehicles wanting to visit their vegetable stand?

Weddle said they are working with staff to determine how many more spots they should include. Parking on Spring St. is impossible. They understand that holding something like a summer work camp may not be possible if they can't work out adequate parking.

Pece asked for details on the large building.

Weddle said it would be two stories. It would include sprinklers. He suggested researching similar projects by looking under "co-housing" or "a cooperative." Eco-Villages are historically found in more rural settings without building codes.

Tom Seeber asked staff if they can allow no plumbing, electricity or sewer on these lots.

Shay said that is what we are working on with the State and the County. This project would be hooked up to sewer. It would be on-site and fully available for hook up.

Seeber said he wasn't sure if they were doing a subdivision or just what they were considering. A lot of things need to be decided and specified at the next meeting. What is this arrangement closest to in our code?

Shay said the sleeping cabins would be single-family homes. We will have a designation by the next hearing. How they will be creating their community and handling liabilities. We need to know how they are going to be doing it and setting up the zoning to allow for it. The details and platting would be with the final plan.

Seeber noted that the presentation was very non-traditional since there were no drawings or many details. If cars are going to be off-site, he doesn't want them parking in the nearest neighborhood.

Shay said staff had anticipated some arrangements being made with a school or church parking lot.

Weddle said they erring on the side of not owning cars. He noted that he had information on rentals from HAND.

Seeber said that it would be a lot easier to control parking issues with members but more difficult with friends or campers. He asked staff how many people "30-unrelated adults" could actually be.

Shay said it is 30 adults but children are not included. If the limitation is 3 unrelated adults you could rent to 4 brothers but not to 2 couples.

Seeber asked if they had any idea of how many children might live here. Where does the school bus come?

Weddle said the school bus comes down 8<sup>th</sup> St. They don't have an idea how many children might live there.

Isabel Piedmont-Smith praised the petitioner for cooperating with his neighbors. This is an exciting proposal. She was concerned with 30 unrelated adults and asked for more clarification.

Travis Vencel said to think of it as all related or none. The total adult count is capped at 30.

Piedmont-Smith said she was concerned about parking. If you have even 2 or 3 home-based businesses and only 2 parking spaces, some coordination might be needed.

Weddle said the businesses would need to be visited by appointment only. Coordination will be investigated.

Piedmont-Smith asked how HAND would inspect.

Weddle said that HAND would only be inspecting rentals so would mainly be concerned with the common building. The only people building this year are owners. The membership process is very slow. He expected to add 2-4 more this year. Most of the membership takes place off-site in rental houses. He explained more about membership.

Tom Micuda said when we find out what the State is going to call the sleeping cabins. That will tell us what HAND will inspect and what the Building Department will implement.

Piedmont-Smith was concerned with stormwater since Spring St. has stormwater issues anyway. She asked Adrian Reid if any improvements are planned for that area.

Reid said no big projects are planned. On this particular site, we will need to insure that it doesn't exacerbate the problems in the area. He would not be surprised to find that there are no stormwater facilities in this older, developed neighborhood.

Piedmont-Smith said she would like to see this addressed for the benefit of the neighborhood. She asked the petitioner if they have been working with any stormwater engineers on the retention ponds.

Weddle said they have plans to do so.

Piedmont-Smith asked how the rainwater and the water in the ponds will be treated for use in showering and irrigation.

Weddle said that by Indiana State Law you can't use gray water for these things. If that is the law, they will have to strike those plans from the proposal.

Micuda said this was discussed with the County Health Department and they said a filtration system would be necessary to make the water usable. We would be happy to verify with the State that this is prohibited. In that case, he would suggest removing the language.

Piedmont-Smith asked if the fire pit would fall into the category of open burning which is prohibited within city limits.

Micuda said there are restrictions against open burning in City code.

Piedmont-Smith asked the petitioner to clarify that.

Susan Fernandes asked if the B-Line is supposed to come down this track.

Shay said it will stop at Adams St. At this time there are no plans to extend the trail. It is also an active rail line, too.

Micuda said the trail will stop very close to the site providing an opportunity for some limited commercial uses. We will have to figure out what those restrictions might be.

Fernandes asked what the occupancy load would be if this site was developed to RH or RM standards.

Shay explained that with RM (7 units/acre) there could be 17 units and with RH (15 units/acre) around 35 total units.

Fernandes said the sleeping cabins are too small for 3 adults. That needs more discussion.

Shay said staff would like to receive guidance from the PC concerning maximum heights or maximum stories.

Fernandes asked about the 2-inch water line.

Shay said Spring St. has a 2-inch line. They would be upgrading that to a 6-inch line. A 2-inch line would connect into the site.

Fernandes said she was told that she could not use a 2-inch line for 1 home. That needs to be clarified.

Weddle said he has been working with Utilities on this. They say a 2-inch line is what you would use for a subdivision. We have to have a 6-inch line for the fire hydrant on site.

Fernandes said there are some nice trees where they intend to put their orchard. What trees are going to stay?

Weddle said the larger trees along the tree line for the most part will stay. The big trees on the northern slope will stay. The canopy will remain on the southeastern part of the property. On the western side a lot of the "trees" are actually bush honeysuckle.

Fernandes said they need to talk to Soil and Water Conservation Service about ponds and karst.

Burgins said that this is going to be an experiment. There seem to be a lot of challenges, a lot of work, rule enforcement, scheduling the cars, etc. They are sort of developing their own culture on 2 acres. Have you done this before or been in a group like this. There could be so many problems.

Weddle said that the fundamental question is people. He has come out of student cooperatives. People working together is key. That is why there are the strict membership processes. If the pond doesn't hold water, they will take the pond out. The main thing is having people near the center of the city. He has been trained in non-violent communication and has gone through mediation training. They do health and wellness evaluation for anyone who applies. There is a year-long membership process.

Seeber asked if a fence is required around ponds of a certain depth. Micuda said yes.

Jack Baker asked if the people doing this have done it before.

Weddle said that all 3 founders came out of the student coops in Bloomington and California.

Piedmont-Smith asked about the pond being fenced.

Shay said that they could incorporate the fencing with their garden fencing.

There was discussion about water quality for recreation.

**Public Comment:**

Sue Newcomer who lives on 8<sup>th</sup> St. She will see this development out of her bedroom window. She's very concerned. She's concerned about how the houses are going to be built. Won't this marsh encourage mosquitoes? Shouldn't all the issues be resolved before the PC makes a decision? She thinks their plans are too ambitious for the site's size. She was concerned with outside fires that could spread. Fenced ponds won't serve wildlife. Will they limit the number of pets? Composting human feces sounds unhealthy. She couldn't see the Health Department letting that go. Bikers will be in danger on 8<sup>th</sup> St. Will the new water lines improve the water pressure in her neighborhood? What age is an adult? Are they affiliated with any religious institution? She was concerned how this would turn out.

Michael Ismerio who moved here from Portland, OR is considering getting involved with the project here. There are many, many case examples of Eco-Villages. These are all over. He was involved with one in Portland and finds what the members have accomplished there inspirational. You should do more research and not re-invent the wheel. There are plenty of urban Eco-Villages and co-housing. Many of the benefits are not measureable. It's the interconnectedness of humans trying to create different communities where people know each other.

Elliott Thornton who currently lives with Bloomington Cooperative Living wanted to address the question about how people make decisions and get things done in a cooperative. What goes on is due to someone being very interested in it. These interested people are behind getting things done in a cooperative.

Sarah Ryterband said she was very excited that you are faced with this possibility. Based on what we saw in the Peak Oil Task Force shows that this is right in line with where we need to be going in the future. She was excited that there could be real affordable housing within the city. She was excited that we are going to create community. The City passed an ordinance on urban agriculture. One woman has bought the lot next door and created a community garden. The petitioners want access to the trail to sell their vegetables. They want to promote both livability and sustainability. She asked the PC to consider this and take it to heart.

Doug Henvy grew up in Bloomington and has just returned from living elsewhere. He supported the project since it is far superior to the traditional models of residential land use. Considering the economy, climate change and Peak Oil issues make it clear that more cooperative modes of living will be critical to a healthy community and society. This is very forward thinking. He encouraged the PC to approve the petition.

Jan Lamm who lives at 410 Spring St. thinks that idealistically she and her husband approve of the project. They moved here from Santa Fe, NM where chickens and the use of gray water are permitted. Will the members be able to age in place here? She noted that frail older people need bathrooms. What kind of home businesses would be allowed? Her son lives across the street and has some special needs. Living near trails is good for him. She would like to know how many people and how many toilets will be on the property. She wondered if they had considered the amount of taxes members may have to pay. She would like to hear more financial details. She supports urban livestock.

Kim Kenny is very interested in becoming involved in this project. She has been working in organizations and agricultural cooperatives in Bloomington for the last several years. She is on the steering committee for the Bloomington Food Policy Council. They are concerned with food quality, sustainability, affordability and where it is coming from. A huge part of the project is about protection and restoration of the earth. This project could be a model for Bloomington. The people involved with this project so far include skilled older adults.

Charles Shaw said that he and his family own the property next to 410 Spring St. There used to be a pond for cattle on the property. There was also a barn and a stone fence between the property and Valhalla Cemetery.

Randy Reinier who lives on the north end of Spring St. said he was very intrigued by this project. He hopes this project can stabilize the neighborhood. He understands the neighbors' concerns but pointed out that JB Salvage makes a lot of noise. He was concerned about there being one way in and one way out of the neighborhood. He is pleased with the emphasis being on alternative transportation.

Carolyn Blink is one of the co-founders of this project. Their idea is that the sleeping cabins will be used mainly for sleeping and that most other activities will take place in the cooperative and common spaces. She is involved with the membership. She hopes that with the process being as extensive as it is, they will be able to bring in people who are of a cooperative orientation.

**\*\*\*Joe Hoffmann moved that PUD-02-11 be forwarded to a second hearing on April 4, 2011. Milan Pece seconded.**

Travis Vencel asked to include a friendly amendment that would forward this petition to the May 9<sup>th</sup> hearing. There is a lot to be done before this petition is ready for a final hearing. (Staff agreed.)

**\*\*\*Joe Hoffmann withdrew the motion. Pece agreed.**

**\*\*\*Joe Hoffmann moved that PUD-02-11 be forwarded to a second hearing at the Plan Commission May (5/9/11) meeting. Pece seconded the motion.**

Fernandes suggested the PC contemplate 3 hearings. This is an unusual petition and has the potential to have an impact on the neighborhood.

Hoffmann said that their procedure is for 2 hearings. If we felt there were still unresolved questions at the second hearing, we would continue to a 3<sup>rd</sup> meeting. (Staff agreed.)

Fernandes said it's a good site and a very interesting project. She was very impressed when she read the petitioners' submission. They need more definition of the site and the buildings. She would like to see details to scale as much as possible. They need to refine the uses. She would like information on phasing. An easy retrofit to utilities and uses would be helpful. The cabins must have bathrooms-at least a sink and a toilet. She suggested having a meeting with the neighbors. The current plan is too dense. She'd like to hear more detail on that.

Piedmont-Smith thanked the petitioners for their hard work on a detailed proposal. Having a bathroom or not should be up to the owner or renter. The small size of the cabins is a much smaller ecological footprint. She is comfortable with the density. Parking needs to be clarified. Where will the ADA parking be? How are they going to deal with a 2-car carport with 4 cars? We need clarification from the Health Department about several issues. There may be too many possible accessory uses and accessory buildings. She was concerned about giving a blanket approval to all of those. Maybe they could decide on a maximum square footage of accessory buildings. This would be a great opportunity to see how other farm animals would work in an urban setting on a large enough lot. This is part of urban agriculture. She doesn't have a problem with the goats. She would allow a 10-foot fence to protect their gardens from deer. Two-story buildings make sense to her. Overall, this would do much to restore community character. She believes this will become a very strong project.

Seeber said he could envision a 3<sup>rd</sup> hearing being necessary. The site won't be able to handle all of the possible uses. He would like to hear more about ownership or subdivision. Will we see a plat? We didn't hear anything about the proposed waiving of setbacks.

Pece thanked staff for what must have been a Herculean effort. We've never seen a proposal like this. A 3<sup>rd</sup> hearing may be necessary. He was most concerned about the public health issues. He would like someone from the Health Department to attend the next meeting. He was glad to see the petitioners come down in the density some. Phasing seems to be needed for this.

Baker thanked staff for the work. He was concerned that there is so much that is not pinned down. He was still undecided about this use being appropriate for an urban setting and whether they could be a good neighbor. He was worried about animal waste runoff, noise, smell, possible overcrowding, possible safety issues, adequate parking. The kinds of animals, their numbers and what kind of processing needs to be spelled out. He was interested in having a kind of phased review. He needs information on health issues. He doesn't want to see sleeping towers. He wants to make sure that building materials are appropriate for this climate. They need to have windows. He was dubious that solar heating can do it all. There should be 3 unrelated adults. There should not be a camp or hostel. Fifty hens are fine with him but keep in mind that guinea fowl are noisy and have been used as watchdogs. He would like to see goods from cottage businesses sold off-site. He needs to know how high deer can jump. He wouldn't object to 10-foot fences if necessary. He would like to see lower fences near the street and where people live. His biggest concern is the nature of sustainability.

Hoffmann said since there are many questions about permitting, legalities, the geography of the land, etc. putting the next hearing off for two months makes sense. On land use, he said he was fine with a cooperative housing project and having a central building and much smaller cabins. We have had 2 pretty big rezoning petitions recently. The GPP calls for "urban residential" on this site. He sees this project as urban residential. This is not a commercial project. Density is important. He said most failed new businesses are a result of expanding

too quickly. He looked up the Columbia Eco-Village and found that it is thriving and fully occupied. That is 50 adults and a few kids on 3.7 acres. Corresponding density at this site would be around 30 adults. He suggested that the petitioner start with 30 people with an understanding that if it goes well more could be added later. We should evaluate the accessory uses as we would in any other residential neighborhood. We could do this by listing some conditional uses. We should stage the addition of uses. The neighbors need to have a basic sense of comfort about what kind of structures are going to go there. We should lay out some minimum standards primarily relating to building materials and other issues of basic building quality. He wouldn't suggest approving the 10 foot fence. They should examine other methods used around the world. In Japan, they use a combination of bamboo and water that scares the deer. Maybe the goats would scare off the deer. If we allow a 10 foot fence here, many other people will want to have a fence that tall, too. He appreciates the challenge this creative project presents.

Reid suggested a density of 25. From a technical standpoint, he still doesn't feel he has a good understanding of the project. They need an engineer to help with ADA requirements, the stormwater ordinance, IDEM regulations for grading an area larger than 1 acre, traffic impacts, possible directing stormwater into the municipal stormwater system, etc. 40 feet is too tall for the dwellings. Site improvements for alternative transportation need to be added.

Smith thanked the petitioners for bringing the project forward. This project is much more forward-thinking than the usual projects heard by the PC. He suggested the petitioner to come back to the next meeting with a better understanding of your core values. What is it that you are going for? He would like to hear about the goals of the project, strategies to meet the goals and metrics to measure the strategies. He recommended that they hire an engineer. The permitting process will be difficult since this project doesn't conform to other projects. He thinks that 30 is a supportable number of residents. Reduce your scope so that the PC can get our hands around it.

Vencel said the density should be between 25-30 to start with. That could be approved as Phase I. The maximum number at year 3 or 5 might be 50-55. We shouldn't waive any of our typical requirements including sidewalks. We have to start somewhere on sidewalks. He suggested the petitioners say that the structures would be built to current State and Bloomington building code and property maintenance codes. If that changes in time, you would adhere to the newer codes. We could rely on the codes to make some decisions and then we can focus on the function of the development.

Williams said that Michael Ismario's comments about the Columbia Eco-village were very interesting. The range of uses is so extreme. The petitioner made it clear that they didn't intend to try to grow enough food on-site to feed all the members. That is understandable. The combination of orchard and garden and livestock and various residential components is really intense. Goats are grazing animals---they eat everything. She was most concerned about the Health Department regulations. She urged the petitioners to work with the neighbors. This will be a huge change for the neighbors.

Seeber asked staff if they planned to coordinate a neighborhood meeting.

Shay said staff was working on that.

Seeber asked if there are triggers that would cause staff to revisit issue in a year or two.

Micuda said there is no mechanism to revisit approvals that we have granted. That is why staff is focused on creating reasonable limits to start rather than creating a review process. If we create a low enough threshold and an expansion is proposed that will create an automatic opportunity to review what is there.

Vencel asked if they could make changes to the uses after the preliminary approval.

Shay said that uses have to be dealt with at the preliminary approval and set.

Hoffmann suggested they make a list of conditional uses.

Micuda said the PC can create a conditional use review process as part of PUD. Staff can set that up ahead of time.

**\*\*\*Roll call vote was taken. The petition was approved by a vote of 11:0.**

*The meeting was adjourned at 9:30 pm.*

*The next regularly scheduled Plan Commission meeting will be on April 4, 2011.*

**BLOOMINGTON PLAN COMMISSION**  
**STAFF REPORT – Second Hearing**  
**LOCATION: 415 ½ N. Spring Street**

**CASE #: PUD-02-11**  
**DATE: May 9, 2011**

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**PETITIONERS:      Bloomington Cooperative Plots Eco-Village**  
**1710 W. 8<sup>th</sup> Street, Bloomington**

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**REQUEST:** The petitioners are requesting Preliminary Plan and District Ordinance approval to rezone a 2.23 acre property from Residential Single Family (RS) to Planned Unit Development (PUD) to allow the construction of a cooperative housing project. Also requested is a waiver of the 5 acre minimum PUD requirement.

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**SITE INFORMATION:**

<b>Lot Area:</b>	2.23 acres
<b>Current Zoning:</b>	Residential Single Family
<b>Proposed Zoning:</b>	Planned Unit Development
<b>GPP Designation:</b>	Urban Residential
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Cooperative Housing
<b>Surrounding Uses:</b>	North – Salvage Yard South – Single Family East – Single Family West – Cemetery

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**CHANGES SINCE FIRST HEARING:** The petitioners have worked to refine their petition since the first hearing. They have met with staff and several neighbors to gain additional input on this case. They have made several changes, as described in this report and their revised PUD statement, to address many of the comments and concerns raised by the Plan Commission, staff, and neighbors. The petitioners have secured an engineer to evaluate and design the utility and drainage plan. These plans have been submitted, but have not been finalized to a point that would allow staff to make a recommendation on this petition. Staff has discussed this with the petitioner, and it has been agreed that the second hearing for this petition should be utilized as an additional informational session due to the number of changes, the lack of a finalized drainage plan, and the overall complexity and uniqueness of the petition. Therefore, staff will present the proposal at the meeting with a recommendation of a third Plan Commission meeting.

*The Village:* The petitioners have reduced the number of proposed sleeping cabin/small homes to a maximum of 10 structures. Originally, a maximum of 25 had been proposed and later reduced to 15 structures at the first hearing. The petitioner is still proposing a maximum of 400 square foot footprints, but has agreed to a maximum of 2-stories in height. They are proposing that flat roofs be permitted to allow for rooftop decks. Staff has no concerns with this request and also believes the number of homes to be appropriate.

It has been established that the individual village homes will be required to have kitchens and bathrooms. All homes will be connected to City water and sanitary sewer.

Maximum # of cabins – 10  
Maximum Footprint – 400 square feet

*Community House:* The petitioners have reduced the number of bedrooms and occupants within the cooperative structure as well. Originally, the petitioners proposed a maximum of 30 bedrooms and 40 unrelated adults. At the first hearing, the petitioners reduced that number to 15 bedrooms and 20 unrelated adults. The petitioners are still proposing 15 bedrooms, but have committed to a combined maximum of 30 unrelated adults in both the village and the community house. This structure would also be required to be connected to City water and sanitary sewer.

*Overall Bedroom/Occupancy:* The petitioners have proposed to limit the combined bedrooms and occupancy of the overall development (the village and the community home) to 40 bedrooms and 30 unrelated adults. Staff would still recommend that each individual home within the village be limited to no more than 3 unrelated adults.

Maximum # of bedrooms – 40  
Maximum Occupancy – 30

*Phasing:* The petitioners have revised the proposed phasing of the project. A specific phasing schedule is provided within the PUD statement. In general, the phasing of the project would be as follows:

Phase 1: Utilities, ponds, central bathhouse, up to 3 member homes, initial animals, garden preparation and construction, invasive vegetation removal, and native plantings  
Phase 2: Community house, additional member homes, soil maintenance, establish orchard/food forest, and potential animal expansion  
Phases 3-4: Additional member home construction, potential animal expansion

*Composting Toilets/Humanure:* The petitioners have removed the request for composting toilets and use of humanure within the development. As previously stated, all residential structures will be connected to City water and sanitary sewer systems.

*Utilities:* The petitioners have met with the Utilities Department to determine the necessary public utility improvements to serve this property and the proposed use.

- Water – The petitioners will be upgrading existing water service within Spring St. to a 6" line, and connecting to that line with a new 2" line.



- Sanitary Sewer – The site naturally flows to the east. The sanitary sewer will follow the natural contour of the site and connect to an existing 8” line located in Spring St.
- Stormwater – The petitioners have hired an engineer to develop a more specific drainage plan. They have also directed them to design a plan that exceeds the minimum requirements for stormwater runoff rates. The current plan has demonstrated an ability to not only hold post-development runoff rates to the predevelopment rates, but to decrease the runoff rates for 2, 10, and 100-year storm events.

The drainage plan proposes a series of detention ponds and bioswales to not only meet runoff requirements, but also increase water quality for runoff across the site by increasing settling times and introducing filtering vegetation. City staff and the petitioners’ engineer have also looked at the existing drainage issues along Spring St. and W. 8<sup>th</sup> St. Although the petitioners’ plan would reduce the rate of water flowing to this area and should improve the drainage issues, this area will likely still experience some flooding. The main cause for these issues are undersized storm infrastructure within both Spring St. and across 8<sup>th</sup> St. The City will analyze potential solutions for this area and explore funding for potential future improvements.

The petitioners are still proposing a recreational pond for this property. This pond has not been utilized for stormwater calculations. Water from the westernmost bioretention pond will be directed to the recreational pond and will only serve to further detain and filter on-site stormwater.

The drainage plan is still being developed to ensure compatibility with the overall plan for the site. To allow adequate time for development and review of this plan, the petitioners and staff have agreed to seek an additional Plan Commission hearing prior to a potential decision.

*Emergency Drive:* The petitioners are still proposing a fire access lane to be constructed mainly of a pervious system that will allow for vegetation but will maintain structural integrity allowing for fire protection. There is also a requirement for a new fire hydrant at the entrance to this property. The Fire Department has been reevaluating the proposed fire lane. Prior to a Plan Commission decision, the petitioners must receive conceptual approval from the Fire Department for their design.

*Parking:* The petitioners have revised their parking proposal to restrict on-site ownership of cars and have proposed a car-sharing situation with 2 cars and one truck to be used and owned in common by the membership. To accommodate additional vehicles, the petitioners have proposed to install a total of 8 parking spaces; 6 gravel spaces and 2 ADA compliant spaces near the community building.

*Accessory Structures:* The petitioners have provided more detail to the accessory structure standards they wish to have for the PUD. They have requested that they be allowed a maximum of 7500 square feet of accessory structure footprint. They have also shown what 7500 square feet of accessory structures would look like on their site plan. The locations shown are conceptual and final layout of the accessory structures may change. For comparison, 10 single family homes could have a combined total of 8400 square feet of accessory structures.

Staff would also recommend that the maximum accessory structure height of 20 feet remain for all structures with the exception of the barn. Staff recommends that an RE zoning district accessory structure height of 30 feet be allowed for a future barn structure.

*Animals:* The allowance of animals has received considerable discussion with this project. The petitioners have requested that crops and pasturage be allowed within this PUD. Their original request was to have a maximum of 50 chickens and 3 goats on the site. Fifty chickens was based upon the number of chickens that could have been allowed through the accessory chicken flock standards of Title 7 for the approximate 10 single family homes that could have been developed through a conventional subdivision.

Staff recognizes that some animal ownership is an essential and central part of the development concept being proposed by the petitioners. Therefore staff is recommending a phased approach to animal ownership within the PUD. Staff recommends that a baseline ownership of 10 chickens and 3 goats be permitted. Thereafter, staff recommends that additional chickens be permitted in increments of 5 chickens. Additional chickens would only be allowed if adjacent property owner permission is granted in accordance with the City's Animal Control Ordinance. Presuming such approvals are granted, the cap on the number of chickens would be 50.

Staff recommends the following restrictions on animal ownership for this PUD:

- All animal containment areas must maintain a 100 foot setback from the rear property lines of the homes located along Spring St. and 25 feet from the rear property lines of the homes located along 8<sup>th</sup> St.
- Chickens shall be maintained in chicken tractors
- A maximum of 50 chickens are permitted with phasing as described above.
- No roosters shall permitted
- A maximum of three goats are permitted

*Additional Uses:* To address concerns raised at the first hearing, the petitioners has removed uses such as youth hostel, bed and breakfast, and seasonal worker camping (tent platforms) from their request. A cooperative school and educational classes are still proposed within the community house and gardens.

The petitioners have also revised their request for home occupations within the development. They are now requesting that one massage therapist home

occupation be allowed with the initial member homes, and that any future home occupations receive conditional use approval through Board of Zoning Appeals or Hearing Officer.

*Setbacks/Development Standards:* The petitioners have proposed reduced setbacks. Specific setbacks/Development standards have not been proposed. Staff recommends the following standards for this PUD:

- Primary building setbacks
  - North and West – 8 feet regardless of stories
  - East and South – 25 feet
- Accessory building setbacks
  - 35 feet from Spring St. , 5 feet all other setbacks (no change)
- Parking setbacks
  - 25 feet – all sides
- Maximum impervious surface coverage - 40% (no change)
- Maximum Height, Primary Structure – 40 feet (no change)
- Maximum Height, Accessory – 20 feet (Barn may be 30 feet)
- Internal setbacks shall not be required if small lot or zero-lot line development/ownership models are used
- Fence height – Maximum of 8 feet behind front facades of adjacent homes on Spring St.

*Pedestrian Accommodations:* The petitioners have revised the site plan to include an ADA accessible sidewalk connecting Spring St. and ADA parking to the community house. The petitioners also anticipate a more informal path system throughout the development.

*Ownership Structure:* Although the petitioners have asked for flexibility in the ownership structure, they anticipate a common ownership of land with individual village homes being owned as condominium style or zero-lot line homes. The community house would be owned in common by the membership. Staff is comfortable with all of these options and recommends that the exact ownership be developed with future final plans.

*Tree preservation:* The current proposal may not meet the specific tree preservation requirements of the UDO. The petitioners are proposing to remove several areas of small trees to allow for additional sunlight and establishment of the orchard. They do intend on leaving the better stand of trees located on the southeastern portion of the property.

The petitioners will be replanting several fruit and nut trees for food, noise buffers, and new canopy. The petitioners have met on-site with representatives of the Environmental Commission to discuss their preservation and planting plans. The EC has raised no concerns with their proposal.

*Signs:* The petitioners have proposed a limitation of a single 12 square foot sign of 4 feet in height at Spring St. and the potential of an additional sign of the same

size if the B-line is extended in the future adjacent to this property. The future sign would be permitted at a future connection of the site to the trail.

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**ENVIRONMENTAL COMMISSION MEMO:** The EC has discussed this petition multiple times and believes the petitioners have addressed most of their initial concerns. The EC has recommended two items to still be addressed:

1. The petitioner should continue working on the preliminary plan and return to the Plan Commission for a third hearing.
2. The petitioner should submit to the planning department letters from both the US Army Corps of Engineers and the IN Department of Environmental Management stating they do not need permits to complete the planned work in the ravine.

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**NEIGHBORHOOD INPUT:** Staff has received significant input from adjacent property owners. Staff has met several times with the petitioners and neighborhood representatives on this case. The majority of the discussion revolved around drainage, animals, environmental testing, and the scale of the development.

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**RECOMMENDATION:** Staff recommends continuing this petition to the June 13<sup>th</sup> Plan Commission meeting.

# MEMORANDUM

**Date:** April 28, 2011  
**To:** Bloomington Plan Commission  
**From:** Bloomington Environmental Commission  
**Through:** Linda Thompson, Senior Environmental Planner  
**Subject:** PUD-02-11, Bloomington Cooperative Plots Eco-Village and Community House, Second Hearing

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This memorandum contains the Environmental Commission's (EC) comments regarding a change of zoning from residential to Planned Unit Development (PUD). The petition still contains some requests that are not yet typical for PUDs, but the EC believes the sustainable nature of the plan is commendable and beneficial for future paradigm shifts in how we live and develop our cities. The petitioner has addressed many of the questions and concerns that the EC noted at the last hearing as seen below.

1.) LANDSCAPE PLAN:

The petitioner met with staff on several occasions and discussed how the landscape and buffers will be laid out. A modified written plan still needs to be submitted, but the verbal descriptions appear to be on the right track.

2.) WATER QUALITY:

The petitioner has been concentrating on the water quality and quantity issues. By eliminating some features like composting toilets, and employing a stormwater engineer to design a plan, much progress has been made. However, there are still some details to work out before the EC is comfortable with the final stormwater plan.

3.) SITE DENSITY DESIGN:

The EC believes the petitioner has addressed the density issues by lowering the population density of the site.

4.) VERIFICATION OF STATE & FEDERAL PERMITS:

The EC continues to recommend that the petitioner contact the Indiana Department of Environmental Management and the US Army Corps of Engineers to ensure a permit to build a dam across the ravine is not needed. The petitioner should provide letters from the agencies stating their jurisdictional determination.

**EC Recommendations:**

1. The petitioner should continue working on the preliminary plan and return to the Plan Commission for a third hearing.

2. The petitioner should submit to the planning department letters from both the US Army Corps of Engineers and the Indiana Department of Environmental Management stating their jurisdictional determination.



Weddle said the concern was about winter access. They would need to plow without destroying the pervious pavers. The result was to include two graveled lanes on either side of the pervious pavers so that the fire trucks would be able to drive on a graveled surface. There was also some concern that if the property changes hands in the future that the vegetation on the pervious pavers might overgrow the access road.

Jack Baker asked for more explanation of allowing 10 chickens first and any additional would need neighbor approval. How many neighbors need to give approval for chicken flocks now?

Shay said the approval would have to come from immediately adjacent neighbors.

Baker asked about the 36-inch line coming from Valhalla across this property.

Shay explained that there is a culvert from the JB Salvage site that empties into the north central portion of the property. Water comes from both Valhalla and JB Salvage. It crosses this property and is funneled toward Spring St. It goes across some of the front yards and under Spring St. in a culvert. From that point it runs east behind one of the single-family homes and heads south towards 8<sup>th</sup> St. There is a culvert under 8<sup>th</sup> St. Improving either of these culverts would be big jobs.

Micuda explained that Jeff Fanyo said that you have a 36-inch pipe that we believe is under the railroad tracks coming from JB Salvage. Eventually that drainage gets to 8<sup>th</sup> St. where it goes into a 24-inch pipe. There is a choke point at the 24-inch pipe.

Baker asked if all drainage sites were sampled.

Shay said that the sampling they did was all on the petitioner's site.

Adrian Reid said he was concerned about the access drive. Is there going to be a design so that we know that the pavement can support a fire truck?

Weddle explained that pervious pavers are not structural. They hold soil in place. The road bed will provide more than sufficient structure for the truck.

Reid was still concerned. He requested a pavement design. Are the pervious pavers more expensive?

Weddle said they cost about the same as asphalt. The grid system that the engineer put on the map is far more expensive.

Reid said that this site plan is missing building footprints and graded areas. Will that be part of the next submittal? (Weddle said yes.)

Chris Smith noted that the neighborhood is seriously lacking in infrastructure. Is there any discussion with City Utilities (CBU) or any design work occurring off-site?

Micuda said staff met with CBU, the petitioner and the petitioner's engineer. The stormwater issues can be broken down into 3 types. There's the on-site infrastructure which the developer is clearly responsible for. We have a plan for that. Then, there's issue of what happens when the water hits Spring St. The developer's engineer recommends taking the water to the east side of Spring St. and conveyed from there. We have to find out if that is an improvement that CBU will be willing to do that as a department. The 3<sup>rd</sup> piece is what happens when the water hits 8<sup>th</sup> St. That is where the water would encounter the undersized 24-inch culvert. We have been told that changing this would be a much bigger project. We don't know where that would fall on the CBU priority list of neighborhood projects. We feel somewhat optimistic about steps 1 and 2, but step 3 is going to be a difficult issue.

Smith asked if the City decides not to pay for this; is the petitioner prepared to pay for this.

Weddle explained the step 2 would be an open culvert on the east side of Spring St.

Shay said that we normally can't require off-site improvements but in this case we can. We need to look at what they are requesting and what their by-right zoning would be. The scale of the project needs to be similar to the scale of the improvements. The post-development rate of water runoff will be less than pre-development rate.

Pat Williams asked for more details about the community house like how many people will be using it and for what purpose.

Weddle said it will mostly be used as a central dining hall. There will be some cooperative living bedrooms upstairs. It will be run as a coop with a system of governance to maintain it. A shower will be provided in each cabin structure. The community kitchen would be used to cook large meals.

Williams asked about the social-gathering area to be placed on the south side of the property on the north slope that leads away from the neighbors.

Weddle said they will find spots that will not bother neighbors.

Williams asked if there are any state health requirements that have to be resolved. Are we talking about open culverts?

Shay said there will be both open and enclosed culverts.

Weddle said there are no ditches now. The water just runs through the yards.

Shay said there would be open bio-filtration swales or ditches on the site. There will be a ditch along 8<sup>th</sup> St.

Baker asked if the auxiliary heating would be regulated in terms of air quality control.

Shay said auxiliary heating is regulated by Building Department.

Piedmont-Smith asked if petitioner is replacing the water line on Spring St.

Weddle said it will be a 6-inch line in order to service the full fire hydrant.

**Public Comment:**

Sue Newcomer said she is happy with the changes. Danny has addressed her questions. What is a service node? Will the homes be normal-looking? Has the PC read Deneise's comments?



Micuda said the comments were emailed to the PC today. Hard copies of Deneise's information were given to the PC before the meeting. We have forwarded really specific questions for Rudy Fields and Jeff Fanyo and have specifically requested written responses to those questions. He said a service node is an area in the community that provides some sort of neighborhood or community benefit.

Shay said he believed that the "clash" referred to the lack of usual amenities found in homes. Concerning what they will look like, they will have to meet all of the Building Department's standards but that could include cob houses, rammed earth houses, straw bale houses, etc. Those kinds of houses are allowed in Bloomington anyway unless there is a covenant against them.

Sam Shaw of 1670 Spring St. was concerned with parking along Spring St. Are they going to run the water under Spring St. over to the east side? That won't work. He has had water underneath his house. Once they were flooded and FEMA has compensated them. The water comes off the all the properties and streets in the area. Every time it rains, water gets under their house. His house is rotting.

Micuda said we would try to address that problem.

Shaw asked where they would park on Spring St. If they park on Spring St. a fire truck would not be able get through there.

Chris Sturbaum said he was sympathetic with both sides. He understands the vision that Danny has and he understands the neighbors' worries and concerns. He said since Deneise can't be here, he will focus on her concerns tonight. Thirty people signed a petition of concern and they are worried about how this will affect their property. Some concerns have been resolved. Water gets into this valley and can't get out of it fast enough due to the choke point. Even if they get the water under Spring St. and into the ditch, they still have a choke point under 8<sup>th</sup> St. Renwick provided off-site improvements. People will need to step up to the plate to improve this area. This area has long been neglected. One suggestion is to provide a bus running down 8<sup>th</sup> St. The neighbors are concerned that people will visit this place and will need parking. If they have an event will Spring St. fill up with cars? She also suggests a painted bike lane on 8<sup>th</sup> St. It's very wide. Cars speed along 8<sup>th</sup> St. all the time. There are no street lights on Spring St. He would like to see this entire area upgraded. They may find that the Eco-Village improves their area very much. Deneise resents that we are going to make special rules and allow goats. She would prefer that they start with chickens and see when that flood happens, is chicken poop in the run off.

Ann Kreilkamp said that she and Danny are both graduates of the Permaculture Design Course. They are part of the group that created Transition Bloomington. These groups worked closely together to educate themselves and the public about climate change and peak oil. They held a daylong great unleashing event in City Hall which attracted about 120 people. There are now 275 are members of Transition Bloomington. She has the Green Acres Neighborhood Garden to grow food, to service a neighborhood common and to teach workshops. She supports the Eco-Village and is sorry that the small cabins without facilities got changed. She believes that clustered homes on common lands will become a large part of sustainability planning in the future. Bloomington will be known for all of its amenities including the Spring St. project. She asked that this petition be approved.

Jack Baker suggested to staff and the petitioner that the petitioner's engineer attend the next meeting. He wants to look into leveraging some improvements to the area.

**\*\*\* Milan Pece moved to continue PUD-02-11 to the next meeting on June 13, 2011 unless staff decides it is not ready to be heard. Chris Smith seconded.**

Williams thanked Sturbaum for his comments. She has concerns about open culverts in neighborhoods.

Smith said he was impressed with how much this petition has come from the last meeting. He agreed that it would be pertinent to have the petitioner's engineer at the next meeting. You should work with him to see what you can do to improve this area and see how much you can push the City to do. The neighborhood deserves something.

Baker said he has concerns about the drainage. He is interested in the topics that Smith just brought up. He was not convinced that 10 chickens should be allowed without neighbor's discussion. The same goes with the other animals. He complimented the work that the petitioner has done.

Pece thanked staff and the petitioner. This is undiscovered territory. Doing this legally has been a tedious exercise. The drainage is the biggest issue left. There are a couple of City Council members here today that might be able to take along the message that some long-standing issues need to be solved at the same time.

Piedmont-Smith thanked the petitioners and said the petition has come a long way. She was glad they met with the neighbors extensively. Stormwater problems exist in this neighborhood regardless of this development. If the "ditch" is actually a swale that would be a forward thinking way to go. It is not the new petitioner's job to fix old problems. It is the district representative's job to advocate with CBU to work on these issues. Most neighborhood streets don't have painted line down the middle. A bike lane would be nice but they don't exist on most streets. She is very much in favor of the petition including 10 chickens and 3 goats. The animals are essential to the urban agriculture that is proposed here. The density equation is much better. PUDs allow innovative, sustainable proposals in the City of Bloomington. She wants to have the Fire Department sign off on the access.

Fernandes asked what the public was going to get from the PUD. Her sense is that it is assumed that we are getting an innovative, sustainable project. That doesn't seem to be quite enough. She would like to see them do some off-site drainage improvements. She doesn't think that 2 cars are sufficient for so many people. She doesn't see enough provision for visitor parking. She would like to know more about pollution downhill from a salvage yard. The people living in the Eco-Village will help give your neighborhood a voice. This might help change the neighborhood for the better. A bus stop is a good idea. They need to push for that.

Burgins agreed with the previous comments. Staff should prevent petitioner from being shaken down on what they can and cannot do.

**\*\*\*Roll call vote was taken. The motion was approved by a vote of 8-0.**

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**PETITIONER:**        **Bloomington Cooperative Plots Eco-Village  
Daniel Weddle  
1710 W. 8<sup>th</sup> Street, Bloomington**

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**REQUEST:** The petitioners are requesting Preliminary Plan and District Ordinance approval to rezone a 2.23 acre property from Residential Single Family (RS) to Planned Unit Development (PUD) to allow the construction of a cooperative housing project. Also requested is a waiver of the 5 acre minimum PUD requirement.

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**SITE INFORMATION:**

<b>Lot Area:</b>	2.23 acres
<b>Current Zoning:</b>	Residential Single Family
<b>Proposed Zoning:</b>	Planned Unit Development
<b>GPP Designation:</b>	Urban Residential
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Cooperative Housing
<b>Surrounding Uses:</b>	North – Salvage Yard South – Single Family East – Single Family West – Cemetery

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**PROJECT HISTORY:** This petition was heard by the Plan Commission both in March and May of this year. The project has been continued since the May meeting to allow for additional refinement of the petitioners' proposal. The petitioners have revised the proposal and are requesting the proposal be forwarded to the Common Council.

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**PROPERTY DESCRIPTION:** The property, zoned Residential Single Family (RS), is located west of the dead end of N. Spring Street within the Waterman's Addition. It is bordered on the north by a rail line and salvage yard (JB Salvage), on the west by Valhalla Memory Gardens cemetery and to the south and east by existing single family homes. Although the property only has a small 35-foot frontage on Spring St, it opens to a larger open field area with existing trees on the perimeter.

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**REPORT:** The proposal includes several non-traditional development options that create several conflicts with the regulations of the UDO. The petitioners' proposed PUD Preliminary Plan and District Ordinance attempt to address these conflicts. The property is proposed to be split into five major areas; the village (sleeping cabins), the community house, the orchard, the ponds and the gardens.

*The Village:* The petitioners are proposing several small "cabin homes" in the northwest corner of the property. Originally, the petitioners requested a maximum

of 25 cabin homes. Based upon comments they have received throughout the PUD process, they have reduced the number of proposed cabin homes to a maximum of 10 structures. The petitioner is proposing a maximum footprint of 400 square feet and maximum height of 2-stories. They are proposing that flat roofs be permitted to allow for rooftop decks. Staff has no concerns with this request and also believes the number of homes to be appropriate.

Due to concerns raised at the initial Plan Commission hearing, individual cabin homes will be required to have kitchens and bathrooms. All homes will be connected to City water and sanitary sewer systems.

Maximum # of cabins – 10  
Maximum Footprint – 400 square feet

*Community House:* The petitioners also reduced the number of bedrooms and occupants within the cooperative structure. Originally, the petitioners proposed a maximum of 30 bedrooms and 40 unrelated adults. The petitioners are now proposing a maximum of 15 bedrooms and have committed to a combined maximum of 30 unrelated adults in both the village and the community house. This structure would also be required to be connected to City water and sanitary sewer.

*Overall Bedroom Count/Occupancy:* The petitioners are proposing to limit the combined bedrooms and occupancy of the overall development (the village and the community home) to 40 bedrooms and 30 unrelated adults. Staff would still recommend that each individual home within the village be limited to no more than 3 unrelated adults.

Maximum # of bedrooms – 40  
Maximum Occupancy – 30

*Density Comparison:* This type of development does not equate to conventional density evaluation. However, for comparison, a more conventional single family subdivision could have approximately 10 lots. If all of these homes were 3BR, there would be a total of 30 bedrooms and a maximum total occupancy of 30 unrelated adults.

*The Orchard:* The petitioners are proposing to plant a diverse orchard within the southern area of the property. This may require the removal of some of the smaller existing trees in this area. The orchard area has also been proposed to allow grazing of the desired animals on the property.

*The Ponds:* The petitioners' current stormwater plan now includes one large biofiltration pond in the central portion of the site fed by a swale that brings water from an existing outlet structure to the north. Previous plans called for this swale to be a biofiltration swale. Staff wants clarification that this swale will be constructed in a manner consistent with a biofiltration swale. There will also be a retention pond intended mostly for recreation on the western portion of the site.

*The Gardens:* Due to the enlarged detention pond, the garden area has been reduced as well. The petitioners will garden in open areas surrounding the community house and the swimming pond.

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### **ADDITIONAL PRELIMINARY PLAN AND DISTRICT ORDINANCE ISSUES:**

*Phasing:* The petitioners have proposed a specific phasing plan. The phasing is broken down as follows:

Phase 1: Utilities, ponds, central bathhouse, up to 3 member homes, garden preparation and construction, invasive vegetation removal, and native plantings

Phase 2: Community house, additional member homes, soil maintenance, and establishment of orchard/food forest

Phases 3-4: Additional member home construction

In addition, the petitioners are proposing to phase the introduction of animals onto the property over the next few years.

*Parking/Emergency Drive:* Due to the environmental nature of the project, the proposed community will rely heavily on bicycle and pedestrian traffic. The petitioners' parking proposal would restrict on-site ownership of cars and provide a car-sharing situation with 2 cars and one truck to be used and owned in common by the membership. To accommodate additional vehicles, the petitioners have proposed to install a total of 6 parking spaces; 5 pervious paver parking spaces and 1 ADA compliant space with a sidewalk connecting to the community building.

There has also been significant discussion with the neighborhood regarding on-street parking along Spring St. This street is approximately 20 feet in width and people currently parallel park along the street. With the potential additional residents associated with this project, this situation will only be intensified. Furthermore, any on-street parking could cause a conflict with the necessary width to accommodate a fire truck. Staff recommends that the neighborhood request the street to be designated by the City as no parking.

The drive will be a combination of a grasspave system and stone to meet Fire Department standards. It will also extend past the parking area to the northwest to provide fire access to the future cabin homes and the community building. An adequate fire truck turnaround has also been provided at the request of the Fire Department.

*Utilities:* The petitioners have met with the Utilities Department to determine the necessary public utility improvements to serve this property and the proposed use.

- Water – The petitioners will be upgrading existing water service within Spring St. to a 6" line, and connecting that line with a new 2" line. Although

individual structures will be connected to the City water system, they may also include cisterns to collect and utilize rainwater.

- Sanitary Sewer – The site naturally flows to the east. The sanitary sewer will follow the natural contour of the site and connect to an existing 8” line located in Spring St.
- Stormwater – As previously stated, stormwater requirements are being met by the addition of a large detention pond, a small retention pond, and a biofiltration swale that channels water runoff from the salvage yard to the north.

Several concerns have been discussed with this petition regarding stormwater and existing flooding issues. These issues are mainly caused by two “choke points”. The first is a culvert that runs under Spring St. Water from this site flows southeast and backs up on the west side of Spring St. due to the undersized culvert. This regularly creates a ponding situation in yards along the west side of Spring St. The second issue is an inadequate culvert that runs under W. 8<sup>th</sup> St. There is an existing open drainage swale that connects Spring St. to 8<sup>th</sup> St. that also ponds due to the inadequate 8<sup>th</sup> St. culvert.

The petitioners’ plan would install a new stormwater pipe under Spring St. that would slow the rate of discharge from the petitioners’ site and bypass the existing Spring St. culvert thus reducing the amount of flooding that occurs within the front yards of the homes on the west side of Spring St. The City Utilities Department has also committed to construct a new open drainage swale that would connect the new stormwater pipe to the existing open swale on the east side of Spring St.

Although funding is not currently available to improve the 8<sup>th</sup> St. culvert issue, the City Utilities Department is now aware of the problem and will place the project on their projects list to complete in the future as money and priority allows.

The Utilities Department has determined that the petitioners’ stormwater plan can meet the stormwater requirements with final details being approved at final plan stage. The petitioners’ stormwater calculations show that the combined post-development discharge rate of both the Spring Street culvert and the new pipe across Spring St. would be reduced 68%, 60% and 39% over predevelopment rates for the 2, 10, and 100-year storm events, respectively. These improvements are achieved through a combination of the new piping and the large detention pond on the site that will provide additional storage capacity for stormwater on the petitioners’ site.

*Accessory Structures:* The petitioners have proposed specific accessory structure standards for the PUD. They have requested that they be allowed a maximum of 7500 square feet of accessory structure footprint. The previous

submittal showed a conceptual layout of how 7500 square feet of accessory structures could fit on the property. For comparison, 10 single family homes could have a combined total of 8400 square feet of accessory structures.

Staff also recommends that the maximum accessory structure height of 20 feet remain for all structures with the exception of the barn. Staff recommends that an RE zoning district accessory structure height of 30 feet be allowed for a future barn structure.

*Animals:* The allowance of animals has received considerable discussion with this project. The petitioners have requested that crops and pasturage be allowed within this PUD. Their original request was to have a maximum of 50 chickens and 3 goats on the site. Fifty chickens was based upon the number of chickens that could have been allowed through the accessory chicken flock standards of Title 7 for the approximate 10 single family homes that could have been developed through a conventional subdivision.

Staff recognizes that some animal ownership is an essential and central part of the development concept being proposed by the petitioners. Therefore staff is recommending a phased approach to animal ownership within the PUD. Staff recommends that a baseline ownership of 10 chickens and 3 goats be permitted. Thereafter, staff recommends that additional chickens be permitted in increments of 5 chickens. Additional chickens would only be allowed if adjacent property owner permission is granted in accordance with the City's Animal Control Ordinance. If such approvals are granted, the cap on the number of chickens would be 50.

Staff recommends the following restrictions on animal ownership for this PUD:

- All animal containment areas must maintain a 100 foot setback from the rear property lines of the homes located along Spring St. and 25 feet from the rear property lines of the homes located along 8<sup>th</sup> St. **(The petitioners are currently requesting a 25 foot setback from any property line).**
- Chickens shall be maintained in chicken tractors
- A maximum of 50 chickens are permitted with phasing as described above.
- No roosters shall be permitted
- A maximum of three goats are permitted

The petitioners have proposed to install a vegetative buffer along the east side of the property if the bordering neighborhood requests it. The petitioners have also committed to phase the animals as follows:

- 2012: 5 chickens
- 2013: 5 additional chickens
- 2014: 3 goats
- Any additional chickens would need neighbor approval

*Ownership Structure:* Although the petitioners have asked for flexibility in the ownership structure, they anticipate a common ownership of land with individual village homes being owned as condominium style or zero-lot line homes. The community house would be owned in common by the membership. Staff is comfortable with all of these options and recommends that the exact ownership be developed with future final plans.

*Alternative Energy Sources:* The petitioners have proposed alternative energy sources such as solar panels, geothermal systems, heat pumps, and windmills. The UDO does not prohibit these types of systems and can be utilized on this site.

*Education:* The petitioners have included several education components in their proposal. These include a cooperative home school option for members of the community. Other individual classes for the public regarding urban agriculture, permaculture, and cooperative housing would also be permitted.

*Home Occupations:* The petitioners have requested that one home occupation for a massage therapist be granted with this PUD. Any future home occupations requested would have to receive a subsequent conditional use approval.

*Setbacks/Development Standards:* The petitioners have proposed reduced setbacks. Specific setbacks/Development standards have not been proposed. Staff recommends the following standards for this PUD:

- Primary building setbacks
  - North and West – 8 feet regardless of stories
  - East and South – 25 feet
- Accessory building setbacks
  - 35 feet from Spring St. , 5 feet for all other setbacks (no change in code)
- Parking setbacks
  - 15 feet – all sides
- Maximum impervious surface coverage - 40% (no change)
- Maximum Height, Primary Structure – 40 feet (no change)
- Maximum Height, Accessory – 20 feet (Barn may be 30 feet)
- Internal setbacks shall not be required if small lot or zero-lot line development/ownership models are used

Fence height – Maximum of 8 feet behind front facades of adjacent homes on Spring St.

*Building Materials:* The petitioners have proposed several alternative building techniques that may not meet the UDO's architectural guidelines. These building types include those such as cob, cordwood, Deltec Homes, earthship (recycled material), geodesic dome, post and beam, rammed earth, sandbag, straw infill, slip straw, and strawbale. The petitioners would have to meet all building codes in association with these types of construction.

*Pedestrian Accommodations:* The petitioners have revised the site plan to include an ADA accessible sidewalk connecting Spring St. and ADA parking to the community house. The petitioners also anticipate a more informal path system throughout the development.

*Transit:* After receiving Plan Commission comments regarding transit, staff explored the possibility of altering existing bus routes to include service of the Waterman addition. Currently, the closest stops are at the corner of W. 11<sup>th</sup> Street and N. Adams Street as well as the corner of W. Kirkwood Avenue and N. Adams Street. After speaking with Bloomington Transit representatives, this service is not feasible at this time. There are several physical barriers such as a low overpass on Adams St. and inadequate rail geometry with the railroad tracks that cross both Adams St. and Vernal Pike that makes service difficult.

*Signs:* The petitioners have proposed a single 12 square foot sign of 4 feet in height at Spring St. and the potential of an additional sign of the same size if the B-line is extended in the future adjacent to this property. The future sign would be permitted at a future connection of the site to the trail.

*Tree Preservation:* The petitioners are proposing to remove several areas of small trees to allow for additional sunlight and establishment of the orchard. They do intend on leaving the better stand of trees located on the southeastern portion of the property.

The petitioners will be planting several fruit and nut trees for food, noise buffers, and new canopy. The petitioners have met on-site with representatives of the Environmental Commission to discuss their preservation and planting plans. The EC has raised no concerns with their proposal.

*Invasive Species Removal:* The petitioners are proposing to systematically remove the invasive species on the site to be replaced with native plants.

*Membership:* The petitioners have outlined their membership process within the PUD Preliminary Plan and District Ordinance documents. The process has been designed to allow for ample time for prospective members to be evaluated for compatibility with the group.

*Environmental Testing:* The petitioners contracted several Phase II environmental tests with the purchase of their property, including PCB and heavy metal testing. All tests resulted in acceptable levels. At the previous Plan Commission meetings, there were several comments that additional testing should be considered. Due to these concerns, the petitioners have ordered a more complete Phase I environmental assessment to be performed. The petitioner will present the results of this assessment at the Plan Commission meeting.

*Final Plans:* It must be determined if the proposal is at a detailed enough stage to delegate final plan approvals to staff. Staff believes Phase I which includes the infrastructure, vegetation changes, and 3 cabin homes and a central bathhouse



can be done at staff level. However, staff finds that future final plan approval and construction of the community building should be reviewed by the Plan Commission.

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**GROWTH POLICIES PLAN ANALYSIS:** As an infill development centered on diversity and sustainability, the petitioners' project takes a significant step toward achieving a majority of the Guiding Principles of the Growth Policies Plan. More specifically the proposed use of the property will help to achieve the following principles:

*Compact Urban Form:* The proposal is seeking an approval that would allow for an increased density of occupants on the property. As an infill development on a difficult site, this project will help to achieve more compact usage of the urbanized area without further taxing public services.

*Nurture Environmental Integrity:* The focus of this Eco-Village project is to create an integrated community with a focus on sustainability. It is the petitioners' stated goal to create as close to a closed loop system as possible. With this project, they propose to increase water quality, grow local foods, create an orchard, car share, meal share, seek alternative energy sources, and utilize reduced footprints all in an attempt to reduce their carbon footprint.

*Leverage Public Capital:* Again, as an infill project, this project serves to meet the goal of better utilizing existing public facilities without creating new undue burdens on the City's infrastructure.

*Mitigate Traffic:* The petitioners' desire to limit car ownership and seek to utilize bicycle and pedestrian transportation as the main mode of travel facilitates this guiding principle.

The *Conserve Community Character* principle is not as easy to evaluate for compliance. The project certainly enhances the Bloomington culture of diversity and innovation. This is an inherent part of Bloomington's identity. At the same time, careful consideration must be paid in reviewing the details of the proposal to ensure that the policy of *Protect and Enhance Neighborhoods* (Policy 1) is not compromised due to the intensity of the project. This principle can create some inconsistency with the goal of Compact Urban Form. Compact Urban Form is a desirable goal, but should not be achieved at the expense of existing neighborhoods stability.

*Urban Residential:* The subject property lies within the Urban Residential designation of the GPP. The GPP states that single family homes are the primary land use activity for this area and gives the following guidance for land use decisions for this area:

- Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use pattern

Furthermore, the proposed project will also create a unique opportunity for other City goals such as affordable housing and fostering urban agriculture/local food production.

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**ENVIRONMENTAL COMMISSION MEMO:** The Environmental Commission found that their initial concerns have been addressed by the petitioners and are supportive of this request.

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**NEIGHBORHOOD INPUT:** Staff has received significant input from adjacent property owners. Staff has met several times with the petitioners and neighborhood representatives on this case. The majority of the discussion centered around drainage, animals, environmental testing, and the scale of the development. Although not all issues have been resolved, the petitioners have significantly revised their proposal to attempt to address these concerns. In addition, the petitioners have also worked closely with the neighbors to revive the Waterman Neighborhood Association.

There were also concerns raised regarding the vehicular speeds along 8<sup>th</sup> Street. To address these issues, the City looked at several potential solutions and installed center line and parallel parking pavement markings along 8<sup>th</sup> St. These will visually narrow the travel lanes and reduce the average speeds on the street.

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**CONCLUSION:** Staff finds the overall concept to be a desirable land use that can be compatible with the goals and policies of the GPP. Furthermore, staff finds the proposed site to be a compatible site for the proposed use. It is close enough to the center of the city to allow for alternative modes of transportation while minimizing any potentially negative impacts to adjacent properties. It is bordered on two sides by a salvage yard and a cemetery as well as existing vegetation along its property lines.

Staff finds that a cooperative housing project with diverse interests and a strong focus on local food, affordable housing, and sustainability is very supportable. The main question that must be discussed and determined when evaluating compliance with the GPP is whether the intensity of the proposal as currently submitted has a potentially negative impact to the surrounding neighborhood. With the revisions to the original proposal, staff finds that the proposed use is appropriate for this property.

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**RECOMMENDATION:** Staff recommends that the Plan Commission forward case #PUD-02-11 to the Common Council with a positive recommendation and with the following conditions:

1. The petitioner will work with staff to prepare a revised Preliminary Plan/District Ordinance for submittal to the Common Council including revised site plans and maps.
2. Individual “cabin homes” are limited to a maximum occupancy of 3 unrelated adults.
3. The “ditch” shown on the drainage plan must be designed and constructed as a biofiltration swale.

4. Accessory structures shall be a maximum height of 20 feet except that a single barn structure shall have a maximum height of 30 feet.
5. Animals (crops and pasturage) shall be permitted as recommended by staff in this report.
6. Final Plan approval of Phase I shall be delegated to staff.
7. Setback, impervious surface, and height standards for the PUD shall be as recommended in this staff report.

# MEMORANDUM

**Date:** August 1, 2011  
**To:** Bloomington Plan Commission  
**From:** Bloomington Environmental Commission  
**Through:** Linda Thompson, Senior Environmental Planner  
**Subject:** PUD-02-11, Bloomington Cooperative Plots Eco-Village and Community House, Second Hearing

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This memorandum contains the Environmental Commission's (EC) comments regarding a change of zoning from residential to Planned Unit Development (PUD). This petition contains some requests that are not yet typical for PUDs; nevertheless, after ample consideration the EC believes the sustainable nature of the plan is commendable and beneficial for future paradigm shifts in how we live and develop our cities, thus supports the request. The petitioners have been exemplary in addressing the concerns and expectations that the EC noted at the previous hearing and meetings. Below are the topics.

## 1.) LANDSCAPE PLAN:

The petitioners met with staff on several occasions and discussed how the landscape and buffers will be laid out. With the benefit of sharing ideas and suggestions, the illustrative plan for landscaping will almost certainly be a benefit to the neighborhood and local ecosystem services.

## 2.) WATER QUALITY:

The petitioners have been concentrating on the water quality and quantity issues. The EC believes the petitioners are generously offering to make improvements that equal or exceed their responsibility for the sake of neighborhood improvement. By creating a stormwater design that includes low impact development features, the water quality and quantity at the site is expected to be better than pre development, and partially at the expense of losing their best gardening location. In addition, the petitioners compromised on the use of composting toilets so the fears of some neighbors might be lessened.

## 3.) SITE DENSITY DESIGN:

The EC believes the petitioners have resolved the density and traffic concerns by lowering the population density of the site.

## 4.) FARM-TYPE ANIMALS:

The petitioners have scaled down the number of animals requested and plan to phase in additional populations. The EC believes these numbers are reasonable and supports the approval for these animals. Animals are essential to the life style intended for this site and the EC foresees no problems if the animals are taken care of properly.

## **RECOMMENDATION:**

The EC is supportive of, and recommends approval of this request to change zoning designation.

June 3, 2011

Plan Commission, City of Bloomington

Jack Baker, Scott Burgins, Susan Fernandes, Joe Hoffman, Milan Pece, Adrian Reid, Tom Seeber, Chris Smith, Isabel Piedmont-Smith, Travis Vencel, Pat Williams

Re: PUD-02-11 Bloomington Cooperative Plots Eco-Village, 415 1/2 N. Spring St.

The Waterman neighborhood has been ill-served for many years. "Benign neglect" might be an appropriate description of the city's approach to the area. Not much has been invested on infrastructure, despite flooding problems for instance, but the residents haven't demanded a lot. Now a group comes forward with a proposal that alarms many of the residents, a proposal that would never win approval in any of our more affluent and politically-savvy neighborhoods.

This proposal is basically a cohousing project. It does not require a PUD. The petitioners can do just about everything they want with the current zoning. Traditionally the PUD process involves give and take on both sides. Developers get a break on the zoning rules in exchange for an off-setting community good. In this case however, the petitioners are asking the city for waivers without offering anything in return. Their project is less than half the minimum size required for PUDs. They want goats and a large flock of chickens. They want plan department staff to approve all future changes without the bother of public hearings. All they are offering in exchange is their good will. The petitioners point out that they have spent two years working on this proposal. Despite that, they never discovered that state law requires sleeping cabins, a centerpiece of their project, to have kitchens and bathrooms, and no composting toilets.

The petitioners reference three cohousing projects as successful examples they wish to emulate. Columbia Ecovillage in Portland, Ore. consists of an apartment building and a large 100-year-old farmhouse. The apartment building has been converted into 37 condominiums. Currently (as of May 29), one unit is for sale. It has 3 bedrooms, two baths, and lists for \$344,000 according to the website. That is considerably different from the Spring Street proposal.

Two Acre Wood in Sebastopol, Calif. is another cohousing project they mention. The webpage does not provide much information, but the photos show a compact urban development of duplexes and landscaped grounds in affluent Sonoma county. No goats or chickens are visible. A separate website about cohousing projects says Two Acre Wood has 38 residents in 14 units.

The third project they cite is Earthaven, 50 people living on 320 acres in the mountains outside of Asheville, North Carolina. This development is also very different from Spring Street project.

This proposal is an experiment. No one doubts the good intentions of the petitioners, but nothing like this has ever been attempted in Bloomington. The city should take an incremental, step-by-step approach. This project should not be approved as a PUD. The petitioners can build housing compatible with current zoning. They do not need permits for a garden, an orchard, or a pond. There is a permit process for chickens. The goats can wait for now. If the immediate neighbors are comfortable with the development over time, then the petitioners can reopen the discussion about goats. It would be extremely unfair to the neighbors if this entire proposal

were approved despite their objections. The petitioners have cited their own fiscal constraints. We can presume that the project will be built over a period of several years. That allows adequate time for everyone to become comfortable with each other.

Jim Opiat  
1201 S. Park Ave.  
Bloomington, IN 47401

336-5854  
jim.opiat@gmail.com

## **PC--Summary Minutes: August 8, 2011 (*Excerpts*)**

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The City of Bloomington Plan Commission (PC) met on Monday, August 8, 2011 at 5:30 p.m. in the Council Chambers. Members present: Jack Baker, Scott Burgins, Susan Fernandes, Isabel Piedmont-Smith, Adrian Reid, Tom Seeber, Chris Smith and Pat Williams.

### **ROLL CALL**

#### **MINUTES TO BE APPROVED:**

- **June 13, 2011\*\*\*Adrian Reid moved approval of the minutes. Isabel Piedmont-Smith seconded. The minutes were approved unanimously.**
- **July 11, 2011\*\*\*Adrian Reid moved approval of the minutes. Isabel Piedmont-Smith seconded. The minutes were approved unanimously.**

#### **REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

- **Growth Policies Plan (GPP) Update Status---**Tom Micuda said that staff has received input from the Plan Commission and the City Council concerning reviewing and updating the GPP. Both bodies agreed that we should review and update the GPP. It was agreed that we don't need to scrap the existing plan and start from scratch. The next step is the development of Steering Committee (SC). This is a multi-year project. Staff will keep the PC posted. Staff would like to meet sometime this year with the SC. There will be public outreach and interest groups meetings. We will try to adopt a Vision Statement before we go into detailed plan content.

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#### **PETITION:**

**PUD-02-11**

**Bloomington Cooperative Plots Eco-Village  
415½ N. Spring St.**

Rezone to Planned Unit Development from Residential Single-Family to allow development of a cooperative housing project. (*Case Manager: Patrick Shay*)

Patrick Shay presented the staff report (#3). A more full report can be found in the staff report. The petitioner has agreed to some significant changes. The number of cabin homes has been reduced to 10. The petitioner would like to clarify that the square footage allowance is for the internal measurements. Thick walls and any handicapped facilities could impact the external square footage. They have increased the size of their water quality pond to create additional volumes to slow the rate of release of stormwater. The garden areas will be installed where feasible. The fire access drive will have some grass paved type systems as well as compacted gravel under the tire treads. They have worked this out with Fire. There is a large turnaround that would accommodate emergency vehicles. Cabin homes could be 2-stories and will average 2 bedrooms each. There will be a total of 40 bedrooms and 30 occupants which includes housing in community building. The ADA-accessible parking would be located just inside the site. A sidewalk will be placed along the eastern access to Spring Street and will also connect to the community building. Staff recommends a 15-foot parking setback. The petitioner would like a 5-foot setback. Additional small scale accessory structures could include potting sheds & gazebos. The latest proposal would allow 10 chickens and 3 goats that would be phased in. Additional chickens would have to be approved by staff with neighbor approval, as well. The maximum allowed number of chickens on the site would be 50. Staff supports the inclusion of by-right animal allowances. Animals are inherent to the land use and petition. No roosters would be allowed. The animals would have to be kept 100 feet from Spring St. The drainage issue has been a focus. There are drainage issues in the surrounding neighborhood that have not been adequately dealt with. Development requirements do not allow post-development runoff to exceed pre-development runoff. The pond has been enlarged. They propose to pipe the outflow across Spring St. to bypass the first ponding problem. The City will do an additional ditch or swale that would connect the new pipe across several properties into the open ditch behind the corner property at 8<sup>th</sup> and Spring. The City cannot commit to installing an enclosed drainage ditch at this time. There will be

## **PC--Summary Minutes: August 8, 2011 (Excerpts)**

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much less flooding after this land has been developed. The first phase of development would include utilities, the pond, a central bathhouse, up to 3 member homes, removal of invasive species, garden prep and construction. Staff requests final plan approval of Phase I to be delegated to Planning staff. Phase 2 would include the community house, additional member homes, and the orchard. We have very few details of the Final Plan at this time. Staff believes that would make it appropriate to bring the Final Plan back to Plan Commission. Staff has had a lot of input from the neighbors. For one thing, they would like for the City to enclose the proposed open drainage along N. Spring St and existing open drainage connecting to 8<sup>th</sup> St. Staff has discussed this project with Utilities and would like to see that put on a plan for future improvements. It should not be put off on the petitioner and City can't commit at this time. Neighbors would like to restrict parking along N. Spring St. That is not a Planning issue but staff would support the request to the Traffic Commission. Some neighbors don't want to include goats. Staff feels they are appropriate for the site. This decision will be made by the City Council. They are also concerned with traffic and speed in this area. Planning and Engineering staff are working together to do what is possible. A marked centerline has been put on Spring St. Staff is concerned about the lack of transit option. BT said they can't provide service at this point. The BT Director didn't want their buses going over the train tracks and under the low bridge that crosses Adams St. Neighbors have proposed a small shuttle accessing the site. The only possible shuttle available would be a BT Access bus which is not appropriate. The petitioner's picked this site because of the residents being willing to use bike and pedestrian routes. Staff feels this is a desirable use and fits in with the goals of the GPP. The petitioner has been very open to compromise. Staff believes this is a good first site for cooperative housing and some urban farming. Staff recommends that the Plan Commission forward case #PUD-02-11 to the Common Council with a positive recommendation and with the following conditions:

- 1. The petitioner will work with staff to prepare a revised Preliminary Plan/District Ordinance for submittal to the Common Council including revised site plans and maps.**
- 2. Individual "cabin homes" are limited to a maximum occupancy of 3 unrelated adults.**
- 3. The "ditch" shown on the drainage plan must be designed and constructed as a biofiltration swale.**
- 4. Accessory structures shall be a maximum height of 20 feet except that a single barn structure shall have a maximum height of 30 feet.**
- 5. Animals (crops and pasturage) shall be permitted as recommended by staff in this report.**
- 6. Final Plan approval of Phase I shall be delegated to staff.**
- 7. Setback, impervious surface, and height standards for the PUD shall be as recommended in this staff report.**

Jack Baker asked about incorporation of the clarifications in the Conditions of Approval.

Shay said clarifications that are agreed upon should be added to the Conditions of Approval.

The petitioner, Daniel Weddle, noted that at the last meeting Susan Fernandes asked what they are offering the neighborhood. He had noted the drainage solutions at the time. In the meantime developers from Indianapolis continually send him bids. He has come to realize that this project will bring community to the neighborhood. Our society is so focused on monetary rewards that we sometimes don't realize the true value of community which is so vital to well-lived lives. The neighborhood association has reformed and they've had two meetings. IDEM tested JB Salvage and found some areas that needed to be corrected. He has had a Phase I Environmental Inspection done on his property. He feels strongly that bikes and walking are legitimate forms of transportation—not an alternative form of transportation. He addressed the concerns outlined in the neighbor's letter. He referred to Shay's responses in the staff report. He has been told that they can't get street lights put in. They will have motion-sensitive floodlights on their driveway. He supports even slower speed limits. The cooperative house will happen after the cabin houses.



## **PC--Summary Minutes: August 8, 2011 (*Excerpts*)**

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Scott Burgins asked why the cabins would come first. Is that because of money?

Weddle said yes but also they want committed long-term residents. The rooms in the Cooperative House will largely be rentals. They allow people to join their neighborhood after a vetting process.

Susan Fernandes thanked Weddle for answering her question. She explained that in a PUD, they give the petitioner more flexibility or increased density and the town gets benefits. The benefits Weddle mentioned are private not public. She would like public amenities.

Isabel Piedmont-Smith noted that at the beginning they had offered community gardens.

Weddle said they lost garden land through the fire drive and enlarged pond. They don't have the space for community gardens.

Piedmont-Smith asked about classes.

Weddle said classes and Meal Share will exist. The Meal Share is available at his house now. Insurance is a problem with pocket parks on private ground.

Piedmont-Smith asked if the bath house and the Community house are separate.

Weddle said that the bath house would be in the cabin area. There would be outside cooking space while the cabin houses are developing.

Jack Baker asked Mr. Fanyo (the petitioner's engineer) if the swale is on public or private land.

Jeff Fanyo said it is on private land.

Baker said that the City could not really do anything on the private land.

Fanyo said the City could acquire easements.

Baker asked if the drainage plan is adequate.

Fanyo explained the details of the improvement in the flooding and runoff situation.

Baker asked if there would be some flooding at some time.

Fanyo said yes, but there would be a big improvement in smaller floods. There will have some flooding during a 100-year event but it will be greatly improved.

Adrian Reid asked about sidepath or sidewalk around the perimeter of the property.

Shay said that was not required. They will probably have some internal paths on the site.

Weddle said there will be internal connections. The Fire Drive will act as informal walkways.

Reid asked if they had looked downstream fixes so that the pond wouldn't have to be so large. Weddle said between the site and the existing choke point he didn't think they could improve it.

Reid asked if they should consider taking the Spring St. "no parking" request to the Traffic Commission before the petition goes to Council.

## **PC--Summary Minutes: August 8, 2011 (*Excerpts*)**

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Shay said he would expect to get the request either way now that the neighborhood association is more active. He would like to see how it turns out at Council. Since it is not really a Plan Commission issue, we didn't want to attach that as a commitment.

Reid asked what the UDO says about crushed stone.

Shay said it is permitted for single-family residential parking. The handicapped-accessible space will have to be hard surface. The gravel would have to be contained. They would probably still have to install a concrete apron onto Spring St. to keep the gravel from spilling out onto the city street.

Reid asked if changing the layout of the site would be considered non-compliant.

Shay said when they come forward with their final plans ready for construction; they can present some changes as long as it meets the inherent concept that has been approved.

Tom Seeber asked if they would be able to gravel parking only on those 5 spaces.

Shay said last plan we have shows the drives as being made of grass pavers. Staff would support gravel parking.

Seeber asked if there is a buffer proposed for the buffer area to mitigate headlights, etc. He was concerned about concentration of traffic near some cabin houses.

Shay said that could be handled with landscaping berms to some extent. They can have a maximum of 7500 sq. ft. of accessory structure footprint. The Community House has about a 4000 sq. ft. footprint. If they have 15 homes at 400 sq. ft. each, you would have around another 6000 sq. ft.

Seeber asked if they don't add a condition barring it, someone could conceivably in the future build a building that measures 200 ft long by 37 feet. Shay agreed.

Shay asked Weddle what would be the largest barn that they would need.

Weddle said around 40 by 50 feet (about 2000 sq. ft.).

Seeber asked if the barn is included in the 7500 sq. ft. Shay said yes.

Seeber suggested a condition defining the maximum size of the other accessory structures the barn and other accessory structures. Does the petitioner still plan to have a farmer's market?

Weddle said a farmer's market is not currently in the plan although some of their neighbors have asked for one. The only commercial use is the one massage therapist.

Chris Smith asked Rudy Fields what environmental screening they had done. He asked for comments about JB Salvage.

Rudy Fields explained that they did a preliminary Phase 1 for the petitioners. They pulled samples all over the area and found no PCBs. They looked at metals near JB Salvage. They found some lead and arsenic. A subsequent Full Phase 1 turned up nothing except benzoapyrene. It is present in burnt food and creosote that is found along RR tracks and roads. The measurement was ½ part per billion above IDEM's standards. He didn't think it was a problem. He found no karst features on the site.

Pat Williams asked for clarification about some things that will be decided at a later time such as

## **PC--Summary Minutes: August 8, 2011 (*Excerpts*)**

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building materials and energy sources. When will that be determined and by whom?

Weddle said the materials will be determined with Jim Gerstbauer at County Building.

Williams asked what a perennial food forest is.

Weddle said food bearing plants that are perennials.

Williams asked how many orchard trees you plan to plant.

Weddle said he thinks it takes somewhere between 5-7 years for the trees to mature. They will be planting around 75 dwarf orchard trees. They will plant high maple and edible pine trees.

Williams asked about the vegetative buffers. What will they be made of?

Weddle said possibly Japanese Wineberry trees or Serviceberry trees.

Williams asked if they would have a framework for vines, etc.

Weddle said they would have to decide with the neighbors.

Williams was concerned with what will be happening off-site—water runoff, the street, etc.

Weddle said that there are houses in the neighborhood that have been built in flood prone areas.

Piedmont-Smith asked if the fire drive will be made of grass pavers.

Weddle said the first 150 feet or so of the drive will be “greenway.” There are 2 3-foot strips of crushed stone beneath the tires of the truck. The rest is simply grass. There will be a full gravel base on the curve to allow turning. Laid on top of the gravel is a 1-inch mesh that you can pour soil and grow herbs in. They will gain more growing space from it. The Fire Department wanted to be able to see the gravel to guide their trucks and not be slippery in the winter.

Seeber asked if the “drive” is just an emergency access.

Weddle said they would use it when construction was taking place.

Reid wondered how much the grassy pavers cost vs. pervious pavers.

Weddle said pervious pavers were about \$80,000. A concrete drive will be about \$8,000. The layout plastic mesh is pretty cheap.

Reid noted that we have not done traffic impact studies. He believes that people will want to come see the site. That will generate some traffic when the site is built out. What about a demand for parking?

Weddle said cabin areas are usually very private in Eco-Villages.

Shay said that is one of the reasons that the Community Building back to the Plan Commission. They have discussed shuttles to events on the site. We can address those details at that time.

Piedmont-Smith wants to make sure that no parking on Spring St. is approved. The same people will be reviewing the request for no parking on Spring St; and this petition.

## **PC--Summary Minutes: August 8, 2011 (*Excerpts*)**

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Fernandes asked what the neighbors thought about prohibiting parking on Spring St.

Weddle said one of the neighbors requested it. He was asked to support it.

Fernandes said the people parking on the street now are probably the neighbors.

Shay said staff decided that the decision should be made by following the process in place.

### **Public Comment:**

Megan Hutchison supports this project. It is forward thinking and progressive. She was Danny's boss at IU and spoke highly about his dedication and responsibility. This will lessen the footprint of this neighborhood. It improves drainage. She encouraged support.

Bobbi Boos said she has been farming for about 15 years and has goats for about 10 years. She spoke in favor of the project. Goats are a really good addition to this project. They provide milk, cheese, meat and fertilizer. They are good food converters. They have a bad reputation. They have to be managed and cared for. They are personable and trainable. You can put 7 goats on an acre but you have to carefully manage the property. She suggested Alpines—Nubians are trouble. She offered her help to the project if goats are allowed.

Jami Scholl said she is president of "My Edible Eden." She has lived in other towns. She said she lived in San Francisco during the large earthquake. Any animal needs proper management. Bad management results in problems. She suggested alternative methods of runoff control such as water tank containment to divert the runoff for later use. Climate change may result in wet seasons and dry seasons. She suggested calculating the volume of water that would be required to get through the dryer season. She presented a lot of information about fruit and vegetable production. She supports this petition.

Ann Kreilkamp spoke in favor of the project. She has lived in this kind of housing arrangement. These arrangements create community. The City need to address liability issues with pocket parks. She and a friend are starting a retro-fit Eco-Village. People use the houses that are already there and share things with each other. She encouraged the Eco-Village residents to share their knowledge.

Jim Opiat noted that this project is an experiment. It is scary to the neighbors. He would like to see this project go ahead under the current zoning designation rather than as a PUD. If they slowly build out the project the neighbors will feel safer.

Claire Cumberland said she supports the project. She is still getting her undergraduate degree. She won't be able to afford her own home (due to college debts) and would look to the Eco-Village for affordable living. Helping each other out is very important now and in the future.

Rosemary Dougherty supports the project. She is a case manager at Area 10. One of her clients noted that community contact has decreased over the years. Aging in place would be more possible in a community such as this.

Baker asked how the goats are to be handled. Is there a way to increase the herd?  
Shay said there is no provision for more than 3.

Williams said she appreciates the changes that the petitioner has made. It is important to keep in mind that this is a rezone. We have to consider the changes from the current zoning. She thinks this is a very good plan but is still concerned that the site is too small to do all they want to do. She lives next to a flood plain. There have been 4 or 5 plans coming forward for that site that would have corrected some of the flooding problems. The problem is that when lots of water falls in a short

## **PC--Summary Minutes: August 8, 2011 (Excerpts)**

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amount of time it makes it harder to deal with such a large amount of runoff. She has seen videos of flooding that occurs across the street. There is an extensive flooding pattern that they have had to live with for a very long time. She doesn't think that bioswales and culverts are good urban stormwater control methods. She felt conflicted. She had intended to vote no when she came to the meeting mostly due to the size of the property vs. all of the things they want to do on the site.

Micuda suggested putting a motion on the table to help focus discussion.

**\*\*\*Isabel Piedmont-Smith moved approval of PUD-02-11 with the 7 staff recommendations as presented by Patrick Shay earlier this evening. Burgins seconded.**

Micuda offered to help add anything she wants based on the meeting tonight. He suggested possible additional conditions of approval. **8.) Cabin homes are restricted to 400 sq. feet of internal space. Enlargement of this sq. footage is permitted for any handicapped-accessible unit. 9.) The proposed parking area may be surfaced with gravel or crushed stone and contain a border. 10.) The phasing plan may be revised to have the community building constructed in Phase 3 with additional cabin homes built in Phase 2. 11.) Maximum barn structure size shall be limited to 2,000 sq. ft. No other additional accessory structure may exceed 800 sq. ft.** He had not proposed a condition of approval about buffering for the residents to the south and east.

Baker asked if it would be 400 sq. feet per floor. Shay said yes.

**\*\*\*Piedmont-Smith accepted additional Conditions of Approval 8, 9, and 10. Burgins accepted the new amendments.**

Smith said he lives next to a huge buffer and would rather live next to this. They would be great neighbors.

Seeber said he had intended to deny. Who owns this?

Weddle said they have hired experts to work this out. The land will be in a land trust. They will have a homeowners association. Each person will have a 99-year lease of the ground. People will own their homes but the land will be leased. That arrangement is so that they can be covered by the land trust's insurance.

Seeber asked if you decide to sell your house what then. Do you list with a realtor?

Weddle said residents can't list through a realtor since members have to go through a membership process. You would sell your home and your lease. It costs \$10,000 to have the right to build—to buy the lease. There is an additional \$5,000 to have access to the rest of the land. So you can sell the share for \$15,000 and whatever your house is worth.

Seeber asked if there will be a deed recordable commitment against owning cars.

Shay said it is part of the PUD and homeowners association documents with the final plan.

Seeber asked if this looks like an apartment complex to the city.  
Shay said it is more like a condo.

Reid if staff is okay with moving community building to 3<sup>rd</sup> phase. He asked Shay why this is a PUD.

Shay said it would be extremely difficult to fit this into traditional UDO zoning. It would require many variances. Staff suggested planning this as a PUD.

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Baker appreciated that the report included that it fits with the GPP. When he considered the value to the neighborhood, he recognized that the property now is a vacant, derelict site. Improving the site could be valuable to the neighborhood. The project could cause some problems with neighbors but they have demonstrated that they want to work with their neighbors. A traditional subdivision would not likely be built on this site. What if this fails? It would be a partly developed and a new PUD would probably have to be considered. He will support the petition.

Piedmont-Smith said this is an excellent proposal for many reasons. The Council adopted a Plan for Redefining Prosperity which is a plan to deal with Peak Oil. This proposal really prepares at least this segment of the community for a Peak Oil future. This development will tax our community resources less than typical development would. Smaller homes that require less energy and local food production are all called for to deal with a Peak Oil situation. This is affordable housing which this community is in dire need of. This is the first time she has seen a petitioner bend over backwards to try to meet the concerns of neighbors. They have a professional drainage engineer who has said this project will reduce runoff by 60%. Sense of community will be more important as we wean ourselves of off oil. She is very excited about the project. A lot of the neighbors' concerns have been addressed.

Fernandes said she had mixed feelings but feels it is an interesting project. She praised the petitioner for working hard to address concerns. She was concerned about the size of the property lot but they may succeed. She will support the petition.

Burgins said they should give it a shot.

**Baker restated the motion: \*\*\*The Plan Commission forwards PUD-02-11 to the Board of Zoning Appeals with a positive recommendation with 10 Conditions of Approval.**

### **FINAL CONDITIONS OF APPROVAL For PUD-02-11**

- 1. The petitioner will work with staff to prepare a revised Preliminary Plan/District Ordinance for submittal to the Common Council including revised site plans and maps.**
- 2. Individual "cabin homes" are limited to a maximum occupancy of 3 unrelated adults.**
- 3. The "ditch" shown on the drainage plan must be designed and constructed as a biofiltration swale.**
- 4. Accessory structures shall be a maximum height of 20 feet except that a single barn structure shall have a maximum height of 30 feet.**
- 5. Animals (crops and pasturage) shall be permitted as recommended by staff in this report.**
- 6. Final Plan approval of Phase I shall be delegated to staff.**
- 7. Setback, impervious surface, and height standards for the PUD shall be as recommended in this staff report.**
- 8. Cabin homes are restricted to 400 sq. feet of internal space. Enlargement of this sq. footage is permitted for any handicapped-accessible unit.**
- 9. The proposed parking area may be surfaced with gravel or crushed stone and contain a border.**
- 10. The phasing plan may be revised to have the community building constructed in Phase 3 with additional cabin homes built in Phase 2.**

**\*\*\*Roll call vote was taken. The motion was approved by a vote of 6-2. (Seeber and Williams voted against.)**

**ORDINANCE 11-18**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“VEHICLES AND TRAFFIC”**

**Re: To Allow Emergency Responders to Operate Various Types of Motor Vehicles on the  
B-Line, City Parks and Similar Areas and to Allow Emergency Responders to Operate Off-  
Road Vehicles on City Streets**

- WHEREAS, the City of Bloomington Police Department recently acquired an off-road vehicle to quickly and efficiently monitor and patrol the B-Line Trail; and
- WHEREAS, the operation of an off-road vehicle is regulated by Ind. Code § 14-16; and
- WHEREAS, in order for the City of Bloomington to allow an off-road vehicle to be operated on a public street within its territorial jurisdiction, it must adopt an ordinance in accordance with Ind. Code § 14-16-1-22.; and
- WHEREAS, at limited times, the off-road vehicle owned by the City of Bloomington Police Department will be operated on a public street; and
- WHEREAS, it is in the best interest of the public to permit only emergency responders to operate off-road vehicles on public streets within the territorial jurisdiction of the City of Bloomington; and
- WHEREAS, it is in the best interest of the public to permit only emergency responders to operate motor vehicles, motorcycles, motorized bicycles or off-road vehicles on the B-Line Trail, City parks and similar City property not intended for motor vehicle use;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 15.60.020 of the Bloomington Municipal Code “Driving in park, picnic ground or golf course” shall be amended to read as follows:

- (a) No person, except an emergency responder shall operate a motor vehicle, motorcycle, motorized bicycle, or off-road vehicle across any part of a public park, picnic ground, golf course, the B-Line Trail, or any other public property not designed and intended to be used by a motor vehicle, motorcycle, motorized bicycle or off-road vehicle.
- (b) “Emergency responder” includes:
  - (1) firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel and other specialized personnel;
  - (2) emergency medical services personnel;
  - (3) law enforcement officers;
  - (4) emergency management personnel; and
  - (5) public works personnel
- (c) “Off-road vehicle” shall have the meaning assigned in Ind. Code § 14-8-2-185, as amended.
- (d) Any violation of this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c).

SECTION 2. A new Section 15.60.025 entitled “Operating off-road vehicles on public streets, alleys and highways” shall be added to the Bloomington Municipal Code and to table of contents of Chapter 15.60. The new section shall read as follows.

- (a) No person, except an emergency responder, shall operate an off-road vehicle on any public street, alley or highway.
- (b) “Emergency responder” and “off-road vehicle” shall have the meanings assigned in 15.60.020
- (b) Any violation of this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c).

SECTION 3. Section 15.64.010 Violations and penalties, subsection (c) “Class C Traffic Violations (Potentially dangerous violations)” shall be amended to add Section 15.60.025 “Operating off-road vehicles on public streets, alleys and highways” to the table of violations.

SECTION 4. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
SUSAN SANDBERG, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends the Bloomington Municipal Code to prohibit the operation of a motor vehicle, motorcycle, motorized bicycle and off-road vehicle on the B-Line trail, parks, golf courses and similar City property unless the person operating the vehicle is an emergency responder. It also prohibits the operation of an off-road vehicle on any public street, alley or highway, unless the person operating the off-road vehicle is an emergency responder .



# Memo:

**To: City of Bloomington Common Council**  
**From: Patty Mulvihill, Assistant City Attorney**  
**Date: September 26, 2011**  
**Re: Ordinance 11-18**

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The City of Bloomington Police Department purchased an ATV to better patrol the B-Line Trail. Prior to the purchase of the ATV the Indiana Department of Natural Resources (DNR) allowed certain ATVs to be driven on public streets. After the City purchased the ATV DNR changed its rules, and as of today DNR no longer permits the use of ATVs on public streets. This is problematic because at times it is possible that the new ATV will need to be used on public streets.

However, Ind. Code Section 14-16-1-22 allows local units of government to enact ordinances that allow the use of ATVs, by certain individuals and entities, on public streets. Ordinance 11-18 is primarily meant to allow emergency responders to use ATV's on both the B-Line Trail and all public streets, alleys and highways. An emergency responder is defined as one of the following: firefighter, EMT, law enforcement and public works personnel.

Ordinance 11-18 also specifically prohibits the use of a motor vehicle, motorcycle, motorized bicycle or off-road vehicle on any part of the B-Line Trail by anyone other than an emergency responder. In the past, the prohibition of all of these vehicle types was not explicitly prohibited on the B-Line Trail—the prohibition was implied.

In the Council Chambers of the Showers City Hall on Wednesday, March 9, 2011 at 7:55 pm with Council President Susan Sandberg presiding over a Special Session of the Common Council that was held after a Committee of the Whole meeting (that began at 7:30 pm).

COMMON COUNCIL  
SPECIAL SESSION  
March 9, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

Susan Sandberg asked that Council Attorney Dan Sherman read the proposed rules for this Special Session. It was moved and seconded that the *Procedure for Consideration of Resolution 11-07* be adopted for this session.

ADOPTION OF RULES FOR THE MEETING

There were no questions, and no discussion on the rules.

The motion to adopt the rules was approved by a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 11-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis.

LEGISLATION FOR SECOND READING

It was moved and seconded that Resolution 11-07 be adopted.

Resolution 11-07 Opposing SB 590,  
Titled *Illegal Immigration Matters*

Piedmont-Smith, Satterfield and Sandberg read the 27 'WHEREAS' clauses to this resolution.

President Sandberg asked Mayor Mark Kruzan, Police Chief Mike Diekhoff, Commission on Hispanic and Latino Affairs Chair Juan Carlos Carrasquel, Safe and City Director Beverly Calendar Anderson and Pedro Roman, Monroe County Human Rights Commission and President of the Indiana Latino Democratic Caucus to make statements regarding this resolution.

*The following are summations of the statements made at the meeting. A complete transcription and DVD recording are available in the Office of the City Clerk.*

Mayor Kruzan thanked Sandberg and the authors of the Resolution, and said having it translated into Spanish and sent to Senator Delph, author of SB 590 would send a powerful message.

Kruzan said the legislation being considered which would threaten rights of gays, women, teachers, working people and immigrants was led by the new Republican majority and supported by some Democrats. He said history would not smile kindly on the proponents of measures like Senate Bill 590, and added that history showed that with an economic downturn, wherever it was in the world, decision makers looked for someone to blame. This, he said, was inevitably a group of people different from those making the laws and who had a difficult time defending themselves. He said that was why those in a position to speak out had a responsibility to give voice to these issues.

Kruzan went on to say that illegal immigration was a real problem, but Senate Bill 590 was not a real solution because it would target US citizens and Indiana residents for one reason only, because they looked and sounded different. He said the thought that state law could prohibit the city government from translating documents used to teach English to Spanish speakers was sadly ironic and extremely telling. He ended by saying, "I am telling you as sure as I'm standing here, it is a law with which the City of Bloomington will never comply."

Mike Diekhoff, Chief of Bloomington Police said he had concerns with SB590. He said because immigration reform was a federal issue, not a local issue, Federal Law enforcement agencies were much better

prepared and trained to handle the complexities of this law.

Diekhoff said this law would divert critical law enforcement resources from responding to the 108,000 calls received by Monroe County Dispatch each year. He said that since there were no funds to cover this, it would therefore create another unfunded mandate.

He added that for many years BPD worked hard to cultivate trust and respect and to improve communication with the Latino community who he said underreported crimes committed against them for fear of legal action. He said that this law would erode even further the relationships and trust that had been built with the Latino community.

Juan Carlos Carrasquel, Chair of the Hispanic and Latino Commission of the City of Bloomington said the bill was based on misleading and incomplete information.

He said immigration enforcement was a federal matter and a very complex one, and that only a comprehensive solution to this problem would bring a good result, one that profoundly addressed the causes, and the issues, along with human and civil rights. He said as a US citizen, he never would have come to Indiana if a law like this was in place. He asked that everyone become informed with facts about this proposal.

Beverly Calendar-Anderson, Safe and Civil City Director, expressed concern that this bill would harm the welcoming and inclusive nature of this community. She mentioned Daniel Soto and Melissa Britton, staff in the Community and Family Resources Department of the City of Bloomington, who worked diligently to support the positive integration of Latino community members into the greater Bloomington community. She said they all felt that SB590's English only provision would harm Spanish speaking members of the community and limit access to community resources. She noted that almost all of the direct services were conducted in Spanish and covered a multitude of categories, including Medicaid enrollment, conflict resolution, translation of important documents, notary services, assistance in finding child care, searching for employment, negotiation of debt, holiday assistance, bilingual tax clinic, housing disputes, finding affordable housing, interpreting for clients at other agencies and non-profits like the township trustees, or CAP or United Ministries, FSSA, MCCSC, Mother's Hubbard Cupboard and Habitat for Humanity just to name a few.

She said to help recent arrivals become fully contributing members to the community, it was important to educate them about the legal system and community resources which was most effective in their own language.

She quoted Stephen Carter in Civility: Manners Morals and the Etiquette of Democracy in reading:

*Our duty to be civil towards others does not depend on whether we like them or not. Civility is the set of sacrifices we make for the sake of our common journey with others and out of love and respect of the very idea that there are others. When we are civil, we accept and value others as every bit our equal.*

Pedro Roman explained the Indiana Compact which, based on its success in other states, was developed to address the legitimate, not political, issues of immigration and which had been signed by many elected leaders. He went on to say that businesses were very concerned about the negative image SB590 created for Indiana and the resulting economic impact from things such as conventions refusing to come to Indiana. Roman explained that to keep all undocumented immigrants in jail for one day would cost \$4,250,000, however they represented buying power of \$2.5 billion a year.

Roman said on behalf of the White House, that the Justice Department and the White House continued to say that immigration and its

enforcement were under federal jurisdiction and that the US Congress was the only place to deal with the matter.

Sandberg said since there were no questions from Council for the invited presenters, that the floor was open for public comment on the resolution.

Public Comment on this Resolution:

Gracia Valliant, Bloomington resident said although she was not Latina, she did speak Spanish and spent time with Latinos. She said she wondered if she would ever be asked for identification papers, and if Latinos were profiled now, who would be next?

She noted that a criminal attorney had said that laws were made to protect us all, and the beginning of erosion of those laws for spurious reasons would erode the rights of each of us. She concluded by saying that she hoped the state legislators would have an awakening and not pass the bill.

David Keppel, chair of the Just Peace Task Force of the Unitarian Universalist Church of Bloomington, said SB590 violated a central tenet of his denomination – the affirmation of the worth and dignity of every person. He said the immigration debate was based upon a double standard – the free mobility of capital on one hand, and the restricted mobility of labor.

Keppel said the free mobility of capital simultaneously imperiled people in Mexico and other developing countries and forced them, as they lost their local agriculture, to come to the US, and as it jeopardized the economic position of people in this society, it was used to scapegoat immigrants.

He said if any member of the Council questioned whether this resolution was appropriate council action, he would say it was because the statement made was part of the affirmation of what Bloomington was. He said the resolution made a very real difference to life in this city and would strengthen the community.

William Vance Jr. President, Monroe County Branch, NAACP said the NAACP opposed racism and discrimination and promoted the social, economic, political and educational wellbeing of minority citizens and promoted strong family unity. Therefore, he said, the Monroe County Branch of the NAACP opposed SB590 because it was discriminatory, criminalized immigrants and promoted racial profiling.

Ivonne Romo, an Indiana University Student said it would be a burden to carry a birth certificate or green card, and called this bill contrary to the mission of Indiana University which had 10% of the student body from other countries. She said this measure would bring a bad image to the state and would be bad for business.

Jose Espericueta, a PhD student in Spanish Literature, said he was concerned that SB590 actively sought to deny rights to members of our own community. He said he thought there was a possibility that some minorities would now fear local authorities or fear seeking medical attention. He said this was a bigger problem than what SB590 could address because our society functions on cheap labor, which was the very reason that jobs were sent overseas. He said these problems would not be fixed with this type of legislation.

Chaim Julian, Chair of Democracy for Monroe County, said that the issue of immigration legislation was to divert people from the fact that bank CEOs and others had destroyed our economy.

Darryl Neher, a 20 year resident of Bloomington, said in the past he wondered if resolutions like this should be considered by the Council, but acknowledged that this one addressed issues that directly affected this community. He said it would place our law enforcement in a position to violate the civil rights of our citizens. He added that this would also be an unfunded mandate that would put pressure on the city budget.

Daniel McMullen said he was in support of the idea behind the writing of the SB590 bill because jobs were being 'stolen' by undocumented workers who would work for lesser wages and who paid no taxes. He said we had a duty as a community, state and nation to bring those to justice for entering our borders illegally and taking our jobs.

Sam Allison, County Councilmember, District 4 and Vice President of Democracy for Monroe County said the Monroe County Council passed a Resolution against Senate Bill 590 at the previous night's meeting. He said he was ready to stand with the city council to fight against this atrocity being passed.

Jenny Gibson said SB590 endangered the civil rights of every person of color within the state. However, she said, everyone knew what ethnic group this was targeting as it was blatantly identified within the section of the law that restricted the use of the Spanish language. Gibson said that prohibiting the use of the Spanish language dehumanized all those who spoke it, but said that was the purpose of the bill. She said by attempting to make it impossible to acquire or retain housing or food, it could put families in a position of fear, so they would not contact law enforcement when they were in danger. Therefore, she said, this bill would increase homelessness, hunger, and crime, in addition to fueling the growing discrimination against Latinos that was already experienced

Isabel Vernaza, a family nurse practitioner in Bloomington for 10 years, said she was a Hispanic immigrant, and said she wanted the council to think about her when considering the vote to pass or not pass this resolution. She said her son would graduate from IU Medical School in May and her daughter was receiving a Master's Degree from IU. She urged the council to think what immigrants brought to this community.

Emmanuel deJesus Blanco, a Bloomington resident and Cuban-American said that Senator Delph said he authored this bill because he wanted to see the end of the days when one would "press 2 for Spanish", as if having that service was an inconvenience. He said that this statement proved that this bill should not be seriously considered.

Ronak Shah, IU student said that nothing in SB590 was defensible, and that it was all reprehensible.

Marc Haggerty spoke in Spanish and said that SB590 was a very bad law and counter to liberty.

Laura Brubaker said she grew up in Brown County with access to the wonderful cultural community of Bloomington. She said that experience would be at great risk if the SB590 passed

Belinda Johnson-Hurtado said as a local attorney she was concerned with the "reasonable suspicion" segment of SB590 because even attorneys did not agree on what that phrase meant, and said that it would lead to much racial profiling. She said that the immigration code was complex and difficult to understand, and said it was impossible for a state, city or county to create and enforce their special kind of immigration law because they did not like the approach of the Federal government.

Bryce Martin said there was more going on with this type of legislation, citing a conservative group that wrote legislation for state legislators across the country. He called this a scapegoating and criminalization of poverty.

Pedro Roman stated that the Obama administration had deported 340,000 people in fiscal year 2010, which was more than Bush deported during his eight years in office. Therefore, he said, it was inaccurate to say the federal government had not responded to immigration.

Robert George, who recently moved to Bloomington from California, said that California tried this type of legislation, but it was found to be illegal

Jes Franco who moved to Bloomington from Gary, Indiana said that immigration was a source of cheap labor that was exploited, and unless someone was Native American, then they too were an immigrant

Sandberg closed the public comment portion of the meeting and invited council members to comment.

Rollo said it was inspirational to have such outpouring of citizen support to oppose such an ugly bill. He said he believed this was an appropriate topic for council to discuss since it affected city constituents. He thanked Mayor Kruzan for his opposition to this bill, and said he admired his strong stand and his strong words. Rollo said if we were serious about immigration, we would focus on corporate policy, NAFTA, CAFTA and trade policies that had displaced millions of Mexicans from their work and land and therefore came here, where they were exploited by agribusiness.

Sturbaum said this issue was not as simple as removing millions of people from the country, and that it was hypocrisy to pretend this bill could do that. He said the bill played on people's emotions, but he was honored to hear the public comments at the meeting.

Satterfield said he was concerned about those citizens who were naturalized or who were here legally, and that even one citizen harassed or abused as a result of SB590 would be unacceptable. He said he grew up near Chicago around a lot of Eastern European immigrant families and migrant workers who spoke a number of different languages and wondered what had changed. He said he had concerns about what legislators were doing with this bill and that money wasted by law enforcement to attempt to comply with a law full of holes was unacceptable. Satterfield said civility was fundamental and hostility and discrimination was costly. He said that SB590 would not be equitably enforceable, would be costly and furthermore its introduction for consideration was embarrassing.

Wisler recalled the City Council letter that was sent to Arizona in protest of legislation that was similar to SB590, saying that he was the lone council member not to sign it, which caused some misconception about his position. He said he wanted to ensure that there was no misunderstanding about his position on issues related to immigration and more importantly issues of race relations.

Wisler said when he began as a council member he vowed never to participate in votes that weighed in on the actions of another body. He said the constitution restricted the power of government at every level, which he said must be respected. He referenced the public comments made earlier that this was a federal issue. Therefore, he said, the council should not make the same mistake of intruding into another body's jurisdiction. Wisler went on to say that this issue more than tested his

vow not to vote, and even though he would not participate, he said he wanted to be very clear that he thought this was a bad bill and a bad law. He there were many examples of federal issues that affected local citizens, such as tax evasion or emission standards that had not been dealt with at the local level because it was a burden on local law enforcement and crossed jurisdictional lines. He said it was the same with this immigration bill that belonged with the federal government. He said he did not support SB590, but by removing himself from the vote he would do what those members of other legislatures had not been able to do which was exercise the restraint that was expected of elected officials.

He ended by saying that more than ever it was important to recognize and respect the separation of powers and to recognize the responsibility to respect those restraints on government despite the emotional issues that may be present.

Volan talked about different experiences with other cultures and pointed out that when Herman Wells was Chancellor of IU he supported international programs, set up technical assistance programs in other parts of the world, expanded foreign language options for students and hosted foreign students. Volan quoted Wells as saying, "Authority must be derived from reason not from position," to demonstrate what Indiana once stood for. He said if SB590 became law it would be to the shame of all who call themselves Hoosiers with pride.

Ruff drew a distinction between an ordinance which was meant to take action and a resolution, a statement of policy and preference. He agreed that the Council should not pass ordinances beyond its jurisdiction, but a resolution which expressed an opinion and preference was appropriate in this case. He said this exclusionary, unconstitutional and racially based legislation made him cringe. However, he added he was happy to see the response of the people of Bloomington to this intolerant piece of legislation. Ruff said the legislation played on people's worst instincts, ignorance and fear.

Mayer said that while he respected Wisler's opinion, he said that there were times when people really did need to speak out. He said that SB590 went against every fiber in his body. He said he was an extremely proud grandparent of three beautiful brown-skinned, brown-eyed, black-haired grandchildren, Timothy, Reagan, and Liam. He said this issue affected him very directly, and could not imagine seeing those young children being questioned anywhere along the line for their right to be in this country.

Piedmont-Smith thanked all for coming to this meeting, and thanked Stacy Jane Rhoads of the council office who worked, even as she was getting sick, to research the many details of this bill that had passed the Senate and hopefully would not become law. Piedmont-Smith said Stacy Jane did an excellent job, and she wished the Senate had people like SJ Rhoads who actually understood how to write clear laws and actually understood when legal issues needed to be clarified. She said that this was a badly written bill.

She said because this caused people to hesitate to report crimes it had a chilling effect. There were some who were not reporting when robbery or violent crime happened to them in their community. That was a threat to the safety of us all. She added that politically this bill was just another way to try to divide and conquer by saying immigrants were taking the jobs of workers when really everyone was more and more under the thumb of the powerful and corporations of this country.

She outlined four reasons for opposition to the bill. She noted that reasonable suspicion would lead to racial profiling and that the English only provision would confound the attempts of Bloomington to be

Resolution 11-07 (cont'd)

inclusionary. She said that economic impacts of this law would affect both the city and Indiana University with their attempts to bring world wide talent to the campus. She also spoke to the issue of federal jurisdiction, saying local units of government could not afford to enforce this law.

Piedmont-Smith thanked the co-sponsors, staff, people in the community who met with her on this topic, representatives of the chamber of commerce, members of the NAACP, the BEDC and the broad spectrum of people in the community that the council members had reached out to in letting them know how the council thought about this legislation.

Sandberg thanked colleagues and the audience for participating in the forum on this resolution. She stressed this was Senate Bill 590, passed by the senators of the Indiana General Assembly authored by Senator Mike Delph of Carmel. She then read what the resolution would charge the Council to do:

*"The Common Council, the City of Bloomington, will urge the Indiana House of Representatives and the Governor to reject SB590 so that it does not become law. We call on all elected officials in the state of Indiana to oppose SB590 and any similar legislation. We will fully support the five principles outlined in the Indiana Compact and I as council president will sign the Compact on behalf of the entire council. Common Council requests that the city Clerk send copies of this resolution to the governor, and all state senators, state representatives, representing the city of Bloomington. This resolution shall be in full force and effect from and after its passage by the common council and approved by the mayor."*

Sandberg said she hoped for a unanimous vote, but respected Council member Wisler if he needed to abstain. She also said this was the right thing to do and was not intruding on another body, but rather was representing the constituents of Bloomington.

Rollo said he hoped too for a unanimous vote and said that there was a well-established tradition of resolutions as an exercise of direct democracy.

Wisler said hoped he made clear his position, and if he hadn't, he wanted to state again that he didn't want there to be any question of his position for the people of Bloomington. He thought that it was important that the state legislators got the message that there was opposition to the bill, and to further that cause he would contact Representative Matt Pierce and Senator Vi Simpson to ask them to vote no.

Finally he said he understood the importance of messages and if the Herald Times had a headline prepared about the unanimous passage and it was found that he just was not in the room when the vote was taken and they wanted to run with that, it would be fine with him.

With that being said, he noted he was going to get a refill on his drink.

Resolution 11-07 received a roll call vote of Ayes: 8, Nays: 0. (Wisler out of room)

The meeting was adjourned at 10:13 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



In the Council Chambers of the Showers City Hall on Wednesday, September 7, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 7, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: none.

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

Minutes for April 20, 2011, June 15, 2011, and July 13, 2011 were approved by a voice vote.

APPROVAL OF MINUTES

Dave Rollo talked about the Indiana University's Themester on "Making War, Making Peace." He announced a Themester colloquium entitled "*Extreme Politics: Provoking the Body Politic to War?*" and said the first of the series would be presented on September 15<sup>th</sup>. He read the synopsis of the series and urged citizens to attend the fascinating series.

REPORTS:  
COUNCILMEMBERS

Steve Volan said that six out of eight items on the agenda for First Reading were related to the 2012 budget. He said it was appropriate for the council to reconsider the budget schedule, and said he was planning to move to extend the time for deliberation on these budget items. He said he would ask that discussion on five of the aforementioned items be held at a later date to diffuse further contention on some items. He also said that the council members needed to more fully understand how to make complicated motions over concerns with the Public Works budget. He said that since state statute had changed and lengthened the budget deliberation period there was adequate time for this to be done.

Tim Mayer welcomed folks back to school, urged them to drive safely and learn which streets were one-way streets.

Susan Sandberg noted that Cardinal Stage Company's presentation of Arthur Miller's play "*All My Sons*" was part of the IU Themester. She and Rollo noted the IU website with the entire semester's schedule for the Themester. Sandberg announced the upcoming Dedication of the B-Line Trail on the evening of Sept 8th. She invited everyone to join in the bicycle parade and festivities.

There were no reports in this section.

MAYOR and CITY OFFICES

There were no reports in this section.

COUNCIL COMMITTEES

Kyla Cox, Director of Communications and Outreach for IU Bloomington Continuing Studies, spoke of the upcoming Lifelong Learning Coalition Week. She said the Mayor had proclaimed the following week Lifelong Learning Week with the theme 'Food For Thought.' She highlighted several events and classes that all related to food in the community, state and nation.

PUBLIC INPUT

Mayer recognized Cox for her work on the Community Kitchen board and her role as fundraiser with the agency.

Gabe Rivera brought a poster and spoke of, among other things, ending the drug war.

Cheryl Underwood spoke of a misunderstanding about a zoning designation on her property at 718 and 720 E. 8<sup>th</sup> Street.

Shaun Kastner, Underwood's assistant continued the presentation and presented the council with a packet with maps and issues related to this.

Public Input (*cont'd*)

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

This being the first meeting after the August council break, there was no legislation for final action.

LEGISLATION FOR SECOND READING

LEGISLATION - FIRST READING

Appropriation Ordinance 11-05 An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington)

Appropriation Ordinance 11-05

Appropriation Ordinance 11-06 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2012

Appropriation Ordinance 11-06

Appropriation Ordinance 11-07 To Specially Appropriate from the General Fund and Rainy Day Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Additional 2011 Health Insurance and Fuel Expenses)

Appropriation Ordinance 11-07

Ordinance 11-09 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2012

Ordinance 11-09

Ordinance 11-10 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2012

Ordinance 11-10

Ordinance 11-11 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2012

Ordinance 11-11

Ordinance 11-12 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2012

Ordinance 11-12

Ordinance 11-15 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" and Title 11 of the Bloomington Municipal Code Entitled "Lakes and Reservoirs" - Re: Conforming Local Code with Senate Enrolled Act 292

Ordinance 11-15

There was no public comment at this meeting.

PUBLIC INPUT

After a show of hands as to which council members would be attending an internal work session, it was moved and seconded to cancel the council internal work session scheduled for Friday, September 9, 2011. The motion was approved by a voice vote.

COUNCIL SCHEDULE

It was moved and seconded that deliberation of the budget-related legislation (Appropriation Ordinance 11-05, Appropriation Ordinance 11-06, Ordinance 11-09, Ordinance 11-11 and Ordinance 11-12) be changed and expanded to give the council members more time for consideration. Second reading on these items would be postponed to October 5, 2011, a second Committee of the Whole discussion would be held on Tuesday, September 27, 2011 (an adjustment in schedule due to religious holiday). Included in the motion was a request that the changes be affirmed in a motion at the special session on September 14, 2011.

COUNCIL SCHEDULE (cont'd)

Volan, as the council member making the motion, further explained that there were a number of issues that had come from the July budget hearings that individual council members had met with the administration to work out. He said that the main issue was with the ability to make amendments to the budget. He noted that the council meeting schedule was approved at the end of 2010, and could be revised by the council as needed, and that as the state had lengthened the budget process in light of a mandatory county council review of the budget, the city should take full advantage of the extra time allowed. He noted that the state statute requirements of holding public hearings could be easily met with his proposal. He said it was clear that the accelerated schedule was no longer appropriate or desirable.

He noted that the state statute for the Public Transit budget had a slightly different schedule for budget hearings, but could also be accommodated with his proposal.

He said the complicated procedures needed for the council to amend the budget or to divide a question out of the budget had not at this time been fully researched and understood, and that extra time was needed for that. He said that the council could only cut funds from the budget and since that was not necessarily the goal of the council, it would take time to prepare the appropriate motions.

Sandberg asked Dan Sherman, Council Administrator/Attorney to address the impact of this motion on any other time sensitive work coming up. Sherman said only one resolution was coming forth in the second legislative cycle in September. Sandberg asked for council questions.

Satterfield asked for clarification on the state's deadline for submitting the budget. Sherman said that the city must adopt and submit the budget no later than November 1<sup>st</sup>. Satterfield asked the latest date that the county could review the city budget. Sherman said it could be accomplished by then. Mike Trexler, City Controller, said that the county council review had already taken place and affirmed that there was no other board that needed to review this information.

Volan asked if the administration had any concerns about the motion. Mark Kruzan, Mayor, stepped forward and noted that he would not have asked to speak to this issue as it was entirely a council decision. He said that he had heard the possibility of this motion at six pm that evening and thought that it was unnecessarily complicated. He said that the budget was ready to be adopted and that in future years new deadlines could be discussed. He added that with state and federal governments not being able to get their work done on time, he saw no need for the city to delay action on this item. He said that practically speaking delay might lead to problems. He added that there was nothing in the budget, if it passed as it was presented, that could not be talked about or negotiated beyond the adoption of the budget in terms of expenditures.

Buff Brown said he had been working on a project that involved the budget and felt that it was key to the acceptance of this current budget. He said this budget would move forward projects that he believed could really hinder long term goals of the city and also would not include information from his or other's examination of city plans and projects. He said he would welcome a special session.

Volan apologized for the relative lack of notice for this motion, but said that the fact it was made underscored its need. He said it was difficult to anticipate every problem that might arise in the course of deliberation, which was one of the reasons he wanted more time to discuss this issue. He said at this time he did not have a specific motion regarding the budget at this time, but thought that other council members might have

and wanted to make this motion preemptively to avoid the type of discussion held in July. He said he respected the mayor's points and views, but that it was entirely up to the council as to how they conducted their work. He said that the schedule in the past was arbitrary and that seven days was not enough time to form proposals or to fully understand the depths of the budget. He said that there was not harm in adding this extra time.

Rollo said he would support the motion because he saw a direction in the way of road expansion in the city that was contrary to the spirit of the Redefining Prosperity Report and the Growth Policies Plan. He said that since the council had investigative powers with regards to these matters, and he saw the utility in having extra time to ask for a report from the engineering staff specific to assumptions regarding the reports mentioned above. He said that it was relevant to see this report before the budget was approved.

Piedmont-Smith said that she supported the motion. She said it was a good idea to give the public and council members more time to examine the budget proposal. She said that the budget sheets were complicated and it was important to know exactly what was being proposed and voted on, and that the council might not agree with some of the proposal. She said she needed a little more time to make sure she understood everything in the budget. She assured the mayor that the record of being on time with the city budget submission to the state would not be marred with this proposed extension of the process. She said that the same proposal should be considered for the next year.

Ruff said that despite being nine individuals, the council members acted together as a body for legislative issues. He said that he strongly felt the obligation to protect and support the concerns, initiatives and rights of the council. He said that if any member of the council requested, for what he judged to be reasonable and credible reasons, more time to study, learn and inquire about an issue before making a decision on it, and that the additional time had no negative impact on the timing of the legislation, he would support that request of any member.

The motion received a roll call vote of Ayes: 5 (Wisler, Rollo, Ruff, Volan, Piedmont-Smith), Nays: 4 (Sturbaum, Sandberg, Mayer, Satterfield).

The meeting was adjourned at 8:37 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, September 14, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
September 14, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo (arrived at 8:10 pm), Ruff, Sandberg, Sturbaum, Volan (arrived at 8:43 pm), Wisler  
Absent: Satterfield

ROLL CALL

Council President Sandberg gave the Agenda Summation and welcomed a SPEA class who attended the session.

AGENDA SUMMATION

It was moved and seconded that Ordinance 11-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 9-0. It was moved and seconded that Ordinance 11-10 be adopted.

LEGISLATION FOR SECOND  
READING

Daniel Grundmann, Director of Human Resources, noted that the item was discussed in length at the previous meeting. He noted this was the city salary ordinance for 2012, and that it had some minor changes to the ordinance approved for the year 2011. He said that this included changes as a result of contractual collective bargaining with the American Federation of State, County and Municipal Employees (AFSCME). He outlined changes for positions in Community and Family Resources, Economic and Sustainable Development, Fire Department, Housing and Neighborhood Development, Information and Technology Services, Parks and Recreation Department, Public Works, and Utilities citing recommendations from the Job Evaluation Committee.

Ordinance 11-10 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2012

Mayer noted for the mainly student audience that Grundmann had given a synopsis for this component of the budget and that the issue had been discussed in depth at a previous meeting.

Wisler asked Grundmann to summarize the changes in the collective bargaining agreement. Grundmann said that this agreement had been in place for several years, so the only change reflected by this ordinance was the minimum and maximum wages in each grade in the agreement. Wisler asked if the council was being asked to codify set annual increases in salary ranges that were required by the agreement that was bargained about 3 to 4 years before.

Wisler asked if the impact was that the non-union employees were covered with a proposal from the administration while the union employees were covered by the agreement. Grundmann said there were subtle differences in that with the non-union employees the council was approving the minimum and maximum salaries in each grade, while in the collective bargaining agreement, steps within each pay grade were also approved. Wisler said he then understood that this legislation was not setting any particular employees wage the way that the budget would enable supervisors to do. Grundmann agreed.

There was no public comment on this item.

Mayer thanked Grundmann for the time, energy and work that he put into negotiating the contracts, noting that he felt employees were well cared for.

Ordinance 11-10 received a roll call vote of Ayes: 6, Nays: 0 (Rollo, Volan had not arrived).

It was moved and seconded that Appropriation Ordinance 11-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 7-0.

It was moved and seconded that Appropriation Ordinance 11-07 be adopted.

Mike Trexler, City Controller, noted that this item dealt with the 2011 budget. He said that the fuel budgets for the last two years were flat, but the Police Department couldn't control their use of fuel as other departments might be able to. He said that this would actually be a transfer from the Rainy Day fund into the General Fund, and then appropriate the expenses for fuel from the General Fund. He said the second part was for health insurance. He noted that the Health Insurance Trust Fund was not a fund that needed the same double transfer in order to make the payments for health insurance expenses.

Sturbaum asked if the health insurance extra expense was a one time thing with more predictability with the new health care plan. Trexler said that was the case.

Piedmont-Smith asked what the Rainy Day balance would be after this transfer. Trexler said after the appropriations the balance was projected to be \$4,647,996 at the end of the year.

Wisler asked if the Health Insurance Trust Fund was an account or pool of funds controlled by IACT which is pooled with other cities. Trexler said it was just the City's. Wisler asked if this meant that previously the city paid claims directly out of the HIT Fund, and now the premiums were paid out of that fund and claims were settled out of the IACT Trust Fund. Daniel Grundmann, Director of Human Resources, confirmed that fact. He reviewed the costs of health insurance for the past three years, explaining increases and the change of health plans for the city, and added that with the new plan there was more predictability. Wisler asked why the surprise for the claims at this time. Grundmann said it might have been a matter of a greater amount budgeted for this cost. He said the high claims of 2010 hit the city hard with a small portion of the insured group accounting for almost a quarter of the claim funds. While Grundmann admitted the costs of health care had never decreased, that the city budgeted reasonably for the next year, and there were reasonable cash reserves, 2010 was a horrible year for claims that couldn't have been predicted.

Wisler asked about the six year projection of cash balance data with the increases in cost covered by this ordinance taken into consideration. Trexler said that the long term projection was actually driven by the costs Grundmann had just discussed. He added that his projections were based on even projections in growth and costs except for health insurance increases.

Sturbaum said the self insurance worked for a long time, but the IACT plan now allowed the city to use a larger pool with a more steady and predictable cost without as big a risk.

Mayer said the Rainy Day Fund was set up under the Fernandez Administration and carried forward today. He said this was an appropriate use of the fund, and wanted to note the health of the fund to this point.

Appropriation Ordinance 11-07 received a roll call vote of Ayes: 7, Nays: 0 (Volan had not arrived).

Appropriation Ordinance 11-07 To Specially Appropriate from the General Fund and Rainy Day Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Additional 2011 Health Insurance and Fuel Expenses

It was moved and seconded that Resolution 11-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, saying that no committee discussion was held on this item. It was moved and seconded that Resolution 11-12 be adopted.

Patty Mulvihill, Assistant City Attorney, said that the Bloomington Police Department and the Monroe County Sheriff's department had been jointly awarded a grant that authorizes them to purchase two complete polygraph systems and to pay for about 80% of the training costs associated with an employee from each department to attend an out of state session. She said that the training was at no cost, but the 12 week program in Pennsylvania would incur transportation, housing, and other costs for the two officers.

She said that both departments wanted the polygraph machines as an investigative tool in missing persons cases, felony investigations and pre-employment interviews. She said if the city or county needed to have this tool used now, they would contract, for \$500 a session, with Columbus or Indianapolis, both with certified operators.

Mulvihill said that since both departments were awarded the money equally, the funds would be deposited into just one account, and the Interlocal Agreement would indicate to the granting authority that the money would be used equally as it was intended. She added that an additional \$2500 from each department would be needed to completely pay for the equipment and training. She indicated that the county had already signed the agreement, and it was awaiting approval and signatures of city officials.

Rollo asked how many investigations the polygraph would be useful for. Mulvihill said the possibilities were countless including missing persons cases, larceny cases and felony cases. She said the police chief believed that it would be used frequently once it was on site and available.

Piedmont-Smith asked again for the actual cost of the machines. Mulvihill said two machines would cost \$18,128.

Sandberg asked why the training was important. Mulvihill said that polygraph machines were not admissible in a court of law, but were considered highly effective tools in investigations. She added that their level of effectiveness was directly related to the operator and the training received. The operator running the machine correctly and interpreting the data correctly was a result of extensive and essential training. She said the training was held in very few places of the country and lasted for three months.

A call for public comment brought an unidentified person to the podium who questioned the \$500 charge for the polygraph sessions.

Referring to a statement made by Mulvihill that didn't specifically say how many times the new machines would be used, Nick Foust noted that past history of felony cases and other instances where the polygraph would have been used would have given a good indication of use.

Marty Spechler noted that training was a crucial part of the use of the machines; he wanted reassurance that the officers would train their replacements so that that expense would not need to be repeated.

Ruff noted that at a recent internal work session, the participants of that meeting discussed the training issues that Spechler noted. Ruff said those notes were available for the public.

Resolution 11-12 received a roll call vote of Ayes: 7, Nays: 0. (Volan had not arrived).

Resolution 11-12 To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) (To Purchase and Train Staff to Operate Polygraph Equipment)

It was moved and seconded that Ordinance 11-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, saying that there was no committee recommendation on this item.

It was moved and seconded that Ordinance 11-15 be adopted.

Patty Mulvihill, Assistant City Attorney, gave a history of the legislation that prompted the change in ordinance. The Indiana General Assembly passed Senate Enrolled Act 292 with relation to the distribution and sales of firearms, ammunition and firearm accessories. She said it related to the city because the Act voided the City of Bloomington's provisions related to the carrying and possession of firearms in locations of City property, specifically Lake Griffey, Lake Lemon areas and also the City Council Chambers. She said political subdivisions were specifically prohibited from regulating possession or carrying of a firearm. She said that the section of the municipal code that regulated the discharge of a firearm within the city limits had, could and would still be enforced by the Police Department. She said that according to the Act, local government could still prohibit the intentional display of a firearm in a public meeting.

Mulvihill said that Ordinance 11-15 created two new sections, one that prohibited the intentional display of a firearm at a city council meeting, and the second that prohibited the intentional display of a firearm in a public meeting of a board or commission that was open to the public. Mulvihill said that the Indiana Association of Cities and Towns (IACT) had advised local government to make the change in this ordinance immediately to avoid suit. She said that if a plaintiff would sue and win, they would be entitled to recover "actual damages, consequential damages and liquidated damages of three times the plaintiff's attorney fees."

She summed up the actions as bringing our ordinance in line with the state statute, and creating two new sections that would specifically prohibit people from intentionally displaying firearms in public meetings.

Mayer asked Mulvihill to qualify any exclusion to this act for legislative bodies. Mulvihill said that there was an exclusion if there was a courtroom in the building, such as the State House. She said there was an exception if the governmental facility was leased out because the lessee could require that carrying firearms be prohibited during the lease of the facility.

Rollo asked how the display of a firearm differed from carrying concealed weapons. He specifically asked if one could enter the council chambers with a concealed weapon. Mulvihill said one could with a concealed weapon permit. She said that 'intentional display' did not include a holstered firearm as that was the way it was to be carried. Rollo asked what would happen if someone had a concealed weapon and the persons at the meetings didn't know it was present in the room. He worried about this major change in law and said he felt it was a step backwards. Mulvihill said that IACT and the association of police chiefs were committed to lobbying the General Assembly to make significant changes to the law as it stood.

Sturbaum asked if the State was entirely cognizant of the ramifications of this law. Mulvihill said that the General Assembly had many and complicated issues in the last session on numerous fronts. Sturbaum asked if there could be a court in City Hall. Mulvihill said it could theoretically be done but was a highly regulated and complicated process.

Piedmont-Smith asked the requirements for a concealed weapon permit, asking particularly about the difficulty of obtaining one, and the

Ordinance 11-15 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" and Title 11 of the Bloomington Municipal Code Entitled "Lakes and Reservoirs" - Re: Conforming Local Code with Senate Enrolled Act 292



Ordinance 11-15 (cont'd)

background check involved. Mulvihill said she didn't know the particulars, but the general process for gun permits was a fingerprinting and background check done by the police authority. They then made a recommendation to the state police as to the person being in good standing or not. She said the state police were the final determiner of the permit process. Piedmont-Smith asked if there was a check of mental health history, to which Mulvihill said she didn't think so.

Avi Spechler said he attended Quaker schools for four years and was not a fan of guns or violence. He added that having guns around democracy was not a way to facilitate the democratic process.

April Dyar said that she was at Wal-Mart when two non-American individuals wanted to purchase firearms. She said when they could not provide valid ID's the employees told the men where in Bloomington they could purchase a firearm without identification.

Sturbaum said he was only somewhat relieved that discharging a firearm in the building was illegal.

Piedmont-Smith said that it was a small step from carrying a firearm to discharging a firearm and in the heat of a moment someone could lie dead. She said that it was interesting that the state legislators who voted in favor of this law were not going to be affected by it in their place of business because there was a courtroom there. She questioned if they felt that their lives were more important than those of local officials, and noted that in recent history individuals with mental health problems have fired on legislators. She expressed her dismay at the irresponsible passage of what she called a 'reckless statute.' She said she would vote for this because the council's hands were tied and she didn't want taxpayer money to go to a lawsuit that the city could not win.

Rollo said that it was clear that threatening elected officials and city employees was a hazard in the country and there were examples to prove this. He said it was a shame that things had moved to where there was a need for a police officer to attend the meetings of the council. He hoped this issue would be revisited by more rational and sane legislators. He said he would support the ordinance, but found it distressing to do so.

Ordinance 11-15 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Volan).

Rather than being adopted at this meeting, the council adopted a motion at their meeting on September 7, 2011 that Ordinance 11-09, Ordinance 11-11, Appropriation Ordinance 11-05 and Appropriation Ordinance 11-06 be considered at a second Committee of the Whole meeting on Tuesday, September 27, 2011, and the Regular Session on October 5, 2011.

Ordinance 11-09 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2012

Ordinance 11-11 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2012

Appropriation Ordinance 11-05 An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington) – *Note: This ordinance was previously scheduled for adoption this evening in a notice advertised twice in August.*

Appropriation Ordinance 11-06 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2012

It was moved and seconded that the rules be suspended to take up an item not on the agenda.  
The motion was approved by a roll call vote of Ayes: 8, Nays: 0.

SUSPENSION OF RULES

It was moved and seconded that the council consider Ordinance 12 (Transit Budget) for Adoption at the Regular Session on September 21, 2011.

COUNCIL SCHEDULE

Mayer noted that this action would allow Transit to meet their legal obligations regarding the budget proposal, review and passage according to state statute.

Volan said he had made the motion to delay this item but respected Mayer's concern over the timeliness of the Transit budget, and because there was no dispute about it, he supported this motion.

Piedmont-Smith noted that the Public Transit Corporation could legally work within the time frame of the proposed hearing on October 5<sup>th</sup>. She said that on September 21<sup>st</sup> there was only one item of legislation, and therefore she felt it was wiser to consider this on an evening with a lighter legislative load.

Rollo asked if the director of Public Transit was agreeable. Someone in attendance indicated he was.

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

LEGISLATION FOR FIRST READING

Ordinance 11-16 An Ordinance Amending Ordinance 10-18, as Amended by Ordinance 11-02, Extending the Time for the Issuance by the City Of Bloomington, Indiana, of Economic Development Revenue Bonds for the Benefit of Bloomington Dyslexia Center, LLC and Authorizing Other Actions in Respect thereto

Ordinance 11-16

The meeting was adjourned at 8:42 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, September 21, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 21, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Volan, Wisler  
Absent: Sturbaum

ROLL CALL

Council President Sandberg gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Susan Sandberg noted that Lou Stonecipher, a city employee for 38 years, had passed away on September 19, 2011. She read a piece from Stonecipher's obituary and said she would be missed.

REPORTS:  
COUNCILMEMBERS

Stephen Volan noted the deadline to register to vote for this year's municipal elections was October 11, 2011. He urged citizens to register and relayed the information as to how to register online.

Mike Satterfield said he recently visited the Seattle/Tacoma area and shared his observations on roads, parking, and transportation. He said he was surprised at the lack of light rail, and the lack of parking regulations.

Tim Mayer noted that Otis Elevator was closing, and also the report from the Monroe County Humane Association stating their immediate financial need. He said that the economy was not good at this time, and that Jill's House, Middle Way House, United Way, Community Kitchen, Boys and Girls Club and more agencies needed funds. He asked that those with means consider contributing to the well being of those not so well off.

Sandberg noted that the Lotus Festival would bring world music and world culture to the city. She said it was a wonderful way to celebrate Bloomington's spirit.

There were no messages from the Mayor or other offices.

MAYOR and CITY OFFICES

There were no committee reports at this meeting.

COUNCIL COMMITTEES

Sandberg called for public comment.

PUBLIC INPUT

Marc Haggerty noted the rise of industry, the use of machines in the world, and now the use of computers in society and the impact on human life.

Sue Tuohy from the Crescent Bend Neighborhood Association read a statement from the neighborhood regarding the roundabout at Arlington Road which asked the council to support improvements at this intersection.

There were no appointments at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Ordinance 11-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Ordinance 11-16 be adopted.

LEGISLATION FOR SECOND  
READING

Karl Sturbaum said this ordinance would extend the time in which the bonds may be issued from 180 days from March 23, 2011, to 360 days from the adoption date of the ordinance. He noted that the structuring of the bonds was taking longer than expected, and noted Denise Lessow, Director of Pinnacle School was present to answer questions.

Piedmont-Smith asked about the phasing of the project. Denise Lessow, Director of the Pinnacle School, said the debt service on the whole project was found to be prohibitive. She said the first phase would include the multipurpose classroom added on to the back of the current school building, landscaping and buffering, driveway improvements, some exterior issues and a waterline connection. She said the second phase would include additional classrooms, common areas and office space.

Volan clarified timing allowed for the issuance of bonds noting that it basically extended the time period for about a year. Lessow agreed.

Piedmont-Smith wished the Pinnacle School well with the project. Sandberg echoed that sentiment and thanked Lessow for her presence.

Ordinance 11-16 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 11-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6 - 1 - 1. It was moved and seconded that Ordinance 11-12 be adopted.

Ordinance 11-12 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2012

Lew May, Director of Bloomington Transit, said the board of directors had approved the 2012 proposed budget of \$7.46 million and that there had been no changes since his presentation in July.

Rollo asked about fuel prices and locking in a price for further projection after March of 2012. May said that a new fixed price fuel contract negotiated in conjunction with IU was awarded for the period of April 1, 2012 to March 31, 2013. He said the price was for \$3.08/gallon and would supply 75% of the fuel needs. He added that the budgeted amount was for \$3.28/gallon.

Rollo said he appreciated this effort, and asked for elaboration on the Grimes Lane facility expansion. Rollo added he was interested in the proposal for fuel storage, a component of the Redefining Prosperity Report. May noted that the Master Plan study for expansion of the physical plant for the Grimes location, which was built in 1997, had been completed in late 2010. Ridership and services have grown and BT facility had almost reached capacity for the number of vehicles that could be operated and maintained at the facility. He said that the capacity for diesel fuel storage would be increased from 20,000 gallons to 80,000 gallons which would be a 45 day supply.

Piedmont-Smith asked about a possible discrepancy in the budget numbers. May said the revenue portion of the budget may have been reduced by \$60,000 due to decline in local and IU revenues. He said the transfers from operating reserves made up the difference. Piedmont-Smith noted this was the case.

Rollo asked about prospects of a 30% reduction in federal transportation funding. May said nothing had changed. He said the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" SAFETEA-LU would expire on September 30, 2011 and that the Congress would probably pass a continuing resolution for 6 months (or longer). He said the Feds were in a deficit cutting mode and that

Ordinance 11-12 (cont'd)

everything was on the table, including public transportation funding. He said that the national association indicated that as much as 30% of the federal funding to transportation could be slashed. May said that the 30% would be a half million dollars a year for BT. He said it would be untimely in terms of high gas prices, as people need and want alternatives to driving cars. He said that in the light of those funding cuts, fare increases or service reductions might be needed to balance the budget. May said he had contacted Congressman Young, and said it would be a good idea if council could help with this.

Piedmont-Smith lauded May for securing the fuel contract for \$3.08.

Rollo noted that he appreciated May's proactive approach to this issue. He asked if for every 10 cents of fuel cost increase the budget increased by \$30,000. May said it was true.

Rollo noted with the prospect of higher fuel costs and volatility, the council needed to add its voice to May's and contact Congressman Young to guard against cuts in the event of high fuel prices. He said that instead of cutting services government should be doing just the opposite. He suggested writing a letter to Young and congress.

Mayer thanked Lew May for his work at Bloomington Transit.

Ordinance 11-12 received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation for First Reading at this meeting.

LEGISLATION FOR FIRST READING

Sandberg asked if there would be at least three council members planning to attend the internal work session on Friday, September 23<sup>rd</sup>. More than three planned to attend, and so the work session would take place at noon.

COUNCIL SCHEDULE

Cheryl Underwood and assistants Ross Bomholt and Shaun Kastner addressed issues surrounding her property that they said had been zoned as Institutional but was in a residential area. They presented information on allowed occupancy in several buildings like Underwood's in the University Courts area and asked that the council help with this obvious misunderstanding in zoning.

PUBLIC INPUT

Darin Haggerty brought a poster and talked about a volunteer effort to clean up the city, especially the B-Line which he said he really liked.

The meeting was adjourned at 8:34 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington